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### **Allocating investigative resources within the Hungarian police force**

**ABSTRACT:** The distribution of authority and competence is essential for all organizations, including law enforcement. The main focus is not just the existence of this distribution but its actual functionality, particularly from a professional and scientific standpoint regarding resource allocation. Distributing work tasks involves determining the general investigative authority's capacity to respond to crimes across different geographical areas. The aim is to deploy the appropriate forces and tools to different cases. Efficient distribution of resources is crucial as it impacts the quality of criminal investigation work, minimizes crime-related costs, and mitigates social effects. This study aims to evaluate how well the current regulations and practices match investigative resources with arising tasks and what principles guide the allocation of police forces and assets for law enforcement purposes. The focus is on whether the police's investigative activities are effective socially and scientifically rather than purely from a statistical viewpoint.

**KEYWORDS:** authority, competence, police, efficiency, law enforcement, investigative authority.

#### **1. Introduction**

The abstract notion of efficiency in criminal justice has become a dominant factor in Hungarian-language research in recent decades, thanks to the work of Ákos Farkas.<sup>1</sup> Research has shown that meeting the requirements of timeliness and effectiveness often competes with the observance of constitutional norms, which guarantee rules and the rights of the parties.<sup>2</sup> Efficiency can be analyzed from various approaches, but in legal circles, the focus of analysis is usually on the problems of those mentioned above

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<sup>1</sup> Barabás, 2019, pp. 43-48; Inzelt et al., 2009, pp. 35-37; Szabó, 2007, pp. 363-378; Vári, 2016, pp. 477-582.

<sup>2</sup> Farkas, 2007, pp. 77-90.

fundamental and guarantee rights. However, a dimension is often overlooked in domestic research because it is taken for granted and accepted because of its traditional embeddedness. This is the issue of the distribution and allocation of law enforcement resources. The fact that in most modern empirical research on policing, experimental interventions (police presence, camera surveillance, etc.) are no longer based on the type of crime but on the Crime Harm Index, which prioritizes victim concerns and costs of investigation.<sup>3</sup> Unlike many other countries, Hungary does not have a Crime Harm Index, and the available investigative resources in the country, i.e., the increasingly limited human and technical resources, are allocated based on a backward, outdated system. It is beyond the scope of the present study to compare the powers and organizational capacities of the investigating authorities in relation to their competencies. Only the general investigative authority, which carries out the largest share of investigations, is the focus of the study.<sup>4</sup> Although, the issue would be further clarified by examining the overall capacity distribution of all investigative bodies in the country. For then, in addition to the bodies of the police established to perform general police tasks,<sup>5</sup> mention should be made of the National Tax and Customs Board as an investigative body with special powers.<sup>6</sup> It would also be interesting to mention the police bodies performing internal crime prevention and detection tasks, listed in the Criminal Procedure Act as 'Other bodies acting in criminal proceedings,' and the police counter-terrorism bodies. The National Defence Service and the Counter-Terrorism Centre, which also performs criminal investigation functions and quasi-investigative functions, with the power to investigate certain criminal offenses, which the Police Act assigns to them the competence to carry out the preparatory procedure and even the detection in some instances.<sup>7</sup>

The means of determining jurisdiction in our country is based on one principle: how the offense is classified and the criminal substance of the offense committed.<sup>8</sup> The classification of the facts by the authority is therefore primary because each investigating authority can reduce its burden and decide on a referral on the grounds of lack of competence or jurisdiction

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<sup>3</sup> Sherman et al, 2016; van Ruitenburg and Ruiter, 2022; Renys et al, 2023.

<sup>4</sup> Art. 1(1) of 25/2013. (VI.24) BM (Home Office) Decree.

<sup>5</sup> Art. 34(1) of XC of 2017 of the Hungarian Criminal Procedural Act (from now.: Be).

<sup>6</sup> Art. 34(1) of Be.

<sup>7</sup> Art. 339(3) of Be.

<sup>8</sup> 25/2013. (VI.24.) BM Decree, 1-4. attachments.

by its own 'interpretation' of the classifications.<sup>9</sup> Due to the norms, the bodies that are not general investigative authorities have jurisdiction over a tiny number of offenses, so the National Police Headquarters must deal mostly with conflicts of jurisdiction between investigative authorities in the country, which amount to thousands of cases per year.<sup>10</sup> Another procedural tool for investigative authorities to reduce their caseload is to initiate the consolidation and separation of individual cases.<sup>11</sup> This is exceptionally topical due to the proliferation of Internet fraud. Under the current jurisdictional principles, anomalies have developed in the police force, which often requires thousands of offenses to be merged into one investigating authority. To prevent this, individual investigating authorities decide to limit access to cases for the rest of the investigation authorities so that cases with a mass offense value do not end up with them. If this right were not restricted, the other investigating authorities would notice that a similar case had already been opened elsewhere and decide to transfer or merge the case so that it would be transferred to the investigating authority that had already taken the first action.<sup>12</sup>

This study does not dispute the necessity of jurisdiction since the regulation of jurisdiction is an indispensable condition for any organization of work and, therefore, for the functioning of law enforcement. It is, therefore, not a question of its existence but of its functioning as a distributive function, i.e., the extent to which the regulation and the practices it has developed fulfill their purpose and allocate resources efficiently concerning relevant aspects such as where and to what extent (frequency) the crime threatens potential victims in space and time, and how the expected punishment is commensurate with this.

The current Be. and the previous Criminal Procedure Act XIX of 1998 are in continuity with the provisions of the previous procedural laws, i.e. the powers and jurisdiction of the investigating authority are not regulated by the procedural law itself, but are delegated to its respective "master" to the Home Office, and placed in a separate legal framework.<sup>13</sup> This gives the executive power the right to adapt the forces available for investigative tasks, i.e. law enforcement, to the changing crime situation in a much more

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<sup>9</sup> Art. 350 of Be.

<sup>10</sup> Art. 4 of 25/2013. (VI.24.) BM Decree.

<sup>11</sup> Art. 147(1) of Be.

<sup>12</sup> Art. 3(2) of 25/2013. (VI.24) BM Decree.

<sup>13</sup> Art. 604(8) of XIX of 1998 of Criminal Procedural Act (previous Be).

flexible, rapid and efficient way. A more flexible and efficient way to adapt law enforcement resources to the changing crime situation is crucial, as it can lead to a more effective investigative process.

The special feature of the rules governing the powers of the investigating authority is that they allocate the tasks relating to criminal matters partly within the police forces and partly between the police forces and other bodies also acting as investigating authorities.<sup>14</sup>

This power has been exercised regularly by the executive over the years, often amending its own rules on powers and jurisdiction. It is safe to say that, in terms of the way it regulates, it seems entirely reasonable that the executive, with the authority of Parliament, should not regulate the use of law enforcement resources and the system of operation of law enforcement, not by the more difficult to change statutory regulation, but by a more flexible form of regulation, so that we cannot even legitimately be concerned about the level of regulation or its form.

## **2. Material and methodology**

I have primarily analyzed and developed a historical and taxonomic perspective of the criminal procedural law and the legislation on the powers and jurisdiction of the investigating authorities of the Police in the subject area. A more flexible and scientifically developed case allocation system is paramount. Such a system can better adapt to the changing crime situation and ensure efficient resource allocation. The regulation of jurisdiction and competence correlates strongly with the statistical approach so characteristic of the Police, which prefers to focus on the fulfillment of statistical indicators rather than on social impact. In this context, I examined research and publications on crime statistics. The primary objective of the research was to detect whether the regulatory regime defining the powers and competencies of the police investigative authority has remained the same, irrespective of the political and social system, by disregarding scientific and rational principles.<sup>15</sup> The subsidiarity principle cannot flexibly allocate investigative resources in line with the actual crime situation or even per the

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<sup>14</sup> Szabóné, 1974, p. 119.

<sup>15</sup> Art. 8(1) of 25/2013. (VI.24.) BM Decree.

mission of the specialized Police. Otherwise, the workload between the various investigative authorities in the country would remain the same. I hypothesize that a hierarchical and highly centralized system cannot compensate for and balance a jurisdiction and competence quasi-resource allocation method operating in such a rigid structure. Only a scientifically developed case allocation system, backed up by good quality data, confirmed by empirical research, and continuously maintained and responsive, can serve this purpose in this rapidly changing world. An excellent model for this could be the Crime Harm Index, which operates in 12 countries and to which a statistical data system would have to be added that is partly independent of the Police.

### **3. Powers and competencies of the investigative authorities of the Hungarian Police - regulatory history**

This chapter examines changes in the regulation of investigating authorities' powers over the years, and whether these changes have adapted to the evolving crime situation and involved any resource reallocations. This demonstrates the jurisdiction system's inflexibility and inability to adapt to changing crime trends. The sentencing data or guidelines can change over time to reflect changing perceptions of crime and government policy.

Following the events after 1956, the general provisions on the powers of the police were contained in Decree-Law No 22 of 1955, as amended by Decree-Law No 35 of 1956. In the spirit of the amendment: „*Following the abolition of the state defense organs of the Ministry of the Interior, the investigation of crimes against the internal and external security of the state is the responsibility of the police.*”<sup>16</sup> As regards the allocation of jurisdiction, it generally superseded the jurisdiction of the courts and prosecutors' offices but made some deviations given the unique nature of the cases. The police service was divided into county (capital) headquarters and district (- city, - city district) headquarters. The district police stations are divided into police stations and district commissariats.<sup>17</sup>

BM Instruction No 10/1979 (BK 7) already provided that: *The investigative authorities of the Ministry of the Interior are competent to investigate all criminal offenses, except those which are specifically*

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<sup>16</sup> Art. 1. of 35 of 1956 Legislative Decree.

<sup>17</sup> Art. 2. of 35 of 1956 Legislative Decree.

*referred by law to the competence of other investigative authorities.*<sup>18</sup>The Instruction established only a two-tier (central, territorial) investigative authority instead of the current three-tier structure of local, territorial and central levels. Despite the 'residual principle' mentioned above, what was of greater significance was that it did not specifically mention local investigative authorities, which meant that the present local level of investigative powers could be considered territorial, thus recognizing the importance of the work carried out by local level bodies. The offenses carefully listed in the annex reflected the need for specialization and professionalism, and the standard also made specific provisions for the investigative powers of the district commissioner. Noteworthy features of the legislation:

- The Ministry of the Interior and ORFK have joint investigative powers.
- The State Security also has investigative powers in the regional investigative authorities (county RFK, BRFK).
- The Juvenile and Child Protection Department of the BRFK is a separate priority territorial investigative authority.
- The municipal and district police headquarters, the criminal and traffic departments of the county police headquarters, and the Danube Water Police are equally territorial investigative authorities.
- The annexes divide the offenses within the same levels between the district and county and specialized bodies.
- The district commissioner investigates cases under the jurisdiction of the municipal and district police headquarters, where the offense is of relatively low risk to society, the facts and legal assessment are simple, and the investigation and proof can be carried out locally, except for juveniles, foreign nationals, and prisoners.
- The police will conduct investigations into offenses that fall within the exclusive jurisdiction of the public prosecutor's office if there are reasonable grounds for suspecting that they were committed in the course of a police investigation into another matter. The public prosecutor may entrust the police with this task.
- The transfer of cases from the top down in the hierarchy is not yet unrestricted. The heads of the criminal investigation departments of the county (Budapest) police chiefs may entrust the investigation of cases falling within their competence to lower bodies only with the

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<sup>18</sup> Art. 1. of 10 of 1979. (BK 7.) No. Home Office instruction.

authorization of the deputy chief of public security (criminal).<sup>19</sup> This may be exercised only exceptionally in cases falling within the jurisdiction of the county courts. In justified cases, the head of a superior body may order the transfer of a case under the jurisdiction of a lower body to a higher body or of a case under the jurisdiction of a lower body to the same body.<sup>20</sup>

- Overburdened investigative authorities still had room for maneuver to transfer cases not within their competence upwards. The heads of the county (Budapest) criminal investigation departments may refuse to take over cases referred to them by lower authorities and fall within their competence only with the authorization of the deputy chief inspector general.<sup>21</sup> This provision did not refer to the transfer of a case on the grounds of lack of competence in the present sense but to the fact that the specialized criminal investigation service could not refuse to take over a case that would otherwise fall within its competence but could instruct the local investigation authority to investigate the case. The instruction required the authorization of the first specialized head to refuse to take over a case.
- For efficiency reasons, the instruction made specific provisions to enforce a different allocation of powers from those set out in the annex. In the interests of more effective law enforcement, the Deputy Minister of Public Security may order that certain categories of offenses be temporarily transferred to the jurisdiction of the General Headquarters.<sup>22</sup>

The existing regulation no longer aligns with the effective 25/2013 (VI.24) BM decree. The decreased workload and increased authority of higher-level bodies to handle both desirable and undesirable cases have led to a conservative trend in migrating criminal work to higher organizational levels. Local authorities have experienced a decline in professional motivation among experienced investigators due to being "trapped" in their limited authority.

While BM Instruction No 10/1979 (BK 7) aimed to facilitate faster criminal response and grant the Deputy Minister of Public Security the right to adjust powers for more effective law enforcement, these advantages were

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<sup>19</sup> Art. 15. of 10 of 1979. (BK 7.) No. Home Office instruction.

<sup>20</sup> Art. 12. of 10 of 1979. (BK 7.) No. Home Office instruction.

<sup>21</sup> Art. 15. of 10 of 1979. (BK 7.) No. Home Office instruction.

<sup>22</sup> Art. 1. of 10 of 1979. (BK 7.) No. Home Office instruction.

not implemented. Similar rules were outlined in Regulation No. 9/1990, allowing the national police chief and the county police chief to adjust the jurisdiction of specific categories of crimes for the sake of more effective law enforcement. However, these provisions were rarely utilized for the benefit of local bodies.

The distribution and reassignment of specific cases and the periodic transfer of colleagues from less burdened areas were considered solutions to alleviate the case overload typically experienced at the local level. However, these rules were not consistently applied, even at the managerial level. The freedom of movement for lower-level bodies in terms of competence and the legal ability to assert their interests became of greater interest than the formulation of general regulatory principles.

The powers of the police's investigative authority remained unchanged until 1993.<sup>23</sup> The only changes involved establishing priority powers among central and regional investigative authorities, which determined the types of cases under the jurisdiction of county courts.<sup>24</sup>

After the short-term norm, the organizational structure, powers, and rules of competence of the investigative authorities of the police were regulated by the 15/1994 BM decree. This decree classified police as investigative authorities into local, regional, and central bodies, introducing substantial changes.

Regulation at the decree level was transferred to a lower internal standard in 11/1995 on issuing the Regulations of the District Commissioner of the Hungarian Police. (VIII. 30.) The ORFK instruction for it began leading to individual county-level bodies deciding independently whether they wished to provide the KMB with investigative powers. Undoubtedly, this was an effort to reduce the competence of the lower-level police body, which is especially closest to the rural population and counterproductive to the police's goal of building trust. However, by narrowing the possibility of action at the lowest level, the central investigative authority could safely withdraw any case from the individual investigative bodies and transfer the authority to any other investigative authority.<sup>25</sup>

The next regulator of the division of labor was the IRM Decree 3/2008 (I.16), which did not bring significant changes in the division of organizational levels. ORFK remained the central investigative authority;

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<sup>23</sup> Szabóné, 1993, p. 165.

<sup>24</sup> Art. of 25. of I. of 1973 of Act.

<sup>25</sup> Chwala-Fülöp and Sléder, 2000, pp. 58-76.



the number of regional investigative authorities is already 15/1994. (VII. 14.) BM decree came into effect on April 15, 2005, with the amendment of the National Investigation Bureau as a territorial investigative authority.<sup>26</sup>

The regulation of powers and jurisdiction of the investigating authority shows the following characteristic features:

- it is characterized by a three-level division of labor where the vast majority of investigations fall under the jurisdiction of the local investigative authority,<sup>27</sup>
- the additional annexes determine what types of crimes fall under the jurisdiction of the regional investigative authorities; these are not in all cases determined based on the social danger realized according to the criminal law categories,<sup>28</sup>
- the removal of authority is expected in the hierarchy, and the decree only prevents this: once a higher-level body has taken over the case, it cannot be returned,<sup>29</sup>
- although, based on Art. 5. (2) the initiative for transfer could start from a lower police station level due to the lack of authority; this is strongly contradicted by practice and the harmonizing provision<sup>30</sup>, which for the police chief is still a police station ( in the case of a case falling under the jurisdiction of the capital) can also allow designating the police station in its territory to handle the case for any other – not justified in Hungarian – reason,
- after the 1990s, legislative powers were assigned to higher-level investigative authorities according to "law enforcement" aspects rather than those regulating the powers of the courts,
- concerning the handing over of specific investigative tasks, investigative authorities at a higher level are not obliged to take over investigations from investigative authorities at a lower level - referring to point 15 of Instruction No. 10/1979. (BK 7.) BM -they can simply

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<sup>26</sup> 329/2007. (XII. 13.) Government decree and the founding documents of the bodies

<sup>27</sup> This ratio depends on the content of the annexes of the law and the type of case referred to other investigative authorities as per the law. This approximately accounts for 90-95% of investigations. Refer to the annual ENYÜBS statistics for more information.

<sup>28</sup> This covers the value limits for crimes against property, otherwise the classified cases of special legal facts are placed in individual annexes in a varied manner, assigning the investigative authorities to them.

<sup>29</sup> Art. 3 of 3/2008. (1.16.) IRM (Judicial and Law Enforcement Ministry) Decree.

<sup>30</sup> Art. 7(4) of 3/2008. (1.16.) IRM Decree.

refuse it, and even what's more, matters falling within their competence can be transferred to lower-level bodies with the stroke of a pen.

As a general rule, the law does not treat the investigation of crimes committed locally with little danger to society separately, so they cannot be further divided according to the KMB breakdown under local investigative authority or investigative body, which naturally increases the number of cases dealt with by local-level bodies.

The legislative amendments mainly aimed to transfer certain types of crimes from one territorial body to another or from a central body to a regional one. Some new specialized or exceptional territorial bodies were also created or renamed, but these didn't significantly change the number of crimes assigned to local investigative authorities. However, changes in the territorial characteristics of crimes did not affect the number and location of regional and local investigative authorities. Due to the type of jurisdictional regulation, the workload of local investigative authorities is not controlled properly. The structure of investigative authorities operated at different levels in a particular area, resulting in an uneven distribution of capacity concerning local crime and law enforcement conditions. By the end of the 1990s, crime had surged; in 10 years, registered crime had nearly tripled.<sup>31</sup> Since 2010, crime statistics have continuously decreased due to a reversal of the crime trend and strong legislative decriminalization. However, this has not reduced the actual workload because a significant number of crimes have become more complex, particularly Internet-related offenses. Furthermore, the legal and guarantee system for those involved in criminal proceedings was expanded by the Be.. This act introduced many innovations for investigating authorities, including electronic communication, the use of telecommunication devices, and the institution of special treatment. As a result, investigators now face a significantly more complex investigative documentation and administrative burden than they did in 2010.<sup>32</sup> Investigative activities have become more standardized, but the proportionality of the division of labor remains unsolved.

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<sup>31</sup> The number of crimes increased from around 200,000 in the years before the system change to 600,000 by 1998.

<sup>32</sup> In 2018, there were only 186,724 registered crimes in Hungary.

#### **4. Regulating the scope to efficiently and proportionally distribute resources**

Acknowledging the impact of crime statistics on decision-making is essential for efficiently and fairly distributing resources.<sup>33</sup> Despite international and domestic research highlighting the distortion caused by these statistics, this insight is not consistently recognized professionally.<sup>34</sup> It is important to accept the potential risks of the current system in law enforcement. These risks highlight the need for a more efficient and proportionate distribution of resources, which can be achieved through scope regulation. Beyond recognizing the distorting role of criminal statistics, which has been supported by international and domestic research for several decades. Unfortunately, this still does not count as professional evidence at home, even though this German policeman is present as a basic subject in BA training.<sup>35</sup> The question of the competence model that provides the reason and background for it and the professional political responsibility that maintains it is unavoidable. As it was presented in the antecedents, the powers and jurisdiction rules of the police investigative authorities have hardly changed over the past decades. The effective 25/2013. (VI.24.) BM decree essentially builds the case management structure of the investigative authorities according to the same principle. The police law enforcement organizational system that is built and functions in this way is pyramidal, rigid, and hierarchical and is characterized by the disproportionate and inflexible distribution of the related human and material-technical resources. Unfortunately, no data are available for the number of criminal cases per chief investigator of the agencies at the individual authority levels, and their analysis is beyond the scope of this study. Although we do not need to conduct comprehensive research to establish professional knowledge, the captaincy offices are mostly located locally, where the conditions are worse and more work needs to be done. In this approach, the "immeasurable" dimension of social trust capital is directly related to the police model that operates according to a bad and unreasonable distribution and is not integrated into society. Its absence enables the survival of the current statistically biased outcome-centric law enforcement model.

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<sup>33</sup> Vári, 2015.

<sup>34</sup> Davis, 2012.

<sup>35</sup> Schwind, 2011, pp. 21-61.

Understandably, as long as an organization functions smoothly, the necessary resources are available for this, and there is no need to be ashamed of the results. No one willingly touches the tool of reorganization that causes existential problems, even if a cheaper and more efficient operation would be avoided. The situation is completely different when a significant lack of resources hampers the operation, and it almost makes the organization's ability to fulfill its basic tasks defined by law doubtful fully; despite the best efforts of the police force, there is no realistic chance of keeping the results; the trust capital that the police has accumulated among the population is at risk.<sup>36</sup>

The competence regulation in the light of the distribution system shows that the local investigative authorities, with a smaller human resource capacity, deal with a much larger number of cases in terms of quantity than the regional or priority bodies. We are faced with a lack of efficiency if we approach the concept of efficiency in such a way that the number of cases is broken down into local, regional, and central jurisdiction levels, and numerically - as a cost expenditure - we project the workforce on them. Of course, in addition to human resources, many other factors influence the efficiency indicators of the law enforcement agency; thinking here about the technical and IT equipment, the vehicle fleet, or the financial resources available for secret data acquisition, We consider the human factor to be the most decisive because of the high administrative burden of criminal proceedings. It should also be noted that, in addition to cost-free work organization optimization, technical resources are usually proportionately increased at higher-level investigative authorities, so we rarely or never face the contradiction that technical resources could compensate for the lack of workforce or weaknesses of local investigative authorities.

The current criminal statistics are not representative of the efficiency of law enforcement. Increasing police presence and coercion won't necessarily lead to a proportional decrease in crime.<sup>37</sup> Expanding the workforce may strengthen public safety, but it's essential to consider the social and constitutional implications.<sup>38</sup> Simply relying on punitive measures and

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<sup>36</sup> Hanvay, 2004, p. 141.

<sup>37</sup> Déri, 1996, p. 51.

<sup>38</sup> Finszter, 1999. p. 25.

formal control isn't practical in curbing crime or gaining citizens' trust.<sup>39</sup> Instead, involving various stakeholders and informal social control methods seems more successful in preventing crime.<sup>40</sup>

The current analyzed hierarchical distribution of law enforcement resources doesn't consider the varying crime rates in different areas, nor does it ensure equal access to investigative capacity for all in Hungary. It's essential for police forces to be created and deployed where they are most needed and to build strong partnerships with the local population.<sup>41</sup> Local police officers gain the community's trust by working with them cooperatively and supportively. It's important to note that this kind of authority and competence doesn't come from strict rules and regulations, and it's not justified to organize law enforcement agencies in a strict hierarchical structure, even in a decentralized system. It's also unacceptable to base the allocation of criminal cases on the potential harm reflected in the penalties for committed crimes. While centralized investigative bodies are justified for certain types of cases, the extent of their effectiveness is debatable.

When different law enforcement agencies have varying resource conditions, population sizes for each case, and specific crime conditions in their areas, comparing their effectiveness based on fixed rules of competence doesn't show their proper performance. If effectiveness indicators considered these factors, the agencies' output could be compared more accurately. It's harder to achieve the same results under worse conditions, and the hierarchical organizational structure hinders the creation of a flexible force distribution and relocation system based on local needs for public safety.

In the 2010s, solutions were introduced to evaluate the performance of police organizations more objectively through internal regulations such as 18/2012, 26/2013, and 36/2013. However, they still struggle with focusing only on increasing quantitative performance and not considering social effects or the operational environment of the police.<sup>42</sup> The instructions provide detailed guidance for evaluating organizational work and leadership performance, but the methodological gap leaves room for subjective interpretations. Comparing specific data adjusted to the population and

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<sup>39</sup> Korinek, 2006, pp. 247-267.

<sup>40</sup> Borbíró, 2009, p. 350.

<sup>41</sup> Ligeti, 2008, pp. 144-145.

<sup>42</sup> Vári, 2017, pp. 161-183.

police force size could account for differences in the scope of activities of individual bodies compared to the national average. This approach could consider the reality of the social environment in which the police operate and integrate law enforcement performance in areas with different crime landscapes.<sup>43</sup> The evaluation guidance for organizational and leadership performance lacks specificity, resulting in subjective answers. To address this, it would be more beneficial to use specific data adjusted to population and police force size for a more accurate performance comparison. By doing so, we can better understand the environment in which the police operate and make more objective assessments. Additionally, it's important to consider the complexity and resource requirements of different cases at various levels of authority. This is particularly challenging when comparing cases solved by different law enforcement bodies. It's also worth noting that complex and labor-intensive cases may be less cost-effective to solve, especially when they fall under the jurisdiction of local or regional investigative authorities in criminal proceedings.

##### **5. The role of the Crime Harm Index (CHI) in the allocation of law enforcement resources**

The Crime Harm Index (CHI) is an innovative measurement tool used to assess crime's severity and social impact, particularly in Anglo-Saxon countries where criminological research is currently at the highest global scientific value. The essence of the index is to give a different perspective to the examination of crime and the assessment of its severity, thereby determining the areas of intervention. From a statistical point of view, both shoplifting and homicide are considered one crime each, but the harmful effect of homicide is much more significant than that of shoplifting. The index represents an assigned numerical value for each crime committed. The numerical value is determined in days of the prison sentence imposed for the given crime based on judicial practice for the first criminal offender. For example, shoplifting is worth ten days in prison for the first offense, so you get 10 points. Homicide is worth ten years in prison for the first offense, so you get 3650 points (10 x 365 days). Based on this, let's look at crime statistics with such an index or visualize the spatial distribution of crimes on a map. We get a completely different picture of crime and the criminal problems to be dealt with than if we only looked at the simple number of

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<sup>43</sup> Vári, 2014, pp. 389–422.

crimes ("count"). In addition to the simple number of crimes and the mental and material damage caused by crimes ("harm"), it is also essential that the investigation of crimes has a cost. This is the cost of investigating a specific crime, which is a burden on the state and, for example, in the case of homicide, means several million items. Unlike traditional crime statistics, which only record the number of crimes, CHI aims to measure the actual (social, economic) impact of crimes, considering their overall and weighted consequences and effects on society.<sup>44</sup> CHI assigns each offense a weighting value that reflects the severity of the offense. These weights are usually derived from the judgments and sentences of the justice system. The following factors are taken into account to determine the weights:

- Length of Punishment: One of the most frequently used weighting factors is the prison sentence length imposed for the crime. For example, a robbery carries a higher penalty than a petty theft, as murder carries a longer prison sentence.
- Number of victims and degree of injury: The number of victims affected by the crime and the degree of injury also influence the weighting.
- Economic effects: The economic effects of the crime, such as material damage caused by theft or fraud, can also be part of the weighting.

The creation and maintenance of CHI requires extensive and continuous data collection. During the data collection, police statistics are taken into account. In this, we must distinguish the statistics issued by the official police from statistics such as the British Crime Survey (BCS), which contains data that can be considered more unbiased. The BCS, or Crime Survey for England and Wales (CSEW), is a broad and comprehensive population survey that collects people's experiences and perceptions of crime in the UK. The BCS aims to complement police crime statistics and provide a more comprehensive picture of crime's accurate scale and nature.<sup>45</sup> The survey is critical because many crimes are not reported to the police, so the BCS also brings these "hidden" crimes to light.<sup>46</sup> In Hungary, there is only one statistical system produced by the police and the prosecutor's office, the Unified Investigative and Prosecution Criminal Statistics (ENYÜBS), which is a so-called tracking statistics; in each case, it provides information on the number of procedures closed in the relevant

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<sup>44</sup> Sherman et al, 2016, pp. 171–183.

<sup>45</sup> Farrall and Jansson, 2004, pp. 177-191.

<sup>46</sup> Hope, 2005, pp. 7-22.

period. The database does not include the crimes according to the time of their commission, but the recording date in the statistics. The statistical data of a type similar to the Hungarian one are essentially duration, i.e., status data, and do not present the relevant legal events of the given year but only the average of a homogenized set of temporal and legal constructions.<sup>47</sup> Suppose we want a modern, flexible, and adaptable system. In that case, the first step should be establishing a statistical evaluation system operated by the British, operating partially independently of the police. In addition to police statistics, information on convictions and sentences is also essential, which also helps weight crimes. Last but not least, the analysis of crime statistics appearing in criminological research, which also points to the intensity, frequency, and severity of crimes from the point of view of crime geography, must be taken into account during the creation of the CHI.

In the UK, CHI is a widely used tool in policing and crime prevention. A Cambridge University study details the use of CHI, which has helped to allocate police resources more effectively and prevent serious crime. The significance of CHI in improving crime prevention and policing strategies cannot be overstated. The Cambridge Crime Harm Index, an indicator developed by Cambridge University to measure the severity of crime in the United Kingdom.<sup>48</sup> In Canada, CHI also plays a vital role in analyzing crime statistics and improving community safety. The Canadian Crime Harm Index is developed based on police reports and court convictions. CHI is also used to increase the effectiveness of local crime prevention programs.<sup>49</sup> In the USA, CHI is also receiving more and more attention, especially in developing crime prevention policies. In the framework of Pilot Projects, the use of CHI in local police work is being investigated in several states. CHI gives a more accurate picture of the effects of crimes than traditional statistical methods, helping distribute resources more fairly and efficiently in police work. It also supports the prevention and treatment of serious crimes.<sup>50</sup> However, CHI is a system that requires continuous maintenance, as it is a complicated and time-consuming task to create and continuously maintain it in a way that adapts to the constant changes in the economy, society, and, therefore, crime.<sup>51</sup> The purpose of this study to demonstrate the

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<sup>47</sup> Kertész, 2002, pp. 29-32.

<sup>48</sup> Barnes and Hyatt, 2020, pp. 347-372.

<sup>49</sup> van Ruitenburt and Ruiters, 2022, pp. 423-445.

<sup>50</sup> Ratcliffe, 2015, pp. 166-182.

<sup>51</sup> Curtis-Ham, 2022, pp. 177-192.



development and use of the Australian Crime Harm Index (ACHI) was to create a tool for measuring the economic impact of crime. In that research, the authors used Australian crime statistics and economic data to assess the costs and impact of crime. The study demonstrated how ACHI can improve crime prevention and policing strategies.<sup>52</sup>

## 6. Summary

In the study, the historical development of the legal norms affecting the authority and competence of the investigative jurisdiction of the police was presented and described. This was intended to demonstrate the invariance and inflexibility of the resource allocation system. What has not changed despite the years and the modification of individual legal standards is that the new regulators adopted the system and logic of the previous regulators. Although the names of the individual investigative authorities have changed, the order of powers and case distribution and, with it, the logic of resource allocation has not changed at all. The system remained three-level, where higher-level bodies could intervene in the distribution of cases by transferring cases to lower-level investigative authorities, or the central body could decide which body should handle the case. However, resources (personal and material) were not assigned. Resource distribution was determined solely by the criminal material legal classification of the cases and the place of the commission-determined jurisdiction. This system has existed almost unchanged for nearly 70 years. Law enforcement scientific research has now gone beyond the principle and logic of allocating resources according to the "level of seriousness of the crime" alone. The distribution of cases and the allocation of police resources are now based on more complex criteria supported by thorough and multifaceted scientific research conducted in other developed democracies. As a result, the scientists created the Crime Harm Index, which no longer considers the legal classification of crimes as a criterion for the distribution of resources but instead examines the social effects of crime in a complex manner in space and time. As confirmed by the research presented here, the CHI is a versatile, extremely modern, and effective measuring tool, the creation of which stemmed from the following realizations: the capacity of law enforcement is finite, crime constantly changes in space and time, as do the social responses to it. Furthermore, crime has significant cost-generating

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<sup>52</sup> House and Neyroud, 2018.

effects, articulated not only in the maintenance of justice subsystems but in many other respects, such as the cost of maintaining prisons or the health system's consequences. Last but not least, CHI can be used reactively and proactively in a preventive manner; that is, deploying resources can already become a constructive tool for reducing later adverse effects. The CHI has significantly improved crime prevention and policing strategies, including more effective resource allocation, a better understanding of crime severity, and proactive measures to reduce future crime rates. However, to develop this kind of national CHI system, it is necessary to create a database that can exclude the involuntary and automatic distorting effects of police data collection and recording and partially independently reveal latent crime areas.

The historical review confirmed my hypothesis that even a highly centralized police force cannot solve the problem of resource distribution by deciding on the transfer of the burden and sources of authority at a central level. This hypothesis was supported by the need for changes in the regulations and the different caseloads of individual investigative authorities, as well as the fact that every year, the Central Police (ORFK) decides on a vast number of conflicting questions of investigative authority and jurisdiction. The investigative authority of the Hungarian police primarily operates in a centralized form. This would provide an excellent opportunity to introduce a unified Crime Harm Index, which could significantly increase the organization's prestige. If the possibilities above were implemented and the current system of powers and competencies of law enforcement were rationalized, the effectiveness of investigative work would be increased, and the costs could be considerably reduced.

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