

## **YOUTH DELINQUENCY AND JUVENILE JUSTICE POLICY IN LITHUANIA: TRENDS AND COMPARATIVE ASPECTS (2015)**

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The aim of this research was to analyse juvenile delinquency and victimization in Lithuania from the sociological, criminological and legal perspectives. The research sought not only to explain the trends and forms of juvenile delinquency and victimisation, but also to verify assumptions of different theories elaborated in criminology. The research also aimed to assess the existing juvenile justice policy in Lithuania and to examine whether it is adequate to address the problems of delinquent behaviour.

### *Research methodology*

The survey of delinquent behaviour and victimisation experience was based on the ISRD-3 (International Self-Report Delinquency Study) methodology, which comprises a quantitative survey of 7th-9th grade students. It should be noted that Lithuania participated in a previous (ISRD-2) study in 2006. This enabled to perform a comparative data analysis and to evaluate changes in juvenile delinquency and victimisation during the period of eight years (2006–2013).

ISRD-3 study uses a multi-stage stratified random sampling that is based on the probability of each selection unit to be selected to the reference sample. Due to comparative nature of the study, it was important to ensure that data received from various countries participating in this survey would be mutually comparable. Therefore, this survey was based on a 'city-based' sampling and sampling strategies were highly standardized: each country was required to perform survey of two larger cities (the same cities that were included in previous ISRD-2 study). There was an additional possibility to add one cluster of geographically close towns.

Lithuanian ISRD-3 study covered the same cities and towns that had previously been surveyed during ISRD-2 study: Vilnius (the capital city, 529,022 inhabitants, Eastern part of the country), Šiauliai (105,601 inhabitants, Northern part of the country), Kretinga (18,816 inhabitants), Plungė (19,153 inhabitants), and Telšiai (24,295 inhabitants).

The main sampling unit was a class at school. Pupils from 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grades we surveyed, that represents the following age groups: 12–13, 13–14 and 14–15. The minimum number of respondents to be surveyed in two larger cities was 1800 (900 respondents in each). During the survey that was conducted in Lithuania in October–December 2013, 2824 students (146 classes) from gymnasiums, progymnasiums, secondary and primary schools in Vilnius, Šiauliai, Telšiai, Plungė and Kretinga were surveyed.

Two versions of the questionnaire were available for researchers: an electronic one and a standard paper version. In Lithuania the paper version was used since the researchers doubted whether all the schools would be able to ensure access to computers with Internet connection to all respondents. The structure of both versions of the questionnaire was identical.

In the ISRD-3 questionnaire, the structure of delinquent behaviour was measured by asking about 15 different law offences: property crimes (theft from a vehicle, burglary, car theft, shoplifting) and violent crimes (gang fight, robbery, etc.). Some new types of illegal activities (graffiti, cruelty to animals and illegal downloading from the Internet) were also included. The self-report victimization part consisted of questions about experienced robbery, bodily injury, theft, hate crime, cyber bullying and types of domestic violence.

The second part of the project research was to assess the juvenile justice policy in Lithuania. To attain this, legal acts, programming documents, statistical data and previous scientific researches on the juvenile justice sector in Lithuania were analysed. On the other hand, opinions of the professionals working in this area (both policy-makers and policy implementers) were also

considered important. Therefore, the researchers conducted in-depth interviews according to semi-structured questionnaire with the experts working in such areas as law enforcement, child rights protection, psychology, social work, etc.

29 semi-structured interviews were conducted: 9 – with policy-makers in juvenile justice system, and 20 – with practitioners working in this area. The informants were selected by a targeted sampling. The main criterion for the selection of policymakers in the juvenile justice area was their direct participation in development, organization and implementation of the measures of the Juvenile Justice Programme. In Lithuania, such policy makers comprise of representatives of various ministries, departments, public institutions and scientists that mostly contribute to the development of the Juvenile Justice Programme. Therefore, the survey sample included representatives from the Ministry of Justice, the Ministry of Education, the Ministry of Social Security and Labour, the Prisons Department, the Police Department and the researchers who have contributed to the creation of the Juvenile Justice Programme. The main selection criteria of practitioners was their work / specialization in the field of juvenile justice. Police officers, prosecutors, judges, social workers and psychologists were interviewed.

The experts were invited to discuss three main topics: their participation in the implementation of the Juvenile Justice Programme; their opinions on the efficiency and ensuring the effectiveness of the measures implemented within the Programme; issues hindering implementation of the measures within the Programme.

Different groups of participants of the study enabled to approach the research questions from different angles. Conducted interviews with the policymakers in the area of the juvenile justice resulted in a better and more in-depth understanding of the juvenile justice policy in Lithuania and its basic document – the Juvenile Justice Programme. They also helped to clarify the criteria on the basis of which the survey participants evaluated the effectiveness of the Programme. Interviews with practitioners allowed to get an insight in the practical experience when applying the measures of the Juvenile Justice Programme and to explore the ways of ensuring the effectiveness of those measures.

### *Results of the study*

This research enabled to examine the prevalence, structure and influencing factors of the youth delinquent behaviour and victimization, as well as to assess the situation in the context of the legal and political (criminal justice and education policy) regulation in Lithuania.

Analysis of normative legal acts and programming documents showed that the juvenile justice system has undergone major changes over the last fifteen years (for example, implementation of the first and the second Juvenile Justice Programme (1999–2002 and 2004–2008); preparation of training programmes for police officers, judges, prosecutors, prison and probation officers that work with juvenile offenders; adoption and implementation of a number of laws intended to protect minors in criminal proceedings; implementation of the system of minimal and medium care for minors, etc.).

Furthermore, previous studies in Lithuania (Vileikienė, E. 2007; Bieliūnė, S. et al., 2010; Targamadžė, V. 2013; Nikartas, S. et al. 2013) revealed a number of problems in implementing the planned preventive measures (such as lack of a systematic approach when training practitioners in the juvenile justice system, or lack of inter-agency cooperation). The evaluation of the Lithuanian socialization centres revealed that one-third of children do not participate in any prevention programmes, other children are poorly involved, and in minimal and medium care system their social skills are poorly developed.

This study highlighted the gap between the “facade” (prevention programmes) of the juvenile justice policy and the “real life”. It also helped to understand the issues hindering the implementation of preventive measures in the field of juvenile justice.

The analysis of the experience of the juvenile justice policymakers and practitioners, which was examined during the qualitative study, revealed that the Juvenile Justice Programme – the key policy document in this area – is functioning poorly. It is filled with “impoverished”, “poor” and routine measures, it has a fragmented, rather than a systematic, approach to the juvenile delinquency problems and has little political support. Accordingly, the participants described the juvenile justice

policy as an episodic, rather than systemic, approach to juvenile problems, lacking a continuous effectiveness monitoring of the implemented measures, and displaying poor inter-institutional cooperation and inconsistency. Cooperation with researchers and experts was indicated as occasional and procedural rather than systematic and based on a clear demand.

The study suggests that the juvenile justice system, suffering from the above-mentioned negative aspects, is likely a fall into a vicious circle: (1) the policy is formed without considering or poorly considering the experience of experts, professionals and practitioners. (2) As a result, experts and specialists perceive their contribution and role as irrelevant and (3) in turn, they show no initiative to change or influence decision-making. (4) Moreover, they witness the weakness and lack of confidence in the system and are pessimistic about it. Such setback of competent professionals further complicates the possibilities of solving the juvenile delinquency problems and implementation of necessary policies.

The conducted interviews have also revealed the lack of effective implementation mechanisms: the preventive measures are proposed without sufficient analysis of the situation, focusing on measures carried out in separate institutions rather than the whole system; lack of political will to implement the proposals that are offered by the experts; participation of specialists when drafting measures is poor and formal. All of this leads to the development and implementation of inadequate and inappropriate measures intended to target juvenile delinquency. Moreover, there is no information about consistency and completeness of a measure after its implementation; efficiency of measures implemented is not measured; there is no feedback discussion between individuals and institutions that drafted a particular instrument, supervised its implementation, and, on the other hand, practitioners that are directly responsible for its implementation. Therefore, such implementation often has a declarative character. The measures often fail to reach the group of minors to which they were foreseen. In other words, they do not attain the intended preventive effect.

With regard to measures that could enhance the effectiveness of juvenile justice, the so-called “instruments” to measure effectiveness, the research has identified various issues linked to the nature of the measures. For example, policymakers considered that it was necessary to obtain statistical information about the participants of the training, as well as the curriculum and the training evaluation. It is also proposed to collect information about the pretrial investigations involving minors, to monitor juvenile behaviour, to carry out systematic research in this area and to measure the effect of awareness raising campaigns. The practitioners suggest that surveys should be conducted to examine feedback on the particular measure implemented. It is considered that pre-testing and post-testing could properly assess the effectiveness of the measures, and monitoring of juvenile behaviour is crucial even after the implementation of a measure. It should be noted that the chosen control group method did not raise any debate between the policymakers. The practitioners also refrained from giving their opinion on this matter, and did not critically evaluate such approach, without questioning the possibility to gather two identical groups.

Having evaluated the juvenile justice policy in Lithuania, the second part of the research concentrated on the quantitative survey performed at schools. The results of the quantitative survey are of significant importance. Comparative analysis of the ISRD-2 and ISRD-3 studies (2006 and 2013) revealed that there is no substantial growth in rates of delinquent behaviour among pupils. Their delinquent acts do not tend to become more serious and the age of the delinquents is not declining.

The most common delinquent behaviour among pupils is illegal downloading from the Internet. This trend is understandable, given the extent of Internet use in a modern globalized world. However, serious offenses among pupils are not widespread, and throughout their lives only a quarter of them have committed an offense that had a direct impact on another person or is associated with the intent to cause such a damage (with the exception of graffiti and vandalism which can also be directed towards public property). However, comparing the survey data and official statistics, it can be noted that latent and registered juvenile criminal behaviour differs in its prevalence and structure, as only a minor part of violent offences is reflected in criminal statistics.

The research demonstrated a significant gap between the girls' and boys' delinquent behaviour. The major difference was observed within the so-called "masculine" offences: boys more often than girls reported about illegal download of music or movies, violence offences, vandalizing bus (trolleybus) stations, smashing shop windows, cars etc., selling drugs.

Differences in the prevalence of delinquency in various cities and towns were observed. In smaller towns, fewer pupils reported committing at least one of the fourteen listed offences. However, due to a more persistent informal and formal control and less anonymity in smaller towns, a similar proportion of pupils as in a big city had contacts with the police.

Alcohol and drug use is recognized as one of the most important risk factors for delinquent and criminal behaviour. The survey enabled to repeatedly confirm the level of use of the mentioned substances among pupils in Lithuania. The data analysis showed that alcohol consumption among pupils remains fairly high (54.4 per cent over a lifetime, and 33.6 per cent in the last 30 days). Compared with the previous ISRD-2 study, certain decline in alcohol consumption is observed. This change in results can be explained by methodological reasons only to some extent, which allows claiming some factual decline.

The proportion of pupils using alcohol rapidly increases with their age. According to the survey, it can be suggested that 7th-9th years at school is the age when the alcohol consumption among schoolchildren spreads the most. The study found that alcohol consumption is more prevalent among girls rather than among boys, although such outcome partially contradicts with other data collected in Lithuania.

Pupils show preference to light alcoholic beverages. At least once during the last 30 days, 28.3 per cent of respondents have consumed beer and similar drinks. Accordingly, 9.2 per cent of respondents consumed wine and 11.5 per cent – strong drinks. A large part of students (24.9 per cent) reported that in the last 30 days once or several times they consumed alcohol in excessive amounts, i.e. drank more than 5 units of alcohol in one day.

Drug use among surveyed pupils is rather low. Relatively popular are soft drugs (cannabis, marijuana, hashish), which were acknowledged to be consumed at least once by 6.6 per cent of respondents. When answering about the use of drugs during the last 30 days, the number of the consumers dropped to 2.8 per cent. Use of hard drugs was reported by less than 1 per cent of respondents.

The findings suggest that there is a strong link between alcohol consumption and delinquent behaviour. Respondents, who reported consuming alcoholic beverages, more often committed one of the listed delinquent offences.

The ISRD-3 survey also included questions related to the victimization experienced by the pupils. The data analysis revealed that nearly half of the respondents claimed to have suffered from at least one of the offences (the overall victimization rate over the lifetime is 47.1 per cent, and 38.3 per cent during the last 12 months). In most cases pupils become victims of physical violence in home environment, where one of the parents hit, slapped or pushed them (lifetime rate – 25.7 per cent; in the last 12 months – 18.2 per cent), theft (over a lifetime – 18.3 per cent; in the last 12 months – 14.4 per cent), cyber bullying (over a lifetime – 17.5 per cent; in the last 12 months – 14.7 per cent). More rare cases of victimization include suffering from a physical violence within their family, where one of the parents hit them with some object or beaten strongly (over a lifetime – 6.1 per cent; in the last 12 months – 3.1 per cent), robbery (over a lifetime – 5.2 per cent; in the last 12 months – 3.4 per cent), bodily injury (lifetime – 4.8 per cent; in the last 12 months. – 3.4 per cent) and hate crime (over a lifetime – 4.0 per cent; in the last 12 months – 2.9 per cent).

It was also estimated that vulnerability of juveniles to become a crime victim does not decrease with age and remains constant during several teenage years. The study revealed that there is a statistically significant relationship between pupils' victimization rates and their delinquent behaviour. Pupils, who became victims of criminal offences, are more likely to commit delinquent acts themselves. Meanwhile, those who had not committed any criminal acts, were less likely to become victims of criminal offences. This gives reason to assert that victimization plays an important

role in the etymology of the juvenile delinquency. This, in turn, suggests that prevention of juvenile victimization should become one of the most important aspects in the crime prevention policy.

One part of this study sought to identify the factors that deter minors from delinquent behaviour. The crucial assumptions of the Situational Action Theory and the Institutional Anomy Theory were examined in the ISRD-3 questionnaire.

It was observed that there is a very close link between moral values (norms) and delinquent behaviour. This observation was confirmed not only on a general level, but also in relation to separate delinquent acts. The study confirmed existence of the link between the strength of moral norms of a subject (measured through shaming in front of the other people: friends, parents, teacher, and other relevant persons) and delinquent behaviour. There is also a relationship between ability to control emotions and impulses by a minor and his / hers delinquent behaviour. Young delinquents, first of all, are those who for some reasons are less able to control their behaviour, are less resistant against the temptations, and are prone to risky behaviour.

Verification of several assumptions of the Institutional Anomy Theory opens important perspectives towards the prevention of juvenile delinquent behaviour. The study identified statistically significant correlations between the ties of a pupil with his / her school, friends and family and his / hers previous experience in delinquency. Positive ties with school and parents are one of the crucial factors that can deter from delinquent behaviour. Proper transmission of pro-social norms by family and educational institutions to the surroundings of a juvenile and the importance of their opinion about certain behaviour is also a factor that performs a deterring function. In this case a juvenile delinquent is, first of all, a person whose emotional ties with school and family is weakened. This study, therefore, provides yet another strong argument for social exclusion reduction policy within specific social groups, including youth. The survey data confirm the perspective of this approach.

The results of research (in Lithuanian): *Justickaja S., Aleknevičienė J., Kalpokas V., Giedrytė-Mačiulienė R., Mickevič A., Žilinskienė L., Žėkas T.* Jaunimo delinkvencinis elgesys ir nepilnamečių justicijos politika Lietuvoje: tendencijos ir lyginamieji aspektai: monografija. Vilnius: Justitia, 2015 – 220 p.