

Conviction Statistics: Minors

Methodology

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1 Introduction

The *Conviction Statistics: Minors* has the objective of analysing the socio-demographic features and criminological type of minors who have been convicted by final judgment throughout the reference period. This also presents information the punishable offences committed by the convicted minors as well as the measures imposed by the judge.

This statistical operation is conducted by the National Statistics Institute (INE), pursuant to the partnership agreement signed with the Ministry of Justice on 3 July 2007. The agreement allows the INE to access certain information contained in the Central Register of Criminal Responsibility of Minors, for the purpose of carrying out its statistical use, and with it, to make information of undoubted interest from the analytical perspective available to researchers and interested users.

Up until the end of 2006, the information collection for these statistics was carried out quarterly, through a print bulletin that the different judicial bodies had to fill out for each sentence dictated. As of reference year 2007, and thanks to the aforementioned agreement with the Ministry of Justice, the model for the direct collection of data from the primary source was replaced by an alternative model for the collection from administrative registers, resulting in a reduction of the workload implied for the judicial administration.

These statistics have been conducted for a long time, and the first data is from the middle of the last century. The INE website has results available for these statistics from the year 1998 onwards.

Results on the national, Autonomous Community and provincial levels are disseminated each year.

2 Conceptual framework of the research

The *Conviction Statistics: Minors* are compiled using information from the Central Register of Criminal Responsibility of Minors, governed by the Ministry of Justice. This statistical use of this Register has been performed by the National Statistics Institute (INE), by virtue of the Partnership Agreement signed by the two institutions on 3 July 2007.

The objective of this agreement is to establish the lines of collaboration between the INE and the Ministry of Justice, for the purpose of increasing efficiency in the use of administrative sources, and improving the coverage and quality of statistical information.

The target population of study are those minors aged between 14 and 17 years old who have been convicted by final judgment, and recorded in the Register of Criminal Responsibility of Minors during the reference year.

From the geographical perspective, these statistics cover the whole of the national territory

The reference period is the calendar year, considering the date of registration in the Register. The data is obtained annually.

3 The Central Register of Criminal Responsibility of Minors

The Central Register of Convicted Persons includes the sentencing notes corresponding to the final sentences dictated by the Spanish Courts or Tribunals in application of Organic Law 5/2000, of 12 January, which regulates criminal responsibility of minors.

The Register contains information relating to the convicted minor, the judicial body agreeing on the resolution, the judgment and the judicial body executing it, the crime, the victim and the punishment.

The Register depends on the Ministry of Justice, and is integrated in the system of administrative registers in support of the Justice Administration.

This system of registers constitutes a system of information of a non-public nature, whose main objective is to serve as support for the activity carried out by the judicial bodies and the Tax Ministry, the Security Forces and Bodies of the State, and the Police Forces of the Autonomous Communities, with full jurisdiction as regards public security, and other administrative bodies within the scope of the jurisdiction established in their regulation.

The management of the databases integrating the system corresponds to the Ministry of Justice, through the Secretariat of State for Justice.

The transfer of data to the Central Register of Criminal Responsibility of Minors is carried out through electronic procedures by the corresponding judicial secretariat, which must confirm the exactness of the content of the information transferred. So long as the technical conditions allow it, the transfer must be carried out directly from the proceeding management applications. The information relating to final judgments must be submitted immediately, and in any case, within a maximum period of five days from the signing of the sentence.

Royal Decree 95/2009, of 6 February, regulating the System of administrative registers in support of the Justice Administration, establishes that the General State Administration and the Autonomous Communities with jurisdiction regarding justice may compile statistics of the data contained in the Central Registers, eluding any personal reference in the information and bearing in mind that set out in Organic Law 15/1999, of 13 December, of Data Protection and its complementary regulations.

4 Target study variables

The main concepts used in these statistics are as follows:

Convicted minor: Person aged 14 years old or over, who has been convicted by final judgment (once or more), during the reference period, due to committing one or more crimes.

Punishable offences: Intentional or negligent actions or failures to act that are punishable by law. It may be a crime or misdemeanour.

Measures adopted: Sentencing or educational measure imposed on the minor for committing a crime or misdemeanour.

Classification variables:

Types of punishable offence: The punishable offences for which information is provided in these statistics are:

CRIMES (corresponding to the different Criminal Code headings):

- Homicide and its forms
- Abortion
- Injuries
- Injuries to the foetus
- Genetic manipulation
- Against freedom
- Torture and moral integrity
- Human trafficking
- Against sexual freedom and integrity
- Failure to provide assistance
- Against intimacy, the right to one's own image and the inviolability of the home
- Against honour
- Against family relationships
- Against property and the socio-economic order
- Against the Public Treasury and Social Security
- Against workers' rights
- Against the rights of foreign citizens
- Territorial and urban planning, protection of historical heritage and environment
- Against collective security
- Of falsification
- Against the Public Administration
- Against the Justice Administration
- Against the Constitution
- Against public order
- Treason, against peace and national defence
- Against the international community

MISDEMEANOURS:

- Misdemeanours against persons
- Misdemeanours against property
- Misdemeanours against general interest
- Misdemeanours against public order

Type of measure: The measures adopted on which information is provided in these statistics are:

- Attendance at a day centre
- Reprimand
- Living together with another person, family or educational group
- Confinement in an open system
- Confinement in a closed system
- Confinement in a semi-open system
- Therapeutic confinement in a closed, semi-open or open system
- Probation
- Prohibition on approaching the victim
- Community service
- Weekend arrest
- Driving disqualifications
- Performance of socio-educational tasks
- Outpatient treatment

Place of sentencing: Autonomous Community (or City) or province corresponding to the body dictating the condemnatory judgment. Ascribing a convicted minor (and the corresponding punishable offences or measures adopted) to a given Autonomous Community or province is carried out by taking as a reference the place of the judicial body dictating the final judgment, and not the place of birth or residence of the convicted person.

5 The statistical use of the Central Register of Criminal Responsibility of Minors Persons and the information processing

The Ministry of Justice, as the entity responsible for the Register, provides the INE annually with the necessary information so that it may compile these statistics, in accordance with the register design provided by the INE. The information contained in the files provided refers to convicted minors, offences committed and measures adopted corresponding to the reference year of the information.

Once the information is received a control process is carried out to ascertain the coverage of the information and its contents are analysed, with the objective of detecting possible errors. In addition, a control of the valid values of the different variables object of the study is carried out.

Once the validity of the received file has been checked, as part of a second phase specific variables are re-encoded and transformed (files have their Criminal Code headings and chapters re-encoded).

The analysis of the files includes a control phase, where possible inconsistencies between the variables are detected. Once the editing is completed, the derived variables are obtained and the first results are tabulated. The last stage before the dissemination of the results consists of analysing the aggregated information and correcting potential errors or inconsistencies that have not been detected in earlier phases.

6 Plan for tabulation and dissemination of the results

These statistics are disseminated annually.

The results tables of these statistics are divided into three main groups of information (according to geographical breakdown): National Results, Results by Autonomous City and Community and Results by Province.

Within each one of these groups, a second hierarchical level of the information is established, in this case, in terms of breakdown of the target study variables, that is, the socio-demographic and criminological features of Convicted Minors, Punishable offences and Measures adopted are analysed.

When correctly interpreting the results offered, it is important to bear in mind that the classification by Autonomous Community (or City) and province is carried out by taking as a reference the place of the legal body dictating the final judgment, and not the place of birth or residence of the convicted minor.

Lastly, within each "main geographical group/breakdown", the different tables from which results are offered are presented, numbered in correlation (convicted minors, punishable offences and measures adopted).

The structure of the tabulation plan, in accordance with the above criteria, is as follows:

TABULATION PLAN

1. CONVICTED PERSONS: National results

- 1.1 Convicted minors, according to number of punishable offences, age and sex
- 1.2 Convicted minors, according to number of punishable offences, nationality and sex
- 1.3 Convicted minors, according to number of punishable offences, age and nationality
- 1.4 Convicted minors, according to number of measures adopted, age and sex
- 1.5 Convicted minors, according to number of measures adopted, nationality and sex
- 1.6 Convicted minors, according to number of measures adopted, age and nationality

2. CONVICTED PERSONS: Autonomous Community results

- 2.1 Convicted minors, according to place of sentence, age and sex
- 2.2 Convicted minors, according to place of sentence, age and nationality
- 2.3 Convicted minors, according to place of sentence, sex and nationality
- 2.4 Convicted minors, according to place of sentence, number of punishable offences and age
- 2.5 Convicted minors, according to place of sentence, number of punishable offences and sex
- 2.6 Convicted minors, according to place of sentence, number of punishable offences and nationality

3. PUNISHABLE OFFENCES: National results

- 3.1 Punishable offences according to type of crime/misdemeanour and age of offender
- 3.2 Punishable offences according to type of crime/misdemeanour and sex of offender
- 3.3 Punishable offences according to type of crime/misdemeanour and nationality of offender

4. PUNISHABLE OFFENCES: Autonomous Community results

- 4.1 Crimes, according to the place of sentencing, the type of crime and the sex of the offender
- 4.2 Punishable offences according to place of sentence, type of crime/misdemeanour and age of offender
- 4.3 Punishable offences according to place of sentence, type of crime/misdemeanour and nationality of offender

5. MEASURES ADOPTED: National results

- 5.1 Measures adopted, according to sex of offender
- 5.2 Measures adopted, according to age of offender
- 5.3 Measures adopted, according to nationality of offender

6. MEASURES ADOPTED: Autonomous Community results

- 6.1 Measures adopted, according to place of sentence, type of measure and sex of offender
- 6.2 Measures adopted, according to place of sentence, type of measure and age of offender
- 6.3 Measures adopted, according to place of sentence, type of measure and nationality of offender