

# OFFICIAL JUVENILE JUSTICE RECORDS OF DELINQUENCY IN ADOLESCENCE – AN OVERVIEW OF THE STRUCTURE AND CODING OF THE RIS-2 DATA IN Z-PROSO

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# CONTENT

- I. RIS-2 Data Acquisition
- II. Swiss/Zurich Juvenile Law System – short Introduction
- III. Structure of the Data
- IV. Offenders & Offenses – first Descriptives
- V. Questions & future Research

# I. RIS-2 DATA AQUISITION

- **RIS** = Legal Information System („Rechtsinformationssystem“)
- 2015 (Wave 7): **consent/no consent** to give access to the RIS-files
  - ~98% consented, ~2 % gave no consent (n = 32)
- 2017: **data collection** from the Swiss Juvenile Prosecution Office
- **Files:**
  - Convictions, police reports, letters addressed to the participant regarding a case, etc.
  - Documents varied per participant
  - Possible roles included: **suspect**, victim (and not e.g. witnesses)

## II. SWISS/ZURICH JUVENILE LAW SYSTEM – SHORT INTRODUCTION

- Criminal Code vs. Juvenile Criminal Code (independent law since 2007)
- JStG = **Juvenile Criminal Code** → Substantive Law
- JStPO = **Juvenile Code of Criminal Procedure** → Procedural Law
- Both apply **nationwide**, all Cantons (26 member states)
  
- „lex specialis“ – these laws have priority for the specific offender population of juveniles compared to the general (adult) Criminal Code
- **ages 10 – (including) 17**
- Criminal responsibility starting at the age of 10



See Aebersold, P. (2017)

## II. SWISS/ZURICH JUVENILE LAW SYSTEM – SHORT INTRODUCTION

### ■ Principles of the JStG:

- Focus on the **offender** (less on the offense) and the origin of the delinquent behavior
- Aim to protect and educate the offending juvenile: two-path system of sanctions

### Penalties | Measures (of protection)

### ■ What can be sanctioned?

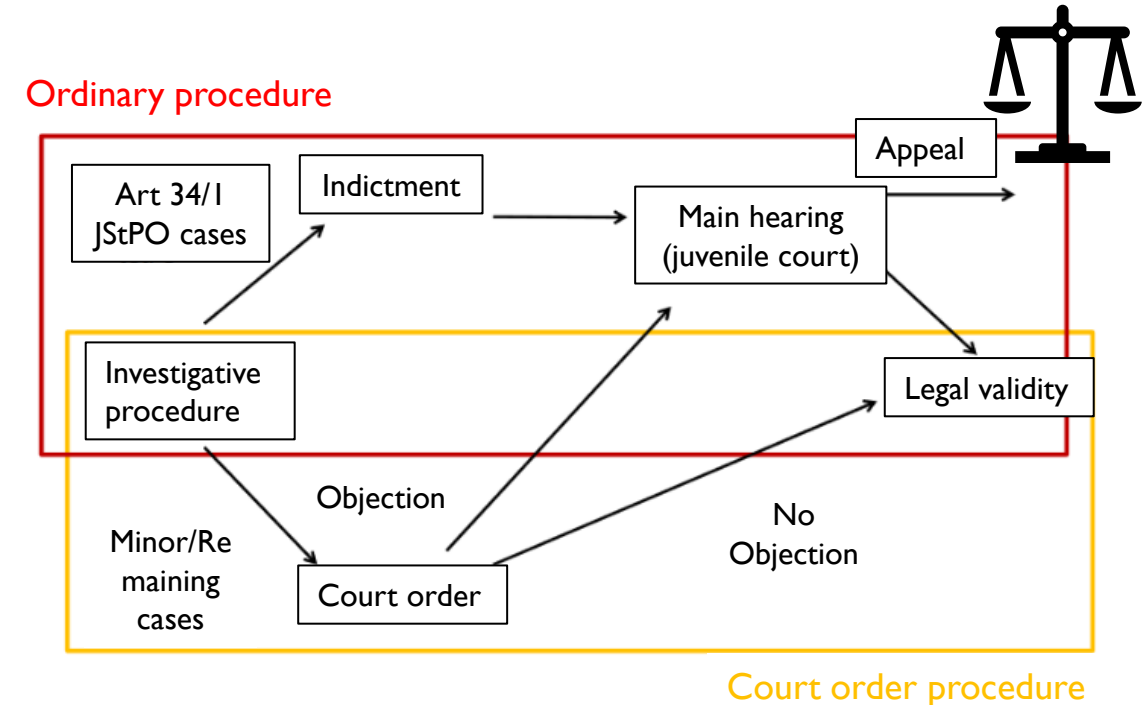
- In theory: every offense in the Adult Criminal Code (StGB) & other Codes in the different cantons
- E.g. narcotics law (BetmG), traffic regulations (SVG)

- **Principle Residence:** Prosecution is held where juvenile is resident (e.g. Zurich) („Wohnortsprinzip“)



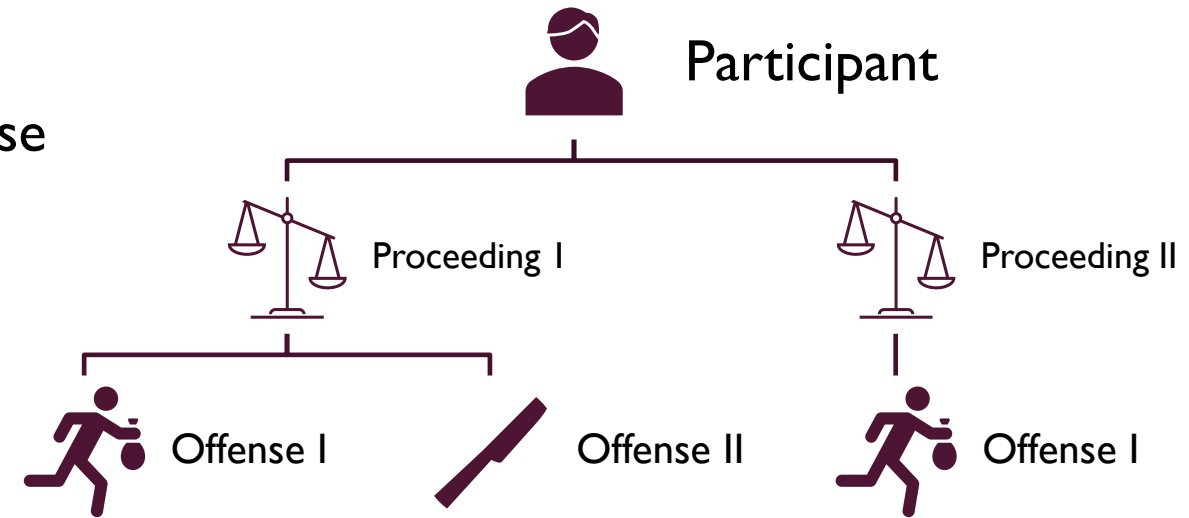
## II. SWISS/ZURICH JUVENILE LAW SYSTEM – SHORT INTRODUCTION

- Institutions of juvenile law in **Zurich**:
  - **Juvenile Prosecutors Model** („Jugendanwaltmodell“)
  - Power of Juvenile Prosecution: investigative AND legal tasks
  - In case of a minor offense (majority of cases): issuing a „court order“, without going to court
  - In case of a major offense: charge goes to juvenile court, juvenile prosecution takes role of charge in court



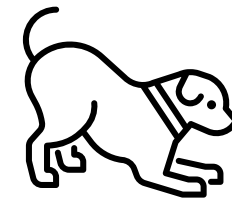
### III. STRUCTURE OF THE DATA

- Each participant with record of at least one offense has a file
  - Per participant with a record (possibly):
    - Multiple **proceedings** (“Geschäfte”)
    - Multiple **offenses** (“Taten”)
- Two-level structure of the data: possible to have multiple different offenses in one proceeding



### III. STRUCTURE OF THE DATA

- Coding-System:
  - Reducing the variables (combine and simplify) on every level
  - New system covers offenses and different kinds of completions
- Still complex:
  - includes 16 different Laws (e.g. Criminal Code, Explosives Law, Narcotics Law ...)
  - 62 different detailed offense types appear in sample – some with clear categories
    - E.g. multiple kinds of **violent offenses**: physical injuries, attack, threatening, brawling ...
    - Some offenses **without a clear category**: e.g. not handling your dog appropriately





## IV. OFFENDERS & OFFENSES – FIRST DESCRIPTIVES

- Of the original sample (n = 1675) ...

RIS-status	n	%
No participation (w7)	369	22%
No consent	32	2%
Consent, no hit	878	52%
Consent, hit	267	16%
Consent, hit, only victim or adult case	129	8%



### Consent vs. No consent:

Consenting: (n = 1274)

- 640 males, 634 females



No consent: (n = 32)

- 19 males, 13 females



### Only adult cases vs. Not:

(only) adult offenders: (n= 26)

- 19 males, 7 females

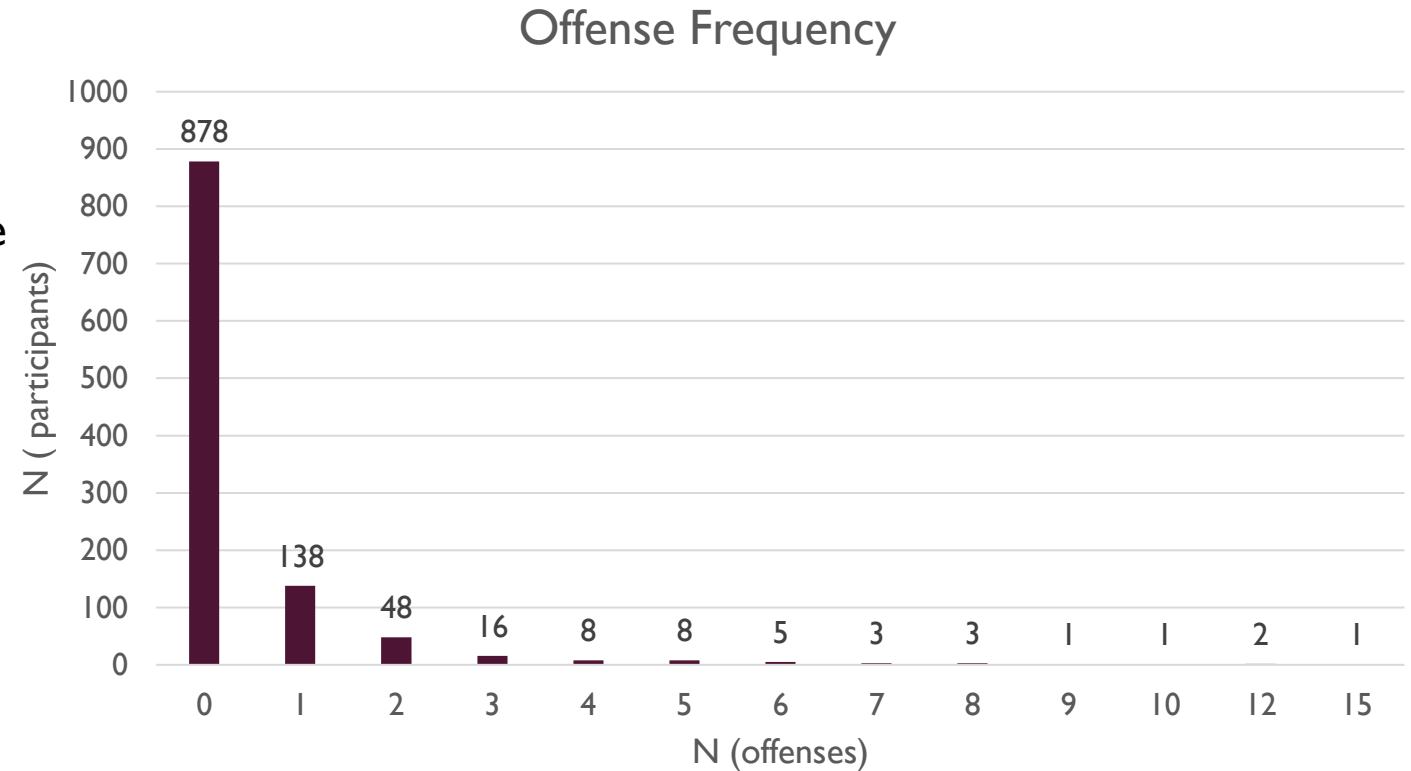
(min 1 time) juvenile offenders: (n = 267)

- 179 males, 88 females

## IV. OFFENDERS & OFFENSES – FIRST DESCRIPTIVES

### Level 1 (proceedings) & Level 2 (offenses)

- 420 Juvenile Law proceedings & during these proceedings: 483 offenses
- **Distribution of offense frequency** →
- Very skewed as to expect!



## IV. OFFENDERS & OFFENSES – FIRST DESCRIPTIVES

Let's zoom in on the offenses in question ...



**“Top 5” of detailed offenses (in order):**

Offense (detailed)	n	%
Fare dodging	103	21,3%
Drug consumption	97	20,1%
Theft	73	15,1%
Property damage	26	5,4%
Robbery	20	4,1%

### In general:

Almost no recorded “serious” offenses in sample for Juvenile Law cases – **mostly minor** recorded offenses!

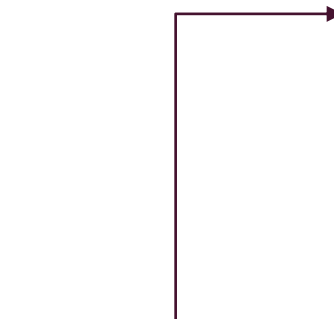
- No murder or manslaughter
- One case of rape & two cases of sexual coercion

## IV. OFFENDERS & OFFENSES – FIRST DESCRIPTIVES

62 different detailed offense-types in total – attempt to categorize them for a better overview:

(see common categories like in Farrington et al. (2003))

Offense (Category)	n	%
Property	134	27,7%
Drug	107	22,2%
Aggressive/Violent	70	14,5%
Other	172	35,6%
	483	100%



Category: Other	n	%
Fare	103	21,3%
Traffic	38	7,9%
Offense against state authority	26	5,4%
Other	5	1%

## IV. OFFENDERS & OFFENSES – FIRST DESCRIPTIVES

In case of minor offenses: Possibility of settling charges in written form only

### Possible completions (for proceedings) in the Juvenile Criminal Code (JStG):

- **No penalty/measure:** e.g. Abandonment of charges (due to withdrawal, action devoid of purpose, etc.), Discontinuation ...

#### **Penalties:**

- Rebuke (Art. 22)
- Personal service (e.g. community hours) (Art. 23)
- Fine (Art. 24)
- Imprisonment (Art. 25-31)

#### **(protective) Measures (additional or w/o a penalty)**

- Supervision (Art. 12)
- Supervision (with possibility of restricting parental care) (Art. 13)
- Ambulant care (Art. 14)
- Stationary care (Art. 15, 16)

## IV. OFFENDERS & OFFENSES – FIRST DESCRIPTIVES

Completions for the 420 juvenile proceedings in the sample:

(Missing information for 14 proceedings (for penalties) and for 13 proceedings (for measures))

Penalty	n	%
No penalty (e.g. discontinuation)	78	19,2%
Rebuke	198	48,8%
Personal Service	88	21,7%
Fine	36	8,9%
Imprisonment (<1 year)	6	1,4%
	<b>406</b>	<b>100%</b>

### Protective measures:

- Majority got no measure (400 proceedings without a measure)
- Rest (n=7) is a mix of Supervision, Ambulant care & stationary care

## V. QUESTIONS & FUTURE RESEARCH

### Conclusion:

- **Consent** was very high
- Majority of offenders have only **one record**
- Most official records in the sample cover **only minor offenses** (e.g. fare dodging, traffic ...)
- Concordant: most proceedings are completed with a **rebuke**

### Limitations/what to keep in mind when working with the data:

- Having an official record does not equal “being guilty”
- Laws/Codes and procedures can change over time – always keep in mind the time-sensitive context of these files

## V. QUESTIONS & FUTURE RESEARCH

### Research question & Plans for a first analysis:

- Plans for my Master thesis (M.Sc.), currently in progress:

#### **How does self-reported delinquency correspond with the official records?**

- Plan to investigate the relationship of **both operationalizations of delinquency** in adolescents: SR and OR
- How are different socioeconomic, behavioral & psychological variables associated with SR and OR of delinquency?

Gender | Migration Background | Unstructured Socializing | Moral Neutralization | Self-Control



# LITERATURE

## Main sources:

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Farrington, D. P., Jolliffe, D., Hawkins, J. D., Catalan, R. F., Hill, K. G., & Kosterman, R. (2003). Comparing Delinquency Careers in Court Records and Self-Reports. *Criminology*, 41(3).

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