

**Scheinost, Miroslav et al. (2021). Analysis of Trends in Criminality in the Czech Republic in 2020. Praha: IKSP.
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Summary

The Institute of Criminology and Social Prevention has been preparing and publishing an analysis of trends in registered crime in the Czech Republic each year for almost three decades. This analysis presents concentrated data on the development of crime based on statistical databases available in the Czech Republic and includes commentaries on this data, as well as examining the long-term development of crime in an attempt to identify possible factors affecting these development trends. It also examines selected areas of crime that either appear regularly or at certain intervals in the analysis. The analysis largely relies on statistical data from the databases of the Ministry of Justice, the Ministry of the Interior and the Prison Service, including non-standard data prepared at the request of the ICSP. It also uses annual documents prepared by the Supreme Public Prosecutor's Office and the Government of the Czech Republic, plus data published by the Czech Statistical Office.

The introductory chapter maps trends in crime in the Czech Republic based mainly on police statistics. It traditionally assesses the structure and intensity of crime and geographical indicators, including the crime index. It interprets information on the composition of known offenders by gender and age and examines the proportion of recidivists. Some information on suicides is also provided.

The Czech Republic saw a return to a downward trend in registered crime in 2020; in fact, this was the lowest level of registered crime in its independent history - 165,525 crimes were detected, which is a year-on-year decrease of 33,696 crimes, i.e., approx. 17%. The continuous decline since 2013 was only interrupted by data in 2019. However, 2020 was specific due the measures implemented in the fight against the COVID-19 pandemic, while another factor was the twofold increase in the limit for damages and consequences in criminal cases.

The decreasing crime rate was reflected in the whole spectrum of crime, but the overall structure did not change, with property crime still accounting for half of all cases. The most frequently committed offences were theft, obstruction of the execution of a decision by the court or other public authority, obstruction of a sentence of banishment and endangerment under the influence of an addictive substance. The clearance rate of crimes was 47%, but there

were still large differences in individual types of crime. Detected criminal activity caused CZK 22.5 billion in damage in 2020. The regional decline in crime was also widespread, with Prague still having the highest crime rate and the Karlovy Vary Region the lowest.

The number of prosecuted and investigated individuals also fell by 12.5% year-on-year; the proportion of recidivists among known offenders rose slightly by one per cent to 40%.

The recorded suicide rate was the second lowest in a decade.

The third chapter on the development of criminal and sanctions policy shows that 2020 was somewhat of an exception to the trend in recent years due to certain major amendments of criminal legislation and the impact of the COVID pandemic. The direct and indirect impact of the measures implemented in the context of the COVID pandemic must also be mentioned, to which individual components of the criminal justice system also responded. There was a significant decrease in the number of prosecuted, charged and convicted individuals and a certain decrease in the number of prosecuted and charged legal entities in 2020. In terms of the structure of imposed sanctions, the increasing trend in the use of financial penalties as the main sanction and the decreasing use of suspended prison sentences continued. There was no a wider application of house arrest in 2020. A relatively significant decrease in the number of prisoners can be seen in a positive light. However, we still have a very high number of prisoners per 100,000 of the national population compared to other European countries. Furthermore, it can be concluded that this decrease was primarily due to the decrease in registered crime and related decrease in the number of convicted individuals. Other factors relating to the way in which the current, high-risk situation has been addressed in the context of criminal justice - i.e. preventing the spread of COVID in prisons by postponing prison sentences or the use of parole - must be taken into account. It cannot therefore be assumed that this is a significant change in sanctions policy that will lead to a substantial reduction in the number of prisoners in the future. On the other hand, the decriminalisation mentioned above should have a more pronounced impact in the future than in 2020, as it is also linked to depenalisation in cases of serious forms of property and economic crime, where sanctions are based on the amount of damage caused, which should also be reflected in the length of imposed prison sentences.

The fourth chapter focuses on the way the media, especially television, reports on crime and criminal policy. This is based on the findings of a study conducted by the Institute of Criminology and Social Prevention. Reports relating to crime, criminality or security in general make up more than one fifth of television news coverage. Crime reports most often report about specific cases immediately or shortly after they are committed or detected. It was

confirmed that the largest share of crime reports is information on violent crime. Violent crime was the subject of more than one quarter of all crime reports on television news.

The media representation of crime also gives direct rise to the media representation of punishment/sanctions. When analysing the media representation of criminal sanctions, it should be taken into account that the information on sanctions in crime reports is only hypothetical, as only one tenth of crime reports covers a crime at the final or interim judgement stage. Some kind of punishment/sanction is mentioned in about one third (33%) of all crime-related reports. In the vast majority of cases, this is an unconditional prison sentence. If we compare the structure of sanctions represented in the media with actually imposed sanctions like the types of crime, the proportion of unconditional prison sentences is five times higher than those actually imposed.

These basic characteristics of the coverage of crime in the media must be taken into account when interpreting public opinion polls on crime. The media are the primary source of information on these topics for the general public and media content is often used as an argument in discussions about safety, crime and punishment.

The fifth chapter is traditionally devoted to juvenile crime and juvenile sanctions policy. From a statistical perspective, it can be concluded that crime among adolescents under the age of 18 continues to decrease year on year. However, the impact of the pandemic must be taken into account, as the decline in 2020 may be coincidentally affected by the public's fear of contagion and the hampered ability of criminal justice authorities to take action. The coming years will show whether the decrease in juvenile crime has deeper causes. In any case, there was a decline in prosecuted, charged and convicted individuals in this age category in 2020. However, the proportion of diversions with restorative elements did not change significantly. In the case of main sanctions imposed by the court, there were no significant changes compared to the previous year. The trend in the increased use of financial sanctions was not reflected among juveniles. A certain, albeit not very significant increase in unconditional prison sentences and an increase in the number of jailed juveniles is worth noting.

In terms of corrective/educational measures, the situation here has not changed much either; the decline in absolute numbers can be seen in the context of a general decline in juveniles in the criminal justice system. In addition to general problems with their application, the lower proportion of certain corrective/educational measures in 2020 can also be attributed to the impact of the pandemic or the more difficult conditions for their implementation due to anti-epidemiological measures.

An extensive new chapter on economic crime covers several areas in relative detail. The Supreme Public Prosecutor's Office acquaints readers with developments relating to the protection of the European Union's financial interests under criminal law and pecuniary sanctions for the perpetrators of economic and financial crime. The section prepared from the perspective of the High Public Prosecutor's Office in Olomouc examines long-term trends in economic crime, the development of the substantive jurisdiction of high public prosecutor's offices, the trend in the crime rate, as well as developments in the high public prosecutor's offices' main areas of competence (banking, tax crime, corruption, etc.) and relevant procedural institutes. And the contribution by the High Public Prosecutor's Office in Prague mainly deals with developments in procedural prerequisites for detecting, investigating and proving serious economic and financial crime, examining specific areas of this criminal activity (tax crime, public procurement and subsidies, corruption, etc., and provides insight into certain specific cases).

All three contributions combine to provide a vivid picture of recent developments in serious economic and financial crime, as well as developments in criminal policy and the relevant legal instruments that have been adopted and are applied against these offences.

The specific situation in 2020 led to the inclusion of a seventh chapter in our annual analysis dealing with the impact of the COVID-19 pandemic on trends in criminality and on the activities of the justice system, prison service and other state and non-state organisations and institutions. The chapter is based on existing domestic and foreign sources, as well as interviews conducted with employees of these organisations.

The findings on the impact of the pandemic in the Czech Republic more or less confirm the situation and developments in Europe. It is interesting that, despite the overall decline, the structure of crime has remained essentially the same in terms of the proportion of individual types of crime. A progressive increase in crime committed in cyberspace was noted, which, although consistent with the trend in recent years, appears to have been stimulated by the impact of the pandemic and containment measures. The drug market showed considerable resistance to the effects of restrictive measures. A need arose in the justice system to correct formal provisions of the Criminal Code (declaration of a state of emergency) with a material corrective, to which the Supreme Court responded in its case law.

In general, a return to the pre-pandemic situation is expected once restrictive measures have been lifted according to the interviewed practitioners. However, some impacts may only manifest over time, for example in relation to various support and subsidy programmes or rather their misuse in terms of economic crime, and in particular, in case of children and

adolescents, where a significant negative psychological impact has been observed on this population group.

The pandemic has also exposed weaknesses in the ability and capability to respond to this emergency. In particular, the unpreparedness of the social work system for a crisis situation and the insufficient capacity of facilities caring for children and adolescents experiencing psychological problems.

A new eighth chapter on cybercrime has also been added. Cybercrime can be viewed through both the prism of computer crime (Section 230–232 of the Criminal Code) or as broader activity taking place through or in relation to information and communication technologies.

The growing number of users, devices and range of activities corresponds to the slight, but steady increase in cybercrime in recent years, increasing to 1,287 offences registered in 2020 (with a 9% share of juveniles and 21% repeat offenders). Similarly, the number of offenders convicted of certain cybercrimes is also increasing (119 in 2020).

However, information on cybercrime is distorted to some extent not only by its overlap beyond cybercrime, but also by its considerable latency. In 2020, the ICSP conducted an extensive questionnaire survey of a representative sample of the Czech internet population, according to which the degree of latency of the studied phenomena was in the order of 74–99%. Unauthorised access to employee emails and internet banking had the lowest latency, while phishing had the highest. It should be noted that individuals often resolved attacks on their own and that the hacker and victim were often in a relationship or related.

The survey also provided more detailed information about, among other things, respondents' experience with ransomware and phishing in 2020. It showed differences between respondents with university and secondary school education, differences based on age and, in particular, differences based on gender. Men seem to be better able to detect and prevent phishing and ransomware attacks, whereas women were more likely to succumb to them, but were more responsible in dealing with them.

The ninth chapter on extremism and prejudicial crime is also based on ICSP research. It points out the problematic nature of the term "extremism", even in professional literature. A unifying definition of extremist behaviour is lacking. Extremist behaviour can be based on a variety of ideological premises; there is right-wing extremism, left-wing extremism, religious extremism (often most recently in connection to Islamist groups) and environmental extremism. This chapter therefore presents the definition of extremism used by the Czech Ministry of the Interior in its conceptual work since the early 1990s.

However, it's clear that monitoring, reporting and comparing the level of such motivated crime is extremely difficult. The chapter further provides a systematic breakdown of crimes motivated by extremism or hatred and gives a brief overview of the development of legislation in the Czech Republic on the issue of extremist/hate crimes. It then specifically deals with hate crime or crimes motivated by prejudiced hatred (collective prejudiced motivation).

Police statistics include such acts with a subtext of hatred, flagged as extremism in selected tactical-statistical classifications.

In total, 165,525 crimes were committed in the Czech Republic in 2020. Hate crimes accounted for 0.09% of this figure. In 2020, 134 hate crimes were detected by the Police of the Czech Republic. Year-on-year, there was a decrease of 36 detected hate crimes.

It is said that crime with extremist and prejudicial motivation is a complex phenomenon that is difficult to grasp by definition and interpretively, as well as statistically. Proving intent and motivation by hate is difficult for criminal justice authorities, so a different qualification is sometimes used. Although individual statistics show different figures, the fact remains that such motivated crimes are in the minority in terms of overall crime. Annually, they represent approximately 0.8 percent of the total crime rate in the Czech Republic. At the same time, however, this is very dangerous behaviour for a social atmosphere and for public trust in the state. The victims of these crimes bear complex and long-term consequences of their victimisation.

The tenth chapter traditionally examines the trend in crime by foreign nationals in the Czech Republic. For some time now, the share of foreign nationals involved in committed crimes has been slightly higher than the share of foreign nationals with permanent and long-term residence of the total population of the Czech Republic. However, the share of foreign nationals of the population of the Czech Republic is higher on a daily basis due to short-term stays, tourism, etc., than the share of foreign nationals living here permanently and long-term, despite the fact that short-term stays by foreign nationals have been significantly reduced in the Czech Republic as a result of the measures taken to contain the pandemic. Nevertheless, the number of detected cases of illegal migration increased in 2020. This mainly involved the detection of illegal stays, predominantly by citizens of Ukraine, Moldova and Vietnam.

The share of foreign nationals involved in the number of criminal offences has not exceeded 7% for a long time, which also applied in relation to the proportion of known and prosecuted offenders. The proportion of foreign nationals involved in the number of offences increased to 8.7% in 2019 and the proportion of prosecuted individuals rose to 9.4%. This

proportion fell in 2020, both in the number of offences to 8.1% and the number of prosecuted individuals to 8.4%. The structure of detected crime has been relatively stable over the long term, but the proportion of residual crime increased in 2020.

Citizens of a large number of countries from all over the world are represented among known offenders, convicted and imprisoned individuals, but only the citizens of a few countries are represented in higher numbers. These are mainly citizens of Slovakia and Ukraine; to a lesser extent, citizens of Poland, Bulgaria, Romania and Moldova. The number of prosecuted Vietnamese citizens is slowly declining, but their number remains higher among foreign nationals in prison. Illegal migration does not contribute significantly to registered crime.

According to police statistics, foreign nationals in 2020 were most often prosecuted for being under the influence of addictive substances, obstructing the execution of a decision by the court or other public authority, careless driving accidents and simple theft. Intentional bodily harm, neglecting mandatory support and forgery and alteration of a public document also appeared in higher numbers. Drug-related crime, which is the most frequent reason for foreign nationals being sentenced to unconditional prison sentences, was also more prevalent.

Citizens of Ukraine, Slovakia and Vietnam were the most represented in the execution of unconditional prison sentences. The proportion of foreign nationals in custody significantly exceeded the proportion of those serving prison sentences. Foreign nationals serving unconditional prison sentences tend to serve higher sentences.

The publication concludes with the eleventh chapter, which again traditionally presents the results of expert opinions on the development of organised crime in the Czech Republic. An expert survey is conducted each year as part of research on organised crime, addressing police officers - employees of special units of the Police of the Czech Republic and, since 2012, employees of the General Directorate of Customs and the Customs Directorate in Prague. The survey was conducted for the twenty-ninth time in 2021.

Experts' opinions on the development of organised crime in the Czech Republic more or less confirmed current trends. The degree of organisation of criminal groups has decreased slightly according to experts, which may be reflected in the estimated increase in the number of outsiders. The share of women decreased slightly, while the ratio of Czechs to foreign nationals shifted towards a higher representation of Czechs. Foreign nationals from four countries remained dominant as the four most widely represented nationalities (Vietnam, Ukraine, Russia, Albania/Kosovo), as has been the case for several years. It is worth noting the continuing decline in the numbers of Chinese and foreign

nationals from Western European countries. Money laundering or the legalisation of profits from crime and the misuse of EU funds rose in the ranking of the most widespread activities. Illegal trade in medicines and pharmaceuticals emerged, which could be partly explained by the situation with the pandemic. In addition to drug production and trafficking, activities in the field of economic crime clearly led the way. Questions aimed at determining the degree to which bribery/corruption is used showed that most experts believe the level of corruption used by organised crime is relatively stable, with efforts at corruption primarily aimed at making a profit. In addition to this, other corruption activities are designed to secure influence in state administration and the political sphere and, subsequently, against criminal justice authorities. Overall, it will be important to see if there are any evident changes in observed trends compared to the results in 2020 once the impact of the pandemic and anti-pandemic measures has passed. It can be hypothesised that anti-pandemic measures may have been reflected in the declining representation of foreign nationals and the lower number of fully organised groups.

This chapter is supplemented by a separate expert perspective on current trends in drug crime.

Translated by: Presto