

English summary

The sanction system for young offenders

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A recurrent theme in the crime policy debate is that of the way society should respond to the delinquency of young offenders. To what degree should the sanction system be the same as that applied to adults, for example?

The possibilities for diverting offenders away from the criminal courts, by issuing cautions, for example, have traditionally been greater for young offenders than for adults.

Since 1965, the societal response to young offending has been regulated primarily by the Act (1964:167) containing specific provisions for young offenders (LUL). Over the past two decades, a number of reforms to this law have been passed. Amongst other things, these reforms have been intended to make the sanction system applied to young offenders more like that applied to adults. More weight is to be given to previous offences committed by the individual in question, for example, when deciding on the sanction for the current offence. This is stated in the preamble to the reforms of 1988 and 1995.

What have been the effects of reforms to the sanction system for young offenders?

The aim of this report is to describe developments in the sanction system over the past two decades, and in particular to highlight the effects of reforms to

the LUL. The consequences of changes relating to the issuing of prosecutorial cautions are the subject of particular scrutiny. The report also describes the way cases connected with young offenders are processed by the police and the prosecution service in general, how common it is for young offenders to be taken to court, and the sanctions commonly adjudicated by the courts. In this report, the terms young offenders, young persons and youths refer to persons aged fifteen to seventeen years.

The empirical material comprises all convictions relating to young offenders during the period from 1980 to 1998. The term conviction refers to a person receiving a court sentence, or accepting a fine issued by the prosecutor, or being issued with a prosecutorial caution in connection with a criminal offence. The latter two types of conviction involve a prosecutor concluding a case either by issuing a fine or by registering the youth as guilty of the offence without taking any further legal action (here referred to as "cautioning"). In order to describe the processing of cases concerning young offenders by police and prosecutors, all the completed crime investigations carried out by the police in conjunction with the prosecution service during the years 1993 to 1998 have been collected from four districts (Uppsala, Karlstad, Norrköping and Malmo).

Over half the convictions of young persons are connected with theft offences such as shoplifting, car-theft, burglary and other forms of theft. The number of youths suspected and convicted of assault and threatening behaviour has increased, however, during the period covered by the study. In 1980, four per cent of all convictions related to assaults or threatening behaviour. In 1998 the corresponding figure was fifteen per cent. During the study period, the number of convictions relating to shoplifting offences has also increased.

A survey of the crime investigation reports from the four districts shows firstly that the time taken to process the cases of young offenders has been reduced from an average of 40 days in 1993 to 25 days in 1998. Secondly, the survey indicates that it has become more common for the young person's legal guardians and the social services to assist at police interview. These changes can probably be ascribed to the reform to juvenile criminal procedure of 1995.

A large proportion of all convictions of young offenders take the form of prosecutorial fines (40-50 per cent) or cautions (30-40 per cent). Since the mid-1980s, however, the evolution of the sanction system has been characterised by a reduction in the number of cautions issued to young offenders. This reduction is visible both for youths with previous convictions and for those without, and irrespective of whether the young persons in question are boys or girls, or Swedish born or immigrants. In 1985, 50 per cent of all young offenders were convicted by means of the issuing of a prosecutorial caution, irrespective of levels of previous convictions. In 1998, the corresponding figure was 30 per cent for those with no previous convictions, and 20 per cent for those who had been convicted prior to the current offence. This reduction can be seen across the majority of offence categories. The offence investigation material indicates, however, that the proportion of cautions varies between different districts. In 1998, for example, cautions were issued in a signifi-

cantly higher proportion of cases concerning young offenders in Malmo, than in Uppsala.

The consequences of the changes in the LUL made in 1988 and 1995 have been that the proportion of cautions issued to young offenders has diminished. At the same time a clear increase is visible in the proportion of juvenile cases going to court. It is unlikely, however that this increase in court adjudications and the corresponding reduction in cautions are exclusively the result of the reforms to the LUL. These changes are also likely to be connected to the increase in the number of cases where juveniles are suspected of crimes against the person (above all assault and threatening behaviour). The increased proportion of cases going to court is probably to some extent also a reflection of a shift in attitudes towards young offending in general.

The most common sanctions adjudicated by courts in cases relating to young offenders are fines and surrender into the care of the social services. During the 1990s it is primarily sentences surrendering young offenders into the care of the social services that have increased dramatically. This is probably a consequence of the fall in the number of cautions and the consequent increase in the number of juvenile cases reaching the courts. In addition, the levels of co-operation between the social services and prosecutors have probably increased. A further important explanatory factor is that the numbers of the youngest offenders, i.e. those aged fifteen, coming before the courts have increased. In 1985 approximately a quarter of the 270 or so fifteen-year-olds receiving court sentences were surrendered into the care of the social services. In 1998, just over 1100 fifteen-year-olds received court sentences and of these, 44 per cent were surrendered into the care of the social services.