

The Effectiveness of Juvenile Criminal Justice: Relapsing Juvenile Offenders

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This study used both qualitative and quantitative research methods, and comprised three separate blocks of research: (1) survey, (2) analysis of pending cases at Public Prosecutor's Office (3) organization of focus group interviews as a qualitative research technique, to assess the current state and problems of juvenile recidivism.

Research Results

(1) *The survey* examined the efficiency of reformatory schools and the postponement of indictment (a special form of diversion). The sample consisted of juvenile male offenders

- against whom indictment was postponed between 1 January and 31 December 2004;
- who were released from a reformatory in 2003–2004.

The survey was administered to a total of 143 juvenile offenders released from reformatories, and 220 juveniles whose charges have been deferred. In the course of the survey, we examined the path of life of the young criminals typically at three points: entering elementary school; at the time of the first crime(s) committed; and at the time of perpetrating the crime(s) serving as the basis for the most recent sanction.

The crimes

The crimes committed by the two groups of juvenile offenders differ significantly in their composition. In the case of those under deferred charges the three most common crimes were: theft (37.3%), hooliganism (15%), and vandalism (13.2%). In the case of juveniles sentenced to a reformatory, the most common crimes were robbery (32.2%), theft (28.7%) and burglary (15.4%). In both samples the proportion of those having committed bodily harm was 5%. The former group typically committed the crimes alone, whereas the latter tended to become culprits in a group or with accomplices.

The juveniles in the sample from reformatories grew up in larger families with several siblings, but their relationship with the parents was less binding and less co-operative. The role of communities and groups of peers, children and young people probably acquired greater value already in the early stage of their lives.

At the same time in the 'diverted' sub-sample 93% of respondents stated that all crimes committed by them had come to light, and only a few said they had escaped punishment for 1–2 previously committed crimes. However, in the reformatory schools sub-sample only 77.6% stated that all their acts had been discovered.

Nearly a quarter of respondents had committed a crime for which they had not been brought to justice. Of these, 9% mentioned more than one such crime. Taking into account that juveniles in reformatories tend to commit more serious crimes, this proportion seems to be even more concerning.

In what areas did the reformatory schools bring about change?

The influence of reformatory schools on areas of everyday life was measured on a five-point scale. A clear and generally uniform improvement can be shown in the development of family relationships. As a result of being shut away and isolated, family relations take on greater importance for the young people, even if previously they had not been particularly easy. For the family too, the 'value' of the temporarily lost member increases.

The second area showing improvement is the 'change in state of mind'. The orderly, highly regulated way of life in the reformatory seems, in spite of protestations, to have a positive influence on the youths. The higher standard deviation rate indicates that the group under examination is not uniform in this respect: for some of them, being shut away had rather a negative result.

During the research conducted with juvenile offenders a most favourable picture is given of reformatory schools. Most of the youths admitted to reform schools experienced the time spent there not as a punishment but as a kind of assistance, which gave them an opportunity to break with their earlier behaviour and they received appropriate support in this process. In their case, the time in the reformatory plays an effective role in aiding them, and in forming a system of values. Their opinion of the teachers and social workers in the reformatories was extremely favourable. According to the results of the research, placement in a reform school is a useful legal institution, and for the special population placed there it creates a genuine opportunity to solve some of the problems they have in conducting their lives, and in several respects improves their chances of re-integration.

Recidivism of Juveniles based on analysis of pending cases at Public Prosecutor's Office

(2) *In the statistical analysis*, starting with the Public Prosecutor's Office case data, information was selected relating to the cases brought against the juveniles present in the basic study sample. Results confirmed that some of the juveniles in the sample are 'permanent clients' of different criminal justice organizations: on average the authorities have initiated 10 proceedings against each of them. A clear majority of the cases are however simple to judge, there is no need to call for an expert, or to extend the investigatory.

The results of the research indicate one thorny problem related to the bringing of juvenile offenders to justice: more than 50% of the juvenile offenders in the sample are dealt with the criminal justice authorities of 2–4 counties. If the characteristics of crimes committed by co-actors/ a mob are taken into consideration, it is easy to see why proceedings are delayed, and why cases need to be transferred to another authority, or why it is needed to join or detach cases.

(3) *The participants of the focus groups* were divided into four sub-groups according to their affiliations (prosecutors; judges; reformatory's staff; directors of reformatory schools). Overall the focus group discussions confirmed the organisational sociological problem that the willingness of the criminal justice and/or social and child protection organizations to communicate and collaborate is rather low while they are handling juvenile offenders' cases, and this contributes significantly to the delay of proceedings.

Resource:

Klára Kerecsi & József Kó: A fiatalkorúak büntető igazságszolgáltatásának hatékonysága [Efficiency of juvenile criminal jurisdiction]

In: Kriminológiai Tanulmányok 45 (Ed.: György Virág) OKRI, Budapest, 2009, pp. 93-148

Characteristics of foreign victims of crime in Hungary, based on Unified Police and Prosecutors Criminal Statistics (2000–2007)

BY SZANDRA WINDT

About the Research

In recent months there has been a great outcry over the serious crimes committed in Hungary against foreign victims. In these cases too, the distorting effect of the media can be felt: exaggerated statements give the impression that foreigners (too) are in great danger in Hungary. However, this message can ruin the image of the entire country, and has a grave effect on tourism. Is the problem really that great? Is the proportion of foreign victims really so much higher? What is the truth, based on an examination of 8 years of crime statistics data?

Results

In 2001 the total number known victims was 263,225 according to official data; by 2007 this figure had fallen by 30,000 (12%). In the period under examination, between 2001 and 2007, the lowest number of victims was in 2006 (81% of the 2001 figure). Between 1998 and 2007 a significant and continuous fall in the number of foreign victims can be seen. In 2007 it was only 43% of the 1998 figure, in other words *in 10 years the number of foreigners falling victim to crime dropped by half*. A comparison of the number of known victims with that of foreign victims shows that the change in the number of foreign victims differed from the overall trend. Between 2006 and 2007 the number of total known victims started to rise, whereas the number of foreign victims has been steadily lower since 2005. This significant drop is even more noticeable if we compare the number of foreigners coming to Hungary with the proportion of those who fell victim to crime. In 2000, for every 100,000 foreigners arriving in Hungary **42** fell victim to crime, and in 2007 only **18**.

The distribution by continent of foreign victims between 2000 and 2007 indicates a significant drop in the number of Europeans. They make up 90% of all foreign victims (by 2007 this had dropped to 88%). The proportion of citizens of Asian countries grew significantly both in respect of all the foreigners coming to Hungary, and amongst victims too. While only 6% of all foreign victims came from Asia, by 2005 this was 10% (in 2007 it fell back to 7%).

The year 2005 showed a significant rise in the number of foreign offenders too, and at the same time an increase in the number of victims from Asian countries.

Of all the Europeans to visit Hungary, nearly half of them came from *Germany*. However, in the period of the study, this proportion fell significantly, by about half. Examining the total number of known foreign victims: in 2000 41% were German citizens, in 2007 only 24%. Even when

considering only European victims, the drop is still significant: the proportion of German citizens dropped from 46% to 27% by 2007. At the same time, the number of *Romanian* victims doubled. In 2000 the 7% of the total of known foreign [victims] were Romanian citizens, but in 2007 this figure was 14%.

Of those coming from Asian countries, the Hungarian population harbours the most prejudice regarding the Chinese diaspora. There is no statistical basis for this whatsoever. What is certain is that they live in a closed community, and attempt to settle their problems between themselves. This is indicated by the fact that the number of Chinese offenders and victims is almost identical: 2006 saw 172 Chinese victims against 173 Chinese offenders, which allows us to surmise that in the case of the Chinese the culprit and the victim most often come from China.

The crimes committed against foreign victims in Hungary during the period under examination were almost exclusively crimes against *property* (93.4%). Within this, particularly *theft* (bearing in mind that they are typically tourists, this means theft with deception and pick-pocketing). As well as these, attention should be drawn to the significant rise in the number of foreign victims in crimes *against the person* (especially grievous bodily harm), and *traffic offences* since 2006.

Foreigners in Hungary (especially French, Dutch, British and Swedish tourists) typically fall victim to Hungarian offenders. In Hungary, presumably due to the low presence of foreigners or visibly 'alien' people *racist attacks are not typical*. In Hungarian society exclusion is directed not so much against foreigners as against the Roma.

Summary

From an analysis of Hungarian criminal statistics the conclusion can be drawn that 'counter' to international tendencies the presence of foreigners is low amongst both offenders (3.8%) and victims. At the same time, there is likely a high degree of latency in crimes committed by foreigners, and it is uncertain whether in actual fact 'only' this many foreigners fall victim to crime in Hungary. This is also difficult to judge, because in this case even the degree of latency is unclear. However, to put once more the question of how dangerous Hungary is for foreigners, on the basis of statistics the answer is that it is no more dangerous to come as a foreigner to Hungary, and with adequate prudence, pick-pocketing and theft with deception can be avoided.

Resources:

A hazánkban áldozattá vált külföldiek jellemzői az ERÜBS alapján [The characteristics of foreign victims in Hungary between 2000 and 2007] In: *Ügyészek Lapja*, 2009/5. pp. 67-72;

A külföldiek és a bűnözés kapcsolata hazánkban [The connection between foreigners and crimes in Hungary] In: Zsolt Németh (Ed.): *Írások Tauber István emlékére* [In memoriam István Tauber] ELTE ÁJK-MKT-RTF, Budapest, 2009., pp. 112-129

Initial Experiences of Mediation in Criminal Justice

BY TÜNDE BARABÁS

Mediation in Hungary

The use of mediation became possible in criminal cases in Hungary from 1 January 2007 through the amendment of the Criminal Procedure Act. The use of mediation is not possible in the case of every offence, nor for every offender: it can be used only in the case of proceedings initiated for crimes against the person, property, or traffic offences, punishable by no more than five years of incarceration – and its proper place is mainly in less serious cases. The law permits the use of this process of conciliation and defusing of conflict between the offender and the victim of the crime only up until the passing of judgement of first instance, and no later.

Regulations place mediation primarily in the prosecution phase. Its declared purpose is to make the prosecutor a **key player** in discerning and acknowledging whether the case is suitable for mediation, and if the parties agree on reparation, whether the prosecutor accepts it. After the teething problems in the first year, in 2008 armed with the necessary knowledge the prosecutors ordered mediation, in connection with whose application however doubts and concerns have continually arisen.

It is in these circumstances that a focus was brought to bear on **a study on the prosecutor's action during mediation**. The aim was to detect what changes the new legal institution brought in prosecutors' work, to what extent the first two years (2007–2008) can be considered successful in this regard, and what circumstances require a change to make mediation even more effective in practice.


The research

The research was based on two pillars. Following an analysis of statistical data, in both years the practice of prosecutors was analysed through focus group discussions. At these meetings representatives from every single county in Hungary were present.

In 2007 there was mediation in **2 451** cases, and in 2008 in **2 977** cases, representing an increase of 21%.

A striking difference can be seen in the practice of different counties. For instance, in 2008 the most mediation cases were in Budapest (447), and the fewest in County Zala (42).

While in 2007 almost two-thirds of cases were given to prosecutor's offices for mediation, in 2008 this figure was 82%.



The law provides for resort to mediation in the cases of both juveniles and adults. While in the practice of other countries the emphasis is placed on cases involving juveniles, the statistics show that in Hungary law enforcers *are reluctant* to resort to this method in the case of *juveniles*. The distribution by county of juvenile cases too, shows that only in a few counties are mediation resorted to in a relatively large number of cases.

In 2007 of the cases referred for mediation *more than half* were against property, 28% were traffic offences and 16% were crimes against the person.

Results

One of the most important findings of the research is that since its introduction the number of cases referred to mediation has continually increased, which well shows the positive attitude of the authorities in question.

The results show unequivocally that there are great regional (county) differences in the resort to mediation, in respect of the number, nature and perpetrators of crimes. Although with the passing of time the lack of information and uncertainty among law enforcers is diminishing, the provisions of the law continue to result in differing interpretations, and on occasion restrict the framework and opportunities of application.

In the first two years, law enforcers typically resorted to mediation for offences punishable by a maximum of three years. Practical experience shows that law enforcers do not consider mediation to be a truly satisfactory instrument for more serious crimes. Due to the disqualifications present in the law (e.g. multiple or qualified recidivism) a significant group of offenders (and their victims) are excluded from the opportunity for mediation.

The most typical problems related to the resort to mediation seem to be the obstacles incorporated into the legislation. There are, however, other circumstances that hamper its application. One such difficulty is that prosecutors must select the most suitable of several confusing options. They receive no specialist assistance in this. Another problem is the ***prevailing of the principle of ex officio procedure***, or rather the lack of it: in certain counties initiation of mediation is actually entrusted to the parties (victim – offender) who often do not know of this possibility.

Application is hampered by the **bad practice** of other **authorities** dealing with the case. The greatest confusion can be found in the **work of the police force**. Indeed, the police as a matter of course inform the parties of the possibility of mediation, and send even utterly unsuitable cases for mediation.

It is typical of the victims to demand material reparation in the agreement. Forgiveness tends to arise where the suspect is a relative. Furthermore, victims are not familiar with mediation, and in addition to it desire that the offender be punished, or change their minds during the process, feeling that the procedures are becoming too difficult for them (for instance in traffic cases). Some of the agreements have **contents which are irrational, unlawful**, or contain promises whose fulfilment is **impossible to verify**. For instance: instead of actual reparation, one offender promised to refrain from unlawful behaviour in the future (in a case of domestic violence). This does nothing to reinforce the trust put into the institution.

Summary – Proposals

It appears that the number of cases for mediation will not/cannot rise significantly in the current legal environment, because it is impeded primarily by the law. Change could be brought firstly by **broadening the range of crimes**, because currently in several seemingly suitable cases mediation cannot be resorted to.

The study also revealed that prosecutors do all they can to disseminate this restorative possibility, keeping in mind primarily the interests of the victim. Alongside this positive approach, one problem to be tackled is the training of professionals dealing with the case (police, probation officers, prosecutors) and the provision of reliable and extensive information to those directly involved and the general public.

The part of the study relating to 2007:

Az ügyész szerepe a mediációban – az első év tapasztalatai [The role of the prosecutor in mediation] (co-author: Szandra Windt)

In: Kriminológiai Tanulmányok 46. (Ed.: György Virág) OKRI, Budapest, 2009, pp. 132-168