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Juvenile crimes in Austria and Sweden

Challenges of and policies for tackling youth crime



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Fuelled by media reports of high-profile cases, youth crime has become a particularly high priority issue in the current public debate. Stories about gangs or individual criminals who show increasingly violent and delinquent behaviour at school, towards homeless people, foreigners, and minority groups feature more and more often in newspaper headlines. According to national crime statistics, young people are one of society's most criminally active age group. Most offenses committed by children, teenagers and young adults are property crimes. However, young people are also at risk of becoming the victims of theft, robbery, extortion and coercion. The perpetrators are mostly members of the same age group, often the victims' classmates or acquaintances. These perpetrator-victim relationships are most common among boys and young men, despite the slightly increasing crime rate among girls and young women. As official crime statistics suggest, there are other contributing factors such as social background. The police and judicial system alone are unable to solve the problem, especially since criminal tendencies are often associated with family background, and are strengthened through group dynamics at school. For this reason, an active cooperation between the parents, school authorities, security agencies, and young people themselves is required to tackle youth crime and make the necessary prevention effective.

A comparison of two European countries – Austria and Sweden – demonstrates the challenges faced by judicial systems, and the measures taken to address these challenges.

During their childhood and adolescence, young people are confronted with violence both in their immediate social environment (e.g. in the family or neighbourhood) as well as the public and semi-public space (e.g. at school, youth recreation facilities, sports facilities). Surveys show that in the private social circle, children and young people are mostly victims of violence with adults as the perpetrators, whereas in the

public space, children and young people are both the victims and the perpetrators of violent and criminal behaviour.

When comparing various European countries, experts often regard Sweden as a political role model, whereas Austria does not feature prominently in the public debate. This is interesting as both countries have relatively high juvenile delinquency rates, and are forced to put preventive measures into place.

Although according to the public debate, the youth crime rate is increasing, it is impossible to determine the actual figures accurately. In addition, unreported crimes

Source: Potkanski

in the Austrian and Swedish crime statistics and the structural differences in the age, sex, and social background of the delinquents make an evaluative comparison between the two countries very difficult (Dähne 2008, 3).

GENERAL STATISTICS ON YOUTH CRIME

Austria

In the 10–14 year age group, the number of identified perpetrators has been steadily increasing over the past six years from 22 in 2004 to 55 in 2009. A rise in the number of suspects in the 14–19 year age group, from 412 in 2004 to 571 in 2009, has also been registered according to the statistics of the Austrian Federal Criminal Police Office. At the same time, official figures show that in 2010 the juvenile crime rate decreased in some areas by 11.4 per cent compared to 2009 (Statistik Austria 2011). A closer look at the statistics reveals that since 1980, property crimes have been the most common type of youth offence, while sexual crimes occurred relatively rarely among young people, and the number of crimes committed has also declined over the years. The number of property crimes in particular has decreased steadily since the 1980s. A slight increase can be noted starting from 2005, followed by another decline in 2008. Similar fluctuations can be observed between the 1980s and the present day in crimes against life and limb (violent crimes). A slight decline in number of violent crimes beginning in the 1990s was followed by a steady rise beginning in 2005 (see figure 1).

A detailed look at the group of juvenile delinquents shows that boys and young men are clearly over-represented. This tendency appears to have been changing since 1996 with the number of delinquent girls and young women steadily increasing

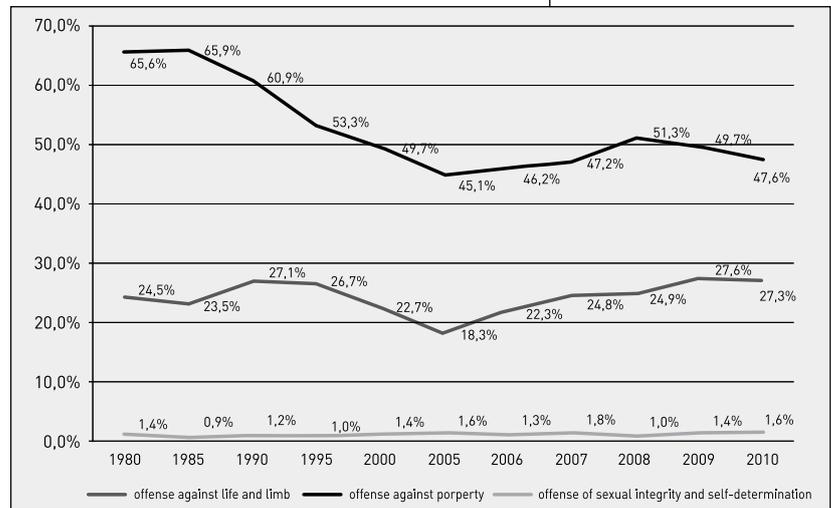


Figure 1: Proportion of the total number of teenage convictions¹

(see figure 2). Today, the proportion of juvenile male and female suspects in criminal records is almost identical, although male offenders continue to dominate slightly (Bruckmüller et al. 2010, 47). The distribution of the types of offence committed by the male and female perpetrators is equally interesting: whereas violent and property crimes are slightly increasing in general, girls and young women demonstrate a different behaviour regarding violent crimes and drug offences. The proportion of females suspected of violent crimes increased continuously from 13 per cent in 1980 to 21 per cent in 2005, whereas

Source: Potkanski

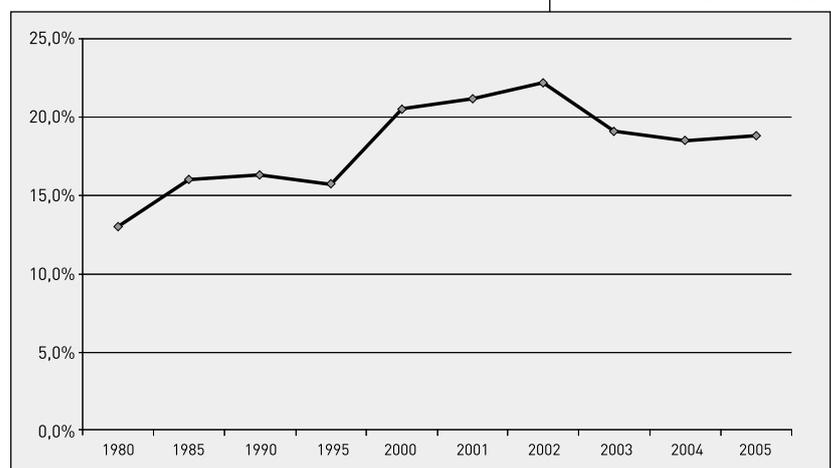


Figure 2: Proportion of females among juvenile suspects 1980-2005

Source: Potkanski

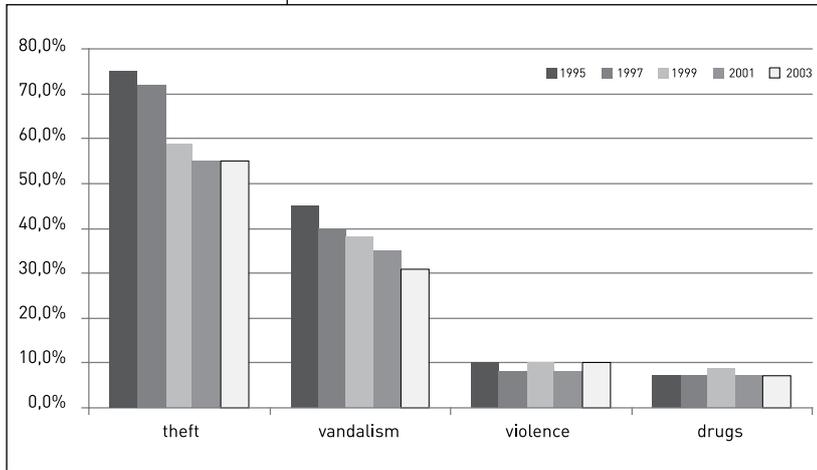


Figure 3: Proportion (per cent) of young people (15 to 17-year-olds) claiming to have committed a crime in the previous 12 months

the proportion of the juvenile suspects of drug offences decreased from almost 50 per cent in the mid-1980s to 23 per cent (Bruckmüller et al. 2010, 48).

Sweden

Although information on criminal suspects is available in official Swedish statistics, the data offers only a limited picture of youth crime in Sweden. Commonly discussed methodological problems include under- and over-reporting of different behaviours, as well as failure to report a considerable number of crimes.

Source: Potkanski

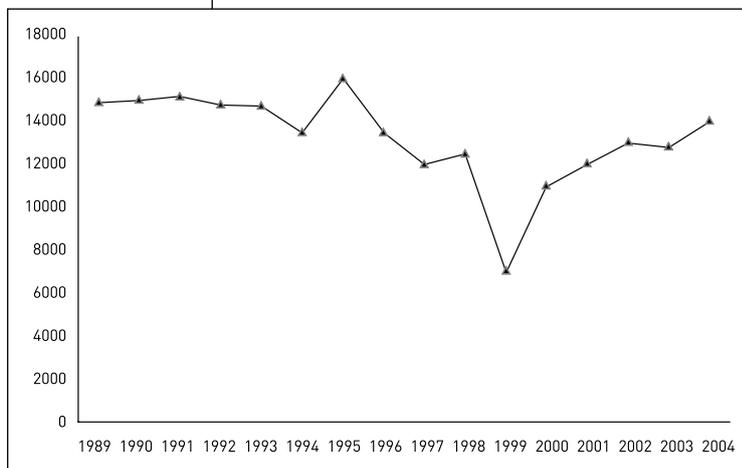


Figure 4: Number of persons aged 15 to 17 suspected of crimes committed during the years 1989 to 2004

The Swedish National Council (Brottsförebyggande rådet [Brå]) carries out periodic, nation-wide representative school surveys among students in form nine. According to the findings of the most recent studies, more than half of the young people interviewed admit to having been engaged in some sort of criminal activity at some point in recent years (Brå 2006), most commonly theft-related crimes (see figure 3). Other common crimes include acts of vandalism such as graffiti, with a fifth of the respondents admitting to doing graffiti and destroying property and two per cent to having stolen a car during the previous year (Brå 2006).

In addition, official statistics show that the total number of suspects aged 15 to 17 was more or less the same in 2004 as around 1990 (Brå 2006), albeit with fluctuations: a slightly downward trend in the number of young people suspected of acquisitive crime can be observed, while the level remains constant for those suspected of violent crimes (see figure 4).

While the number of young suspects in the 18–24 age group has remained relatively stable since 1980, the 15–17 age group has witnessed a remarkable increase in the last decade reaching an all-time high in 2008 (Haverkamp 2010, 1332). The most common offence was theft: in 2008, 36 per cent of all Swedish juveniles were suspected of having committed it. Other relatively commonly occurring types of offences included robbery (usually against victims under the age of 18), graffiti (in public transport), burglary (in schools), perjury, false accusation, and moped theft (Haverkamp 2010, 1332–1333) (see figure 5 – page 63).

Gender comparisons reveal an over-representation of male offenders among juvenile suspects. Every fifth suspect in all age groups tends to be female, and their proportion is the highest in the 15–17 year

Source: Haverkamp 2010

age group. Compared to 2007, the proportion of male suspects and the number of female suspects increased in 2008 by about 7 per cent and by 9 per cent, respectively. The greatest increase can be observed in the group of young suspects aged 18 to 20 (a 13 per cent increase compared to 2007) and 21 to 24 (a 13 per cent increase compared to 2007). (Haverkamp 2010, 1334) While the data provides no objective information about differences between male and female Swedish teenagers/young adults in terms of drug use, they indicate that young people with a high-risk lifestyle and high individual risk factors tend to show more delinquent behaviour (see figure 6).

PROFILE OF YOUTH OFFENDERS

Crimes regarded as typical 'youth crimes' include theft (particularly shoplifting, but also motorcycle theft and car break-ins, as well as breaking into unattended buildings), property damage, personal injury, robbery (including bag-snatching and other kinds of robbery on roads, trains, or in parks), and drug offenses (Lenz 2007, 2).

Experts distinguish between two types of juvenile offenders. Non-chronic youth offenders have no relevant criminal record and only a temporary criminal career. Their offenses can be classified as 'petty', and regarded as no more than tests of courage; their actions are motivated by a wish for recognition in their peer group or committed simply out of ignorance. Chronic offenders on the other hand have their paths mapped out by their social and family backgrounds. They often grow up in a climate of violence and have never learned to deal with conflicts by means other than aggressive behaviour. This group of criminal teenagers does not only include youth from low-income and educationally disadvantaged families, but also from seemingly good socio-economic backgrounds.

	2000		2005		2008	
	N	%	N	%	N	%
Property offences	13.241	28	11.688	29	14.846	32
Violent offences	6.579	27	4.968	26	8.539	29
Traffic offences	4.470	16	3.800	16	5.377	17
Drug offences	3.925	21	2.242	19	5.218	22
All offences	19.530	27	16.434	28	30.286	26

Figure 5: Juveniles aged 15 to 20 suspected of offences, by type of offense and in relation to all suspects of offences of this type

Source: Potkanski

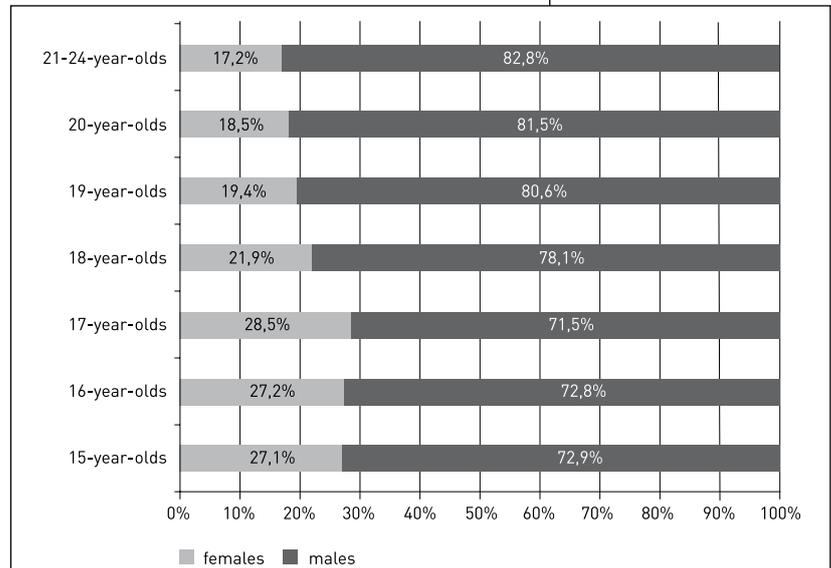


Figure 6: Young persons suspected of offences by sex and age (at the time of the offence), 2008

CAUSES OF YOUTH CRIME

Juvenile delinquency is a complex phenomenon that cannot be described using a single approach or explained by a single theory, which means there is no single solution to the problem.

Youth crime is always the result of a combination of several factors including social, personal, and societal rather than a single, general cause. One such factor contributing significantly to the development of youth violence is childhood home, where young people can receive support and affection, but also mental and physical abuse. Teenage years are a particularly difficult period for young people because this is when transition from childhood to adult-

hood takes place. They often wish to be treated as adults and try to achieve this by demonstrating the wrong behaviour.

As explained above, a distinction must be made between persistent and juvenile delinquency. Persistent delinquents show a continuity in antisocial behaviour throughout their entire life (Montada 2002, 864), while juvenile delinquency commonly occurs in the stage of life between adolescence and early adulthood (Montada 2002, 865). Juvenile delinquency mainly affects people with normal intelligence scores and no signs of previous pathological abnormalities. These young persons are often of average popularity in their peer group and in the middle of an adaptation process because of the aforementioned status problem. In addition, they must not be regarded as fundamentally 'antisocial' for they have the opportunity to escape delinquency through employment, partnerships and family, as well as interaction with non-delinquent peers (Montada 2002, 867). Naturally, re-socialization is not always possible, as the reason for continued delinquency may be drug addiction or the lack of employment opportunities, in particular poor training and lack of qualifications (Montada 2002, 867).

In contrast to juvenile delinquency, the causes of persistent delinquency date back to the earliest childhood. Often these antisocial patterns of pathological disorders are associated with conditions such as brain damage or attention disorders. Already in their infancy, these children demonstrate a variety of behavioural problems such as excessive crying and unstable daily rhythms. In many cases, they cannot be comforted, which may, in turn, result in incorrect behaviour on the part of their parents. These unfavourable factors can lead to the development of aggressive behaviour in children, who are then rejected by their environment (Montada 2002, 869).

THE SANCTIONING SYSTEMS FOR JUVENILE OFFENDERS

Austria

In Austria, criminal responsibility begins at the age of 14. Minors who have committed an offense cannot be prosecuted. Criminal acts committed by children younger than 14 years old are not punishable by the criminal courts but by welfare authorities through means of various appropriate measures. A preliminary investigation is conducted and the personal details are kept as evidence.

Teenagers aged between 14 and 18 years are not subject to the general criminal law for adults. The juvenile court provides rather specific standards which advert to the development stage of the delinquent teenager. In many cases judges with special knowledge, as well as lay judges with special expertise (teachers, educators, and experts in the field of child welfare) are involved. The central idea of juvenile justice is special prevention (with the objective of keeping the juvenile offenders from committing any further crimes). The moderate government response entails a very slight stigma effect (see Sadoghi 2010).

In Austria, a cascade-like system of sanctions is applied: the Juvenile Court Act (Jugendgerichtsgesetz 1988, JGG) regulates a number of possible responses to delinquent behaviour of young people without the sanctioning character of a trial (Sadoghi 2010):

- ▶ A juvenile is not punishable if he/she commits a crime (sanctioned by the law with a maximum prison sentence of up to three years) while under the age of 16 if his/her guilt does not weigh heavily and if, for specific reasons, the juvenile justice law is not required to be applied in order to prevent him/her from committing criminal acts in the future.
- ▶ The prosecutor has to terminate the investigation and refrain from the prose-

cution of crimes sanctioned with a fine or imprisonment of less than five years unless it appears necessary in order to prevent the defendant from committing further criminal acts. In this case, the prosecutor can instruct the family court to inform the defendant about the injustice of their act and its consequences.

- ▶ If a termination of the proceeding is out of the question but the fault of the juvenile does not weigh heavily and details of the situation are well understood, various measures such as fines, probation, community service and/or other form of offense resolution can be applied (diversion).

A formal criminal proceeding will be initiated against the juvenile defendant only after all the measures mentioned above have been taken, which then ends in a punishment to be executed (Sadoghi 2010):

- ▶ First, there is the possibility of conviction without penalty if only a lenient sentence would have been handed down and it can be assumed that the conviction alone is sufficient to prevent the offender from committing further acts of crime.
- ▶ If the defendant is found guilty, a probation period of three years will be imposed if it can be assumed that this penalty alone will prevent further crimes committed by the perpetrator. After the probation period has expired with no further offenses committed, no penalty will be imposed.
- ▶ The last consequence is a penalty which is imposed in reduced criminal sentences or in a trial.

Criminal proceedings against young people are marked by moderate treatment of the defendants, information requirements and procedures of the statutory authorities and representatives and special treatment in prison. The juvenile court is acting in support.

Sweden

The Swedish courts can impose several different sanctions and measures on juvenile offenders, such as fines, imprisonment, supervision, conditional sentence, and a referral to special care in particular cases (e.g. psychiatric care) (Haverkamp 2010, 1338). Furthermore, there are sanctions like closed youth care and referral to special care for juveniles in combination with youth care and youth service (Haverkamp 2010, 1338). According to the Swedish Criminal Code, sentences are mitigated for juveniles under the age of 21. A sentenced juvenile can be detained for a maximum of 10 years and a minimum of 14 days. In the case of very serious offences specified by the law, and if the law provides life imprisonment for adults, the maximum term can be extended to up to 14 years (Haverkamp 2010, 1338).

While both the Austrian and the Swedish systems provide penalties such as fines and imprisonment, the Swedish one has a few different and additional measures that do not exist in Austria, such as:

- ▶ A conditional sentence (*villkorlig dom*), which is a court warning that entails a two year period of unsupervised probation (Haverkamp 2010, 1338). While conditional sentences can be supplemented with a fine, the law bears no provision for the conditional suspension of prison sentences on probation. However, it can be ordered as an alternative measure to prison sentences in combination with community service.
- ▶ Supervision (*skyddstillsyn*), which is seen as a severe punishment, implies that the offender is placed on probation for a period of three years, during which the first year is spent under direct supervision by the Probation Service which is responsible for juveniles as well as for adults.
- ▶ Closed Youth Care was introduced 1999 with the intention to detain children and

teenagers separately from adults. It implies that a person (aged between 15 and 17 years at the time of the offence) is sentenced to a period of deprivation of liberty from 14 days and up to four years. The nature of the crime and not the need of treatment determine the length of the sanction. For very serious crimes, juveniles can also be sent to prison just like adult offenders.

- ▶ Since 2007, Youth Service is a standalone sanction which entails unpaid community service for between 20 and 150 hours combined with the order to attend a special programme. Youth service can be imposed on 18 to 20-year-olds but is rather more common for juveniles between 15 and 17 years.
- ▶ Youth Care comes into effect when a juvenile demonstrates a specific behaviour that requires special measures to prevent further negative social development. The Social Services are responsible for the evaluation of the juvenile's personal circumstances. In addition, the court can order a referral to be combined with day-fines (between 30 and 200 day-rates) or an injunction which requires the offender to pay for the damage (material damage or damage of property) (Haverkamp 2010, 1338–1341).

PREVENTION WORK IN JUVENILE JUSTICE IN AUSTRIA AND SWEDEN

Both in Austria and in Sweden, the court has a variety of options when dealing with convictions of juvenile offenders. Even though it is universally recognised that prevention is the best policy against crime, repression in the form of criminal law as discussed above cannot be ignored as an integral part of fighting delinquent behaviour and crime.

Both Austria and Sweden have implemented a number of projects to keep young

people from straying off the straight path. A description of three of these projects is given below.

Austria – “Linz Süd”

In the project “Linz Süd” (“Linz South”) by the City of Linz in Upper Austria, police officers attempt to establish close contact with young people in order to prevent crimes before they are committed. In some areas of the city, the situation of juvenile delinquency is particularly precarious, with highly elevated crime rates. Project “Linz Süd” is seeking new ways to combat youth gangs, and to fight off vandalism, burglaries, and theft.

Trained police officials work to establish a relationship of respect with young people in order to prevent crimes before they happen, while their colleagues on patrol focus on areas where young people tend to spend their time. According to the project managers, the situation has improved considerably since the project had been introduced in 2008.

Austria – “OUT – Die Außenseiter”

The nation-wide project “OUT – Die Außenseiter” (“OUT – The outsiders”) is a crime prevention programme for children and teenagers launched by the Austrian police in 2010, focusing on juveniles and preventive work against youth crime. Police officers work to enhance the legal awareness of young people by promoting a video about and providing information on the Austrian law at schools. The aim is to provide relevant legal information, to increase awareness and moral responsibility, as well as to encourage students to interact positively with each other in case of conflicts. Trained police officers visit schools (the target group is students attending form 7 and 8), followed by a screening and a discussion between the students and the police. In addition, the project also in-

volves a role-play in which a trial is acted out. The project is regarded as a successful way of helping teenagers understand the concept of justice.

Sweden – “Pilot project against juvenile crime”

“Pilot project against juvenile crime” is a recently launched Swedish project led by the social services and targeted primarily at approximately 5,000 young people aged 15 to 25 who are at risk of becoming criminals. Its main objectives are to prevent teenagers and young adults from moving on to more serious crime, to provide support to those who want to leave the criminal networks, and to lower the juvenile crime rate. The pilot project is being conducted in a minimum of six, and a maximum of twelve municipalities or districts.

The project was launched on 15 June 2011. The National Police Board (riks-

polisstyrelsen) was advised by the government to start the pilot activities under the direction of social services and work together to identify new methods of youth crime prevention. An example of the potential form of this cooperation is Stockholm, where social workers accompany police officers on Friday and Saturday nights, making it possible to reach young people who had previously eluded the social services.

Early prevention work must comprise various components and levels. On the levels of both the individuals and families, there is a pressing need for specific measures targeted at children and parents for whom the general arrangements do not suffice. Preventive work is being carried out at schools with the specific goal of reaching younger students, but also outside schools and in public spaces.

¹ From 1947 to 1988 and from 1 July 2001 to 2010 persons between the age of 14 and 17, and from 1989 to 30 June 2001 persons between the age of 14 and 18 were officially considered as teenagers. On 1 July 2001, the criminal age category “Young Adults” (18 to 20-years-old) was created.

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