



Press release

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19 Crime and criminal justice

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Convictions: Minors and adults

Conviction figures remain stable

Neuchâtel, 06.06.2017 (FSO) – **In 2016 the number of juvenile convictions remained stable overall with 12,090 cases according to the juvenile conviction statistics. An increase in convictions under the Swiss Criminal Code (SCC) (+4%) was compensated for by decreases in road traffic offences (-2%), as well as offences under the Narcotics Act (-1%) and the Foreign Nationals Act (-2%). For adult convictions, numbers stagnated with just under 110,000 convictions. These are the latest findings from the Federal Statistical Office (FSO).**

Since 1999, the juvenile conviction statistics has recorded all juvenile convictions for offences under the Criminal Code, the Foreign Nationals Act, the Narcotics Act or for a felony or misdemeanour under the Road Traffic Act. Since 1984, the conviction statistics has recorded all adult convictions entered in the conviction register due to a felony or misdemeanour.

Juvenile convictions: Increase in convictions under the Criminal Code, decrease for other laws

With the exception of the Criminal Code, a decrease was observed in juvenile convictions. Overall, however, the number of juvenile convictions according to the juvenile conviction statistics remained stable compared with the previous year.

Among offences under the Criminal Code, violent offences registered an increase of 3% compared with the previous year. Offences against property – accounting for the majority of all juvenile convictions under the SCC – also registered an increase of 5%. Theft (+6%) and criminal damage (+13%) are mainly responsible for this increase. Another increase was observed in insults (+19%). In the case of the Narcotics Act, the greatest decline was found in trade (-9%).

Personal work order as the most common sentence

In the case of the pronounced sentences, there were no significant changes compared with the previous year. Juveniles under the age of 15 received a personal work order in 66% of cases (courses or community service), while 34% received a caution (formal warning). Even after the age of 15,

juveniles also mostly received a personal work order. As custody orders and fines may be imposed from this age onwards, the share of personal work orders fell to 47% and cautions to 26%. The share of custodial sentences was 6% while fines accounted for 26% of convictions. 3% of all convictions also included a measure. In 94% of cases, this was an out-patient measure. In-patient measures were therefore very rarely ordered in 2016.

Adult convictions: High-level stability

With 109,116 convictions for 2016, although the conviction statistics registered a decrease of 2% compared with the previous year, this should not be over-interpreted. Some convictions from 2016 are yet to take full legal effect and therefore are not considered in the statistics. The decrease concerns all important laws (SCC: -2%; RTA: -2%; NarcA: -6%; FNA: -3%).

Financial penalties mostly suspended, custodial sentences mostly unsuspended

Financial penalties remain the most common sentence (86%, 94,109 convictions). In most cases, this penalty is suspended (82%), i.e. the convicted person only has to pay the penalty in the event of subsequent recidivism or failure to adhere to probation terms. In addition to the suspended fine, very often a fine is imposed that the convicted person must pay without exception. In total, unsuspended financial penalties and fines amounting to almost CHF 42 million are imposed annually. A sum of just under CHF 223 million is also imposed in suspended financial penalties. The share of community service has almost halved since 2009 and was 2% in 2016.

In total, custodial sentences accounted for 11% of all main sanctions among adults (12,086). In contrast to financial penalties, however, these were mainly unsuspended (74%).

The share of unsuspended custodial sentences in all sentences was 8%, but varied by law. With 1.3% of custodial sentences, the share of persons convicted under the Road Traffic Act was the lowest. Crimes under the Foreign Nationals Act or the Narcotics Act were far more often punished by an unsuspended custodial sentence (25% and 23% respectively). In 3 out of 4 cases, unsuspended custodial sentences lasted under 6 months (75%).

Unsuspended short custodial sentences mainly for convicted persons without a B or C permit

Considered by nationality, the share of Swiss nationals convicted with an unsuspended custodial sentence was slightly lower than that of foreign nationals with a B or C permit (2.9% or 3.6% respectively). However, 18% of convicted foreign nationals not permanently residing in Switzerland were convicted with an unsuspended custodial sentence.

This means that 71% of all convictions with an unsuspended custodial sentence concerned foreign nationals not permanently residing in Switzerland. For unsuspended custodial sentences under 6 months, they even accounted for 77% of convictions. For practical reasons, the repression of short custodial sentences striven for with the 2007 revision was unable to be achieved for this group (no income or fixed place of residence).

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