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***Summary***

Violent crimes, especially those with serious consequences for the victim's life or health, are of increasing interest to not only professionals in the area of criminal justice (whether law enforcement, academics or researchers), but also to penal policy makers, despite the fact they do not account for a large proportion of the total number of registered crimes in most countries. Research has repeatedly shown that information about an offender's criminal history is an important part of our knowledge about criminal offenders, especially for the purposes of assessing (predicting) the likelihood of their future recidivism. This helps to formulate effective measures for dealing with dangerous violent offenders or for situational prevention, as well as to detect previously unknown perpetrators of serious violent crime.

This monograph summarises the main results of research conducted at the Institute of Criminology and Social Prevention, aimed at mapping serious violent crime, or rather the criminal history of offenders who commit such crime in the Czech Republic.

***The subject of research*** was offenders convicted of serious violent crimes, their criminal history in terms of records of criminal convictions, and their potential criminal recidivism. ***The main objective*** was to obtain new criminological data about the criminal history of convicted offenders of serious violent crimes in the Czech Republic based on official records of criminal convictions. ***Standard criminological research methods and techniques*** were used to tackle the research task. This principally involved a document analysis of specialised domestic and foreign literature and Czech legislation, an analysis of statistical data collected by criminal justice authorities, an analysis of anonymised data from the criminal register in order to obtain detailed information about criminal history (in terms of offenders' history of criminal convictions), an analysis of a dataset of crime statistics sheets from the CSLAV judicial database and an analysis of a selected set of criminal files or parts thereof in order to obtain detailed information about studied cases of serious violent crime and material for illustrative case studies. Statistical methods and techniques were used to process the collected data and determine correlations and relationships between analyzed variables. The research task was conducted ***in accordance with generally binding legislation, including regulations on the personal data protection and the ethical principles of scientific research***. All input

data was anonymised for the purpose of analyses (anonymous codes were created for those included in the research sample), so that the specific individuals involved in the study could not be identified.

The term "*serious violent crime*" refers to criminal conduct that is violent in nature and demonstrates a certain degree of severity. Violent crimes are those in which the offender uses physical force against the victim. In practice, this may involve a wide range of incidents ranging from cases involving very low-intensity violence to those with fatal consequences. The threshold distinguishing serious violence from "simple" violence is not uniformly defined, and various studies and classifications define it differently, usually according to their original purpose. The term "serious violent crime" is not a legal term; it is not defined in the official classification of crime for statistical purposes, it is not explained in any strategic, conceptual or analytical document, and the term is not used uniformly in the literature. It is usually used to refer to that part of the spectrum of violent behaviour/conduct that causes greater harm and is usually punished by a more severe sentence than less serious offences. Given the focus of our research on convicted offenders, our empirical research naturally focused on those forms of violent behaviour that are classified as crimes under applicable law.

Before starting to collect data for this research task, we therefore devoted considerable time to operationalising the concept of "serious violent crime" and the related definition of basic criteria for the selection of our research sample. At the same time, the nature of the sources of data need to be taken into account, which in our case were the CSLAV judicial database, criminal register and criminal files on closed criminal cases, which breakdown criminal offences according to their qualification under criminal law.

In defining the term "serious violent crime" for the purposes of our research, we relied on the simple general criminological definition, according to which serious violent crime is defined as serious incidents of an attack on the life or physical health of the victim. However, for the purposes of selecting the research sample, it was necessary to convert this definition into a legal definition that would enable the identification of serious violent crimes in the catalogue of criminal offences listed in the special section of the Czech Penal Code based on the facts of the case. For the purposes of our research, serious violent crime was then defined as *a set of offences in which the offender intentionally carries out an attack against the life or health of a living being, whether with the use of violence or otherwise, where such an attack demonstrates a higher degree of severity in terms of the manner of its execution or the effect caused or intended to the object of the attack*. The above definition thus included four conceptual features (characteristics) of serious violent crime: a) the criminality of the act,

b) an attack against the life or health of a living being, c) the offender's intent to carry out such an attack, and d) the higher degree of severity of the attack (in terms of the manner of its execution or the effect caused or intended to the object of the attack).

Thirteen offences were identified, seven of which met the criteria for the definition of serious violent crime in all forms of the act (murder, manslaughter, murder of a newborn child by the mother (neonaticide), grievous bodily harm, unlawful termination of pregnancy without the pregnant woman's consent, cruelty to animals and terror). The remaining six offences could be considered in terms of provisions referring to a higher degree of severity, such as attributes of "serious bodily harm", "death" or "in a particularly cruel or grievous manner", etc (i.e. the offences of bodily harm, bodily harm with a justifiable motive, maltreatment of an entrusted person, maltreatment of a person living in the same household, terrorist attack, unlawful removal of tissues and organs).

The next step was to set up a general and research sample. The data source in our research was the official judicial database (CSLAV), which allowed us to generate reports from crime statistics sheets for the courts according to our chosen criteria, i.e. the date of the decision, the 16 legal qualifications corresponding to the definition of serious violent crime and the outcome of proceedings. Thanks to this, it was possible to obtain basic data on criminal cases that ended with a final conviction in anonymised form, according to the exact legal qualification of the offence for which the accused was convicted. In this way, we obtained a sample of 8,321 individuals that represented our *population of interest*. Compared to the total number of offenders convicted in the Czech Republic between 2007 and 2016 (715,351 individuals), the population of interest convicted of serious violent crimes represented 1.2% of offenders.

It can be said that the representation of offenders convicted of serious violent crime among all convicted offenders was relatively stable over the ten-year reference period. On average, 832 individuals were convicted of serious violent crimes in the Czech Republic each year, with annual numbers ranging from approximately 800 to 850. Thus, even in terms of absolute numbers, the trend in criminal convictions for serious violent crime was stable in the reference period, with no significant upward or downward trend. The average age at the time of committing a serious violent crime that placed individual offenders in the population of interest, was 34.5 years for the whole sample (i.e. 8,321 individuals), with almost no difference between men and women in the population of interest. According to the CSLAV judicial database, more than one third (35.9%) of offenders convicted of any crime in the Czech Republic between 2007 and 2016 had no previous convictions (individuals with a clean

record). In comparison, the share of individuals with a clean record in the population of interest of serious violent offenders was slightly higher, namely two-fifths (40.1%). With regard to the main criminal sanctions imposed on serious violent offenders in 2007-2016, the most frequent was a suspended prison sentence, which was imposed on a total of 4,840 individuals (i.e. 58.2% of the population of interest). Unconditional prison sentences were imposed as the main sanction for two-fifths of the population of interest (40.1%), mainly for offenders convicted of murder and grievous bodily harm. In the remaining cases, decisions included waiving punishment with the simultaneous imposition of security detention or other protective measures, or other criminal sanctions, in particular community service or deportation.

For the purposes of description and subsequent analyses, which were carried out as part of the empirical part of research, we *divided the group of serious violent crimes into four categories*, although we are aware that this is a certain simplification in terms of substantive classification and criminal law qualification. The HOMICIDE category included the crimes of murder, manslaughter, and murder of a newborn child by the mother. Under the category of ASSAULT, we included relevant forms of grievous bodily harm, bodily harm and bodily harm with a justifiable motive. The category of PERSONAL MALTREATMENT included relevant forms of maltreatment of an entrusted person and maltreatment of a person living in a common household, and the category of CRUELTY TO ANIMALS consisted of a single crime of the same name. Other offences that met the definition of serious violent crime, i.e. relevant forms of terrorist attack, terror, illegal termination of pregnancy without the pregnant woman's consent and the unlawful removal of tissues/organs did not appear in the sample, i.e. no convictions relating to these offences were issued and became final in the period from 1 January 2007 to 31 December 2016 according to the official CSLAV database (at the time of data collection).

If we look at the individual categories of serious violent crimes in more detail, a total of 1,265 offenders were convicted by the courts in the Czech Republic for the crimes of murder, manslaughter and the murder of a newborn child by the mother (i.e. in the *HOMICIDE* category) in the ten-year reference period. The share of women convicted of crimes in this category in the reference period was a total of 13.4%, which corresponds to the share of women of all offenders convicted of crimes in the Czech Republic during the same period. The number of individuals convicted each year had a generally downward trend in the reference period. The average age of offenders at the time of committing the respective offence in the HOMICIDE category was 34.9 years over the whole reference period, with no

significant changes in the trend of this variable over the 10 years. According to the CSLAV database, two-fifths (41.5%, 525 individuals) of the total number of 1,265 offenders convicted for crimes in the HOMICIDE category in the reference period were individuals with a clean record (i.e., persons with no previous convictions). A total of 6,706 individuals were convicted of serious violent crimes in the *ASSAULT* category in the Czech Republic from 2007-2016, which is approximately 80% of the entire population of interest convicted of serious violent crime in that period. Three quarters of offenders in the ASSAULT category (75.1%, 5,038 individuals) were convicted for the crime of grievous bodily harm. A total of 1,610 individuals (24% of this category) were convicted of the crime of bodily harm corresponding to the definition of serious violent crime, and 58 offenders (0.9%) were convicted of the crime of bodily harm with a justifiable motive. Of the crimes included in the ASSAULT category, all forms of grievous bodily harm and selected qualified cases of bodily harm and bodily harm with a justifiable motive met our definition of serious violent crime. The average age of offenders at the time of committing a serious violent crime in the ASSAULT category was 33.4 years; the average age of women was 35.2 years and 33.5 years for men. The share of women of the total number of individuals convicted for crimes in the ASSAULT category in 2007-2016 was 7.1% (478 women), i.e. approximately half the share of women of the total number of individuals convicted for crimes in the HOMICIDE category (13.4%). However, there were clear differences between individual crimes included in the ASSAULT category in terms of the share of women of all convicted offenders. For the most frequent crime of grievous bodily harm, the share of women of the total number of offenders convicted of this crime in the reference period was 8.1% (410 of 5,038 individuals), for the crime of bodily harm 3.2% (52 of 1,610 individuals), and for the crime of bodily harm with a justifiable motive, women accounted for more than one quarter of convicted offenders (27.6%, i.e. 16 of 58 individuals). Two-fifths of those convicted for a crime in the ASSAULT category in the reference period (39.9%) were individuals with a clean record, i.e., persons with no previous convictions.

A total of 101 individuals were convicted of serious violent crimes in the category of *PERSONAL MALTREATMENT* in 2007-2016 in the Czech Republic; three-fifths of these (61.4%, 62 individuals) were convicted of the relevant form of maltreatment of a person living in a common household, and the remainder (38.6%, 39 individuals) were convicted of the relevant form of maltreatment of an entrusted person. However, given that the total number of offenders convicted for the maltreatment of an entrusted person pursuant to Section 198 of the Penal Code and maltreatment of a person living in a common household pursuant

to Section 199 of the Penal Code amounted to 2,560 individuals in the given period, offenders convicted of forms of these crimes that clearly meet the definition of serious violent crime used in our research accounted for only 3.9%. The share of women of the total number of individuals convicted for crimes in the PERSONAL MALTREATMENT category in the reference period was one sixth (16.8%, i.e. 17 women out of 101 convicted offenders). This is significantly higher than the share of women of all those convicted of offences under Section 198 or 199 of the Penal Code, which was 9.4% in the given period. At the same time, we found that the vast majority of women convicted of serious and violent forms of these offences (15 of 17 women) had committed one of the forms of the offence of maltreatment of an entrusted person under Section 198 of the Penal Code, which was represented significantly less in the PERSONAL MALTREATMENT category than the offence of maltreatment of a person living in a common household. The average age of serious violent offenders in the PERSONAL MALTREATMENT category at the time of committing these offences was 32.3 years (women 27 years, men 33.4 years). Just under one third of offenders in this category (30.7%, 31 individuals) were persons with no previous convictions.

In the analysed ten-year period, 249 individuals were convicted of criminal conduct, classified by the court as **CRUELTY TO ANIMALS** in its serious and violent form (i.e., Section 302 of the Penal Code and Section 203 (2) of the Criminal Act of 1961 Coll.). Of the total number of individuals convicted of serious violent crimes in the given period, this group of offenders represents "only" 3%. The number of individuals convicted of respective forms of this offence each year was few dozen at maximum (the lowest number was 14 in 2007, and the highest was 40 in 2016). Women accounted for one-eighth of all individuals convicted of a serious crime in this category (12.4%, 31 women). The average age of offenders at the time of committing an offence in this category was 38.6 years (38.4 years for men and 39.6 years for women); all offenders were adult at the time of committing the offence. More than half the offenders in this category had been previously convicted of a crime (57%, 142 individuals).

As it was not possible to currently obtain relevant variables from official judicial records in a simple (reliable and efficient) manner that would allow the criminal history of convicted offenders to be mapped, it was necessary to conduct a detailed analysis of an anonymised "summary" of individual records of criminal convictions. This means that a detailed analysis of the criminal history of each individual in *our research sample of 2,220* was carried out using a record sheet. Due to the existence of a detailed, structured database of convicted offenders of sexual violence, created as part of one of our previous studies, it was possible to

identify a fifth category of serious violent crime in the research sample titled SEXUAL ASSAULT, which included perpetrators of respective forms of rape.

Among the perpetrators of the monitored crimes defined in our research as "serious violent crimes", the most commonly represented offenders in the research sample were perpetrators of crimes in the category of ASSAULT (1,282 individuals, 58%). Offenders in the SEXUAL ASSAULT category (431 individuals, 19%), as well as offenders in the HOMICIDE category (423 individuals, 19%), made up approximately one-fifth of the research sample. The perpetrators of serious violent crime labelled PERSONAL MALTREATMENT in our research (21 individuals, 1%) or CRUELTY TO ANIMALS (63 individuals, 3%), comprised only a small number of cases. As in the population of interest, the vast majority of offenders were male, the share of female offenders in the research sample was in a significant minority (8%, i.e. 170 women). A closer look at the share of male and female offenders in each category of serious violent crime reveals a higher representation of female offenders, similar to that in the general sample, in the categories of HOMICIDE, PERSONAL MALTREATMENT or CRUELTY TO ANIMALS. The average age of offenders at the time of conviction for a serious violent crime was 33.8 years. For offenders for whom conviction for a serious violent crime was their first conviction, the average age at the time of conviction was - logically - lower (30.6 years) than for those for whom the conviction was their second (or higher) conviction in their career.

One of the main variables monitored among serious violent offenders in the research sample was the presence or absence of a *criminal history*. Of the 2,220 offenders convicted of serious violent crimes in the reference period, almost two-fifths (38%, i.e. 843 offenders) were individuals with no previous criminal record (first-time convicts). The second, larger group of convicted offenders in the research sample (62%, 1,377) were individuals for whom a conviction for a serious violent crime was at least their second record in the criminal register, i.e., they were offenders with a criminal history, in the sense of a conviction for (any) criminal activity prior to the conviction for a serious violent crime.

Not surprisingly, the average age of offenders of serious violent crimes classified as *first-time convicts*, was lower (30.6 years) than that of offenders with an existing criminal history. Their share in individual categories of serious violent crimes was relatively low for SEXUAL ASSAULT, where it was 31%, which means that approximately one-third of offenders convicted of this type of violent crime were individuals not yet registered in the criminal justice system (unmonitored). In the category of serious violent crimes designated as PERSONAL MALTREATMENT, the share of first-time convicts was slightly lower (29%),

but it must be remembered that this group was represented by a much smaller number of offenders. In contrast, the share of first-time convicts was higher for offences in the HOMICIDE category at 42%, so that more than two-fifths of offenders convicted for serious violent crimes classified as murder, manslaughter or murder of a newborn child by the mother in 2012-2016, committed these offences with no previous criminal record. In the remaining two categories of serious violent crimes, the share of first-time convicts was almost 40% in the category of ASSAULT, and slightly less in CRUELTY TO ANIMALS (35%), although this category consisted of a significantly smaller number of offenders.

However, the subject of our research was the criminal history of serious violent offenders, so the *subgroup of repeatedly convicted serious violent offenders* was more important in terms of our research. Their share of the research sample of serious violent offenders was more than three-fifths (62%, 1,377 individuals), where, for a significant majority of these repeat offenders (1,075 individuals) the conviction for a serious violent crime represented at least the third conviction in their criminal history ("multi-repeat offenders" or "multi-recidivists"). Compared to the share of women convicted of serious violent crimes in the whole research sample (8%), the share of women who had experience of a prior conviction at the time of their conviction for a serious violent crime in all repeat offenders was lower (5%, 67 women). An important aspect often mapped in the study of criminal careers is the initiation or onset of a criminal career. Due to the nature of the primary data source, we considered this to be the date of the first conviction recorded in the criminal register for offenders in our research sample (and not, for example, the date of the crime was committed, which would be a more relevant "moment" from a criminological perspective). More than one quarter of repeat offenders convicted of a serious violent crime (391 individuals, i.e. 28.4%) had their first record entered in the criminal register, i.e. their first criminal conviction, when they were juveniles (i.e. under 18 years of age). The number of individuals with an "early" onset of their criminal career was particularly high in the SEXUAL ASSAULT category (36%, i.e. 107 individuals out of 296 repeat offenders of SEXUAL ASSAULT), while their share was approximately 10% lower in the remaining categories. The number of crimes committed to date is one of the main characteristics that can be used to describe the criminal path (career) of a given offender. In our case, due to the availability of data, this variable was replaced by the number of criminal convictions or records in the criminal register in the offender's criminal history prior to their conviction for a serious violent crime. Repeat offenders of serious violent crimes were found to have an average of 5 such previous convictions (minimum 1, maximum 30 previous convictions). The average length of the criminal history of repeat serious violent



offenders in the sample - that is, the time from first conviction to conviction for a serious violent crime - was 14.4 years (minimum 1 month, maximum 60 years). However, there were some differences in this variable between the different categories of serious violent crime (HOMICIDE, ASSAULT, MALTREATMENT, SEXUAL ASSAULT). The interval (time lag) between individual crimes in the criminal history of a given offender is another aspect that is often monitored when studying criminal careers. In our case, this variable - the frequency of criminal conduct - was represented by the time interval between individual convictions over the criminal career of the offenders in our research sample due to the availability of data. For the subgroup of repeat serious violent offenders, the average time between the dates of individual convictions was 47.5 months, or about 4 years. The longest interval between two consecutive convictions in the subgroup of repeat offenders was almost 50 years, while the shortest was several days.

Other key aspects in the study of criminal careers include its structure in terms of versatility or, conversely, the specialisation of offenders in certain types of criminal activity. To this end, it is vital to obtain information about the offences committed by an offender during his or her criminal career and to process this information in a comprehensible and meaningful manner. In view of the fact that the main source of data for our research was the criminal register, we had to deal with the manner in which the crimes for which offenders were convicted during their criminal career are recorded. For the purposes of our research, we therefore - in the knowledge that this was a considerable simplification - divided crimes (from the special section of the Penal Code and from previous criminal acts) according to their paragraph designation into eleven groups (serious violent crime, violent crime, property crime, economic crime, moral/sexual crime, obstruction of the execution of an official decision, evasion of mandatory maintenance, disturbance of public order, drug crime, crime under the influence of addictive substances, other crime.) Given the long-term structure of overall criminality in the Czech Republic, it is not surprising that the largest share (almost three-quarters) of the subgroup was represented by offenders whose criminal career included convictions for property crime (72.9%). More than half of offenders in the subgroup had been convicted of violent crimes in their criminal careers, which however did not meet the defining characteristics of serious violent crime. In contrast, offenders for whom a "current conviction for a serious violent crime" was not the only conviction for a serious violent crime in their criminal career (i.e., homogenous - generic or specific recidivists) comprised only about one-tenth of the subgroup (11.3%). The subgroup also included a significant number (39.8%) of offenders with a conviction in the criminal register for one of a group of offences described as

disturbance of public order, in particular disorderly conduct, but also intentional endangerment, incitement to hatred against a group of persons or restricting their rights and freedoms, etc. Other groups of crimes occurred in the criminal histories of about 10-20% of offenders, with the exception of economic and drug crime, for which only about 6% of those in the subgroup were convicted. Homogenous recidivism (repeat convictions for serious violent crime) was a rather rare phenomenon in the overall criminal history of the subgroup of convicted repeat serious violent offenders. A comparison of different perspectives of the structure of the criminal career of repeat serious violent offenders revealed some interesting findings. First of all, about one tenth of these offenders committed such conduct repeatedly, but not frequently (11% of all offenders vs. 2% of all convictions). On the other hand, property crime was found in the criminal career of the vast majority of serious violent offenders and is also committed by these individuals significantly more often than offences in other categories of crime (73% vs. 40%). Otherwise, however, the criminal career structure of repeat serious violent offenders in terms of the representation of individual groups of crime is similar, both in terms of the share of offenders with a record of conviction for individual groups of crime and in terms of the number of records of conviction in each group.

The empirical findings on serious violent offenders and their criminal careers obtained in the course of our research allow us to formulate *some general conclusions*. We confirmed the premise that although we defined the term "serious violent crime" quite narrowly for the purposes of our research, the perpetrators of this type of crime do not represent a homogeneous group, but differ according to various criteria. It follows that it is probably not realistic to look for a universal approach (programme, intervention) to "dangerous violent offenders", but that the diversity of the circumstances, conditions and causes that lead to the commission of serious violent crime must be taken into account.

The research confirmed that some general findings from long-standing studies of criminal careers can be applied to a specific group of serious violent offenders. Findings regarding the early start of a criminal career and its subsequent escalation may, in particular, have practical implications. The results of the analysis convincingly demonstrated that the initiation of criminal activity at an early age significantly increases the risk of recidivism, and that offenders in these cases usually represent rather a gradual evolution from minor offences of various kinds to serious violence by the offender. This only highlights the need for appropriate attention to be given to delinquent behaviour in children and adolescents by the state.

Serious violent crimes are committed by both multi-recidivists with criminal lifestyles and by individuals for whom such offences are the first and only excess in an otherwise irreproachable life. If the criminal justice system and the state in general are to establish adequate approaches to prevent and punish serious violent crime, it is important to know what types of offenders we can encounter in this group and what can be predicted in terms of the development of their criminal career.

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