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Bruno Aubusson de Cavarlay

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# Penal Issues

## CESDIP

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et les Institutions Pénales

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## Police Statistics on Juvenile Suspects

**Bruno AUBUSSON de CAVARLAY**, researcher at the CESDIP, has conducted studies on penal tracks and quantitative analysis of the criminal justice process. He is working on developing long-term statistical bases with police, court and correctional series.

Police statistics are frequently used for the quantitative estimation of juvenile offending, particularly so since the series of figures available cover a long period. Series going back to 1974 may be established, provided some precautions are taken, whereas alternative sources are underdeveloped in France. Even people who are suspicious of “*État 4001* figures” (see below) for crime and misdemeanours in general tend to be more pragmatic when looking at the evolution or geographic distribution of juvenile offending. The idea, in these instances, is that it is better to have figures for what the French call “apparent” offending because it is recorded at the entering point in the criminal justice system than nothing at all. Hence our reminder, below, of the limits to the use of police criminal statistics, after which we go on to comment some long-term findings, in compliance with these basic methodological rules.

### Elementary precautions

The broad principles, deficiencies and limits of the statistics presently collected in accordance with *État 4001* (the name of the form containing the chart filled in by police services) apply to counts of juvenile suspects. Without going into the usual list (statistical scope, unit of reckoning, collection method and nomenclatures) regarding juvenile suspects, with which we assume the reader is familiar<sup>1</sup>, a few points draw our attention.

The scope of those statistics is limited by two kinds of exclusion, the consequences of which vary over time and depending on whether the offenders taken in are under age or adults. Cases for which no procedure is handed over to the prosecutor’s office are not counted, and those involving *contraventions*<sup>2</sup> only (including 5th class *contraventions*) are excluded. What is at stake here, then, is the handling of less serious offences: recording of cases and individuals is more or less systematic at different periods or depending on the jurisdiction. Now, quantitatively speaking, juvenile offending mostly involves a great many acts of lesser seriousness. This is actually the main difficulty encountered when setting up surveys of the overall population, or more specifically of school-attenders, to obtain counts considered independent of the institutional filter (“self-reported offending”). The chances of having *État 4001* record “facts” or “acts” such as those most often registered in these surveys (including minor vandalism, insults, assault or violence with no noteworthy damage, fraudulent seizure of worthless items, experimenting with illegal substances, etc.) are very slim, even supposing the police or *gendarmerie* were cognizant of them. But when a law is modified (adding a new aggravating circumstance for example), or a change introduced in the criteria for evaluating criminal policy, the limits of statistical recording in this numerically preponderant corpus are altered, with perceptible “results”. In France, this sort of effect is most visible for the 1992-1998 period (see the discussion of these series below).

Clearing up acts as an equally crucial filter for data on juvenile suspects. The two notions, “suspect” and “clearing up” are inseparable in the methodological instructions to police agencies for collecting statistics. For a fact to be reputed cleared up, a person suspected of having committed it – the suspect – must have had a police hearing, the minutes of which are to be sent to the public prosecutor’s office in the framework of judicial proceedings for a felony or a misdemeanour. This provides the means of calculating a ratio called the “clear-up rate”, relating the number of cleared up acts to the number of acts reported for a given period and type of offence. Criticism of clear-up rates therefore applies equally to the definition of suspects and hence of juvenile suspects. Irrespective of the threshold of statistical recording in terms of seriousness, any variation in the intensity of police activity and recording targeting clear up goals affects the number of juvenile suspects. The variety of types of procedures must be kept in mind: clear-up rates of 100% or higher indicate offences that the police consistently had the initiative in identifying (use of drugs, violation of the immigration laws, but also carrying weapons or insulting a police officer). Although personal violence is not in this category (it is probably mainly recorded because the victim filed a complaint), three fourths of assault and battery cases, for example, are claimed to be cleared up; thefts – and most significantly, robbery – show much lower clear-up rates, since plaintiffs generally do not provide enough evidence to identify the offender, but when these offences have been cleared up, this may have resulted from a police or *gendarmerie* proactive strategy. In fact, and contrary to what is suggested by the official presentation of *État 4001* data (now endorsed by the ONDRP - *Observatoire national de la délinquance et des réponses pénales*, an official agency in charge with collecting and publishing crime and criminal justice data), police investigations initiatives in spotting some offences are not confined to some items on *État 4001*. The clearing up of a small fraction of thefts committed on individuals (called pickpocketing, but which may later be counted as violent thefts), of thefts of/from motor vehicles, and of burglaries is mostly due to police surveillance. Some policing services partially orient their activities toward these types of cases, catching offenders red-handed.

<sup>1</sup> LE BOUILLONEC J.Y., QUENTIN D., 2013, *Mesure statistique des délinquances et de leurs conséquences*, Rapport d’information, Paris, Assemblée nationale, April 24 : <http://www.assemblee-nationale.fr/14/rap-info/i0988.asp>. The June 1997 (n° 3) issue of *Penal Issues* entitled “What and How Do Police Statistics Count?” is still up to date in this respect : [http://www.cesdip.fr/IMG/pdf/PL\\_06\\_1997.pdf](http://www.cesdip.fr/IMG/pdf/PL_06_1997.pdf).

<sup>2</sup> The lowest category of offences, ranked according to 5 classes of growing seriousness.

The distinction between under-age and adult offenders is the only possible criterion for studying the age distribution of suspects for all criminal police services. The age curve for offenders identified by the criminal justice system is practically part of the birthright of criminal statistics, the paternity of which is credited to Adolphe Quételet. When the present version of police statistics was developed, the statistics he had used to establish that curve (convictions) were still available. It was a commonplace then to claim that coming of age was not the most relevant threshold for an age-based dichotomy of the offender population (whether known from police or court records) since the curve peaked at close to age thirty. The criteria of being under-age (all suspects under age 18) is also not very satisfactory because French law does not define any clear lower limit: the age of 13 is used for determining sentences but not for determining criminal responsibility. Furthermore, there is an in-between threshold of age 16 at which the “responses” meted out are heavier than for the 13-15 year-old group. Since all this is based only on the study of conviction statistics, it is increasingly difficult to understand why police data for age (or presumed age) of suspects are not available.

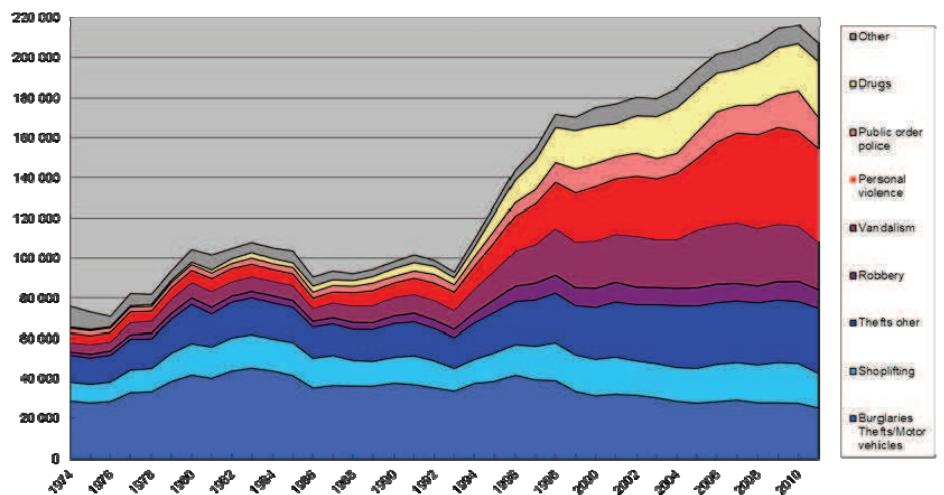
### Effects of criminal policies on quantification

#### *The apparent rise between 1992 and 1998 and systematic penal response*

During the last two decades juvenile offending has again come to the forefront of political concerns. The general direction taken in 1993 encouraged more systematic reporting to the public prosecutor's office of less or moderately serious cases, and a growing concern with asserting a penal response of one sort or another. This most probably put an end to the practice consisting of limiting the judiciary response to supervision of the offender by the juvenile court judge in the framework of assistance to endangered juveniles. This policy then translated into a considerable increment in the number of juvenile suspects in police statistics, often mistakenly described as a flare-up of juvenile offending. Changes in the overall population do not account for this abrupt shift: calculation of population rates would mitigate the overall rise between 1974 and 2011, but would not reduce the sudden variations observed.

A look at long-term series (1974-2011), with the distance they afford, points up that quantitative jump between 1992 and 1998. When the curves for different types of offences (merging some of the 107 basic indices) are examined one by one the trends for recorded acts vary considerably. But the same jump is visible for juvenile suspects, which supports the hypothesis of a shared factor for all juvenile series, and therefore not connected with any particular type of offence. During that period, official instructions were issued nationally encouraging prosecutors' offices and juvenile courts to embark unambiguously on the path of systematic penal responses, even if this required developing alternatives to prosecution. Judicial statistics corroborate compliance with these instructions. **Chart 1** summarizes how systematic recording affects police statistics: acts that, in compliance with the rules, were excluded from reckoning prior to 1992

Chart 1. Juvenile suspects, based on État 4001, per type of offence (grouped)



Source: État 4001, DCPJ et ONDRP. Scope: metropolitan France.

(when the judicial authorities were alerted without transmission of a criminal procedure, for example) have become much more visible in a matter of years, according to État 4001 records.

#### *Boosting figures (2002-2010)*

When the curves are piled up in a deliberately chosen order for types of offences, they show a definite drop, since 1982, in the sub-group of juveniles suspected of burglaries and thefts connected with motor vehicles (the bottom curve) or shoplifting (2nd from the bottom). The only exception to this decline was the 1992-1998 period rise, interpreted as due to over-recording.

After 1998, the decrease in this group is approximately balanced by a rise in personal thefts (without violence), along with vandalism (including setting fires). The rise in the total number of juvenile suspects, shown in the top curve, is therefore significantly fed by the increase in the four other categories: violent offences; the “police” heading, which includes violations of the immigration laws, forged papers, carrying illegal arms, insulting or assaulting a public official and miscellaneous other general public order offences; drugs, including dealing and use; the “other” heading, which includes what are known as frauds or white collar offences, as well as miscellaneous other offences.

Cases coming under the “police” and “drug” headings contribute substantially to the increase in the total number of juvenile suspects. This is even truer between 2002 and 2010, with rises of 74% in the “police” group and 23% in the “drug” group. For these categories, presently itemized in official publications as offences identified through police proactivity, the extent of reported acts depends on the intensity of police activity. Registration of suspects follows the same logic, with variations in police activity corresponding to the goals set for police departments in terms of clear-up rates. For example, the overall rise in clear-up rates after 2002 is partly due to a change in the structure of recorded acts (fewer burglaries and thefts of or from motor vehicles, rarely cleared up, and conversely, more and more of those offences identified through police proactivity). This structural effect affecting cleared up acts necessarily reflects on suspects, and juveniles then seem to be the

main group targeted in terms of being taken in or implicated (at the least, summoned to the police station for a written report), for example for insulting or assaulting a public official or for drug use (see **charts 2 and 3**).

#### *Violent offences and their legal characterization*

Violent offences account for a large part of the rise in the total number of juvenile suspects. Deliberate assault and battery and sexual offences, representing about three fourths of such offences in 2010, show a sharp rise in the proportion of juvenile offenders between 1992 and 1998. However, reported acts charted under this heading also have a very specific profile, with a sharp rise beginning in the mid 1980s and still continuing at the end of the last decade, at least for assault and battery, and the increased participation of juvenile suspects is not confined to the effect of over-recording between 1992 and 1998, or to the “numbers policy” of the 2000s. This is visible in **charts 4 and 5**.

“Sexual offences” include rapes and indecent assault up to 1994, and rape and sexual violence thereafter. Whereas the proportion of juveniles increased rapidly between 1992 and 1998, it was not negligible even before 1992. Along with thefts of all sorts and vandalism, which accounted for most juvenile suspects, sexual offences were already characterised by an above-average proportion of under-age suspects at the time. Since 1998, the proportion of juveniles has continued to rise, whereas their absolute number never exceeded the peak reached in 2004. All in all, during the period when increasing numbers of sex offences were reported juveniles were increasingly implicated, with numbers representing about one fourth of suspects at the end of the period under study.

For deliberate assault and battery, the proportion of juveniles doubled over the whole period. Whereas juveniles were very often under-represented in this category in the early 1980s, figures for this type of offence became similar to those for offences as a whole. For recorded acts, it is now well known that lawmaking has a major influence, since the various aggravating circumstances added over the years make strict comparison of cases of offending impossible owing to

## Sources

The data used here were drawn from État 4001, the detailed data of which have been published by the ministry of the Interior per offence (index 107) for metropolitan France between 1974 and 2009 and communicated by the ONDRP for 2010 and 2011. Figures for suspects (adults or juveniles) have been collated on the basis of a typology of offences making them comparable over time, over and beyond the changes in the basic nomenclature in 1988 and 1994. This applies provided legal changes are taken into account. The most volatile headings (frauds, white collar and regulatory offences) are assembled under the heading “other”.

### Charts 2 to 6. Juvenile suspects per type of offence

Absolute numbers (left-hand scale) and proportion of suspects for these offences (right-hand scale)

Source: État 4001, DCPJ and ONDRP. Scope: metropolitan France Serialisation: B. Anbussou de Cavarlay.

Chart 2. Drug use and use/dealing

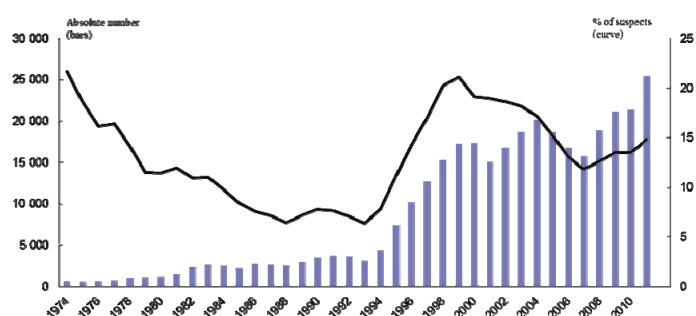


Chart 3. Insulting and assault of public officials

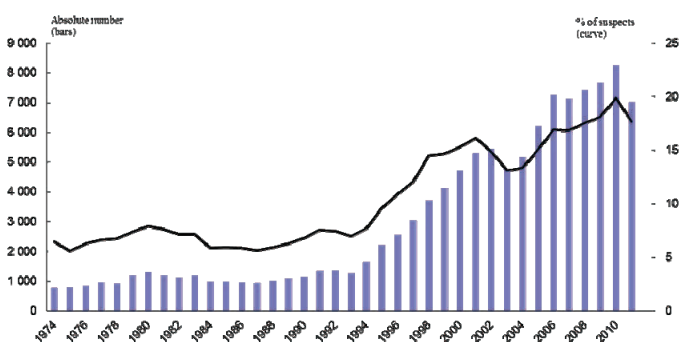


Chart 4. Sexual offences

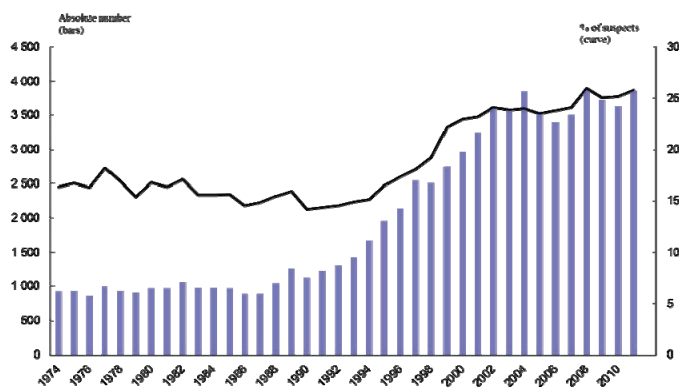


Chart 5. Deliberate assault and battery offences

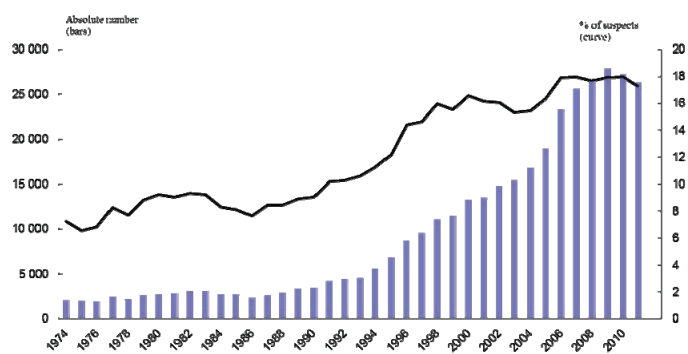


Chart 6. Robbery

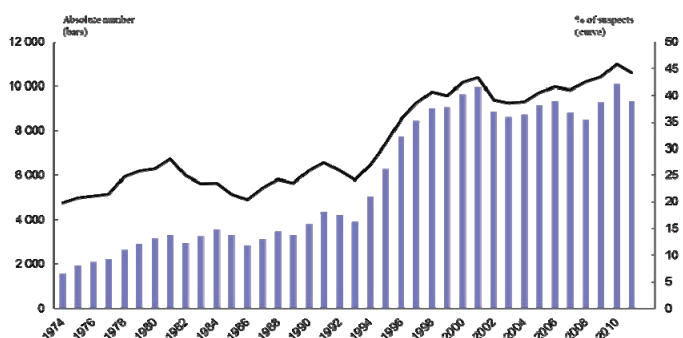


Table 1. Police statistics: juvenile suspects, structure based on type of offence

	1980	1990	2000	2010
Total number of juvenile suspects	104 292	98 284	175 256	216 243
Fraction of total offences				
<b>Total</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>
Personal violence	5,4	7,0	13,9	19,9
Robbery, setting fire	3,5	4,6	6,8	6,2
Vandalism	7,0	8,9	12,3	10,0
Theft without violence	73,7	68,3	42,9	36,1
Drugs, insulting a public	3,3	6,3	15,4	18,8
Others	7,2	4,9	8,6	9,0

differences in the acts criminalised. Can it be that this mechanism affects the proportion of juveniles and reinforces the overall effect, whence the sharp upturn in absolute numbers of juvenile suspects up to 2010? Arguments supporting this are easy to find: aggravation for group delinquency or for offences affecting some supposedly usual targets of juvenile violence, for violence near schools or on railroad company property, and so on. This would tend to increase recorded figures for juvenile violence in comparison with perpetrated acts. Given the lack of definite evidence, then, we should not underestimate the degree to which *État 4001* recordings on juveniles committing assault and battery depend on a whole series of changes in the law and in criminal justice policy, which, *a priori*, push figures up. It would be ill-advised, then, to expect these changes to produce a downward turn in juvenile delinquency indicators.

### The complexity of analysing findings

Readers unfamiliar with this type of data will probably have difficulty understanding our comments on these series, and even people held to be specialists may occasionally be misled by the complexity of the subject. We will examine the various ways data are presented, and then add another method which will partially summarize these findings.

#### *Absolute and relative variations*

In discussions on juvenile offending, robberies are often taken as exemplary. Using the same graphic representation as for other types of offences, **chart 6** shows the evolution of the number of suspects for thefts with violence (with or without weapons).

An overly cursory reading will notice only the increased proportion of juveniles (the line), which proportion is often abusively referred to as the proportion of thefts with violence committed by juveniles. Most of the increment (a rise from about 25% to 40%) took place between 1992 and 1998, and should therefore be ascribed primarily to the change in criminal policy targeting juveniles. In the other portions of the curve downturns follow the upswings, with an inconclusive outcome. The recent rise (2004-2010) is noteworthy, but not necessarily the sign of a lasting trend. An approach in terms of absolute figures is also required: a first peak was reached in 2001, and it could then be said that the number of juveniles suspected of thefts with violence had doubled in ten years. There has been no clear-cut trend since, even between 2004 and 2010. The two approaches must be combined, then (absolute figures and proportion), as is attempted in the chart given here, at the risk of seeming complicated. Choosing greater simplicity would mean making an opportunistic choice and commenting on the chart or the indicator best able to stage figures that "speak for themselves".

#### *Juveniles as part of suspects as a whole*

Introducing the proportion of juvenile suspects alongside of their absolute number is a

way of recalling that the total number of suspects definitely has changed, and their overall trend must be kept in mind in connection with recorded and cleared-up acts. To understand the trends observed for robberies we must remember that their clear-up rate remains very low (in comparison with other types of crimes). There is no assurance that suspects are representative of the group of actual offenders having committed robbery, who may or may not have been taken in by the police. The argument that an inaccurate thermometer is still usable as long as its bias remains constant is not acceptable. By definition, a bias of that sort cannot be determined as long as no alternate sources are available. With a consistently low clear-up rate for robbery as a whole between 2002 and 2010 (about 15%), the application of this postulate of a constant bias would lead to the conclusion that the recent rise in the number of juveniles taken in for robbery advantageously balances out a drop in the clearing-up of acts committed by adults...

But assuredly, and provided *État 4001* recordings are not affected by practices aimed as much at generating high figures as at really responding to the crime situation, series for suspects are quite valuable. Since judicial statistics are not broken down according to type of offence at this stage of the penal process, police statistics are practically the only quantitative estimates per type of offence for cases introduced to the public prosecutor's office and susceptible of penal treatment other than dismissal for lack of identification of the offender.

#### *Transformation of the offence-based structure for the group of juvenile suspects*

For the whole population of suspects (adults and under-age), that is for those cases in which prosecution is feasible, as a police hearing of the suspect has taken place, the salient point is the long-term increase, since the mid-80s, of cases including one form or another of violence: deliberate assault and battery, sexual violence, robbery, threats, insults and violence against public officials, or vandalism. Conversely, there is a major decline in thefts without violence. This is the combined outcome, in proportions that are hard to estimate, of the downward trend in clearing-up and the fewer acts suffered by victims, as attested by victimisation surveys at least since the mid-90s for thefts connected with motor vehicles and burglaries<sup>3</sup>. While police statistics have nothing to say about the trend in perpetrated violence, they leave no doubt as to the considerable transformation under way over a twenty-five year period, in that this series of cases involving violence ranks highest among "processable" cases, thus driving back property offences without violence, which were the main acts handled by the criminal justice system for many years.

This transformation is extremely pronounced in the case of juveniles (see **table I**): the drop in the proportion of simple thefts without violence is all the more significant that these were the offences for

which reporting and prosecution were still most frequent until the mid-80s. The rise in cases involving some form of violence is boosted by the increase in the proportion of juveniles. This is the result, for a large part, of an overall change in criminal policy concerning them, but also, less visibly, of more specific changes in certain types of offences. Concerning this latter point, it is unfortunate that the nomenclature of offences (index 107) has not been updated accordingly: thefts of cell phones and other objects worn or carried, rackets, and violence in schools are not identifiable, to mention only a few sensitive examples that exemplify the stakes involved in police classification of juvenile suspects.

### The risk of a vicious circle

While the increase in juvenile suspects as defined by *État 4001* and the highly significant rise in the proportion of juveniles suspected of violent offences are obvious over the long term, great caution must be exerted when using these findings for evaluating criminal policies that target juvenile delinquency. The point is not to pursue battles that may disconcert users unaware of the methodological defects attached to this data source. Nor is it to settle the issue of the "reality" of variations in juvenile offending, over and beyond the deformed image possibly communicated by institutional statistics. More fundamentally, it is essential to acknowledge the fact that police crime statistics are above all an indicator of policing activity and a seismograph for legal changes. This restriction on use applies not only to recorded and cleared up acts, it also conditions information on suspects, and therefore on the subgroup of juvenile suspects.

Criminal policy directions targeting juveniles have produced growing numbers of juvenile suspects. The major changes in the types of offences of which they are suspected are reflected in these spurts of growth, but do not affect juveniles only, although there is a sort of magnifying glass effect in their case. One of the worst uses that can be made of *État 4001* statistics, then, consists of invoking that rise and the changes observed in types of acts to call for or justify the intensification of repressive criminal policies. Unless we acknowledge that the only use of institutional statistics is to feed a vicious circle, since any such intensification would produce another rise in these indicators.

**Bruno AUBUSSON de CAVARLAY**  
(aubusson@cesdip.fr)

<sup>3</sup> ROBERT Ph., ZAUBERMAN R., 2011, *Mesurer la délinquance*, Paris, Presses de Sciences Po.