

# **JUVENILE CRIME IN THE MASOVIAN POLICE DISTRICT: A THREAT TO PUBLIC SECURITY. A RESEARCH ANALYSIS**

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## **ABSTRACT**

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The creation of an open society and a living environment which is accessible and of use to all is the main task at present to improve the life of all citizens. Juvenile crime is a serious societal problem, which is taking on increasingly drastic forms. The article discusses the scale and forms of crime most often committed by minors in the Masovian police district in the years 2013–2016. The direct impact of juvenile crime on citizens' sense of security and safety is also presented. The presented results have been obtained by analysing the statistical data from the General Police Headquarters of Poland, seated in Warsaw, and from the Voivodship Police Headquarters in Radom.

## **ARTICLE INFO**

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*Article history*

Received: 03.08.2018 Accepted 31.08.2018

*Key words*

crime, minor, public safety

## INTRODUCTION

The life of every person is made up of a sequence of unique events, experiences, emotions and facts. These processes enable the individual to determine their individualism, characteristics and their social existence. The growing distinctiveness is determined to a large extent by the process of socialization that every person must undergo. Modrzewski states that it is socialization that is the societal manifestation of biological readiness and capability of a person to become and be a social being who is able to spend their biographical life in some typical form of societal participation.<sup>1</sup> To further cite the author, it is the choice of biographical template that decides about the quality of life. It is very important whether this choice is in line with social expectations. In carrying out an analysis of crime/criminality, it is worth taking into account the whole spectrum of the life of the juvenile, up to the present. According to another theory, criminal behaviour is born through the interaction of an individual with a tendency to antisocial behaviour, with the environment in which the entity finds the opportunity and patterns necessary to commit a crime.<sup>2</sup> These tendencies are in a person for all their life and become visible at various stages of their life. What can be perceived as a worrying sign is that there is an increasing number of young people involved in criminal activities who do not come from dysfunctional or pathological families. It may even be said that contemporary crime goes far beyond such social environments.

In the following article, the authors draw attention to juvenile crime in the Masovian police district (known in Polish as Garnizon Mazowiecki – translator's note) as a threat to public safety and security.

## PUBLIC SECURITY AND CRIMINALITY

There have been many governmental and societal changes in Poland in recent years. There has been a change to the norms in various areas in which children and young people are brought up. This dissonant system of values may be considered a threat to the development and the correct functioning within society, in particular that of young people. In the analysis of crime from the perspective of public safety, one must not omit the issue of what causes this threat. Crime, in the wide sense of the word, affects people and their surroundings, and is a serious threat to social order, as well as public safety and security. It is impossible to consider separately the notions of safety and threat. The concept of threat is

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<sup>1</sup> J. Modrzewski, *Socjalizacja i uczestnictwo społeczne. Studium socjopedagogiczne*, Poznań 2004, p. 12, [qtd in:] B. Toroń, *Przestępczość skazanych kobiet i mężczyzn w perspektywie biograficznej*, Kraków 2016, p. 9.

<sup>2</sup> J. Modrzewski, *Socjalizacja*, *op. cit.*... p.10.

the antonym to security; thus, these terms are closely connected to each other and must not be considered separately.<sup>3</sup>

The broadening of the scope of the topic of public safety in its various aspects, as well as the growth of interest in this topic, have contributed to the emergence of distinct services and organizations that are responsible for ensuring public safety. The activity and the actions undertaken by these services and organizations form the basis for the local community's sense of safety and security. The occurrence of crime strongly influences the sense of public safety. Safety, as a necessary element for the correct functioning of society, is becoming an increasingly discussed topic in local communities, as well as a subject of academic research. In security sciences, there remain many unsolved problems, relating not only to the threat to public safety, but also, and above all, to the ways of preventing these threats. In the field of public safety, there is a necessity for cooperation between individual services responsible for safety, as well as for the general harmonious cooperation in the actions undertaken by those whose task is the elimination of threats to public safety and order. The large number and the wide variety of threats to security results in the increase in the number of organisations responsible for the elimination of the phenomena that are considered a threat to the safety of society. Among the basic factors which influence safety in the general sense of the word, one must consider, above all, the efficiency of the organizations and agencies responsible for public order, as well as law enforcement agencies and police services.

In the discussion of juvenile crime and its analysis, it is necessary to define the term *demoralization*, as it facilitates the discussion on this topic. Demoralization is a series of acts in which an individual abandons accepted moral norms, most notably in a criminal act. Demoralization, otherwise known as moral decay, is recognized in a juvenile on the basis of such symptoms as their hostility and negative attitude towards society, or towards their peers.<sup>4</sup> One of the causes of demoralization is the participation of juveniles in criminal groups. Young people who find no support in their family often look for it outside and join groups which are in conflict with the law. The group's influence puts pressure on the person to take a role which is not in line with the established moral norms (for example, playing truant, theft, or possession of intoxicating

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<sup>3</sup> D. Zbroszczyk, *Analysis of threats in the Masovian police district in the years 2016–2017*, Ostrava 2017, p. 306.

<sup>4</sup> <http://www.psychologia-spoleczna.pl/artykuly/1599-przestepczosc-maloletnich-jako-problem-spoleczny.html> (accessed:15.08.2017).

substances). While in such a group, young people learn the rules of functioning within it (i.e. where to acquire drugs, how to steal without getting caught), become convinced that their action can be justified and feel that they can go unpunished.<sup>5</sup>

As regards the citizens' responsibility in terms of juvenile crime, Article 4 of the Act of Juvenile Delinquency Proceedings lays the basis:

§ 1 Everyone who observes the existence of circumstances pertaining to the demoralization of a juvenile and in particular the infringement of social life, the committing of a crime, the systematic use of alcohol or other substances in order to become intoxicated, prostitution, vagrancy and participation in criminal groups has the social responsibility to counteract this and, above all, to inform the parents or guardian of the juvenile, the appropriate institution, school, family court, police or other.<sup>6</sup>

Criminal behaviour is spoken of as a uniform phenomenon, while it is, in fact, a collection of various acts; taking into account their forms and conditions, they often have hardly anything in common. The one common factor, however, is that the behaviour contravenes the law. Whether an act is considered criminal, or whether it remains beyond the scope of criminal law is a decision dependant on the social, economic and very often political will of the current law enforcers – this is mainly subjective and changes with time.<sup>7</sup> In Poland, one can note a decrease in the limit given to the period considered 'childhood', irrespective of the cultural indications of the period of a child's psychological development. Criminal behaviour is a very serious social problem all over the world. In the majority of nations, four types of crime are on the rise:

- a) violent crimes, e.g. murder, assault, rape, robbery, committed in an organized fashion, premeditated and carried out for material or political motives;
- b) crime against property, e.g. theft, burglary, arson;
- c) 'white collar worker' crimes, which include fraud, embezzlement, corruption, acts on the black market, computer crimes (cybercrimes);
- d) 'victimless' crimes, e.g. drunkenness in public, gambling, drug abuse;

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<sup>5</sup> B. Hołyst, *Kryminologia*, Warszawa 2007, p. 617.

<sup>6</sup> *Act of 26 October 1982 on Juvenile Delinquency Proceedings*.

<sup>7</sup> G. Kowalski, *Podmiotowe i przedmiotowe uwarunkowania przestępstwa. Studium kryminologiczno-prawne*, Toruń 2012, p. 30.

e) terrorism on an international and local scale.<sup>8</sup>

Irrespective of the indicator presented, crime disturbs or even ruins people's lives, regardless of their age, or social class to which they belong. One of the ways to decrease the number of crimes is to achieve the common material well-being or prosperity. What is particularly influential regarding the tendency towards criminal behaviour is the social class or group to which one belongs, as well as the aspirations that one desires to achieve. The chasm between the aspirations and needs of the middle class and their financial possibilities creates the temptation to attain one's goals through criminal activity. Involvement in criminal activity may also be prompted by the fall in standards of living, unemployment, or a sudden and extreme change in social standing.

In the widest understanding of the term, criminality is a negative phenomenon and a social process which entails a dynamic range of behaviours harmful to society, carried out by certain people and groups who break accepted norms and rules which govern the social order in a given community in a particular area at a particular time.<sup>9</sup> In a narrower understanding of the term, criminality is one of the most extreme forms of pathological human behaviour, forbidden by law and by the norms that govern the territory of the state at a particular time.<sup>10</sup> Criminality is a social phenomenon, a certain class of social events which can be experienced in a specific place and time. It is the product of social reality.<sup>11</sup> 'Crimes', on the other hand, are elements of this set, which must be counted to assess the scale of criminality. Crime may be understood in different ways depending on the discipline of science. In the legal and penal sense, it is defined as a socially dangerous behaviour, banned and punishable by the law in force at the time of committing the crime.<sup>12</sup> Apart from the legal definition, it may also be defined as a natural or social phenomenon. Taking into account such a perspective, crime is a behaviour or activity which breaches the social code/convention of the local community. Another definition speaks of crime as a type of behaviour that breaches norms, brings about penal sanctions, or is a threat to society.<sup>13</sup> Juvenile crime is a legal and criminal term used all over the world. The ambiguity of this term is the result

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<sup>8</sup> B. Hołyst, *Problemy młodego pokolenia. Studium z zakresu profilaktyki społecznej*, Warszawa 1991, p. 36.

<sup>9</sup> J. Borkowski, *Rozważania o zagrożeniach*, Warszawa 2014, p. 214.

<sup>10</sup> *Ibidem*.

<sup>11</sup> P. Sztompka, *Socjologia*, Kraków 2002, p. 32.

<sup>12</sup> J. Błachut, A. Gaberle, K. Krajewski, *Kryminologia*, Gdańsk 2004, p. 185.

<sup>13</sup> P. Sztompka, *Socjologia, op. cit.*, p. 33.

of the various characteristics thereof; it depends on the age of the person defined as a minor/juvenile and the catalogue of acts and behaviours considered crimes.<sup>14</sup>

Art. 10 par. 2 of the Penal Code says that a “juvenile who has turned 15 years of age and commits a criminal offence may be held responsible for the crime in accordance with the rules set out in this Code, if the circumstances of the perpetrator, their attributes and personal conditions speak in favour of this, and in particular, if previously enforced educational and corrective measures have not been effective”.<sup>15</sup>

The *Act of Juvenile Delinquency Proceedings* defines a juvenile in several ways:

- a person between 13 and 17 years of age who commits a criminal offence,
- a person who has not yet turned 18 and who shows signs of demoralization,
- a person who has not yet turned 21 and who has had educational or reformative measures enforced on them.<sup>16</sup>

Depending on the age and the type of actions undertaken in accordance with the *Act of Juvenile Delinquency Proceedings*, three categories of juvenile offenders have been distinguished:

- In respect of activities relating to the prevention and combatting of juvenile demoralization, a juvenile is defined as a person who has not yet turned 18 years of age. (art. 1 § 1 point 1)
- In respect of penal proceedings, a juvenile is defined as a person after reaching the age of 13 years and before attaining the age of 17 years. (art. 1 § 1 point 2)
- In respect of educational or reformative measures, a juvenile is a person on whom the measures have been enforced to a maximum age of 21. (art. 1 § 1 point 3)<sup>17</sup>

It is important to emphasise that in spite of the attempts to improve the research methods and techniques, as well as the detectability of crime, this phenom-

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<sup>14</sup> <http://www.pedkat.pl/images/czasopisma/pk12/pk1208.pdf> (accessed: 21.08.2017).

<sup>15</sup> *Act of 6 June 1997 – Penal Code*, [in:] *Journal of Laws of the Republic of Poland [Dz. U.]*, no. 88, item 553, with amendments.

<sup>16</sup> Art. 1 of *Act of 26 October 1982 of the Juvenile Delinquency Proceedings*, [in:] *Journal of Laws of the Republic of Poland [Dz. U.]*, 1982, no. 35., item 228.

<sup>17</sup> *Act of 26 October 1982 of the Juvenile Delinquency Proceedings*, [in:] *Journal of Laws of the Republic of Poland [Dz. U.]*, 2010, no. 33, item 178, with following amendments; B. Stańdo-Kawecka, *Prawo karne nieletnich – od opieki do odpowiedzialności*, Warszawa 2007, p. 301.

enon is difficult to measure precisely and so there remains a discrepancy between the known or revealed scale and the actual scale of criminality. This means that there is always a so-called 'black' number of crimes which have been committed but about which the police and law enforcement agencies do not know.<sup>18</sup>

#### RESEARCH ANALYSIS

The theory of penal law distinguishes four groups of characteristics of a crime, namely:

- the good(s)/ rights protected by the penal law;
- perpetrator, i.e. the person who commits the crime;
- *mens rea*, i.e. the psyche/psychology, affairs, attitudes and thoughts;
- *actus reus*, i.e. the act/ behaviour of the subject, the consequences of the act, the time and the place of the act, the situation in which the act took place and the way the act was carried out, as well as the material object on which the act was carried out. [descriptions are translator's notes]

Crime is an act carried out by a person which is a felony or a trespass/offence punishable under the law in place at the time; as laid out in art. 1 of the Penal Code from 6 June 1997, "whoever commits a crime punishable by the law in place at the time of committal".<sup>19</sup> Crime is an illegal act that is harmful to society in more than a negligible way. The occurrence of a crime is stated when an act fulfils the characteristics of a crime.<sup>20</sup> In studying criminality among young people, it should be pointed out that among the crimes that they commit, statistics most often point to such crimes as: the appropriation of goods, theft, burglary, assault, robbery and extortion. Another category of crimes often committed, among others, by juveniles, includes crimes against life and health and group criminality. Crime is one of the sources of threats which influence the sense of safety and security of an individual. It is for this reason that the following research questions have been applied to this phenomenon:

1. What is the scale of juvenile crime in the Masovian police district?
2. Which crimes are most often committed by minors?

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<sup>18</sup> K. Zaremba, *Nieletni jako sprawca i ofiara przestępczości*, [in:] D. Zbrozczyk (ed.), *Współczesne wyzwania i zagrożenia bezpieczeństwa dla młodzieży. Wybrane problemy*, Radom 2017, p. 71.

<sup>19</sup> R. Rudnik (ed.), *Kodeks Karny*, Warszawa 2011, p. 17.

<sup>20</sup> K. Zaremba, *Nieletni...*, *op.cit.*, p. 70.

3. What is the difference between the number of juveniles suspected of committing a crime and the actual number of crimes committed in the years 2013–2016 under analysis?

On the basis of the data, it can be stated that the number of criminal acts committed by minors in the period 2013–2016 in the area covered by the Masovian police district systematically fell. These results are in line with the tendency seen all over Poland. The number of such crimes has been steadily decreasing since 2013. That year saw 70 542 crimes committed by juveniles and in the year 2015 – 28 875, which gives a 41% decrease in crimes committed.<sup>21</sup>

TABLE 1. CRIMES IN POLAND IN THE YEARS 2013–2016

| Year | Crimes ascertained | Of which juvenile | % of juvenile participation | Detected crimes | % detection |
|------|--------------------|-------------------|-----------------------------|-----------------|-------------|
| 2013 | 1 061 239          | 70 542            | 6,6%                        | 720 510         | 67,0        |
| 2014 | 867 855            | 42 735            | 4,9%                        | 573 824         | 65,2        |
| 2015 | 799 779            | 28 875            | 3,6%                        | 524 380         | 64,7        |
| 2016 | 748 464            | Data missing      |                             | 501 882         | 66,5        |

Source: Author's own on the basis of *Biuletyn statystyczny KGP*<sup>22</sup>

<sup>21</sup> There has been a change in the method of data collection regarding juveniles. Up until the end of 2012, punishable acts committed by juveniles had been passed on to the Family and Juvenile Court at the moment of the initiation of the trial. Since the beginning of 2013, the data is presented after information has been given about the initiation and conclusion of the proceedings by the Family Court judge.

<sup>22</sup> *Biuletyn statystyczny Komendy Głównej Policji w Warszawie [Bulletin of Statistics of the General Police Headquarters in Warsaw]*.



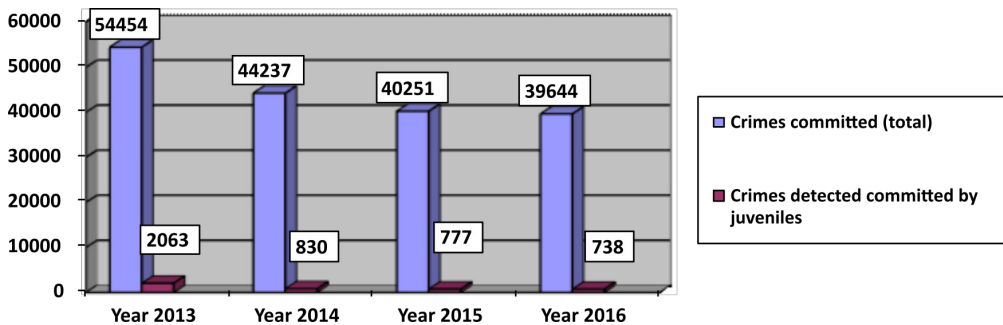
TABLE 2. CRIMES IN THE MASOVIAN POLICE DISTRICT IN THE YEARS 2013–2016

| Year | Crimes ascertained | Detected crimes | % detection | Crimes detected committed by juveniles |
|------|--------------------|-----------------|-------------|--|
| 2013 | 54 454             | 41 095          | 70,1        | 2 063                                  |
| 2014 | 44 237             | 30 844          | 69,8        | 830                                    |
| 2015 | 40 251             | 28 302          | 70,1        | 777                                    |
| 2016 | 39 644             | 26 916          | 71,3        | 738                                    |

Source: Author's own on the basis of *Biuletyn statystyczny KGP*<sup>23</sup>

In spite of the fall in crimes committed by juveniles, the presence of particular brutality among young people may be a cause for concern, for example as regards brawls, assaults, violent crime or murders. It must be noted that the causes of such a state may lie in the societal, cultural and economic changes, in the increasingly strong influence of the media promoting violence and aggression, or in the environmental conditions and educational methods which are inappropriate and unfavourable to socialization.<sup>24</sup>

GRAPH 1. CRIME IN THE MASOVIAN POLICE DISTRICT IN THE YEARS 2013–2016



Source: Author's own on the basis of statistical data from Voivodship Police Headquarters in Radom

<sup>23</sup> *Biuletyn statystyczny Komendy Głównej Policji w Warszawie [Bulletin of Statistics of the General Police Headquarters in Warsaw]*.

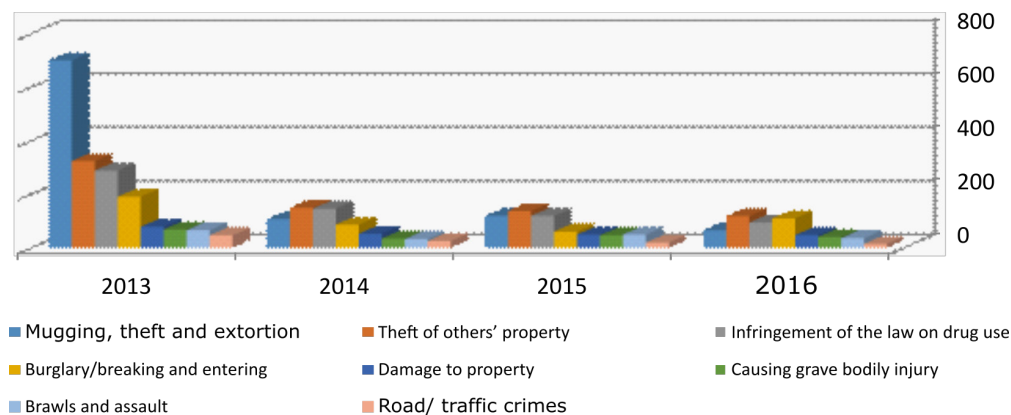
<sup>24</sup> P. Majer, A. Urbanek, *Bezpieczeństwo społeczne. Ewolucja, instytucje, zagrożenia*, Warszawa 2016, p.172.

In the period 2013–2016, juveniles committed 4408 crimes in total, of which 2063 were committed in 2013, 830 in 2014, 777 in 2015 and 738 in 2016.

Bearing in mind the Polish Penal Code, it must be said that a juvenile may not be the perpetrator of a crime nor a criminal – a crime can be committed by a person who has already turned 17 years of age at the time of committing the crime; or in exceptional cases, 15 years of age (cf. art. 10 of the Penal Code). In the understanding of penal law, a juvenile (with the exception of the cases mentioned in the Penal Code) cannot commit a crime. In regard to legal and penal terminology, the term ‘prohibited act’ and not ‘juvenile crime’ must be used.<sup>25</sup>

The graph below presents the reported crimes most often committed by juveniles in the Masovian police district.

GRAPH 2. CRIMES MOST OFTEN COMMITTED BY JUVENILES



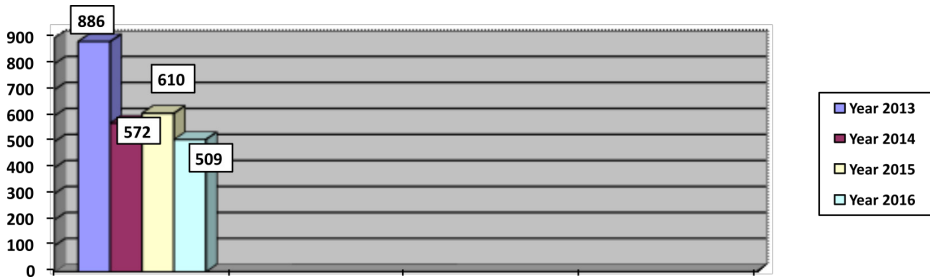
Source: Author's own on the basis of statistical data from Voivodship Police Headquarters in Radom

It can be seen from the above graph that the number of crimes committed in the Masovian police district systematically decreased from 2013 to 2016. There was a downward trend in the number of punishable acts up until the year 2015, whereas in the year 2016 a small increase of 9.2 per cent was noted in comparison to the analogical period in 2015.

In the period 2013–2016, 2577 juveniles were suspected of committing a crime, of whom 886 in the year 2013, 572 in the year 2014, 610 in the year 2015, and 509 in the year 2016.

<sup>25</sup> M. Stefański, *Analiza niedostosowania przestępczego wśród nieletnich*, [in:] Jaworska A. (ed.), *Kryminologia i kara kryminalna: wybrane zagadnienia*, Kraków 2008, p. 63.

GRAPH 3. JUVENILES SUSPECTED OF CRIMES (TOTAL)

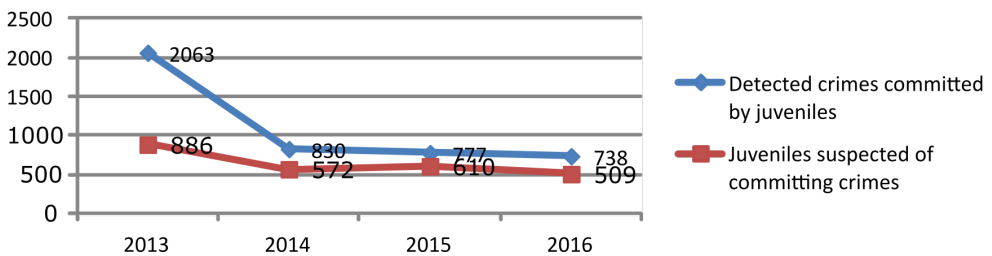


Source: Author’s own on the basis of the analysis of information on juvenile crime in Poland in the period 2013–2016 obtained from the Voivodship Police Headquarters in Radom

The majority of juvenile crime was committed by groups. It must be added here that while individual members of a specific group are not aggressive, together with a whole group in given circumstances they behave aggressively. So-called diffusion of responsibility plays an important role here, allowing individual behaviour to be attributed to the group.<sup>26</sup>

It has been noted in the article that there is a difference between young offenders suspected of committing a crime and those charged with committing it. (Graph 4) The difference between those suspected and those charged between 2013 and 2014 was 1261; 53 between 2014 and 2015, and 39 between 2015 and 2016.

GRAPH 4. THE DIFFERENCE BETWEEN THE NUMBER OF JUVENILES SUSPECTED OF A CRIME AND THOSE CHARGED WITH A CRIME IN THE PERIOD 2013–2016



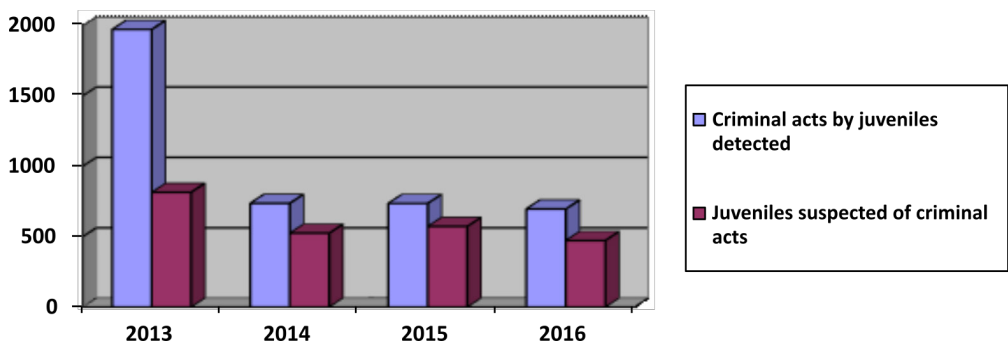
Source: Author’s own on the basis of statistical data from Voivodship Police Headquarters in Radom

<sup>26</sup> B. Urban, *Tendencje we współczesnej przestępczości młodzieży*, [in:] B. Urban (ed.), *Zachowania dewiacyjne młodzieży w interakcjach rówieśniczych*, Kraków 2005, p. 7-11.

Among all the crimes committed by juveniles in the years 2013–2016, criminal acts made up 4141 of the crimes, of which 1971 were committed in 2013, 737 in 2014, 736 in 2015 and 686 in the year 2016.

Criminal acts by juveniles have also been analysed. The graph below shows the number of detected criminal acts committed by juveniles and the number of those of which juveniles were suspected.

GRAPH 5. THE DIFFERENCE BETWEEN THE NUMBER OF DETECTED CRIMINAL ACTS BY JUVENILES AND THE NUMBER OF CRIMES OF WHICH JUVENILES WERE SUSPECTED



Source: Author's own on the basis of statistical data from Voivodship Police Headquarters in Radom

The consideration of juvenile crime leads to the conclusion that it is, above all, a category of acts perpetrated by juveniles which has a direct influence on the sense of safety and security of the citizens, for crimes categorized as theft, burglary, mugging, or assaults, which are by all means harmful to the said sense of security, make up the majority of all criminal acts committed by juveniles. The way in which the above crimes are committed is characterised by certain 'showing off': they are oftentimes committed openly in front of other participants to impress them somehow. Often, out of arrogance and impudence, young offenders do not keep the act a secret and even boast about their exploits in front of their peers and local community.<sup>27</sup>

<sup>27</sup> B. Hołyst, *Kryminalistyka*, Warszawa 2010, p. 606.

## CONCLUSION

Juvenile crime is a phenomenon occurring in all countries irrespective of the social and political system in place. Its development is closely connected with all changes of regime/system as well as cultural and economic changes which influence not only society as a whole, but also individuals and families.

Puberty is a crisis in social conformity; this crisis is conditioned by the processes of upbringing and education that take place in the family, among peers, and in the school environment. A defective educational process carried out by school or family, or an inappropriate focusing of a young person's activities resulting from lack of care or from an exposure to unsuitable influences (e.g. exerted by the media or demoralising peers), may cause disturbances to their development, as well as the rise of inappropriate attitudes or behaviours.<sup>28</sup> However, in order to reduce this phenomenon, there is a wide range of preventive, coercive and prophylactic measures in place.

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<sup>28</sup> R. Ilnicka, *Środowiskowy kontekst niedostosowania społecznego młodzieży*, Toruń 2008, p. 9.

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CITE THIS ARTICLE AS:

D. Zbroszczyk, K. Borkowska, *Juvenile Crime in the Masovian Police District: A Threat to Public Security. A Research Analysis*, "Security Dimensions", 2018, no. 27, p. 110–124, DOI 10.5604/01.3001.0013.0293.

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