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Mladiství v procesu poruchové socializace

Juveniles in the Process of Faulty Socialisation

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Summary

The Juvenile Justice Act (JJA) (No. 218/2013 Coll.) came into effect in January 2004, marking a significant milestone in the concept of dealing with juvenile delinquents. The JJA is based on the principle of criminal repression in an auxiliary role and highlights the educational, reintegrative and restorative purpose of the measures imposed. In principle, it is based on the idea that young people are predominantly malleable personalities whose criminal activity is not usually very serious and that various combinations of family, peer group and situational pressures play a significant role in the motivation to commit offences, some of which may be modified and rectified using appropriate and professionally guided methods. The ideal situation, of course, would be the ability to adequately work with a potentially problematic young person in his/her social environment before they commit an offence, when appropriate preventive interventions can correct the imminent risk in time, whether in personal development or inadequate living conditions. Therefore, at the forefront of efforts are more and more sophisticated early intervention methodologies, whose system however, is far from ideal in our conditions. Although there has been a long-term decrease and, in recent years, a stabilisation in the number of crimes committed by juveniles and children under the age of fifteen, **there are still cases of recidivist delinquency among young people.** Therefore, we need to examine the causes and conditions of recidivism in more detail, to identify objective and subjective sources of repeated antisocial behaviour.

The publication "Juveniles in the Process of Faulty Socialisation" is based on extensive empirical research into the issue of juvenile offenders, which opens with a summary of the findings of selected foreign and domestic studies on this topic.

The *subject of research* was consequently various aspects of juvenile delinquents' lives, with a particular focus on personal traits, family, upbringing, socialisation, educational and other similar aspects of their lives, in conjunction with criminal interventions in response to their recorded crime. Special attention was dedicated to recidivism.

The *aim of the research* was to identify the causes and conditions of juvenile delinquency, especially the reasons for continuing criminal activity after being confronted with the intervention of criminal justice authorities in the past.

Our empirical research was framed by both an analysis of statistics on juvenile delinquency and an analysis of current legislation that applies to children and juveniles in the Czech Republic. Certain findings from previous foreign and Czech research, which was primarily focused on the issue of juvenile recidivism is further discussed in the theoretical section.

According to Czech Police statistics, there was a prevailing decrease in the number of juvenile offenders prosecuted in the reference period between 2005 and 2018, which relates to the overall long-term trend in the decreasing number of juvenile offenders in the criminal justice system to some extent. However, the share of repeatedly punished juveniles of the total number of prosecuted juveniles has not changed significantly, with a significant decrease not seen until 2017 and 2018, which may, however, be influenced by a change of reporting methodology in police statistics. Nevertheless, the decrease in the proportion of previously punished juveniles (or the increase in the proportion of offenders without previous criminal conviction) could also be seen in court statistics for this period and in 2016. In 2018, police registered 144 repeatedly punished juveniles, which was approximately 6% of the total number of prosecuted juvenile offenders.

Three different research tasks were conducted as part of our research.

The first, which primarily focused on juvenile recidivism, was based on *a survey of experts* dealing with juvenile offenders within the criminal justice system - the investigation was conducted with the participation of juvenile court judges, public prosecutors specialising in juveniles matters, probation officers specialising in young offenders and the staff of the **Authority for Social and Legal Protection of Children**. In total, we received the opinion of 280 experts. The questionnaire was sent to all district courts, district public prosecutor's offices, Probation and Mediation Service centres and the **Authorities for Social and Legal Protection of Children** sociolegal child protection at former district level. In the semi-structured questionnaire, experts were able to express their opinion on the issue of recidivism through both the rating scales offered, but they could also comment on their conclusions in the framework of open-ended questions/answers.

The results of the survey showed that experts largely agree with the conclusions of foreign research with respect to the most significant risks or protective factors. Our experts cited

living in a delinquent population, the presence of delinquent role models in the family, the inability or lack of interest in working legally and the abuse of drugs and alcohol among the most serious factors in the development of crime. Experts often discussed various aspects of the dysfunctional family environment of recidivist juveniles when answering open-ended questions.

Respondents identified strong links between the juvenile and a non-delinquent authority, informal friendships with non-delinquent peers and in particular, internalisation of the decision not to commit crime anymore as the most important protective factors. Experts considered a situation in which the juvenile is accepted by his/her parents and can engage in positive leisure activities as a very important protective factor. Surprisingly, however, experts did not see the protective importance of the juvenile's subjective feeling of success at school. A certain warning sign is the finding that experts did not attach major significance to the protective factors of increased supervision of adolescents' lives by the staff of **Authority for Social and Legal Protection of Children** and that they somewhat underestimate the importance of preventive programmes or strengthening counselling or treatment centres targeted at juveniles.

When assessing various factors that may contribute to the prevention or reduction of recidivism in the context of criminal proceedings against juvenile recidivist, experts cited the juvenile's positive attitude to the imposed sanction in first place. Experts believe that recidivism can be affected by consistent supervision of imposed measures by the court and the juvenile's active effort to compensate for damage caused by his/her offence. Experts also attach particular importance to the juvenile's involvement in mediation, the appropriate speed of criminal proceedings, etc. In this respect, experts were technically in accord with the general findings of foreign criminological research.

It is also interesting to note that experts did not rank current regulations on the expungement of convictions or the protection of juvenile privacy (measure against stigmatisation) among the most important protective factors. In the context of open-ended questions, the current protection afforded to juveniles was even criticised as too broad.

Basic findings on the factors that have a significant impact on the future recidivism of juveniles were generally in line with foreign research, with very important factors including the early onset of offending, certain personality traits of the individual, a poor family background and problematic parenting styles, problematic participation and failure at school

and further education, the influence of delinquent peers, associated high-risk ways of spending leisure time and experience with substance abuse. In the case of juvenile recidivists serving a sentence of imprisonment, it can be said they showed the typical characteristics of chronic juvenile offenders, with an accumulation of the above risk factors.

In general, the legal analysis suggests that current legislation on juvenile crime provides a relatively broad scope for individualising measures so that they can target risk factors. However, experts suggest there are a number of problems with their application in practice leading to the underutilisation of the possibilities offered by current regulations.

In principle, the opinions of our experts did not differ (with few exceptions) from the findings of international criminological research in this area. Recidivism among young offenders largely depends on their way of life and living conditions before committing their first offence, and on the adequacy of society's response to their anti-sociality. In cases where a juvenile is already exhibiting antisocial behaviour, this tendency needs to be mitigated or stopped through appropriately individualised measures that are targeted at the type of problem and at the same time support factors that will positively support his/her desistance.

The second research task focused on an *analysis of criminal files*. This analysis first examined 170 files of juvenile offenders relating to their first offence (in the context of criminal proceedings). After studying these files, we were then interested in how many juveniles from the original research group reoffended and then analysed their criminal files in detail.

One of the basic findings was that criminal files often lack data that could be used to better individualise measures imposed on a juvenile (as foreseen by Sections 55 and 56 of the Juvenile Justice Act). The lack of information and its poor informative value, or the differing levels of reports by the **Authority for Social and Legal Protection of Children**, which are often the only and main source of information in this regard, make it somewhat difficult to generalise. Therefore, it would be appropriate to develop a uniform methodology for processing these reports so that the information provided meets the requirements for obtaining all relevant information on the personal, family and other circumstances of the particular juvenile.

Despite this, some findings can be carefully summarised from this phase of research. Delinquent juvenile offenders were most often male, most living in larger cities (smaller

municipalities are less affected by crime, with less recidivist juvenile offenders), and at the time of committing their first offence after the age of 15, most lived at their parents' address, but their living conditions were often worse than those of the general population.

Their families were often afflicted by various problems (recidivist juveniles in particular had a close relationship with alcohol and drug abuse in their family) and insufficient consolidation to varying degrees (frequent absence of one parent and their dysfunctional parenting styles). This was particularly true of the families of recidivist offenders. The families of juvenile delinquents were larger than usual in the general population (recidivist juveniles in particular had more siblings).

Juvenile delinquents can also be characterised by a problematic relationship to primary school, both in terms of achievement (which was mostly poor) and inappropriate behaviour (similar problems were evident in both the recidivist and non-recidivist subgroup). Recidivist offenders had greater difficulty in transitioning to secondary school (or did not even attempt to do so). The data also suggests that the peer group with which juveniles associate is likely to play an important role in the recidivism of some juveniles - recidivist juveniles in particular associated with delinquent groups and a large number had contacts with the drug subculture. The subject of their first criminal proceedings after the age of 15 was most often theft, which was more frequent in the case of later reoffending juveniles, while for non-recidivist juveniles it was more often the crime of disorderly conduct.

Some of the findings that emerged from our expert survey were confirmed by the analysis of criminal files. It turned out (among other things) that the most frequently applied criminal measure/sanction (for first conviction) was a prison sentence conditionally suspended for a probationary period, and this more often for juveniles who were subsequently assessed as recidivists. A conditional sentence with supervision was applied more often as a first sanction in this group of studied juveniles than in the case of later non-recidivists, but not in a large number of cases either. In general, the courts and public prosecutors did not often utilise the option to impose educational measures in the case of a juvenile's first criminal proceedings. In the case of juvenile non-recidivists, the diversions with restorative elements was used more often as the first criminal intervention compared to the subgroup of juvenile recidivists.

The third research task was to conduct repeat *anamnestic interviews with convicted juvenile recidivists*, supplemented by other information, especially from court files. The anamnestic data obtained on the basis of interviews with 26 convicted juvenile offenders serving

sentences of imprisonment showed that the convicted juveniles exhibited characteristics typical of the category of chronic juvenile offenders and that they lacked significant protective factors in their lives. In particular, there was a noticeable lack of knowledge among these inmates that they should have learned in school. This deficit was particularly evident in their inability to communicate well, verbalise their thoughts, and contributed to lower intellectual performance (however, lower intellect is not a generally common feature of juvenile recidivists). Most of the individual outcomes of applied psychological evaluation indicated limited resources enabling them to appropriately deal with life situations, thus increasing the likelihood that these individuals would cope with the demands of life in a clumsy and ineffective way that would lead to limited success and possible recidivism.

Numerous problems were noted among juvenile prisoners, often in the lack of a strong family background (dysfunctional family, absence of parental guidance, low educational and professional level, substance abuse, criminal infection - often multiple - in the family). Unstable families were accompanied by frequent migration (relocation), which was often related to the variability of parental figures and change of family members. Problems were noted at school, both in terms of achievement (only one third of respondents did well at school) and in the area of discipline. There was low motivation to complete schooling (avoiding school attendance and passive resistance during lessons), personal conflicts (with teachers and classmates), etc.

Another significant problem among juvenile prisoners was the early abuse of psychotropic substances. Many began with alcohol and marijuana, then at around the age of 14 or 15 the range of substance abuse expanded to include meth and to a lesser degree dance drugs, cocaine, LSD, heroin, as well as methadone. Here too, peer groups play an important role in this area, with a significant increase in crime (theft, trafficking) associated with drug abuse. By the age of 15, a large number of our juveniles began committing offences, most of them property-related, which was not a random deviation. These antisocial acts often remained unnoticed or were not addressed adequately.

For juvenile prisoners, the imposition of an unconditional sentence of imprisonment was usually preceded by a conditional sentence of imprisonment, although this was only imposed in conjunction with the supervision of a probation officer in two fifths of cases. Based on available information, no inmates underwent mediation or had their case end with diversion.

Some of the juveniles themselves reported that the measures imposed had no great benefit for them and felt they did not discourage them from further criminal activity.

Translated by: Presto