

A SHORT ANALYSIS OF THE EVOLUTION OF JUVENILE DELINQUENCY IN ROMANIA

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This paper presents the evolution trends of the juvenile delinquency phenomenon, based on the statistical data provided by the Judicial Statistics Bureau of the Prosecutor's Office attached to the High Court of Cassation and Justice. It analyzes the dynamic of the juveniles and young prosecuted offenders and the evolution of their share in the overall number of prosecuted offenders, in the period 2007-2010. The study recommends to the Romanian specialists involved in the collection and management of statistical data to adopt the criminal career perspective, a perspective that guides for more than 30 years the scientific analysis of the American and European criminologists. Unlike the traditional approaches, which operates only with the distinction between the offenders and non-offenders or between first time offenders and recidivists, the criminal career paradigm allows the analysis of the various offending patterns according to a number of variables such as: the minors onset age, the average number of offences committed by them, the frequency and the intensity with which they committed these acts, the average of their criminal career length, the offenders specialization, the sanctions applied to them.

Key words: criminal career, juvenile delinquency, official data.

1. INTRODUCTION

In general, the sociologists and the criminologists use two complementary methodologies of research when they study the amplitude and the dimensions of crime and delinquency: ones that are focused on the analysis of the official data and the victimization surveys carried out on nationally representative samples.¹

The statistics of the authorities responsible with crime control and prevention are a very useful instrument in the analysis of the evolution of crime rate in a specific country, area or city and are usually used as an argument for the adoption of a certain penal policy. However, the data recorded by the authorities suffer a series of deficiencies and shortcomings. First of all, they don't reflect the real

¹ Joseph G. Weis, *Issues in the Measurement of Criminal Careers*, in Alfred Blumstein, Jacqueline Cohen, Jeffrey A. Roth, Christy A. Visher (editors), "*Criminal Careers and Career Criminals*", vol. II, National Academy Press, Washington, 1986, pp. 1-51.

dimensions of crime and delinquency because not all the offences are identified and reported to the police. The international studies highlight that the victims have a higher probability to report to the police those acts that cause them physical injuries or large financial losses. Instead, the offences committed by their friends or by the members of their family are not reported². Also the empirical studies have demonstrated that the offenders have a different probability of being caught and arrested by the police. According to the results of these researches, the decision of arresting or not a certain person is influenced by a series of factors, among which can be enumerate: the seriousness of the offences, the presence of witnesses, the existence of some evidence, the behavior of the offender etc³. Because of this selective character, some persons or some groups of persons have a higher probability of being arrested than others.

Because of the limitation of the studies focused only on the official statistics, there have been suggested alternative ways of measuring crime and delinquency. The most important way targets the questioning of the population about their experience as a victim of a felony, through sociological surveys. But also in this case may appear a series of distortions and errors due to the way that the research instruments have been designed, the procedures of questionnaires administration, the interviewer traits and the inaccurate answers offered by the respondents⁴.

For these reasons, most of the times, the official statistics and the surveys are used in a complementary way, their results been combined for minimizing the effects of the errors produced by both of these methods of research.

2. THE EVOLUTION OF JUVENILE DELINQUENCY IN ROMANIA, IN THE PERIOD OF 2007-2010

In this paper it is presented a short analysis of the amount and dynamic of the juvenile delinquency in Romania starting from the official data provided by the Prosecutor's Office attached to the High Court of Cassation and Justice. A more detailed analysis of the delinquency detected, prosecuted and sanctioned have not been possible due to the lack of a unique and standardized instrument of recording the information available for all the authorities involved in crime control and prevention: Police, Prosecutor's Office, Ministry of Justice. From this point of view it must be said that, for example, while the Police uses in the case of juveniles and young offenders, the age categories: 15 years old and 15-17 years old, the

² Robert Brame, Jeffrey Fagan, Alex R. Piquero, Carol A. Schubert, Laurence Steinberg, *Criminal Careers of Serious Delinquents in Two Cities*, in "Youth Violence and Juvenile Justice", vol. 2 nr. 3, July 2004, pp. 256-272.

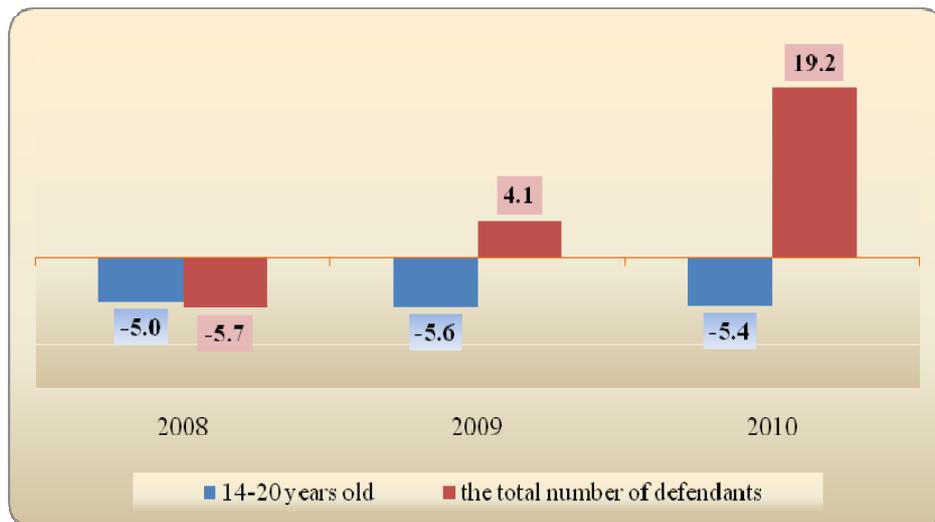
³ *Idem*, p. 260.

⁴ Alfred Blumstein, Jacqueline Cohen, Jeffrey A. Roth, Christy A. Visher (editors), *Methodological Issues in Criminal Career Research*, chapter 4 of the book „*Criminal Careers and Career Criminals*”, vol. I, National Academy Press, Washington, 1986, pp. 96-108.

Prosecutor's Office used, in the period of time 2000-2006, the following two age groups: minors and 18-20 years old persons. Starting with the year 2007, the information concerning the juveniles and young defendants, were merged by the Prosecutor's Office in only one category of age: 14-20 years old. The findings of this analysis refer to the period 2007- 2010. According to the Prosecutor's Office attached to the High Court of Cassation and Justice data, in 2010 there have been sent to prosecution 56.949 persons, with 14.5% more than the year before. From these, 8.369 – meaning almost 15% –, were juveniles or young people with the age between 14-20 years old.

*2.1. THE EVOLUTION OF THE NUMBER OF MINORS AND YOUNG DEFENDANTS,
AS COMPARED WITH THAT OF ALL DEFENDANTS, IN THE PERIOD 2008-2010
AS COMPARED TO 2007*

In the period 2008-2010, the number of minors and young defendants sent to trial has remained with about 5% below that recorded in the reference year 2007. Instead, the total number of defendants has decreased only in 2008; in the next two years, it has increased, more moderate in 2009 (with 4%) and more pronounced in 2010 (with 19%).



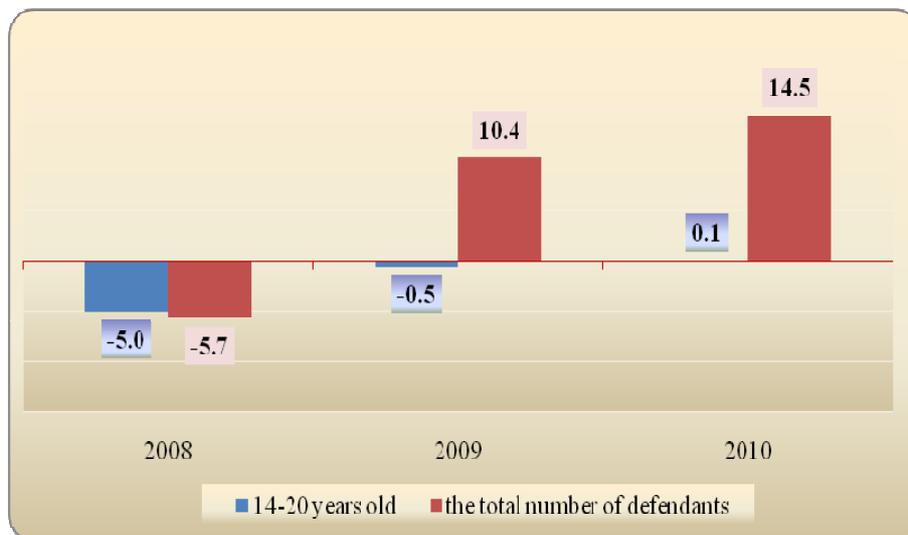
Graph. no. 1. The evolution of the number of minors and young defendants, compared with that of all defendants, in the period 2008-2010 compared to 2007 (Source: *Judicial Statistics Bureau of the Prosecutor's Office attached to the High Court of Cassation and Justice*)

Regarding the number of defendants sent to courts for offences against person, it is noted that while the number of minors and young people has decreased moderately but constant compared to that recorded in the reference year 2007 (with

3% in 2008, with 6% in 2009, with 9% in 2010), the total number of defendants has recorded, after a decline in 2008 and a relative stability in 2009, an increase of 7% in 2010. A similar evolution can be observed in the case of the defendants who committed offences against property. The number of minors and youth sent to trial has remained, in all three years of analysis, below that recorded in 2007 (with almost 10% in 2009 and 2010), and the total number of defendants has increased in 2010 compared to the previous years when it has recorded some decline.

2.2. THE EVOLUTION, COMPARED TO THE PREVIOUS YEAR, OF THE NUMBER OF JUVENILES AND YOUNG DEFENDANTS, COMPARED WITH THAT OF ALL DEFENDANTS

Regarding the evolution from year to year of the number of the defendants of 14-20 years old, it can be mentioned that after its decrease with 5% in 2008, the fluctuations recorded in the next two years are almost negligible, which means that the number of minors and young people prosecuted has remained almost the same in 2009 and 2010. By comparison, the total number of the defendants, although has decreased in 2008 compared to 2007, with almost the same percentage as that recorded in the case of juveniles and young people, then has grew with over 10% from year to year.



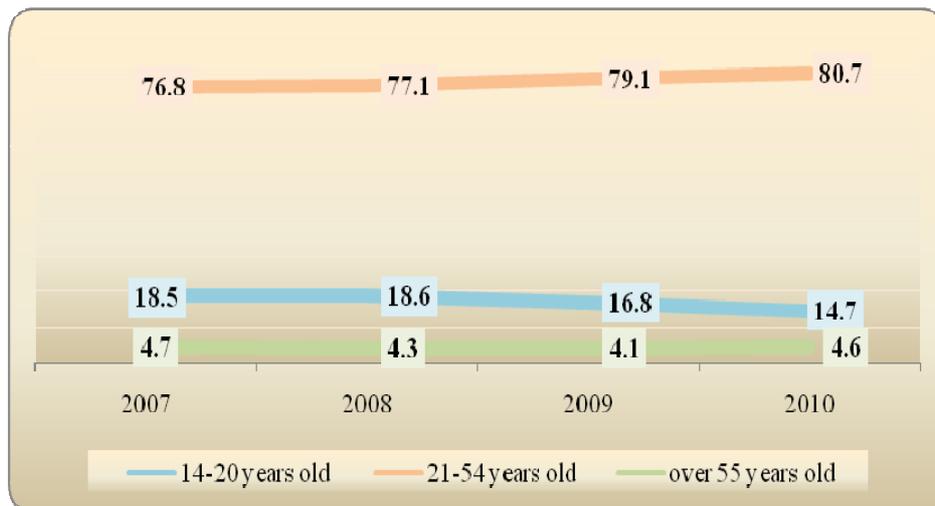
Graph. no. 2. The evolution, compared to the previous year, of the number of juveniles and young defendants, compared with that of all defendants (Source: *Judicial Statistics Bureau of the Prosecutor's Office attached to the High Court of Cassation and Justice*)

The analysis of the percent change rate of the overall number of the 14-20 years old defendants prosecuted for offences against person reveals some decreases, however modest, ranging somewhere between -2.3 and -3.7. Instead, the

total number of defendants sent to trial has declined only in 2008, and then has recorded annual increases (with 5% in 2009 and with 6.5% in 2010). A relatively similar dynamic is observed in the case of defendants prosecuted for offences against property. Regarding the 14-20 years old defendants, the difference consists in a slightly increase (with only one percent) recorded in 2010. The number of all defendants has increased with 16% in 2010 compared to previous year.

*2.3. THE EVOLUTION OF THE JUVENILE AND YOUNG DEFENDANTS SHARE
AND THAT OF THE OTHER AGE CATEGORIES IN THE OVERALL NUMBER OF PERSONS
PROSECUTED, IN THE PERIOD 2007-2010*

The analysis of the minors and young people share in the overall number of defendants reveals no significant fluctuations in the period 2007-2010. However, there is a slight decrease from 18.5-18.6% in 2007 and 2008 to 14.7% in 2010. The share of the adults of 21-54 years old in the overall number of defendants has slightly increased from 77% to 81%. The proportion of the elderly has remained the same throughout the entire period of analysis.



Graph. no. 3. The evolution of the juvenile and young defendants share and that of the other age categories in the overall number of persons prosecuted, in the period 2007-2010 (Source: *Judicial Statistics Bureau of the Prosecutor's Office attached to the High Court of Cassation and Justice*)

The proportion of juvenile and young people prosecuted for offences against person has decreased very slightly in the period 2007-2010, from 16% to 13%. A similar trend of decrease is observed in the case of 14-20 years old persons indicted for offences against property. However, the value of this decrease is slightly higher: from 32% in 2007 to 27% in 2010.

2.4. THE EVOLUTION OF THE SHARE OF THE DEFENDANTS PROSECUTED FOR OFFENCES AGAINST PERSON AND OFFENCES AGAINST PROPERTY IN THE OVERALL NUMBER OF EACH AGE CATEGORY, IN THE PERIOD 2007-2010

The share of juveniles and young persons indicted for offences against person in the overall number of juveniles and young defendants sent to courts has remained relatively stable in the period 2007/2010, placing it last in the hierarchy of the persons prosecuted for this type of offences, calculated within each age group. Neither the share of adults has recorded significant variations. It can be observed, however, a slightly decrease in 2010 compared to the previous years. A little more pronounced decline is found in the case of elderly, those who ranks first in terms of the share of those prosecuted for offences against person. Their share has reached in 2010 to 26% after in 2008, for example, was somewhere around 36%.

Instead, the share of juveniles and young people sent to trial for offences against property occupies the first place in the ranking of the indicted persons share for this type of offences, calculated within each age category. In 2007, over two thirds of the prosecuted minors and youth had committed offences against property. Although their proportion has slightly declined over the four years of analysis, it has maintained at a level twice higher than that recorded in the case of the adults and over three times than that recorded in the case of the elderly.

It can be said that if in the case of the share of the defendants prosecuted for offences against person, the share of defendants calculated for each age group increases as the age of the defendants increases (the lowest shares been recorded in the case of juveniles and young people, and the highest – in the case of the elderly), the share of defendants prosecuted for offences against property decreases as the age of the defendants decreases (the highest share been recorded in the case of the juveniles and youth and the lowest – in the case of the elderly).

3. CONCLUSIONS

This short analysis of data regarding the minors and young delinquents sent to courts highlights that, in the last four years, their number has remained relatively constant, compared to the total number of defendants which has increased both in 2009 and 2010 with almost 10% each year. A similar trend is observed in the case of juveniles and youth prosecuted for offences against person and offences against property.

The data provided by the Prosecutor's Office attached to the High Court of Cassation and Justice, in general those recorded by all the authorities in the field, do not include those variables that make possible the analysis of the offending patterns of the juvenile delinquents, such as: the age of onset in criminal activities, the types of offences committed, the average number of offences, the frequency and the intensity with which they committed these offences etc. The study of these

characteristics has multiple practical applications. For example, the research results on the average age of onset in delinquent activities may offer to the policy makers an objective criterion on the basis of which they can set the age limit of criminal liability for minors.

Moreover, because the sociological and criminological studies have shown that a significant proportion of recidivists have started their criminal careers with a long series of delinquent activities committed in the early childhood, a special attention must be given to those minors who are involved in delinquent activities before the age of 14 years. Although the General Directorate of Child Protection keeps an evidence of children who are exploited in order to commit offences, there are no more detailed statistics of these minors who commit various offences and are under the age of criminal liability.

On the other side, the official data do not contain information about the type of sanctions applied to minors. Such statistics would be an objective criterion on the basis of which one could assess the effectiveness of different types of sanctions. For example, it could be seen how many minors convicted to serve the sentence in a re-education center have relapsed? And of those who relapsed, how many have relapsed in the same type of offences and how many have expanded their range of delinquent acts?

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