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## **Juvenile offenders at the turn of the millennium<sup>1</sup>**

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### **Extended summary**

The study by a team of authors from the ICSP (the Institute for Criminology and Social Prevention) is linked to research work conducted in a previous period when the team was studying the issue of socio-pathological manifestations among children<sup>2</sup>. The central theme of the research was the description and criminological assessment of children who, due to behavioural problems (whether in the family, at school or in another environment) during their young life have been sent by the courts to remand or reform institutions. The work involved an analysis of all criminal offences committed by these children over one calendar year in the entire Czech Republic.

The current research work – whose subject was the **analysis of juvenile crime** – was more multi-layered and included various perspectives on the problem. The first part of the work provides statistical data on juvenile crime over several last years. This passage is followed by theoretical reflections on juvenile crime in broader criminological contexts (juvenile delinquent behaviour and social reactions thereto).

The remaining part of the publication covers several research probes into the issue of juvenile delinquency. The most extensive in territorial terms was research conducted from annual documentary records (supervisory records from public prosecutor's offices) of juveniles charged with criminal offences in eight district public prosecutor's offices. This was supplemented in more serious cases by a study of the content of court records pertaining to the convicted juveniles. In the publication's text, quantitative information is directly supplemented by a number of illustrative cases. The sample for this research contained a total of 484 young people aged 15 to 17 (i.e. juveniles). We can say that in its way it was a continuation of the aforementioned event, mapping the annual criminal incidence level of children with serious behavioural problems. The next research project analysed certain characteristics of the prison population of young men (total of 154 convicted juveniles from prisons in Všechny and Opava) and women (50 convicted juveniles from the prison in Pardubice).

The third research project described in the publication focused on the crime of robbery under Section 234 of the criminal code committed by juveniles as the main or co-offender. The issue is placed within a theoretical framework of legal definitions; „robbery“, behaviour is then considered in the broader contexts of aggression, aggressiveness and assertiveness and the issue is finally addressed from the perspective of motive and motivation, the offender's characteristics and the typology of the robbery.

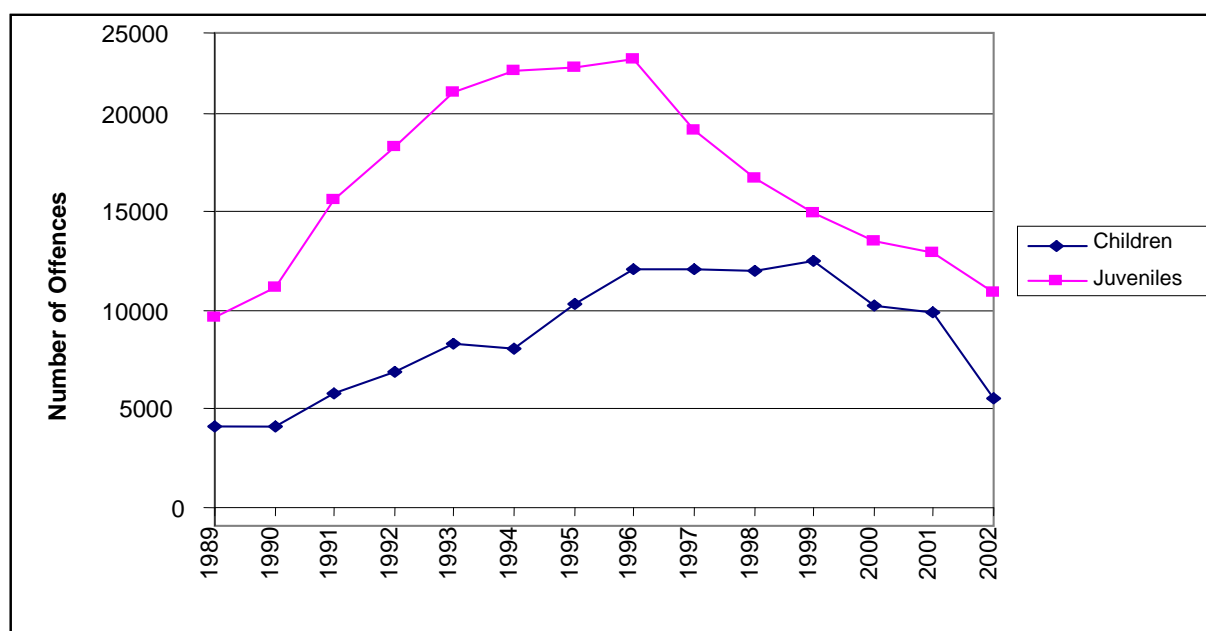
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<sup>1</sup> Večerka, K., Holas, J., Štěchová, M., Diblíková, S., Neumann, J. Mladiství pachatelé na prahu tisíciletí. Praha: IKSP, 2004. 139 stran.

<sup>2</sup> Večerka, K., Holas, J., Štěchová, M., Diblíková, S. Sociálně patologické jevy u dětí (Socio-pathological Manifestations among Children). Praha: IKSP, 2000. 215 stran.

The authors subsequently paid special research attention to the analysis of their own research data relating to the crime of robbery and its perpetrators.

### Introductory statistical data



**Table 1**

**Absolute and relative incidence frequency of prosecuted offenders according to specific types of crime (data for 2001 and 2002)**

Type of criminal activity	Year	Children		Juveniles		Adults	
		abs. no.	%	abs. no.	%	abs. no.	%
Property crime	2001	6 517	72.2	6 676	72.0	39 060	35.7
	2002	3 074	59.3	4 703	61.1	34 102	30.7
Violent crime	2001	1 218	13.5	1 035	11.2	14 537	13.2
	2002	1 024	19.7	1 157	15.0	15 175	13.7
Immoral crime	2001	134	1.5	146	1.6	1 128	1.0
	2002	112	2.2	194	2.5	1 148	1.0
Other crime	2001	1 163	15.2	1 414	15.2	54 826	50.0
	2002	975	18.8	1 644	21.4	60 656	54.6
<b>Total</b>	<b>2001</b>	<b>9 032</b>	<b>100.0</b>	<b>9 273</b>	<b>100.0</b>	<b>109 551</b>	<b>100.0</b>
<b>Total</b>	<b>2002</b>	<b>5 185</b>	<b>100.0</b>	<b>7 698</b>	<b>100.0</b>	<b>111 081</b>	<b>100.0</b>

Traditionally, the main form of crime committed by young offenders are property offences, above all ordinary theft and burglary. The proportion of young people up to the age of 18 involved in property offences was at its highest in 1996, when it comprised one-third of all offenders from all monitored statistically important groups. It is estimated that they play an equally large role in unresolved property offences. The number of juveniles prosecuted for property offences culminated in 1994, when 4.5 times more juveniles were prosecuted than in 1989. Since 1995 their number has decreased. However, the reduction in the proportion of juveniles has been compensated by the proportion of child offenders, and in 2000 children even outnumbered juveniles as perpetrators of property offences.

**Table 2**

**Ordinary theft – proportion of offender categories as a percentage of total prosecuted persons**

<b>Year</b>	<b>Children</b>	<b>Juveniles (15 – 17 )</b>	<b>Youth (children + juveniles)</b>
<b>1994</b>	9.39	<b>23.34</b>	31.73
<b>1995</b>	10.22	<b>20.70</b>	30.92
<b>1996</b>	12.57	<b>19.06</b>	31.64
<b>1997</b>	11.35	<b>17.30</b>	28.64
<b>1998</b>	10.79	<b>15.32</b>	26.11
<b>1999</b>	10.87	<b>14.72</b>	25.59
<b>2000</b>	10.55	<b>13.44</b>	23.99
<b>2001</b>	10.31	<b>13.68</b>	23.99
<b>2002</b>	5.75	<b>11.18</b>	16.93

**Table 3**

**Burglary - proportion of offender categories as a percentage of total prosecuted persons**

<b>Year</b>	<b>Children</b>	<b>Juveniles (15 – 17 )</b>	<b>Youth (children + juveniles)</b>
<b>1994</b>	12.28	<b>18.65</b>	30.93
<b>1995</b>	15.76	<b>18.88</b>	34.64
<b>1996</b>	16.78	<b>18.76</b>	35.54
<b>1997</b>	17.85	<b>16.38</b>	34.23
<b>1998</b>	16.50	<b>15.75</b>	32.25
<b>1999</b>	18.12	<b>14.94</b>	33.06
<b>2000</b>	19.93	<b>15.06</b>	35.00
<b>2001</b>	18.24	<b>15.55</b>	33.79
<b>2002</b>	11.13	<b>15.16</b>	26.29

**Table 4**

**Robbery - proportion of offender categories as a percentage of total prosecuted persons**

<b>Year</b>	<b>Children</b>	<b>Juveniles (15 – 17 )</b>	<b>Youth (children + juveniles)</b>
<b>1994</b>	9.79	<b>19.17</b>	28.96
<b>1995</b>	11.54	<b>20.54</b>	32.09
<b>1996</b>	11.16	<b>19.78</b>	30.94
<b>1997</b>	9.47	<b>18.01</b>	27.48
<b>1998</b>	10.08	<b>15.83</b>	25.92
<b>1999</b>	11.96	<b>15.16</b>	27.12
<b>2000</b>	12.40	<b>14.84</b>	27.24
<b>2001</b>	13.64	<b>16.03</b>	29.67
<b>2002</b>	9.32	<b>16.40</b>	25.72

## Field research results

The selection of districts for the analysis of supervisory and judicial records for juveniles was made with the aim of ensuring that the research category included all the regions from the previous territorial administrative system (i.e. 7 regions plus Prague) and that within each region the district (in Prague the quarter) was chosen that would represent the region in our research by using similar methodology for the incidence of juvenile crime. In each region we thus selected the district that over the previous three years registered the average incidence of juvenile crime for that region. The three-year period was intended to exclude random changes in the dynamic of the incidence of crime in specific districts and the average figures for criminal activity were used to offset local regional extremes.

The researchers set out to familiarise themselves with all supervisory records for juveniles with permanent residence in the relevant districts for a period of one year (from 1 July 2000 to 30 June 2001), and in cases of more serious crimes to supplement such data with a study of criminal records. Records were analysed that concerned juvenile crimes for which charges were brought.

In all, research workers from the Institute for Criminology and Social Prevention analysed 484 offences committed by juveniles in the selected districts. Of these, 445 were committed by men (91.9 %) and 39 by women (8.1 %). With regard to age, 152 clients (30 %) were under the age of 16 at the time the crime was committed, 168 (35.4%) were under 17, and 155 (32.6 %) were just before the age of majority, i.e. just under 18.

**Property offences**<sup>3</sup> (not counting the crime of robbery under Section 234 of the criminal code<sup>4</sup>) were committed by 377, i.e. 77.9 % of juveniles charged. This figure rises to 412, or 85.1 % if the crime of robbery is included. Violent criminal acts (again excluding robbery) were committed by 53 juveniles charged, i.e. 11 %, and by 98 juveniles charged, i.e. 20.2 %, if robbery is included. In other words we can say that youth crime predominantly concerns property offences, and to such a degree that four out of the five of juveniles charged committed a property offence without using violence against the person. This finding contrasts sharply with the general lay opinion, which to a large extent is formed by the slanted lens of the media, which suggests that crime committed by young people generally involves aggression.

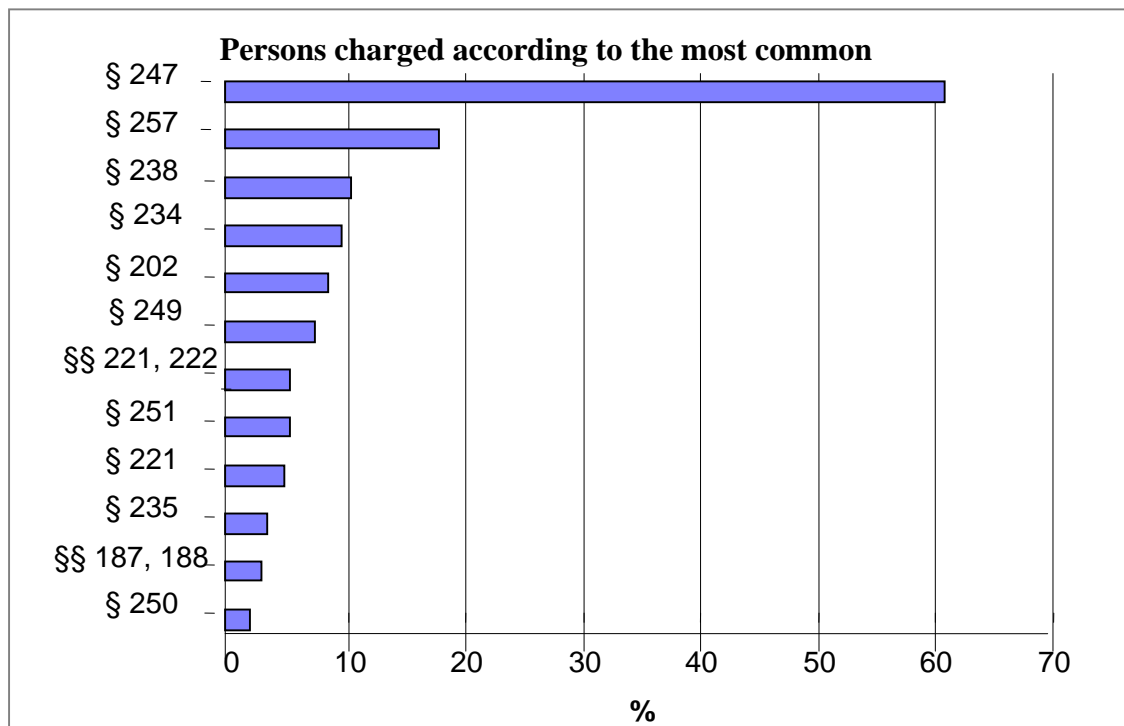
A criminological analysis of the types of criminal activity clearly demonstrates that the vast majority of juvenile crime can be located under the crime of **theft** (Section 247 of the criminal code)<sup>5</sup>.

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<sup>3</sup> Property offences also included crimes under Section 178a-poaching, Section 247-theft, Section 248-embezzlement, Section 249- unjustified use of another person's property, Section 250-fraud, Section 251- aiding and abetting, Section 254 – concealment of an item and Section 257-damage to another person's property.

<sup>4</sup> Under Section 234 of the criminal code, the crime of robbery is committed by someone „who uses violence or the threat of immediate violence against another person in order to seize another person's property,„

<sup>5</sup> Under Section 247 of the criminal code, the crime of theft is committed by someone „who appropriates another person's property by seizing it,„



This section's dominance is quite clear - 296 charged juveniles (i.e. 61.2 % of all analysed juveniles and 78 % of all young people who have committed a property offence without using violence) fall under the terms of this section.

### **Summary of other research findings**

The following main conclusions can be drawn from research into the complete annual occurrence of juvenile crime in 8 public prosecutor's offices:

- all age categories of juveniles were equally represented;
- at the time the crime was committed every fifth person charged was a pupil at either an elementary school or a special elementary school;
- only just under 5% of persons charged studied at a secondary school at the time the crime was committed;
- with regard to the fact that charged juveniles most often come from the first year of vocational schooling, or for various reasons (usually due to expulsion) have stopped attending, we can generally say that the vast majority of offenders only have elementary education;
- three-quarters of juveniles were only charged with one offence, while just under 10% had more than two offences. These data in a general sense indicate that juvenile offenders are not particularly dangerous;
- a significant proportion of the damage caused by anti-social behaviour can be attributed to the violent and inexpert means by which the charged persons steal items; on the other hand, this type of action may be important for juveniles;
- juvenile offenders often steal items from cars (chiefly car radios and obligatory car equipment), or vehicles themselves, bicycles and mobile telephones. We can say that this type of theft is encouraged by the fact that, as is well-known to juveniles, on the one hand few people take notice of such crime, and on the other that it is relatively easy to sell on stolen items, including at official bazaars and pawn shops;
- juveniles primarily steal from the communal areas of houses (cellars, corridors) or from holiday cottages and garages; almost ten percent also dared to steal from apartments

- (although this mostly involved various forms of cunning making possible non-violent entry into the flat) or in shops, offices or other places of business in a similar manner;
- more than one-fifth of charged juvenile offenders obtained cash directly from crime, and these cases more often than not involve physical violence towards the item or the victims. Nevertheless, of all the analysed cases only 13 involved physical violence that resulted in long-term absence from work on the part of the victim. A very common form of obtaining cash (38 juveniles charged) was the simple appropriation of money that the owner had not guarded with sufficient care (often due to the influence of alcohol on the part of the victim) or about which he had boasted. The same applies to valuables;
  - a relatively frequent form of property crime is the theft of non-ferrous metals and other raw materials and their subsequent sale in scrap-yards. Juvenile offenders often act together with co-offenders below the age of 15 or with adult offenders, often family members;
  - violent crime primarily concerns older categories of juvenile offender with uncompleted elementary education, often from special schools. The causes of assault are not precisely specified in the records (or the judgements). Victims generally state that they were „attacked without reason“ and the accused counter by claiming that they were provoked by the victim's prior behaviour. In some cases, both parties to the action have, for unascertained reasons (which unfortunately are rarely investigated in any depth by authorities competent in criminal matters), an interest in covering up the real motives for the conflict;
  - immoral crime comprises a negligible part of overall crime. We may surmise that a significant proportion of these offences remain undetected due to the victims' fear of secondary victimisation;
  - we may only surmise the real motivation for criminal activity from public prosecutor's and court materials with a significant degree of caution. Personal gain is most often given as the motive without any further analysis (and often this is actually the case). However, there are certain indications that other motives such as the low legal awareness of young offenders (combined with little trust in the legal means of enforcing the law), the desire to punish asocial behaviour on the part of the victim (whether assumed or real), revenge or envy (in particular a feeling of inequality of wealth, the inability to defer satisfaction of one's needs to a later time or to forget about them). Nevertheless, we can locate one of the most important motivations for crime in boredom and unstructured free time on the part of offenders and their need to vent off their feelings and experience something adventurous and exciting. Sometimes, criminal activity seems to be inspired by a desire for inappropriate enjoyment and an escape from everyday problems. In this respect we should also take into account the not insignificant (even if difficult to prove from records) influence of alcohol abuse and non-alcoholic drugs (often only possible to surmise indirectly from the modus operandi);
  - a major role in creating the conditions for the delinquency of juvenile offenders can be attributed to a clear educational deficit – education that has failed to control the offender's personal impulsiveness, has led to an emotional deprivation and has neglected the cultivation of reason. A major influence can be found in demonstrably unstable family backgrounds and frequent criminal infection in clients' close surroundings.

The research into juvenile crime was conducted before codification of Act No. 218/2003 Coll. (Act on Juvenile Justice). This time dimension for the research work enabled us not only to analyse the current state of juvenile crime, it also meant that the work could be reliably used for comparative purposes in the future assessment of the new Act's effectiveness, where necessary.

Our analytical activity has shown us that new legislative changes are greatly needed in order to bring about the more professional and appropriate treatment of young people. New legislation – in accordance with modern criminological theories – emphasises the individualisation of prevention and suppression, a more focused reaction on the part of society to the inadequate development of specific individuals in their social field. We believe that the realisation of this new trend – if it is not to remain simply at the level of proposed changes – requires significant improvement in the whole criminal-law and remedial process, above all with regard to analytical information, remedial instruction, supervision and consultancy. We may expect that the pre-trial proceedings will see a sharper shift than has previously been the case in the interest of the competent authorities in acquiring information on the personalities and social determinants of offenders' lives, that the information value and competence of these reports and expert opinions will be examined in greater detail, that the overall concept of the treatment of offenders will improve, and that help and supervision will be provided on a more balanced basis. This clearly requires changes in the competence and approach of persons who have to comply with this new trend in the judicial system for juveniles, which will require a certain amount of time and significant organisational measures and financing. Our research makes it abundantly clear that information on the personality and other characteristics of juvenile offenders and their social background, as we discovered in the criminal records for juveniles (both quantitatively and qualitatively), will under no circumstance be sufficient for the proper application of Act 218/2003 Coll. In the future, we shall definitely not be able to accept the formal method by which information is provided on clients involved in criminal proceedings, information which unfortunately all too often fails to confirm anything except that the person providing a report knows nothing about the client.

Our analysis of the development of crime in the Czech Republic in recent years has shown that the claim that „crime among children and juveniles is rising dramatically“ is an unfounded myth. Although we should be careful in interpreting statistical data on crime (which only records detected and registered crime, and may be influenced by a variety of factors stemming from the penal policy applied), we can confidently state that the level of crime among juveniles has stabilised at the least. The vast majority of registered crime among young people in the Czech Republic concerns property offences.

An analysis of the crime of robbery confirms that many such crimes which formally meet all the criteria of robbery do so chiefly because the offender, at some point of the (often inadequately thought-out and prepared) „program“, used violence (or more often threat of violence) for personal gain because it seemed at the time the best way to achieve the objective of the attack. Robbery thus often arises as excess in the context of the clients' property offences.

The most dangerous aspect of property offences committed by juveniles using elements of violence is their possible acceleration. Current methods for carrying out these offences bear the hallmarks of „apprenticeship“ and a certain amateurism; juveniles are often part of a larger gang managed by older co-offenders. They often play a peripheral role, keeping watch and acting as „footsoldiers“ – roles which however are part of a learning process. Where juveniles figure as the oldest member of a group of minors, the crime is usually of an experimental nature and a result of mutual „egging-on“.

Despite the limited information available on offenders' criminal careers, their previous asocial behaviour and educational shortcomings, the analysis demonstrates one striking fact: in addition to the large majority of accused, whose delinquency is characterised by isolated

youthful excesses, a group can be defined which has systematic problems with abiding by social norms. Their school behaviour has been problematic since childhood, they are involved from an early age in various acts of petty crime, and they are well-known to social workers and local police. By the age of sixteen or seventeen they have already been involved in several misdemeanour proceedings, petty offences dismissed due to their being under-age and have often also received a conditional sentence. Modern criminology's<sup>6</sup> approach to these „chronic offenders“ is to differentiate between the methods used for their resocialisation and those used for „normal juvenile delinquents“.

Research projects have also confirmed that one of the current myths is the belief that juvenile crime affects all social levels almost equally. We can say categorically that – at least as far as they are registered – juvenile offenders (particularly those we found serving prison sentences) come from unstimulating and unstable family backgrounds, that they are formed (or often deformed) in the family by family members without the ethical or moral prerequisites to provide a good upbringing, persons without education and qualifications, with a poor attitude to work and an irresponsible approach to their own lives or those of their partners and children. The family background is often marked by various types of real shortcomings; we have to agree with the criminologist R. Mendel, who says: „Prevention can succeed if we identify the risk factors that lead young people into crime, and if we concentrate on these risks and try to override them by positive influences... Crime committed by young people does not have just one cause, although if we were to identify a single common factor that runs through all cases it would certainly be a certain type of family failure.“<sup>7</sup>

The development of juvenile crime is exacerbated by the extraordinary lack of legislation and investigation concerning the activities of pawn shops, scrap-yards and various bazaars. Unfortunately, our clients are aware that there is nothing easier than to sell their stolen goods in these purchase and sale „structures“ – always, of course, well below their value. Pawn shops (particularly those with uninterrupted operations) often serve as sale points for stolen items. The trades licensing act<sup>8</sup> still does not make it obligatory for an entrepreneur to demand a reliable document to verify the identity of a party interested in concluding a pledge agreement, or the obligation of such a person to prove their identity by producing such a document.

The analysis of offences committed by our clients shows that it would do no harm in the future to address those circumstances that made possible the perpetration of criminal acts. In this respect we have in mind matters that, although not directly the subject of criminal proceedings against juveniles, could – if handled in the right way – even create the basis for other criminal or civil-law proceedings, and consequently lead to parents paying greater general attention to their offspring. Many things that become apparent (or, more accurately, are only indicated) to us from records or expert opinions testify to a pathological situation in the client's family, school and social environment that is so extreme that it would be appropriate to analyse this further and, chiefly for the benefit of the client's future life, to take adequate (i.e. often also unpopular) measures in relation to the client and his/her insufficiently active social environment.

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<sup>6</sup> Čírtková, L. Dva pohledy na delikvenci dětí a mladistvých (Two Views of Children's and Juvenile Delinquency). *Kriminalistika* 4/2003, pp. 241–250

<sup>7</sup> Mendel, R. A. Méně slov a více pomoci (Less Words and more Help). Praha: IKSP, 2002. 28 stran.

<sup>8</sup> Act No. 455/1991 Coll. on Trades Licensing Act