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Violent crime of children under 15 years of age

Summary

The issue of crime of criminally irresponsible children, especially violent crime, is at the forefront of the interest of both professionals and the public. Often this is done under the influence of moral panic in connection with the fact that a criminally irresponsible child has committed a serious violent act. It is also quite common to see claims that there are negative changes in the forms of violent crime committed by these children, particularly in terms of increasing aggression and brutality.

The research, the results of which are presented in this publication, has focused on the issue of the development of violent crime among children under 15 years of age, including an attempt to verify the current forms of violent crime committed by these children. In particular, the focus was on the severity in the way this crime is committed and its changes over time. This is a part of the broader research on ‚Children under fifteen in the youth justice system‘, the overall results of which will be published in a separate publication, which deals with the treatment of children under 15 in the youth justice system.

In addition to an outline of the problems with the terminological definition of the concepts of aggression, violence, violent crime and its forms, and a brief outline of the basic theories that explain the main causes of violent crime, attention was also paid to foreign findings on the impact of youth exposure to violence in the media, or playing violent computer games on aggressive behaviour, which, however, do not provide an unambiguous answer in this regard.

The research also focused on several main areas. The first was the analysis of statistical data from police and public prosecutors' offices. Next, violent acts were examined through an analysis of court files involving children in civil proceedings before youth courts. For its purposes, the selection of violent acts was based on a broader definition of violence, i.e. including its verbal forms, but at the same time, apart from animal cruelty, only violent attacks against humans were considered. Another source of information was the opinions and findings of experts, carried out in the form of a questionnaire survey among youth court judges, public prosecutors specialising in children under 15, probation officers, curators of children and youth (employees of the Authority for Social and Legal Protection of Children) and staff of educational facilities where protective education is carried out. The research also included a survey of the public's views on the development of crime and changes in violent crime in this area through a public opinion survey.

When analysing the statistical data, it is necessary to take into account significant limitations, which lie not only in the problem of defining the concept of violent crime in police statistics, but also in significant changes in the reporting methodology, which significantly limits the possibility of comparison with data prior to 2016. Changes in legislation also had to be considered, particularly changes to the constituent elements of some offences following the entry into force of the Criminal Code in 2010 and decriminalisation in the area of property crime in 2020. Measures associated with the covid-19 pandemic were also an important factor here. At the same time, with regard to the methods and techniques used, it should be taken into account that the results are primarily indicative of the situ-

ation in the area of registered crime, although here it can be assumed that it is the most serious forms of violent crime that are registered more frequently than less serious forms of youth crime.

While being aware of the above-mentioned problems, it was possible to note, based on police and public prosecutor's office statistics, that in the period 2008 to 2022, there was a significant decrease in offences (acts otherwise criminal) committed by children under the age of 15, even per 10 000 inhabitants of this age category. The situation then stabilised, which has been the case in principle throughout the following period. There was a more significant increase in 2019, but the numbers of acts otherwise criminal were still significantly lower than they were at the beginning of the reporting period. Thereafter, particularly in the context of the covid-19 pandemic, a decline followed. In 2022, there is again an increase, even per 10 000 inhabitants of this age category, to pre-pandemic levels. The statistics of the public prosecutors' offices show a similar trend in the number of children under the age of 15 whose acts otherwise criminal have been dealt with in criminal proceedings. Here, too, there is a noticeable increase in 2022, which, however, does not reach the numbers in 2019 and, per 10 000 inhabitants of this age category, is at a level that has been relatively stable since 2013, when the absolute numbers of these children were much lower. Similarly, the same is true for the 10–14 age group, which makes up the vast majority of children under 15 whose offences are dealt with in criminal proceedings. The increase in crime among children under 15 years of age at the end of the period under review, with the exception of the covid-19 pandemic period, can largely be explained by the strong population of 13 and 14 year olds.

The share of violent acts otherwise criminal committed by children under 15 years of age in the total number of offences committed by them did not change significantly during the period in question. In the case of violent crime, there was also, especially at the beginning of the period under review, a significant decrease in acts otherwise criminal, after which the situation stabilised. In relation to the population of the relevant age, the situation did not change significantly or, for the most part, still declined slightly. The more significant increase in the absolute number of acts otherwise criminal at the end of the period under review, again excluding the covid years, was not as substantial in relation to the population of the relevant age. Throughout the period, the most frequent crimes were robbery, intentional bodily harm and, at some distance, extortion. Disorderly conduct is also a frequent act otherwise criminal, but not necessarily one that has elements of violence. At the same time, there has been an increase in the proportion of dangerous threats, especially compared to the beginning of the period under review, which may be related to the fact that this act can be committed easily in cyberspace and is also easier to prove in this form. Murders have been rare throughout the period. The numbers are also relatively very low for rape, but there has been an increase in the period in question, which can be attributed to some extent to changes in constituent elements of crime in the case of rape and extortion, especially after 2010, and to possible changes in reporting in police statistics after 2016.

It is very difficult to ascertain from statistical data to what extent the severity is changing, or the aggression or brutality is increasing. We have drawn on the legal classifications here and focused on the more severe consequences or specific ways of carrying out the offence

if they were a direct feature of the offence. Unfortunately, this is not the case for all violent acts otherwise criminal. Furthermore, the possibility of incorrect legal qualification must also be considered. In particular, we have focused on monitoring the most serious violent acts otherwise criminal, i.e., murder, intentional forms of public endangerment, intentional grievous bodily harm and rape. We also focused on cases of the most frequent violent acts otherwise criminal – i.e., robbery, intentional bodily harm and extortion. Bearing in mind the above-mentioned limitations, it can be noted that throughout the period under review, children committed these most serious violent acts otherwise criminal, or other violent acts otherwise criminal with more serious consequences in the form of grievous bodily harm or even death, to a very limited extent. Murder, which was committed in a particularly brutal or agonising manner, was registered in only one case during the whole period under review. The number of cases in which the offence with a weapon (for those offences where it is a special aggravating circumstance of an offence in legal qualification) was fulfilled was also very low. It is true that in the context of other otherwise criminal acts such more serious forms of committing of an offence may have occurred. However, as already mentioned, if a method of committing an offence is proven which can normally lead to, for example, grievous bodily harm or death, this should be reflected in the legal qualification at least in part by the finding of more severe consequences (i.e. more grievous bodily harm or death), which the statistics do not support.

The results of a questionnaire survey carried out among youth judges, prosecutors specialising in the issue of children under 15, probation officers – youth specialists and curators of children and youth do not indicate that there is any significant negative development in this respect. It should be noted here that the return rate of the questionnaires, with the exception of judges, was relatively high. Both judges and prosecutors who had been working in this field for more than 10 years expressed the opinion quite clearly that there had been no significant change in the number of crimes committed in a particularly brutal or agonising manner during the past decade, or rather, almost a quarter of prosecutors and less than a fifth of judges even reported a decrease. A similar pattern was true when asked about changes in the number of cases involving serious bodily injury as a result of violent acts otherwise criminal committed by these children, where 60% of prosecutors and 78% of judges found no change. In contrast, 33% of prosecutors and 17% of judges reported a decrease in such acts. On the other hand, in the case of the use of the Internet or social networks in threats of violence, a significant majority of judges (72%) and prosecutors (76%) declared that the number of such cases had increased rather or significantly over the last decade.

We asked all of the above experts with more than ten years' experience about the general question of whether there have been changes in the way violence acts otherwise criminal are carried out. The vast majority of judges (94%) and prosecutors (84%) did not report any significant changes in this area. Although the prevailing opinion among probation officers, and more so among youth probation officers, was that the situation had not changed over the last ten years (57% of curators of children and youth and 53% of youth probation officers), almost half held the opposite view. In response to the question of what these changes consisted of, respondents mentioned in general an increase in aggression, brutality or callousness, more planning or preparation of the crime, arranging fights, but also the use of social networks, or children being inspired by what they see on the internet

or in computer games, the use of mobile phones to ,document‘ the crime, or an increase in dangerous threats via social networks. The longer-term psychological effects on the victim in this context were also pointed out.

As part of an expert survey of staff in institutions where protective education (measure consisting of placement in a special school facility) for children under 15 is provided, we asked about the manifestations of aggressive behaviour directly in these institutions. It should be emphasised that the experts‘ opinions are more likely to be about the entire population of children placed in these facilities, i.e. largely about children who are being institutionalized for behavioural disorders. When interpreting the findings, it is important to point out the low return rate of the questionnaires.

In terms of the psychological stresses that children come to the facility with and that can influence violent behaviour, respondents most frequently encountered ADHD. Learning disabilities were also relatively common. In terms of assessing changes over the past ten years, a large proportion of respondents with more than 10 years‘ experience reported that the situation had not changed significantly. The exception was ADHD, where 51% of respondents reported that the proportion of children with this syndrome had increased over the past ten years. In terms of external negative influences, the vast majority of respondents reported that all or most of children experience a socially unstimulating environment, emotional neglect in the family and tobacco use. The proportion of children growing up in poor socio-economic conditions and with previous experience of institutional education is also relatively high, they said. Conversely, the vast majority of respondents reported that previous experience with proceedings before youth court only applied to a minority of children. Similarly expressed in the case of physical abuse or sexual abuse of children. In terms of changes over time, respondents also felt that the situation had not changed much for most of the items surveyed. Increases were noted for marijuana use, prior psychiatric care, being raised in a socially unsupportive environment, and emotional neglect.

When considering the different forms of aggression, according to the respondents, most children in the facilities for execution of protective education display crude swearing or insults towards their peers. Verbal aggression towards staff was significantly less common, but here too the responses ,most children‘ and ,all children‘ were common. At least half or more of the children then deliberately destroy personal belongings or equipment at the facility, according to most respondents. For the more serious forms of violence, respondents overwhelmingly reported that none or only a minority of children were involved in this way. However, e.g. for direct physical aggression towards other children, a quarter of respondents reported experiencing this behaviour in about half of the children, and more than a tenth even in a larger proportion of them. Physical aggression towards staff is, according to the vast majority of respondents, a problem for a minority of children, with 18% of respondents even stating that it does not affect any of the children in the establishment. In terms of changes in children’s aggressive behaviour, the respondents pointed to a negative development especially in the case of verbal forms of aggression, especially in the case of crude insults or swearing. On the other hand, for the most serious forms of violence, i.e. direct physical aggression against children and physical aggression against staff, the prevailing opinion was that the proportion of children acting in this way had not changed over time. Nevertheless, a significant proportion of respondents reported a deterioration in

the situation, particularly in the case of direct physical aggression against other children. In the open-ended responses, respondents more frequently pointed out, for example, the problem of cyberbullying, not only against children, but also against their parents or staff.

We asked facility directors to provide approximate estimates of the number of violent incidents involving children in the facility. This confirmed the expectation that the highest numbers were reported for incidents that result in the victim receiving treatment within the facility. Less frequently, according to the directors, there are cases where the injury requires outpatient treatment in a medical facility, and quite rarely the victim must be hospitalized. In terms of the evolution of the situation over the past decade, most directors do not observe significant changes, except in cases of minor injuries.

Another source of insight was an analysis of case files focused on violent acts otherwise criminal committed by children who were placed in protective education or protective treatment (quasi-compulsory treatment) in 2008 and 2018. It is important to emphasize, therefore, that this is not a sample of the entire population of children who find themselves before the youth courts for violent acts otherwise criminal. At the same time, the relatively low numbers of cases in each period should be taken into account. In terms of legal qualification, robbery predominated in both periods. However, they accounted for almost 64 % of all violent offences in the first period and only 56 % in the second period. In terms of legal qualification, the vast majority of cases in both periods involved were without particularly aggravated circumstances. Cases in which there were circumstances which conditioned the application of a higher penalty rate and from which a more serious manner of committing the offence could be inferred were exceptional in both periods. The only more serious consequence in this sense was the negligent death in one of the robberies, which occurred in the second period. In the vast majority of cases in both periods, the acts were completed, with boys predominating as the perpetrators. A more marked difference emerged in the case of the age of these children at the time of the offence. In the first period, the children were on average almost a full year older than the second period cohort, which may be partly explained by demographic changes in the age structure of the population, with the population in 2018 being smaller than in 2008 in the age groups most heavily burdened by delinquency, i.e. 13 and 14 year olds. This is probably related to another observed difference, namely the higher proportion of children who committed violent acts while they were placed in a diagnostic institution or were ordered to institutional or even protective education in the first period. Children in the first period were also more likely to have had previous experience with the proceedings before the youth court.

In contrast, no difference was found in terms of the characteristics of the victims. Typically, the victims were single, male, and usually peers. No significant differences were also found in terms of the place and time of the offence, with the most frequent offences taking place outdoors, typically in the street or playground, while in terms of the indoor environment, it was most often in a school or educational establishment, in the afternoon. Group perpetration was also fairly typical, with the average number of accomplices being slightly higher in the latter period. In both periods, cases where bystanders were present were slightly more prevalent, although there were differences by type of violent act. The influence of addictive substances on the commission of the offence was rather exceptional. However, there were occasional cases where the perpetrator took advantage of the fact that

the victim was under their influence. In terms of the relationship between the perpetrator and the victim, similarly in both periods, the most frequent situations were those in which they had known each other by sight. However, the type of offence also played a role. In both periods, cases of purely instrumental violence were the most frequent. However, in the first period, 67 % of the cases were purely reactive violence (32 %) and cases of violence with a primarily instrumental motive but with clear reactive elements (also 32 %) were almost equally represented in the second period. Given the way the research sample was selected and the very low numbers of cases, one must be very cautious in concluding that a shift can be observed from the use of aggression as a means of obtaining a cause or other benefit to violence as an escalated form of interpersonal conflict. One should also take into account the aforementioned younger age of the perpetrators in the second period, which seems to be reflected in the fact that other types of violent acts than robberies, where instrumental violence is typical, are more common than before.

Another interesting finding is the fact that the acts that were primarily instrumental in nature, but in the course of which there were obvious elements of hostile violence, were most often cases of complicity. It can be assumed that a certain group dynamic and the desire to show off in front of others may lead to more reckless behaviour towards the victim. In both the first and second periods, spontaneous acts without prior planning prevailed. If there was any preparation, it was usually just a quick agreement with the accomplices just before the attack. There were no significant differences in the actual extent of the damage to health. In the second period, there was a slightly higher proportion of cases where some injury had occurred, but the differences were not too big. A lower likelihood of injury to the victim was evident in our sample for cases that could be categorised as instrumental aggression. Violent acts that went without any injury were also more common among children with prior youth court experience. Psychological consequences for the victim could only be registered in a relatively limited number of cases, which also did not require professional care. However, the fact that the victim was not treated does not necessarily mean that she did not suffer psychological consequences or that she did not need such help. It must also be taken into account that such information was not contained in the case file. Nor were there any major differences between the two periods in terms of the manner in which the offence was carried out. The most frequent form of aggression was verbal aggression. Crude insults or threats were present in the majority of the cases observed, and children also resorted relatively frequently to punching, kicking and trying to throw the victim to the ground. If weapons were sometimes present, they were mainly used as a tool to induce fear or to emphasise the perpetrator's superiority over the victim; there was no violation of the integrity of the body. The striking with an object or strangling of the victim was rare. In both periods, in cases where the attacks were not merely verbal and the necessary information was in the files, repeated attacks clearly predominated. Quite expected was the finding of a difference in the number of forms of violence used between cases of primarily instrumental and primarily reactive violence, where the use of multiple forms was more common.

The analysis of the 2018 case files was not limited to violent offenses for children who were placed on protective education or protective treatment, and thus is more indicative of the entire population of children who were brought before the youth court for violent offenses, although its interpretation here must take into account that the sample selection

was primarily focused on the treatment of children under the age of fifteen in the youth justice system. Disorderly conduct was the most common offence, followed by robbery. With the exception of one offence, these were always completed offences. The perpetrators were predominantly boys. Most of the children were aged 13 or 14 at the time of the offence, living in their original family, either complete with both parents (40% of the children) or supplemented by a new partner of one of the parents (21%). With a few exceptions, they were pupils of a mainstream primary school.

The victims did not differ much from the group from the previous analysis, most often a classmate from school or a school facility, and then a person the child knew by sight. There were slightly fewer acts committed in complicity than those committed alone. In terms of the type of violence, cases of purely reactive aggression predominated, which was a marked difference from the previous research cohort. Again, these were mostly spontaneous acts. But there were also cases where physical violence as a solution to a dispute was agreed upon by the actors beforehand and the act was usually committed in the presence of other classmates or friends. In addition, the whole affair was sometimes recorded on a mobile phone. There were also cases of long-term bullying. In the main, these were offences without particularly aggravated circumstances. Act otherwise criminal involving more severe consequences in terms of damage to health or more serious methods of execution were rather rare. In terms of the actual health consequences caused to the victims, one case of robbery resulted in death by negligence, 5 cases required hospitalisation of the victim and about a third of the cases required outpatient treatment. Again, victim injury was more common in cases that can be categorised as reactive violence. Physical harm, whether of a lighter or more severe nature, was also more frequent in cases where the file mentioned some provocation on the part of the victim. Psychological harm specifically mentioned in the files was not very common. The use of weapons was rather rare. The most frequent form of aggression was verbal attacks, i.e. insults, swearing and threats. In terms of direct physical attacks, punches or blows with the fist, kicking, rolling or pushing the victim to the ground were predominant. In some cases, more than one form of violence was used. Only one act, cruelty to an animal, was found to have been committed in a brutal or agonising manner. However, it must be said that there could have been, and from some of the case studies mentioned it can be inferred that there were, more such cases. However, they were not cases where that method was a direct constituent element of an act otherwise criminal. In most cases, more than one type or form of attack could be recorded. The most common measures imposed by the court for violent acts against children in our sample were cautions with warnings and waivers of imposition of measure. Protective education was imposed on seven children, and protective treatment was imposed on one child.

However, the above findings from our research, which used a combination of different ways to identify trends in violent crime among this age group of children, differ from public opinion. According to our findings from public opinion research, it appears that the majority of the public (2/3) believe that child crime is increasing over time and that the current generation of children under 15 are behaving worse than before, including an increase in violent crime and an increase in more brutal ways of committing crimes. This is a reflection of the climate in contemporary society and is consistent with the findings of previous research.

The findings from our research, although aware of the aforementioned limitations of the methods and techniques we used, did not confirm that there would be a negative development in the area of violent crime of children under 15 in the long term. The increase in violent acts otherwise criminal in 2019 and 2022 can probably be attributed mainly to demographic influences. A significant negative trend cannot be found in the increase in the severity of violent acts otherwise criminal, or in the increase in brutality and aggression among children. The most serious violent acts otherwise criminal, or violent acts otherwise criminal where there would realistically be more serious health disorders or death of victims, are rather exceptional in the long term. At the same time, it is clear that there has been a shift in terms of the perpetration of violent crime by this age group towards verbal forms within cyberspace and, to some extent, the use of modern technology in the perpetration of traditional forms of violent crime. In this context, it seems appropriate to focus further research on, for example, monitoring the possible increase in the psychological impact on victims.

At the same time, it should be emphasized that the violent crime of criminally irresponsible children cannot be underestimated. Attention still needs to be paid, not only in application practice but also in criminological research, to how to respond to it adequately. It should target factors that appear to be significant in terms of the causes of violent crime and address, for example, the issue of the availability of psychological or psychiatric care for these children and the stabilisation of their environment. Attention should also be paid to the situation in educational facilities where institutional and protective education is provided. Violence here, albeit mostly verbal, is not an exceptional phenomenon. Again, the victims are mainly children placed there. This places great demands on the staff in these institutions. Conditions should therefore be created for them in such a way that these phenomena can be prevented or adequately responded to. It is therefore necessary to reflect on the extent to which staff in individual facility have the conditions in place to deal with and prevent such situations. The current situation in the Czech Republic in this area will be addressed also in the next publication from this research, which will focus specifically on the treatment of children in the youth justice system.

Research attention should be paid to the influence of the media, social networks and computer games, especially of a violent nature, on serious manifestations of violent behaviour at the level of otherwise criminal acts and also on specific ways of committing violent crime in the Czech environment. At the same time, current societal changes, such as the long-term consequences of the covid-19 pandemic, which have resulted in significant problems in the field of education and children's mental health, cannot be ignored for the future. It is also necessary to take into account the effects of the current socio-economic and demographic changes associated with the war in Ukraine and the energy crisis, which may have a negative impact on children from socially disadvantaged groups in particular.

In terms of the circumstances of the acts committed, it is still the case that children often commit them in groups and it is more of a reactive type of violence. The victims are mostly peers and the acts are mostly committed outdoors and in the afternoon. The findings can undoubtedly be used to target specific prevention activities.

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