



Cahier 2024-11

Juvenile convicts for (attempted) manslaughter: 2016 and 2021 compared

*An in-depth study within the Juvenile
Crime Monitor*

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Cahier

De reeks Cahier omvat de rapporten van onderzoek dat door en in opdracht van het Wetenschappelijk Onderzoek- en Datacentrum is verricht. Opname in de reeks betekent niet dat de inhoud van de rapporten het standpunt van de Minister van Justitie en Veiligheid weergeeft.

Summary

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Introduction

In recent years, there has been a lot of talk in the media about rejuvenation and hardening of youth crime and an increase in serious violence among young people. However, the number of 12 to 23 year old youth convicted of serious violence fell by two-thirds between peak year 2004 and the year 2022. However, in the period 2016 to 2021, there has been an increase in the number of convictions for a specific form of serious violence, namely (attempted) manslaughter¹ among minors (12 to 18). For young adults (18 to 23) the numbers stayed more or less the same. To gain a better insight into the increase in (attempted) manslaughter cases, this study focuses on the relevant cases from the year 2016, the year with remarkably few convictions among juveniles, and on the year 2021, a year with more convictions.

This study examines the characteristics of (attempted) manslaughter cases for which juveniles have been convicted and the extent to which these differ between cases from 2016 and cases from 2021. This is done on the basis of the following main question:

What are the characteristics of criminal cases, involving juvenile convicts, of (attempted) manslaughter and to what extent do these differ between 2016 and 2021?

This question is investigated based on data about young people who have the Public Prosecution Service or the judge have been found guilty of (attempted) manslaughter in 2016 or 2021. The data comes from the Judicial Documentation Research and Policy Database (OBJD) and from criminal verdicts. This research concerns an in-depth study conducted within the framework of the Youth Crime Monitor (MJC) and is a follow-up to an earlier WODC study from 2023 on developments in serious violence by juveniles.

Methods

In order to describe the characteristics of criminal cases and juveniles formulated in the research question, and in addition to a targeted literature study, two sources were used in this study: the OBJD and criminal verdicts. The OBJD contains judicial data on criminal offenders, and for this study all cases of juveniles who were definitively found guilty of (attempted) manslaughter in 2016 or 2021 were selected ($N=275$, 113 in 2016 and 162 in 2021). In addition, the verdicts in these criminal cases were used, insofar as they were available and fell within the selection criteria ($N=180$, $N=66$ in 2016 and $N=114$ in 2021). The verdicts included in this study have been coded

¹ Manslaughter here includes cases that are defined as (not premeditated) homicide in other countries.

quantitatively as much as possible according to a coding scheme. This was done in order to describe the extent to which certain fact characteristics, perpetrator characteristics, victim characteristics and settlements occurred in cases from 2016 and 2021 and to make a comparison between these years. In addition to the quantitative codes, the crime, any problems (identified by professionals) of the convicted person and any details are also described for each verdict. These data were used for the qualitative part of the study. This qualitative information was mainly used to illustrate the quantitative coding and findings with descriptions from the verdicts. Content analysis was also used to distinguish and compare types of situations and reasons between cases from 2016 and 2021.

Results

The findings of this study give insight in the characteristics of manslaughter cases for which juveniles were convicted in 2016 or 2021. 2021 is a special year, because many of the facts from these cases took place during the Covid-19 crisis. The vast majority of cases investigated (91%) in both years related to attempted manslaughter. Only a limited number related to a completed manslaughter. This ratio does not deviate from the average over several years. An important finding is that the type of weapon used to commit violence mainly involved stabbing weapons (61%). Physical violence (kicking) occurred with some regularity (19%). Firearm violence occurred in a limited number of cases, especially among young adults. In some cases other violence was involved, such as hitting someone with a weapon or driving into someone with a car. Below are the most important findings, mainly focusing on differences between cases from 2016 and cases from 2021.

More cases involving knife violence in 2021, both among minors and young adults

A striking difference between cases from 2016 and 2021 is that there was more knife violence in cases from 2021 than in cases from 2016, both in cases with minor convicts and in cases with young adult convicts. Violence committed without a weapon actually occurred less in 2021 cases compared to 2016.

Fewer cases involving co-perpetration and fewer cases involving offenses in nightlife venues in 2021

Co-perpetration was less common in 2021 cases. Next to this, violence was committed slightly more often in homes and slightly less often at nightlife locations compared to 2016. These differences may be (partly) related to changing opportunity structures during the Covid-19 crisis. Due to the stay-at-home restrictions during this crisis, young people were found relatively often at home or on the street and, for example, less often in nightlife venues.

More cases involving minors in 2021, who often committed violence with a stabbing weapon after an argument

The number of minors convicted has fallen sharply over the longer term, reaching a low point in 2016. Compared to 2016, there were significantly more cases in 2021 involving minors convicted of (attempted) manslaughter. They often involved minors who had an argument or conflict with the victim and they involved stabbing with a knife.

More cases involving a young adult diagnosed with a mental disorder in 2021

In cases from 2021, a mental disorder in young adult convicts was reported more often than in 2016. This may be related to a higher percentage of cases in which the verdict includes expert advice on the responsibility of the convict. This meant that a psychological disorder could be diagnosed more often. Relatively many cases do not include advice from experts regarding the accountability of the convicted person.

Victims are usually male and injuries are serious in most cases in 2021, just like in 2016

With regard to the victims, it was found that they suffered serious injuries in most cases, slightly more often in 2021 than in 2016. This injury was relatively often caused by knife violence and sometimes also by a firearm. In both years, the cases involving violence without a weapon often involved minor injuries. In 2016, there was no or unknown injury slightly more often than in 2021. The vast majority of victims in the 2016 and 2021 cases were men. Often, but not always, these involved peers who were friends or acquaintances of the convict.

In 2021, unconditional prison sentences were imposed on young adults slightly more often than in 2016

Compared to young adults, minor convicts were relatively often sentenced to a partially suspended custodial sentence. Young adults were sentenced to an unconditional prison sentence slightly more often in 2021 compared to 2016. A so-called PIJ or TBS treatment measure was imposed slightly more often on minors than on young adults, although the percentage of young adults who were imposed such a measure in 2021 was higher than in 2016.

Discussion

The number of minors convicted of (attempted) manslaughter increased in the period 2016 to 2021, while the number of young adult convicted persons remained the same during this period. It is still unclear whether these trends will continue in the shorter term, although this does not appear to be the case given the decrease in juvenile suspects of serious violent crimes such as manslaughter reported by the Public Prosecution Service in 2022 compared to 2021. In the longer term the number of juveniles convicted for this type of crime has decreased significantly. Both the number of minors and young adults convicted of (attempted) manslaughter have fallen sharply in the period 2000 to 2021. Due to developments in the shorter term, it is important to gain insight into the nature and circumstances of the violence for which young people have been convicted. and to what extent these have changed between 2016 and 2021. This discussion takes a closer look at the most important findings.

This study shows that there are different types of situations and forms of violence hidden under the heading of manslaughter or attempted manslaughter. In a large number of cases, the violence was committed with a stabbing weapon, although a fair number of cases also involved physical violence or shooting a firearm. This is fairly in line with what could be expected based on the Dutch literature examined. The finding that a large proportion of the cases relate to an argument, and only a small proportion to domestic violence, also fits in with the findings from previous research, insofar as the focus is on minors and/or attempted homicide.

There are some striking differences in this study between the investigated cases from 2016 and 2021. For example, the number of minors convicted for (attempted) manslaughter in 2021 is much higher than in 2016. This is in line with an overall increase in convictions among minors for serious violent crimes. These minors convicted of (attempted) manslaughter committed the violence mainly with a stabbing weapon. In addition, the number of cases involving knife violence in 2021 is also higher for young adults convicted of (attempted) manslaughter. It is therefore possible that this form of violence has increased in 2021. There has also been a lot of media and policy attention for knife problems among young people in recent years. It is not inconceivable that all this attention and focus also played a role in how the violence was qualified. The Public Prosecution Service guidelines offer some room for interpretation. For example, according to the Public Prosecution Service guidelines, knife violence with serious injuries can be classified not only as attempted manslaughter, but also as serious assault. It is possible that knife violence among young people in more recent years has more often led to a conviction for attempted manslaughter rather than for serious assault. We do not know whether this is the case, as we have not investigated the extent to which young people in comparable cases were more often convicted of serious assault in one year and young people were more often convicted of attempted manslaughter in the next year.

Another observation is that the level of violence committed in the cases investigated in 2016 and 2021 is comparable, based on the reported injuries. This could mean that some kind of inflation of the violence assessment does not apply. After all, one would expect that the higher number of juveniles convicted of manslaughter in 2021 is related to the higher qualification of less serious violence, which would increase the share of cases with less serious violence and therefore less serious injuries. This is not the case. However, there is something to be said against this reasoning. For example, the observed injury does not always equate to the seriousness of a crime. Attempted manslaughter involving shooting with a firearm may still be considered a serious crime, while it often happens that the intended victim is not hit and therefore does not suffer any injuries.

Based on this research and data from judgments, it is difficult to say to what extent there are shifts over time in the type of reason for the violence in question. This is partly due to the wide variety of reasons, but partly also because the verdicts often do not elaborate in detail on the reason for the violence. It has been established that in cases from 2021, compared to 2016, there is much more often a minor who has an argument or conflict with the victim. Here too, the context varies considerably per case, so it cannot be said that one type of situation occurs more often. It is also striking that several judgments from 2021 mention an online argument or conflict, which appears to be the reason for the (attempted) manslaughter. This only concerns a limited number of cases. Previous studies also found cases in which an online conflict led to offline violence. For example, the online domain, and more specifically social media, was described in one study as a likely important catalyst for weapons and violence. More research is needed to find out what the precise influence of the online world is on developments in serious violence, such as in the case of (attempted) homicide.

In conclusion

Over the past two decades, the number of juveniles convicted of (attempted) manslaughter has declined sharply. Between 2016 and 2021 there has been an increase among minors and a stabilisation among young adults, although the numbers are still less than half of those during the peak years at the beginning of this century. The increase among minors is especially visible in the largest municipalities. This study compared (attempted) manslaughter cases from 2016 and 2021.

There is a wide variety of facts for which young people have been convicted of (attempted) manslaughter. This often concerns arguments, but also reactions to violence by the subsequent victim, violence during a robbery and one-sided attacks. Violence is relatively often committed with a stabbing weapon, especially among minors. Violence without a weapon also occurs with some regularity. In a number of cases there is gun violence, more often in cases involving young adult convicts. The convicted persons are almost all boys or men, and in almost all cases the victims are male.

There are differences between the years 2016 and 2021 in the type of case. Striking differences are that cases from 2021 involve violence with stabbing weapons significantly more often, and cases in which a minor has been convicted. It is not clear to what extent this points to a trend in society or to changes in the registration and/or qualification of facts. Attention to knife violence has also increased during this period. Some other differences in 2021 compared to 2016, such as a lower number of cases involving co-perpetration and violence at nightlife venues, may be related to changed opportunity structures during the Covid-19 crisis.

The comparison made in this report covers two years and is based on the classification of manslaughter. Follow-up research could supplement the insights from this report by also examining surrounding years, the peak years at the beginning of this century and/or years after 2021. Follow-up research could also clarify the extent to which (attempted) manslaughter cases differ from serious assault cases, and to what extent these differences are constant over time. This will give us a better grip on the question to what extent differences over time are related to the different classification of violence or to changes in the violence committed by young people.

For targeted policy making, it is important to know the nature and extent of potentially fatal violence committed by juveniles. For example, the evaluation of the 'Wapens en Jongeren' (Weapons and Youth) action plan shows that the idea of the action plan is good, but that the implementation of the plan is not targeted enough, because there was insufficient knowledge about the specific target group and the violence committed. The current research contributes to the formation of the necessary knowledge by providing clarity about the characteristics of and developments in (attempted) homicide committed by juveniles.

Het Wetenschappelijk Onderzoek- en Datacentrum (WODC), Kennisinstituut voor de rechtsstaat, is een onafhankelijk kennisinstituut dat valt onder het ministerie van Justitie en Veiligheid. Het WODC draagt bij aan behoud en verbetering van de rechtsstaat via het (laten) uitvoeren van kwalitatief hoog wetenschappelijk onderzoek. En door het aanbieden van gevraagde en ongevraagde kennis, verbeterpunten en (waar mogelijk) denkrichtingen.

Meer informatie:

www.wodc.nl