

Crime and criminal justice

Overview

Crime statistics are only to a limited extent a direct expression of behavioural reality: On the one hand, because penal norms and measures are subject to social change; on the other hand, because crime figures are to a large extent influenced by personnel resources, prosecution priorities, the efficiency of the police and the judiciary and the willingness of the population to report crime. It is generally difficult to ascertain the causes of changes in crime figures and the effects of those changes.

Criminal convictions doubled since 1984

Below, the evolution of criminality among adults since 1984 is described based on the Conviction Statistics (police crime statistics, which collect crime reports, are less suitable due to methodological shortcomings). In order to exclude the effects of changes in the obligation to register in the register of convictions, only convictions for crimes and less severe offences are taken into account (i.e. infringements are excluded). The figures show that the number of convictions has more than doubled since 1984. But depending on the law upon which convictions are based, this trend manifests itself very differently.

Convictions under the penal code: marginal increase until 2001; sharp rise thereafter

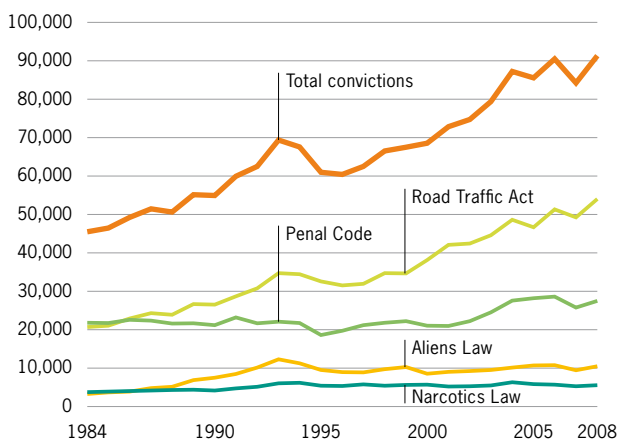
The number of convictions under the Penal Code remained practically constant until 2001; in relation to the resident population, they were even in decline. From 2002 to 2004, a sharp rise was observed, for the first time also in relation to the resident population. Since then, the numbers have not changed (approximately 28,000 convictions per year).

Property offences still constitute by far the largest group of Penal Code offences (half of all Penal Code convictions are handed down among other causes for a property offence). As for violent offences, in recent years there has been a marked rise in the number of less severe violent offences.

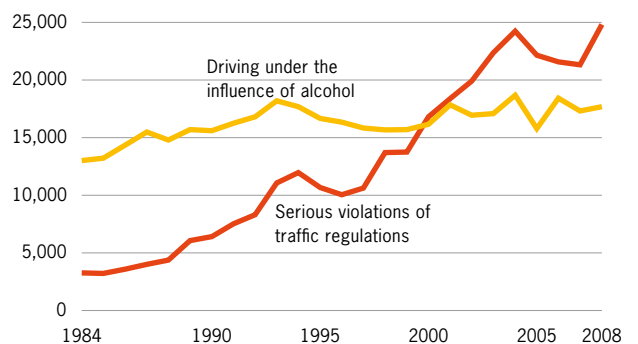
Traffic offences: continued sharp increase

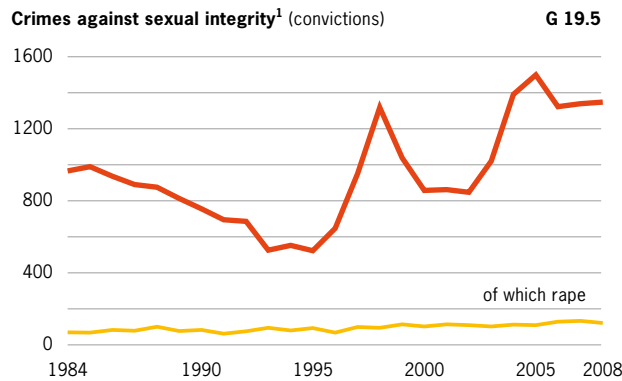
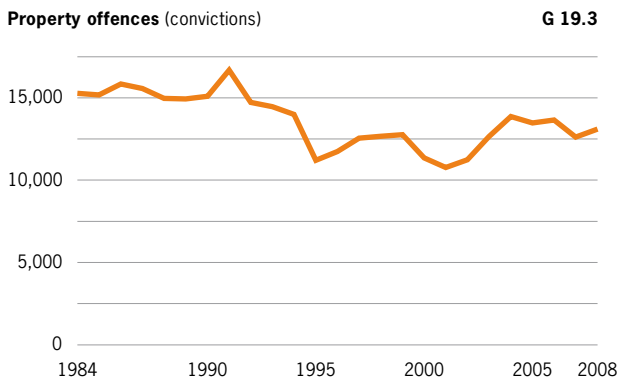
The number of convictions for violations of the Road Traffic Act has increased about two and a half fold to approximately 54,000 (2008) since 1984. Following the introduction of new measures against driving under the influence of alcohol on 1 January 2005 (inter alia, the reduction of the alcohol limit to 0.5‰ and the

Number of convictions based on the most important laws G 19.1

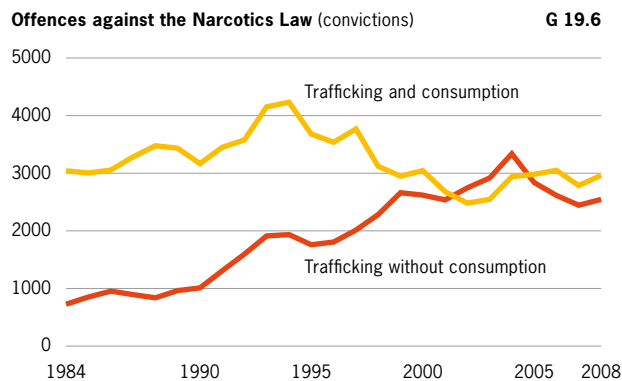
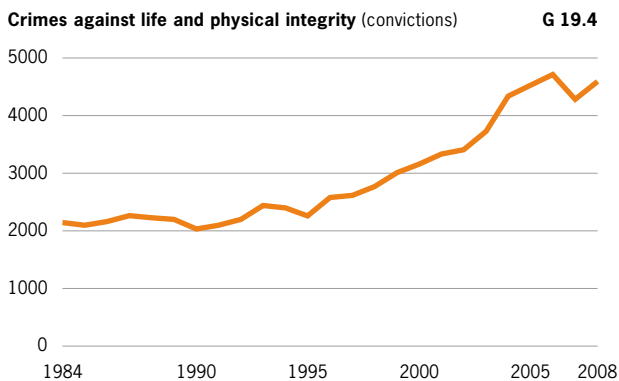


Violations of the Road Traffic Act (convictions) G 19.2





1 Coming into force of the revision of the Sexual Offences Act: 1.10.1992



possibility of conducting random alcohol checks), the number of convictions for driving under the influence of alcohol with a level slightly above the legal limit (between 0.5 and 0.79‰) fell markedly, but by 2006 it had again already reached the same level as in 2004.

Convictions for drug offences: sharp rise until 1994, practically stable since then

Convictions for drug trafficking have been practically stable following a sharp rise until the middle of the 1990s. (Convictions for drug consumption alone are generally no longer registered in the register of convictions and therefore not taken account of here.)

Convictions under the Aliens Law: sharp rise until the peak year of 1993

Convictions under the Aliens Law (German abbreviation: AuG; previously the Law on Sojourn and Residence of Foreigners, German abbreviation ANAG) rose sharply until 1993. Since then they have been fluctuating. The peak value in 1993 was related to political upheavals in Eastern Europe, particularly the Balkan Wars. 11% of convictions registered in the register of convictions concern the Aliens Law, with big differences from one canton to another (ranging from 1% to 28%). The reasons for this are probably differences in law enforcement practices.

Offenders are particularly frequently young men

Crime statistics show very clearly that women commit prosecutable criminal offences far less often than men. Women account for 16% of police reports (annual average since 1984), with con-

siderable differences depending on the offence. Their share of offences against sexual integrity is particularly low (2008: 3%), and relatively high in the case of embezzlement (2008: 24%). Women's share of convictions (14%) is somewhat lower than their share of police reports. Here too, there are considerable differences depending of the type of offence.

By the time they are 38 years old, 28% of Swiss men and 6% of Swiss women born in 1966 have been registered at least once in the register of convictions.

Young adults are also registered in the register of convictions with above-average frequency. The conviction rate is highest among 20-to-22 year olds and decreases with increasing age.

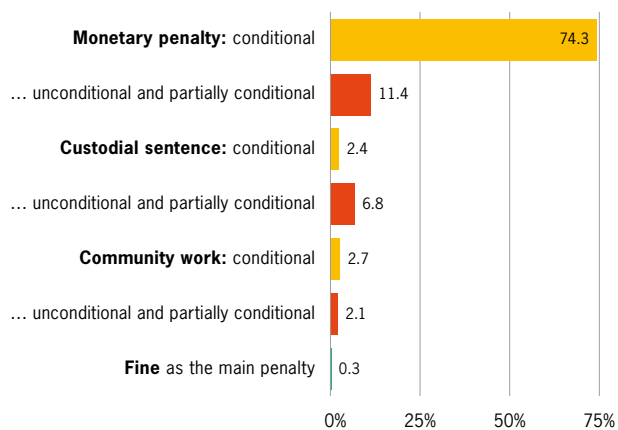
Juvenile delinquency

In 2008, some 14,600 penal decisions against minors were issued. 48% were for property crimes and 26% for illegal drug offences. 17% of convictions (approximately 2400) were issued for violent offences – a share that has risen by 7 percentage points since the new conviction statistics were introduced in 1999. Most frequent in this category are light or less severe offences such as assault without injury, simple assaults involving bodily harm, and threats, which accounted for just over three quarters of registered violent offences in 2008.

Enforcement of penal sanctions

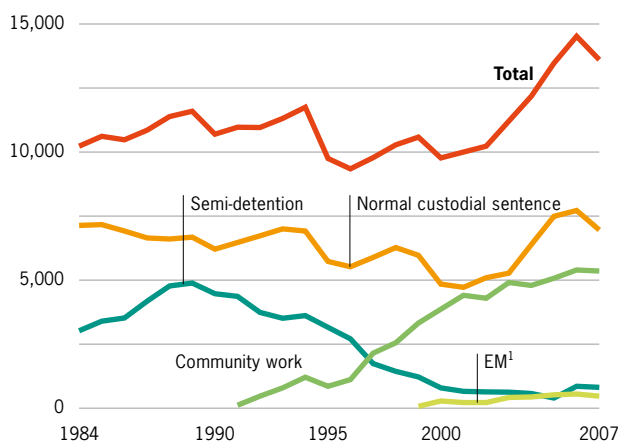
The revised Law of Penal Sanctions, which entered into force on 1 January 2007, provides for financial penalties and community service in addition to the previously existing sanctions of custodial sentences and fines.

Sanctions in 2008: Convictions¹ of adults **G 19.7**



¹ for a crime or less severe offence, by main penalty

Sanctions by type **G 19.8**



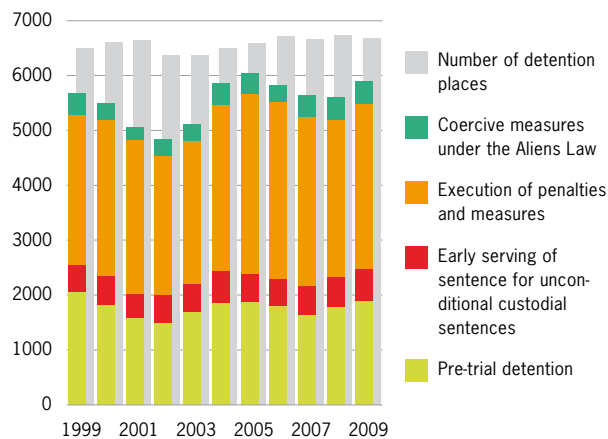
¹ EM: serving a prison sentence under electronic monitoring

In 2008, financial penalties, i.e. monetary penalties calculated according to daily penalty units, were the most frequently pronounced sanctions. These accounted for 86% of convictions of adults. In 9% of cases, a custodial sentence and in 5% of cases community service was imposed as the primary sanction. In 2005, custodial sentences (62%) were the most frequent, three quarters of which were conditional. In the remaining 38% of cases, a fine was the only sanction.

In only 10% of convictions in 2008, a conditional sanction alone was imposed, either in the form of community service, a financial penalty or a custodial sentence. In 80% of convictions, an unconditional financial penalty or a conditional sanction – custodial sentence, financial penalty or community service – coupled with a fine was imposed. In another 10% of cases, the sanction consisted of an unconditional custodial sentence or unconditional community service. In 2005, 63% of sanctions were a conditional custodial sentence with a fine or only a fine; in 21% of cases, a conditional custodial sentence and in 16% an unconditional custodial sentence was imposed.

The revision of the Law of Penal Sanctions barely affected the proportion of unconditional custodial sentences for serious offences (which according to the law carry a maximum penalty of more than 5 years). In 2008, the proportion was 48%, up from

Imprisonment, number of inmates by type of detention **G 19.9**



Protective custody and custody for other reasons are not shown.

51% in 2005. On the other hand, the share of persons given an unconditional custodial sentence for a less severe offence fell from 13% (2005) to 4% (2008). This decline affects offences which, prior to the coming into force of the revised Penal Code, were for the most part sanctioned with short custodial sentences (of less than six months).

The partially conditional sentences that became possible with the revision of the Law of Penal Sanctions were rarely handed down (in the case of financial penalties: 1%; community service 0.1%; custodial sentences: 6%).

Due to the sharp decline in short custodial sentences the median length of custodial sentences registered a sharp increase overall, from 42 to 90 days in the case of unconditional custodial sentences and from 20 to 365 days in that of conditional sentences.

Prisons: prison establishments, incarcerations, inmates

In 2008, there were 117 prison establishments (2007: 115) with a total of 6,736 detention places. On the reference day of 3 September 2008, 5,780 persons were in detention. Thus, the occupancy rate was 86%, the same as in the previous two years. Of the 5780 inmates, 59% were serving prison terms, 31% were in pre-trial detention, 7% were in detention subject to coercive measures under the Aliens Law, and the remaining 3% were detained for other reasons.

Instead of semi-detention, community service or a custodial sentence under electronic monitoring was used with growing frequency. Their share of all sentences grew from 30% to 48% between 1984 and 2007.

Inmates serving prison sentences are predominantly male (95%), of foreign citizenship (64%) and serving unconditional custodial sentences (63%); their average age is 34 (status 2007). Prison terms are becoming increasingly longer: the mean prison term has increased from 4 to 7 weeks since 1984 and 2007. Prior to the introduction of the revised Law of Penal Sanctions, community work was not an independent sanction but rather a form of serving unconditional custodial sentences and alternative penalties in lieu of incarceration. In 2006, approximately 5,400 unconditional custodial sentences or converted fines were issued in this way.