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Criminal Justice in Germany

by Jörg-Martin Jehle

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Facts and Figures

by
Jörg-Martin Jehle

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Preface



Dear reader,

Public perception of crime and law enforcement is dominated by headline news. Sensational cases attract media coverage; they are the topic of discussion on social networks. But the real picture is different: The day-to-day fight against crime is largely a story of minor to moderately serious property offences.

This publication uses selected statistical data to present a realistic picture of punishable behaviour and the prosecution of criminal offences. Beyond this, it aims to provide an insight into how our criminal justice system works. All stages of criminal justice are described, from the work of police, prosecutors and judges, to sentencing, corrections and probation. Criminal Justice in Germany contains a dedicated section with figures on offender-victim mediation. It has been rounded off with a chapter on reoffending and some comparative statistics for Europe. However, a publication of this sort can only paint a picture of selected areas. It would go beyond the scope of this publication to cover all branches of criminal procedure and all available penalties together with the relevant figures. The figures presented in the following chapters have been taken from current statistics, which naturally refer to previous years.

I would like to highlight one positive development that has received hardly any public attention at all: For the last two decades statistics have shown an overall downward trend in the number of offenders and crimes committed. This includes violent crime, which had seen a major surge in the past. For a number of years now, however, the occurrence of violent crime has been waning significantly.

I hope this new edition of Criminal Justice in Germany will attract the same level of interest as previous versions, and that it will inform an objective debate on coping with crime in Germany.

April 2015, Berlin

A handwritten signature in black ink, appearing to read 'Heiko Maas', written in a cursive style.

Heiko Maas,
Federal Minister of Justice and Consumer Protection

Bibliography of Statistics Used

Bewährungshilfestatistik (Probation statistics), Fachserie 10 Reihe 5, Jahrgang 2011, ed. by The Federal Statistical Office Wiesbaden 2013, (only available online www.destatis.de/DE/Publikationen/Thematisch/Rechtspflege/Bewaehrungshilfe/Bewaehrungshilfe.html)

European Sourcebook of Crime and Criminal Justice Statistics, by Aebi/Akdeniz/Barclay/Campistol/Caneppele/Gruszczynska/Harrendorf/Heiskanen/Hysi/Jehle et al., Fifth edition 2014 (also available on the internet at: <http://www.heuni.fi/en/index/tiedotteet/2014/09/europeansourcebookofcrimeandcriminaljusticestatistics2014published.html>)

Federal Government's First Periodic Safety Report of the Federal Ministries of the Interior and Justice, Berlin 2001 (also available on the internet at: www.bmj.bund.de/enid/Studien__Untersuchungen_und_Fachbuecher/ss__Periodischer_Sicherheitsbericht_5q.html)

Federal Government's Second Periodic Safety Report of the Federal Ministries of the Interior and Justice, Berlin 2006 (also available on the internet at: www.bmj.bund.de/Zweiter_Periodischer_Sicherheitsbericht_der_Bundesregierung_131.html)

Polizeiliche Kriminalstatistik (Police crime statistics) (PKS), 1993-2013, ed. by The Federal Police Office Wiesbaden 1994-2014, (as of 1997 also available online www.bka.de)

Jehle/Albrecht/Hohmann-Fricke/Tetal, Legalbewährung nach strafrechtlichen Sanktionen. Eine bundesweite Rückfalluntersuchung 2007 bis 2010 und 2004 bis 2010, ed. by the Federal Ministry of Justice and Consumer Protection, Berlin 2013; also available online http://www.bmjv.de/DE/Ministerium/Fachthemen/AbtII/IIA7/Rueckfallstatistik_doc.html)

Statistik der Staatsanwaltschaften (Public prosecution business statistics), Fachserie 10 Reihe 2.6, Jahrgang 2013, ed. by The Federal Statistical Office Wiesbaden 2014 (only available online www.destatis.de/DE/Publikationen/Thematisch/Rechtspflege/GerichtePersonal/Staatsanwaltschaften.html)

Statistik der Strafgerichte (Court business statistics), Fachserie 10 Reihe 2.3, Jahrgang 2013, ed. by The Federal Statistical Office Wiesbaden 2014 (only available online www.destatis.de/DE/Publikationen/Thematisch/Rechtspflege/GerichtePersonal/Strafgerichte.html)

Strafverfolgungsstatistik (Conviction statistics), Fachserie 10 Reihe 3, Jahrgänge 1993-2013, ed. by The Federal Statistical Office Wiesbaden 1996-2015 (as of 2002 also, as of 2003 only available online www.destatis.de/DE/Publikationen/Thematisch/Rechtspflege/StrafverfolgungVollzug/Strafverfolgung.html)

Strafvollzugsstatistik (Prison statistics), Fachserie 10 Reihe 4.1 und 4.2, Jahrgänge 1993-2014, ed. by The Federal Statistical Office Wiesbaden 1994-2015 (as of 2002 also, as of 2003 only available online www.destatis.de/DE/Publikationen/Thematisch/Rechtspflege/StrafverfolgungVollzug/Strafvollzug_bzw._BestandGefangeneVerwahrte.html)

TOA-Statistik (Statistics of Victim-Offender-Mediation), (Hartmann/Haas/Eikens/Kerner, Täter-Opfer-Ausgleich in Deutschland. Auswertung der bundesweiten Täter-Opfer-Ausgleichs-Statistik für die Jahrgänge 2011 und 2012, ed. by the Federal Ministry of Justice and Consumer Protection, Berlin 2014)

Contents

Bibliography of Statistics Used	3
I. Introduction	6
1. Aims and principles	6
2. Review of the law enforcement process	7
II. Crimes and suspects - at police level	10
1. Recorded cases	10
2. Clear-up rates	14
3. Suspects	14
III. Prosecution	18
1. Decisions by the Public Prosecution Office	18
2. Procedural coercive measures, particularly remand custody	21
IV. Sentencing, penal sanctions	24
1. Court proceedings	24
1.1 How the courts are organised	24
1.2 How the courts process cases	26
1.3 Length of proceedings	28
2. Persons judged and sentenced by category of crime	30
3. Sentencing of adults	32
3.1 Types of sanctions and their relative frequency	32
3.2 Prison Sentences	34
3.3 Fines	36
3.4 Other measures and additional sanctions	38
4. Sanctions under juvenile criminal law	39
5. Special topic: Offender-Victim Mediation	44
V. Probation	46
VI. Penal institutions	50
1. Scale and nature of imprisonment	50
2. Prisoners and Age	52
3. Prospective length of imprisonment	54
4. Special topic: Execution of custodial measures of rehabilitation and incapacitation	55
VII. Reconviction	57
VIII. European Comparison	67
Annex	72

I. Introduction

1. Aims and principles

This brochure intends to provide a review of the main criminal justice data in Germany. It aims to inform the general public and, for the sake of conciseness, is therefore unable to include every detail or to engage in a discussion of academic literature. Who is interested in the background of the statistical development should refer to the First and Second Periodic Safety Report of the Federal Ministries of the Interior and Justice.

The brochure covers all levels of prosecution, sentencing and execution of sentence, from the work of the prosecution and court authorities through to conviction, imprisonment and probation. In order to give an idea of the scale of the problem, the brochure also includes the police crime figures on recorded crime and suspects. At the end some figures from the nationwide reconviction study are described and finally the German figures are contrasted to European data.

It is very difficult to compare and contrast the data collected at the various levels of the law-enforcement process (police, prosecution, courts, prison service, probation service). This is partly because the data are collected at different dates. Another reason is the different methods used to collect the various statistics. For example, unlike the conviction statistics (Strafverfolgungsstatistik), the police crime statistics place the offences in categories in line not only with statutory requirements, but also with the criminological needs of the police; the prosecution authorities mainly record numbers of cases, and to some extent of persons; but the prison and probation authorities only count persons, with the key data being recorded for a fixed date in the year.

The brochure aims to collate the latest available data at each level. On the statistical level of police, the prosecution service and the penal courts and the probation office the latest figures are for 2013, of probation for 2011. In parts of the prisons statistics provide data also for 2014.

When time series are dealt with, the earliest year for beginning is 1993. For the collapse of the GDR, German reunification and the opening of the borders to countries in Eastern Europe resulted in sharp rises of the number of people coming into Germany and increased migratory flows. These developments were also reflected in the criminal justice statistics and must be borne in mind when comparisons are drawn with earlier years (see former editions).

When the territory of the Federal Republic of Germany expanded to include the former GDR on 3 October 1990, the statistics also needed to be adapted, and this has occurred to varying dates: At police level, the new Länder (the former GDR) have been completely included in the statistics since 1993. Though, the conviction statistics, which mainly cover those judged and sentenced, for the most part included only data for former West Germany and Berlin as a whole up to 2006, step by step complemented by key figures from Brandenburg, Sachsen, Thüringen and Mecklenburg-Vorpommern. When referring to the period before 2007 the figures are related to differing regions and populations. Therefore the rates per 100 000 population are presented in order to improve comparability. In contrast to this, the prison statistics provide data for the whole of Germany since 1993.

**Diagram 1: Statistics recorded during prosecution,
sentencing and execution of sentence**

Stage of procedure	Reporting authority	Where data held
Investigation		
Suspicion of criminal act	Police	Police crime statistics*
Passed on to Public Prosecutor's Office		
Pending cases	Public Prosecution Office	Register of proceedings
Final decision (public charge, termination etc.)	Public Prosecution Office	Public prosecution business statistics*
Intermediate proceedings	Court	Court business statistics*
Main proceedings	Court	
Judgments	Public Prosecution Office	Conviction statistics*
Sentences	Public Prosecution Office	Conviction statistics* Central Federal Register
Execution of sentence		
Prison Sentences	Public Prosecution Office	Central Federal Register
Suspended sentence - subject to supervision by probation officer -	Court	Probation statistics*
Not suspended	Public Prosecution Office	Central Federal Register
- when served -	Prison service	Prison statistics*
Remission / completion of sentence		
Sentencing of repeat offenders	Public Prosecution Office or Court	Central Federal Register (basis for reconviction statistics*)

* Source of data for the figures which follow.

2. Review of the law enforcement process

The police and their crime statistics are closest to the reality of crime. The police register the criminal offences which they have discovered through investigation or which have otherwise been made known to them. The police find out about most crimes through information from the public; however, they remain unaware of many crimes because they are not detected, e.g. tax evasion, or are not reported by victims or witnesses, this is particularly the case for minor offences.

If there is no suspicion of serious crime the police initially conduct the investigation independently and pass the case on to the Public Prosecution Office, which terminates the case if no suspect is found, if there is no sufficient ground for suspicion, or if the accused's guilt is of a minor nature and there is no public interest in prosecution. Further, the Public Prosecution Office can terminate the case under certain conditions, such as the payment of money to a charitable organisation or the state, with the approval of the court and the suspect's consent. In the remaining cases, the Public Prosecution Office prefers a charge against the suspect or applies for a penal order from the competent court. Special

arrangements apply to criminal proceedings against juveniles (14 to 17 years) and young adults (18 to 20 years; see section IV.4. below).

The court examines the charge(s) and (usually) commences the main proceedings. Depending on the seriousness and the nature of the alleged crime, the first court responsible will be one consisting of a criminal judge (Strafrichter), or of a professional judge and two lay judges (Schöffengericht), a grand criminal chamber, a court with three professional and two lay judges (große Strafkammer, Schwurgericht), or the criminal panel at a higher regional court (Strafsenat am Oberlandesgericht; see IV.1.1 below).

During the main proceedings the case can be terminated (e.g. because the accused's guilt is of a minor nature and there is no public interest in prosecution), perhaps with a condition being imposed. Otherwise the proceedings will end in acquittal or conviction. If the accused is convicted, he will normally be sentenced to punishment. The sentence is imposed in line with the guilt of the offender; at the same time, the punishment is intended to prevent further crimes.

For adults, punishment generally takes the form of a fine or a prison sentence, with the further possibility of a driving ban as an ancillary punishment; for juveniles and young adults special arrangements apply (see IV.4. below). In addition to punishments, the Criminal Code's system of legal consequences also includes other measures of rehabilitation and incapacitation. These aim to reform the individual or protect the public from further offences by him and are permitted by law when punishment will not suffice to protect the public. Such measures include the withdrawal of permission to drive or committal to a mental hospital or a custodial institution for addiction treatment. These measures can also be imposed under certain conditions on offenders who, for reasons of insanity or other mental disturbance, lack criminal responsibility but are at risk of re-offending (see IV.3.4.).

If the convict is sentenced to a prison sentence of up to two years, the court will suspend execution of the sentence on probation if it is to be expected that the offender will not commit any further crimes and there are no other reasons not to suspend the sentence (see IV.3.2. below for the precise conditions). At the same time, the court can impose conditions (e.g. payment of money to a charitable organisation or the state) or instructions and place the offender under the supervision of a probation officer for the term of probation.

If the sentence cannot be suspended on probation, or if the suspension is revoked, e.g. because the person has re-offended, the offender must serve the period of imprisonment in a penal institution.

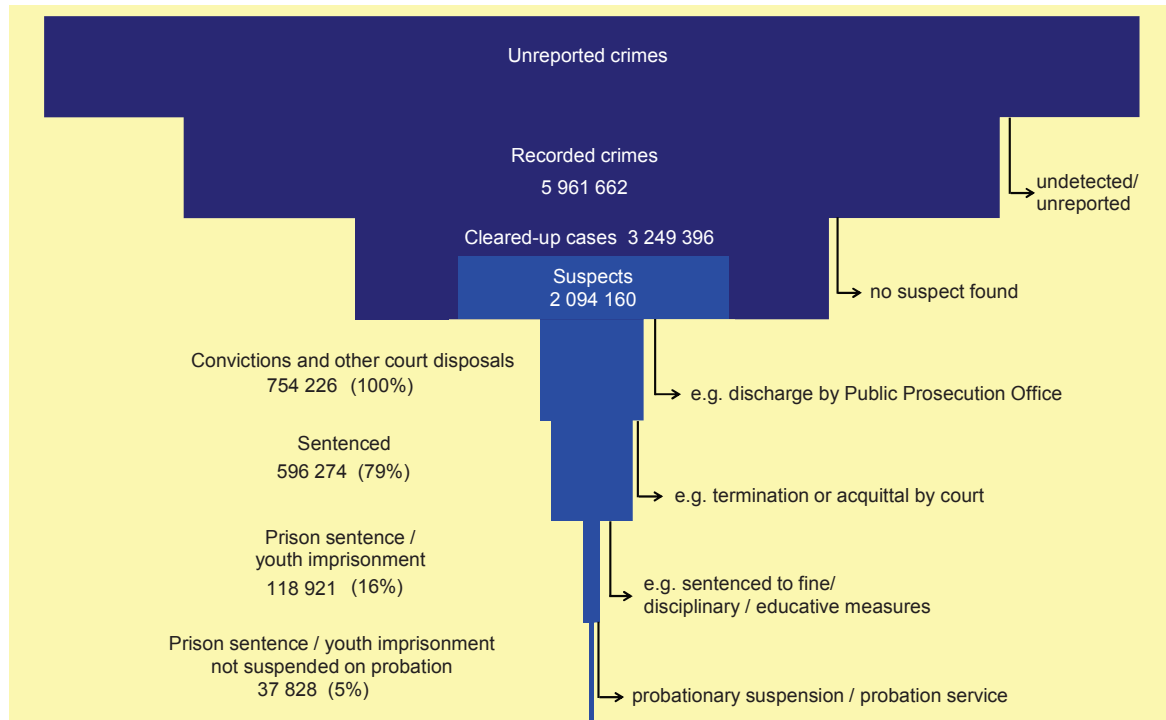
Diagram 2 illustrates the law enforcement process and gives an impression of the scale of the problem. The figures cover all offences except for traffic offences (which are not included in the police crime statistics; see II. below) for 2013.

No precise estimate of the "dark number" of crimes not recorded by the police can be given. Of the almost 6 million recorded crimes, 3.2 million, i.e. more than half, are cleared up, and about 2.1 million suspects are found for these (see II. below).

The next level for which - crime-related - statistics exist, is the decisions by the criminal courts; these are contained in the conviction statistics. It is impossible to paint a precise picture of what happens between the police and the court level (see III.1 below). It can be stated that the number of persons involved falls due to cases being terminated, e.g. because of insufficient evidence, the insignificance of the offence, joinder of more than one set of criminal proceedings or other disposals by the Public Prosecution Office, so that the number of persons whose case is decided in court is reduced to approximately 750 000. In the diagram, this figure is given as 100 %. Most of the sanctions imposed are fines or - in the

case of juveniles and young adults - educative or disciplinary measures; only a small minority are given a prison sentence, and most sentences of this kind are suspended with the offender being put on probation (see IV.3 below). Altogether only 5 % of judged persons are sentenced to serve an unsuspended prison term.

Diagram 2: Review of the criminal law enforcement process
(excluding traffic offences)



* Source: 2013 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, table 24, p. 66 and table 55, p. 92; 2013 conviction statistics (Strafverfolgungsstatistik), published by the Federal Statistical Office, Wiesbaden, table 2.1, 2.3 and 4.1.

II. Crimes and suspects - at police level

Information about work at police level is contained in the police crime statistics, published by the Federal Criminal Police Office since 1953.

These statistics do not cover all recorded crimes. They register the illegal acts dealt with by the police, including punishable attempts. They contain the narcotics offences handled by the customs authorities. Other offences not dealt with by the police are, however, omitted. These are mostly tax and customs offences. Crimes against the state and traffic offences are also not included. The offences are categorised in line not only with statutory requirements but also with criminological needs; for example, there is a "handbag theft" category. The offences are recorded statistically once the police investigation has been concluded and before they are handed on to the Public Prosecution Office.

The ability of the police crime statistics to provide an overall picture of criminality is primarily impaired by the fact that the police fail to detect some of the crimes committed. The level of unrecorded crime depends on various factors, and particularly on the willingness of the population to report crime - a factor which varies according to the nature of the crime. Also, the legal aspects of the case may change in the course of law enforcement proceedings. The police crime statistics therefore do not provide a true reflection of actual crime, but merely an approximation as to what is happening, whose accuracy depends on the type of crime involved. The data supply information about the police's investigation work and can be viewed as an indicator of the population's concern about crime.

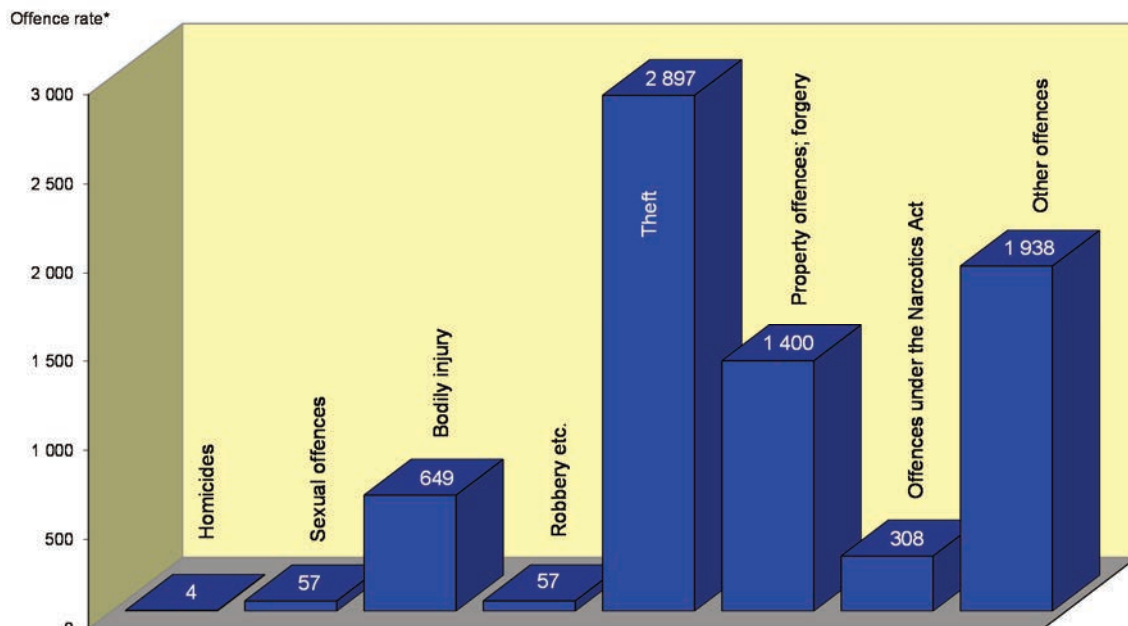
1. Recorded cases

Every *offence known* to the police is counted. If, as the case is dealt with, further illegal acts by the same suspect become known, they are counted as one case if they are the repeated commission of the same offence against the same person or the repeated commitment of the same offence against unknown persons, e.g. the purchase of stolen works of art over a lengthy period of time by an antiques dealer. If an action violates several criminal sections or one criminal section several times, it is also counted as one case. The case is then recorded under the offence for which the law provides the most severe punishment.

The *frequency rate* is the number of recorded cases per 100 000 inhabitants, either in total or for individual types of offences. However, the significance of the frequency rate is impaired by the fact that the statistics record offences committed not only by the resident population but also by foreigners not included in the population figures (see the remarks about the *suspect rate* in II.3. below). The frequency rate may therefore sometimes be overstated.

More than two fifths of the detected cases are of theft. Serious offences against the person, such as homicide or offences against sexual self-determination (sexual offences), are relatively rare. For every 100 000 inhabitants, there are 4 homicides altogether and only about one completed, but about 2900 thefts (table 1 and diagram 3).

Diagram 3: Recorded cases



* Frequency rate = number of offences per 100 000 inhabitants.

Source: 2013 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden; see table 1 for absolute figures.

It should be borne in mind that this does not represent the actual level of crime. Firstly, the crimes undetected by the police are not included, and secondly the offence is registered as described by the police or described to the police. In the course of the law enforcement process, a homicide may turn out to be an accident, or a case of bodily injury to be attempted murder.

Table 1: Detected cases and frequency rate

Crimes	Detected cases	Frequency rate**
Total crimes	5 961 662	7 247
Homicides (§§ 211-213, 216, 217, 218 ff., 222*)	2 951	4
Sexual offences (§§ 174-184b*)	46 793	57
Bodily injury (§§ 223-227, 229, 230*)	533 590	649
Robbery, extortion resembling robbery, assault of a motor vehicle driver resembling robbery (§§ 249-252, 255, 316a*)	47 234	57
Total theft (§§ 242, 243-244a, 248a-c*)	2 382 743	2 897
including: theft under aggravating circumstances (§§ 243-244a*)	1 084 198	1 318
Property offences; forgery (§§ 263-283d, 246-248a, 146-152a*)	1 151 927	1 400
Offences under the Narcotics Act (§§ 29-30 of the Act)	253 525	308
others	1 594 543	1 938

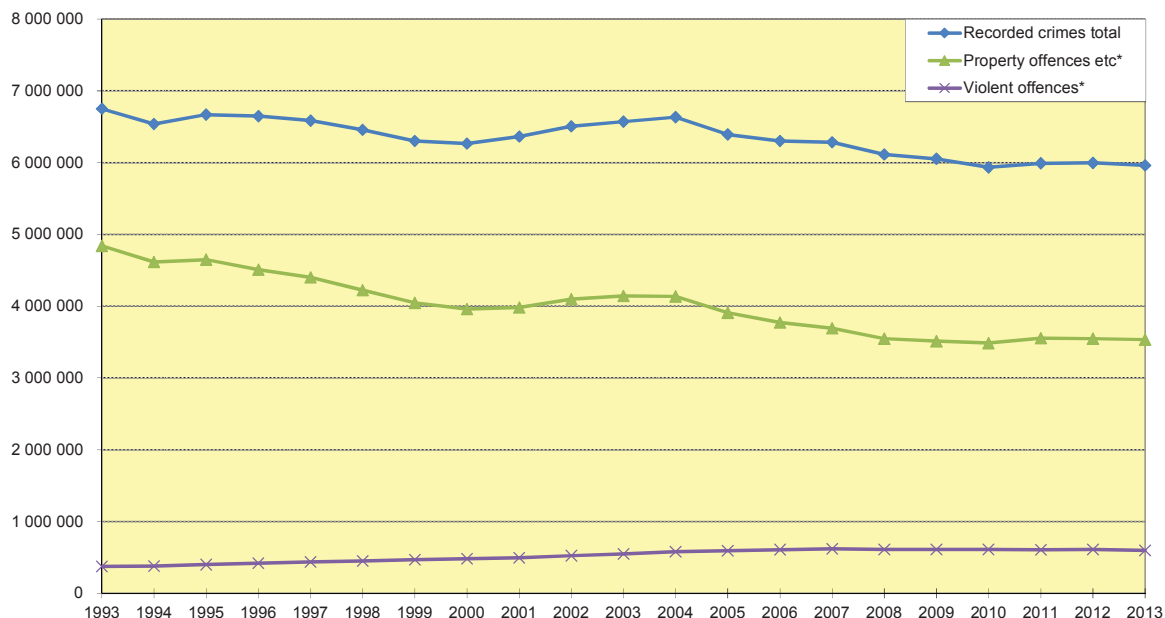
* §§ are legal provisions of offences of the Criminal Code (StGB).

** Per 100 000 population

Source: 2013 police crime statistics, published by Federal Criminal Police Office, Wiesbaden, table 2.2 – T02, p. 17.

Diagram 4.1 (see table 4.1a in annex for absolute figures) shows the development of the numbers of recorded crimes. After a long and steady rise in the 1970s and 1980s (see previous editions) the total number tends to decrease – with small fluctuations - since 1993 and has reached about 6 million in 2013. Between 1993 and 2000 initially a stable situation on a high level could be observed. After a short period of a small increase until 2004, the figures once again decreased slightly until 2010 and appear stable since then. As the diagram demonstrates this development is mainly influenced by the masses of property offences etc. which are the major group of recorded crimes. Though, the figures of violent offences show a different development: They remarkably rise until 2007 and since then remain stable with a slight decreasing trend; this trend is mainly influenced by bodily injuries. The trends described here are also to be seen in the frequency figures (crimes per 100 000 inhabitants; see Tab. 4.1a in the appendix).

Diagram 4.1: Recorded crimes 1993-2013



* Offences according to the criminal code (StGB): The overall category of property offences, theft, fraud, forgery includes in detail: theft without aggravating circumstances (§ 242), theft under aggravating circumstances (§§ 243-244a) as well as property offences, fraud and forgery (§§ 263, 263a, 264, 264a, 265, 265a, 265b, 266, 266a, 266b, 246, 247, 248a, 267-275, 277-279, 281, 146-149, 151, 152, 152a, 283, 283a-d); violence offences include offences against life (§§ 211, 212, 213, 216, 217, 222, 218, 218b, 218c, 219a, 219b), rape and sexual assault (§§ 177, 178, 174, 174a, 174b), robbery, extortion resembling robbery and assault of a motor vehicle driver resembling robbery (§§ 249-252, 255, 316a) as well as bodily injuries (§§ 223-227, 229, 230).

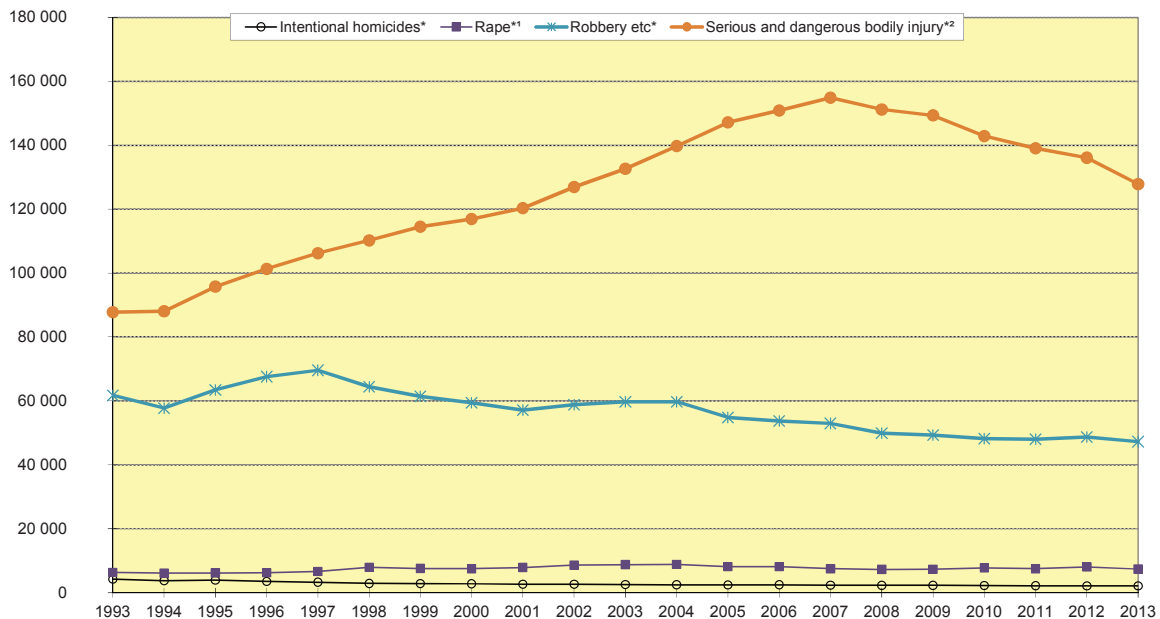
Source: Police crime statistics for the relevant years, published by the Federal Criminal Police Office, Wiesbaden, section 2.1.1; see table 4.1a in annex for absolute figures.

Diagram 4.2 (see table 4.2a in annex for absolute figures) shows the trend in selected violent crimes over the last 20 years. The police crime statistics record the following categories of crime as "violent crime": intentional homicides, rape and serious sexual duress, robbery and extortion accompanied by violence, dangerous and serious bodily injury (without simple bodily injury), as well as kidnapping for extortion, hostage-taking, bodily injury leading to death, and attacks on air traffic. However, the numbers for the latter categories are very small.

At large the picture is heterogeneous: Concerning the major group of dangerous and serious bodily injury the figures steadily and strongly rose between 1993 and 2007 decrease

constantly since then, from more than 150 000 to less than 130 000. But nevertheless this level is still higher than that of the 1990s. In contrast the figures for robbery only increased until 1997 and considerably decreased since then, from about 70 000 in 1997 to less than 50 000 in 2013. As to rape and sexual assault the figures rose until 2004 (8 800) and slightly fell since then (2013: 7 400).

Diagram 4.2: Selected violent crimes 1993 – 2013



* Offences according to the criminal code (StGB): Intentional homicides include murder (§ 211), killing without murderous motives (Totschlag) and homicide at request (Tötung auf Verlangen) (§§ 212, 213, 216), rape and sexual assault include §§ 177 sections 2, 3 and 4 and 178, Robbery etc includes robbery, extortion resembling robbery, assault of a motor vehicle driver resembling robbery (§§ 249-252, 255, 316a), dangerous and serious bodily injuries include §§ 224, 226, 231.

¹ Up to 1997 only rape (§ 177), since 1998 rape and serious forms of sexual assault (§ 177 sections 3 and 4).

² Up to 1998 including poisoning (§§ 223a, 224, 225, 227, 229).

Source: Police crime statistics for the relevant years, published by the Federal Criminal Police Office, Wiesbaden, table 1.1 – T01; see table 4.2a in annex for absolute figures and definitions.

There are a number of possible reasons for the long term rise in crime up to the 1990's, in particular, changes in the population structure. Up until the mid-1980s, the statistics were affected by the fact that those born in high-birth-rate years entered age groups more likely to commit crimes and by the increase in the population due to the influx of foreigners and ethnic Germans from abroad. From 1989 onwards, the fact that the fall of the Berlin Wall, German reunification and the opening of the borders to Eastern European countries resulted in massive rises in the number of people coming into Germany and increased migratory flows had an impact on the figures. Additional causes were seen to result from long-term shifts in the country's social structure. But at present plausible explanations are missing for the fact that property offences since two decades and violent offences since one decade do not rise any more, but on the contrary are slightly declining. Furthermore only time will tell whether the development of the last few years will continue and these numbers stabilise at a high level.

2. Clear-up rates

More than half of all cases recorded are cleared up (table 2).

A *cleared-up case* implies an illegal act for which a suspect is caught red-handed or is at least known by name as a result of police investigations.

Table 2: Clear-up rate

	Cases recorded	Cases cleared up	Clear-up rate
Total crimes	5 961 662	3 249 396	55 %

Source: 2013 police crime statistics, published by the Federal Criminal Office, Wiesbaden, p. 26.

The clear-up rate for all recorded crime is given here only in order to provide an impression of the scale of criminal justice activities. There are great variations between the different categories of crime: e.g. 96% of homicides are solved, but only 15 % of aggravated thefts.

3. Suspects

A *suspect* is anyone who is suspected to have committed an illegal act after police investigations have produced sufficient indications of this. This includes perpetrators, inciters and accessories. Each person involved is recorded on the basis of this definition, irrespective of whether there may be exceptional grounds for personal exemption from culpability or whether the person lacks criminal responsibility. The figures therefore also include children under 14, who are below the age of criminal responsibility.

If several cases of the same offence are established against a single suspect, he will only be counted once in the same Land (federal state). If he is suspected of different offences in several cases, he is registered separately for each category, but only once for the combined category or for the total of offences.

Table 3: Suspects by age and sex

Age groups	Suspects		
	Total	Male	Female
Total	2 094 160	1 555 099	539 061
Adults (21 and over)	1 646 010	1 228 841	417 169
Young adults (18-20)	188 670	144 977	43 693
Juveniles (14-17)	190 205	132 966	57 239
Children*	69 275	48 315	20 960

* Including those under 8 years of age – unlike in diagram 5.

Source: 2013 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, table 6.1.1 – T01, p. 51.

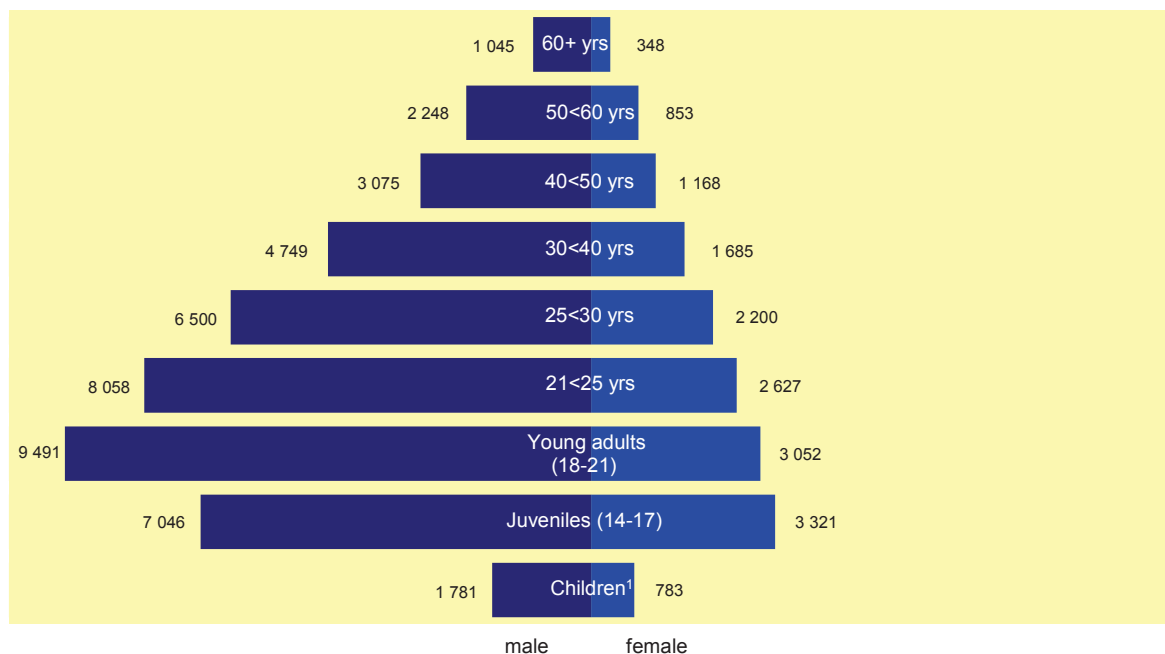
Non-German suspects are persons of foreign nationality, stateless persons and those of uncertain nationality.

The *suspect rate* is the number of suspects established for every 100 000 inhabitants of the relevant population group, excluding children below 8 years of age. This figure allows one to determine the specific criminality level in certain groups of the population. However, it

is only given for German suspects. It is impossible to calculate meaningful suspect rates for non-German suspects because the population statistics do not include unregistered foreigners staying in Germany legally (e.g. as tourists, on business, cross-border commuters, stationed armed forces or diplomats) or illegally. Furthermore, as the last census showed, even the figures for the officially registered foreign resident population are very unreliable.

76 % of all the suspects are men; women only account for almost one quarter. As is to be expected, the vast majority of suspects are adults (21 and over), but, as a proportion of their age group, they are less involved in crime than juveniles (14-17) and young adults (18-20; for definition of these groups see IV. 4). A comparison of the age groups (table 3 and diagram 5) shows that the highest suspect rates are recorded for (German) male juveniles, young adults and the age group of 21-24: of every 100 000 of the relevant age group, almost 9 500 of young male adults and more than 7 000 male juveniles, i.e. roughly every tenth young adult and fourteenth juvenile, are on police records, which is the case – declining with growing age – for only one hundredth of age group of 60 years and older. However, it should be remembered that the crimes in which children and juveniles are mostly involved are generally less serious in nature, such as shoplifting, bicycle theft or criminal damage, and that the vast majority of young suspects are only recorded once or during a short period of their lives (table 3 and diagram 5). As to female suspects their suspect rate is not only lower, but has its peak already at the juvenile and decreases already for the age group of young adults

Diagram 5: Suspect rate* - Germans by age and sex

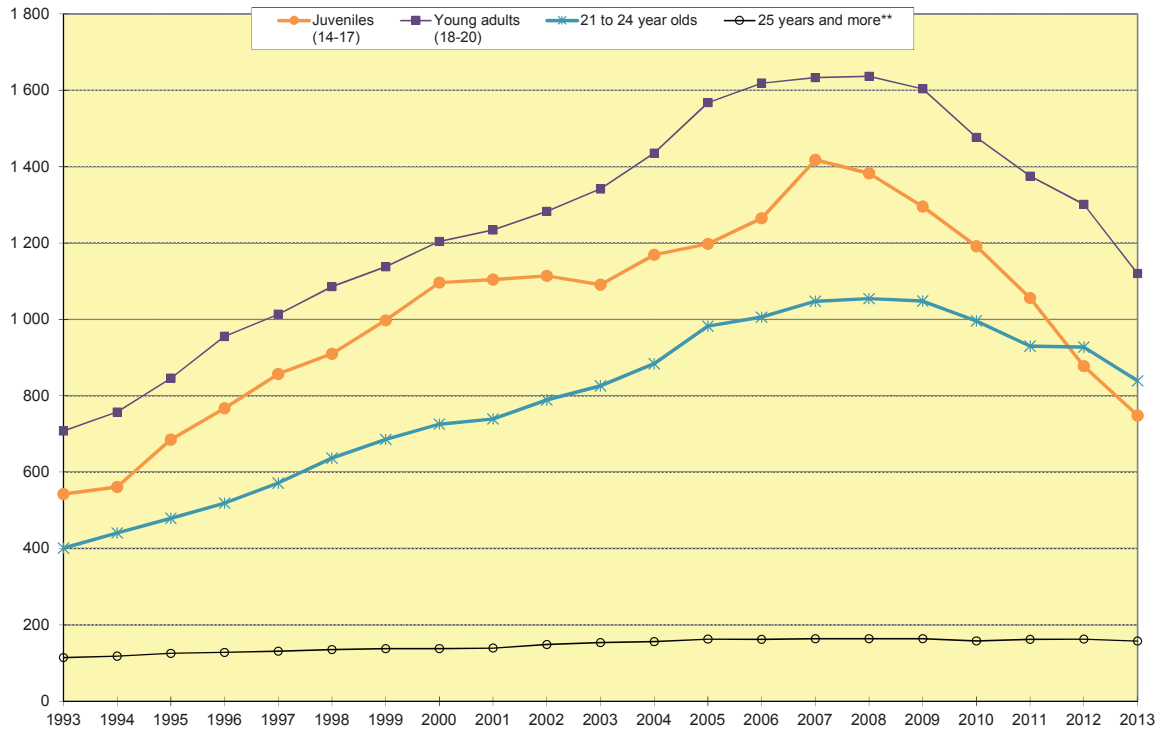


* Suspect rate = number of suspects per 100 000 of the relevant age group.

¹ over 8.

Source: 2013 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, table 6.1.1 T02, p. 52; see table 5a in annex for absolute figures.

Diagram 6: Suspect rate of male Germans
Dangerous and serious bodily injury by age groups*
1993-2013**



* Offences according to the criminal code (StGB): Until 1998 including poisoning (§§ 223a, 224, 225, 227, 229), since 1999 §§ 224, 226, 231.

** Population figures for 2013 before census.

Source: 2013 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, time series suspect rates table 40; see table 5a in annex for absolute figures.

The different suspect rate of various age groups can be observed if one refers to single offences or offence groups. Violent crimes are of special public interest. As the offence-related analysis has demonstrated (see above II.1. diagram 4.2.) dangerous and serious bodily injuries stand out both because of their occurrence and their increase during the last two decades. In diagram 6 the age groups of juveniles, young adults, 21-24 years as well as 25 and more years old suspects are compared. Female suspects whose proportion is small anyway are excluded; furthermore the suspect rate is calculated only for the German population (see above).

During the two decades between 1993 and 2013 a remarkable wavelike development can be seen. In all age groups the suspect rate rose steadily until the mid-2000's; to the highest degree concerning juveniles and young adults. Since then it has decreased, strongly for the juveniles and young adults, moderately for the adults of 21 and more years. Nonetheless the rates in 2013 are still higher than in 1993: During the year 2013, more than 1 000 suspects per 100 000 inhabitants of male German young adults are recorded, i.e. one amongst 100 young adults has been suspected because of a dangerous or serious bodily injury. Reasons for this wavelike development are not obvious. Anyhow, in parts the tremendous increase in the 1990s and early 2000s might be caused by a rising reporting rate as can be plausibly assumed based on results of crime surveys (see Zweiter Periodischer Sicherheitsbericht

2006, p. 87). But there are no signs that the reporting rate should have gone down in the last years. Therefore the substantial decrease might be an indication that the propensity to commit violent acts is declining amongst young males.

Non-German suspects account for just 25.7 % of all suspects; this is higher than their proportion of the population of approximately 8.8 %. However, the different pattern of crime reporting in the population must be borne in mind here, as must the fact that the suspects include tourists, armed forces personnel and their families stationed in Germany, cross-border commuters and persons staying illegally in Germany - none of whom are included in the population figures. Furthermore, the structure of this group is different from that of the German population (in terms of age, sex and social structure). The crime figures also include a large proportion of offences which can only be committed by non-Germans, such as breaches of the Aliens Act and the Asylum Procedure Act. Further it should be noted that, within the group of non-Germans, there are great variations in the proportions of suspects according to nationality and the reason why they are in Germany.

The proportion of non-German suspects varies between the age groups: from 18.5 % for children to 26.8 % for adults: i.e. roughly every fourth adult suspect and almost every fifth child suspect is not German. It should also be borne in mind that only a small minority of both the German and the non-German resident population are recorded as suspects by the police, and most of them are suspects in less serious cases.

For quite some time yet, comparisons based on nationality have become less meaningful due to foreign residents becoming German in increasing numbers on the one hand and the massive immigration of ethnic Germans on the other which has taken or is still taking place. Statistical data on the migration background of suspects, however, are not provided in the police statistics.

III. Prosecution

1. Decisions by the Public Prosecution Office

In cases of serious crimes the public prosecutor is involved in the investigation from the very beginning; in other cases the police initially conduct the investigation independently before they pass on the file to the Public Prosecution Office. The Public Prosecution Office is also informed directly about certain cases, e.g. because they are reported to it or it learns of them itself.

As it is "in charge" of the investigation proceedings, the Public Prosecution Office takes further steps to clear up the case and identify a suspect. The intention is to ascertain whether there is sufficient evidence against the accused for main proceedings to be opened, i.e. a level of suspicion which makes a subsequent conviction likely.

When the investigations provide sufficient indications to assume that a criminal act has occurred and a suspect can be named, the Public Prosecution Office will principally bring a charge against the accused at the relevant court (see IV.1.1. below).

If it is a simple case which can be dealt with quickly, the Public Prosecution Office can apply to the criminal judge or the Schöffengericht for "accelerated proceedings". In such cases, a formal charge will usually not be filed.

In simple cases, the Public Prosecution Office can apply for a penal order without previous trial. This simplified procedure, with no oral proceedings, makes it possible to deal with uncomplicated cases quickly. However, this approach cannot be applied to "Verbrechen" (offences with a minimum punishment of a one year prison sentence). Also, there are limits to the level of sanction that can be imposed in such proceedings: at most, this can be either a fine or a suspended custodial sentence of up to one year.

Penal orders and accelerated proceedings are not permitted in cases involving juveniles. Instead, the Public Prosecution Office can apply for "simplified proceedings", as long as no period of custody in a young offender institution or measures to reform the offender or protect the public are likely.

If no suspect is found, if the act is not criminal or if there are other procedural impediments, e.g. if the case falls under the statute of limitations, the Public Prosecution Office will discontinue the proceedings in accordance with § 170 section 2 of the Code of Criminal Procedure (StPO).

The proceedings can also be terminated (dismissed) if the offender's guilt is of a minor nature and there is no public interest in prosecution. This termination can involve the imposition of certain conditions, such as financial redress for the injury caused by the act, the payment of money to a charitable organisation or the state, the undertaking of community service, or offender-victim mediation. Furthermore, the Public Prosecution Office can refrain from prosecution if the crimes involved are insignificant additional offences compared to the main crime with which the accused is charged.

In the case of certain crimes (trespass, minor bodily injury, criminal damage, etc.), the Public Prosecution Office can advise that a private prosecution be pursued if there is no public interest in prosecution; the injured party must then bring a charge himself. This is not possible in cases involving juveniles.

The approach taken by the Public Prosecution Office in individual cases is recorded in the business statistics of the courts and Public Prosecution Offices. Unlike the police crime statistics, which register cases and persons, and the conviction statistics, which refer to persons, these generally register the number of proceedings. It is also possible for several crimes to be brought together in one set of proceedings or for one set of proceedings to be directed against several suspects, so that the number of proceedings recorded is less than the number of accused. The statistics also include cases of which the Public Prosecution Office, but not the police, is aware. In 2013, that applied to about one sixth of the total number. Additionally, unlike the police crime statistics, all motoring offences and regulatory offences (apart from proceedings for the imposition of administrative fines) are recorded.

In 2013 the Public Prosecution Office at the regional courts and the local courts dealt with 4 876 989 and at the higher regional courts with 3 267 investigative proceedings. In view of their relative rarity, the latter will not be taken into consideration during further discussion of this subject. In order to create a basis for comparison with the court figures, table 5 shows the way the case was dealt with in terms of the number of persons.

Table 5: Number of persons investigated* and the way the cases were dealt with

Case dealt with by:	Number of persons	Percentage
Total	5 299 731	100,0
Public charge(s)	524 064	9,9
Application for a penal order	539 913	10,2
Conditional dismissal	193 014	3,6
Other disposals	4 042 740	76,3

* Only cases dealt with by the Public Prosecution Office at the regional courts and local courts; excluding those (few) dealt with by the Public Prosecution Offices at the higher regional courts.

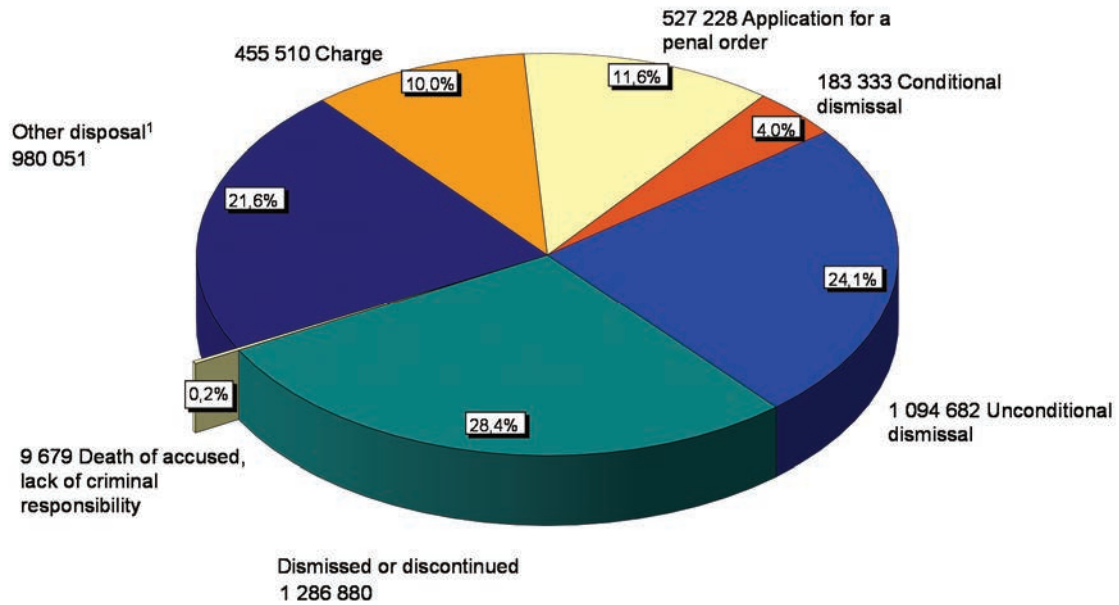
Source: 2013 public prosecution business statistics, published by the Federal Statistical Office, Wiesbaden, table 2.4.

It is noticeable that approximately one-fourth of the accused persons face charges, applications for penal orders or a conditional dismissal; the proceedings against all the other persons are dealt with in a different way.

Diagram 7 shows that the proceedings dealt with by the Public Prosecution Office result for about 10 % of the accused persons each in a charge being brought or in an application for a penal order, for 4 % in a conditional dismissal. 22 % of proceedings result in unconditional termination; these are mainly petty offences committed by adults (§ 153 StPO) or by young persons (§ 45 section 1 of the Act on Juvenile Courts (JGG); § 45 section 2 JGG is also included here) and insignificant additional offences (§ 154 section 1 StPO). Concerning almost one third of the accused persons the proceedings end in a dismissal or discontinuation in accordance with § 170 section 2 StPO, particularly due to lack of evidence about the crime or the suspect or because of an impediment to the proceedings (e.g. statute of limitations), or the conditions for continuing the proceedings are lacking. The "other" ways of dealing with the case, affecting more than one fifth of the accused persons, generally involve passing the proceedings on to another Public Prosecution Office or - in the case of regulatory offences - to the administrative authority, or the recommendation that a private prosecution be brought.

Diagram 7: Persons dealt with by the Public Prosecution Office*

Total number of persons: 5 299 731



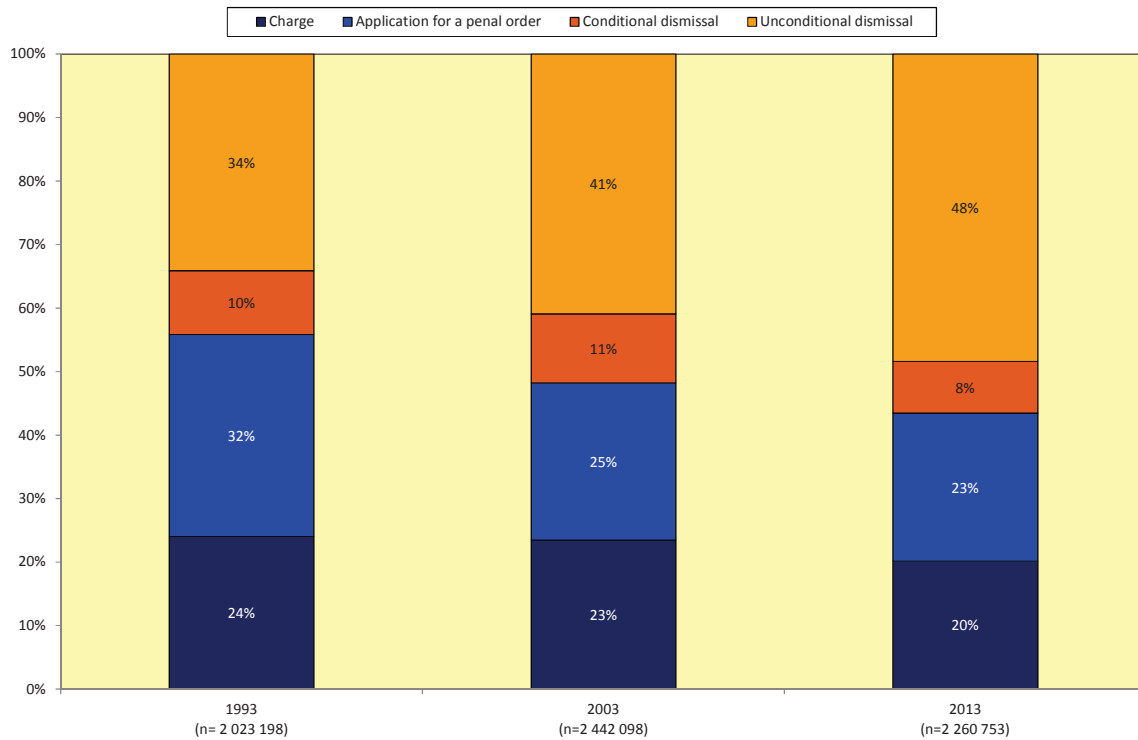
* Other than in previous editions, persons dealt with by the Public Prosecution Office at the Regional Courts and the Local Courts are counted.

¹ Including proceedings passed on to other Public Prosecution Offices (n=245 652), to an administrative authority (regarding regulatory offences; n=256 895), in connection with another matter (n=330 884), provisional dismissal (n=15 928), recommendation that private proceedings be brought (n=227 242), application for securing proceedings (n=524), applications for simplified juvenile proceedings (n=10 551), applications for summary decisions (n=16 870).

Source: 2013 public prosecution business statistics, published by the Federal Statistical Office, Wiesbaden, table 2.2.

Diagram 8 shows how the structure of prosecutorial disposals has changed during the last two decades. Only “chargeable” cases, i.e. besides public charges penal orders and conditional and unconditional dismissals, are included, but not other disposals and dismissed or discontinued proceedings, particularly because of insufficient evidence. Between 1993 and 2003 the percentage of unconditional dismissals rose from 34 up to 41 %, whereas public charges and penal orders declined from 56 to 48 %. This trend goes on between 2003 and 2013 although the total figures of prosecutorial disposals have slightly decreased. In consequence, the majority of “chargeable” cases ends in an unconditional (48 %) or conditional dismissal (8 %) and only a minority results in public charges (20 %) or penal orders (23 %).

Diagram 8 – Type of prosecutorial decisions*
1993, 2003, 2013**



* here without dismissals because of insufficient evidence (§ 170 Section 2 StPO), lack of responsibility and without other disposals (see diagram 7); the counting unit is proceedings dealt with by the public prosecution office at the regional court (including „Amtsanwaltschaft“, not suspects).

** 1993 former (Western) Federal Republic including the whole of Berlin, 2003 Germany total (for Schleswig-Holstein figures from 1997), 2013 Germany total

Source: 2013 public prosecution business statistics, published by the Federal Statistical Office, Wiesbaden, table. 2.1.1.1.; see table 5a in annex for absolute figures.

2. Procedural coercive measures, particularly remand custody

The Public Prosecution Office can order coercive measures or apply for their imposition by a judge in order to secure the investigation. Such means can include the seizure of evidence, searches, attachment in rem, measures for identification purposes and, the most intrusive, remand custody.

Remand custody (pre-trial detention) can only be ordered by a judge where the accused is strongly suspected of having committed the crime (i.e. it is very likely that he will be punished), where the detention is not disproportionate to the significance of the case and to the likely punishment, and there are grounds for remand custody, such as the accused’s flight, the risk of flight or the risk of evidence being tampered with (§ 112 of the Code of Criminal Procedure StPO).

The most important figures are contained in the conviction statistics. These refer to those who have been judged in court, and who were arrested during the prosecution procedure and kept in remand custody; in other words, the small minority of arrested persons whose cases were dropped by the Public Prosecution Office are not included.

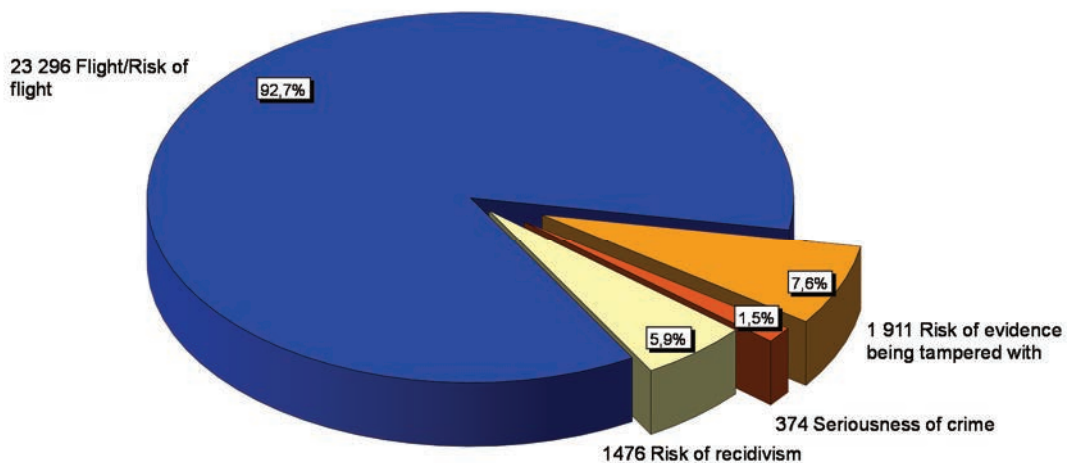
About 25 000 persons or 3 % of all those judged in court were previously in remand custody; concerning females, the figure is about 1 %. However, the detention rate fluctuates widely

depending on the charge: it is particularly low in the case of traffic offences, and particularly high in the case of homicides.

The suspect fleeing or the risk of flight is easily the main reason for imposing remand custody; there are far fewer cases where it is imposed because of a risk that evidence will be tampered with, i.e. that evidence will be manipulated or witnesses influenced (§ 112 section 2 StPO). There are even fewer cases where remand custody is imposed because of the seriousness of the crime (§ 112 section 3 StPO) or of the danger of recidivism in the case of sexual crimes or other serious crimes (§ 112a StPO; see diagram 9 and table 9a in annex).

Diagram 9: Reasons for Remand Custody*

Total persons in remand custody: 25 135

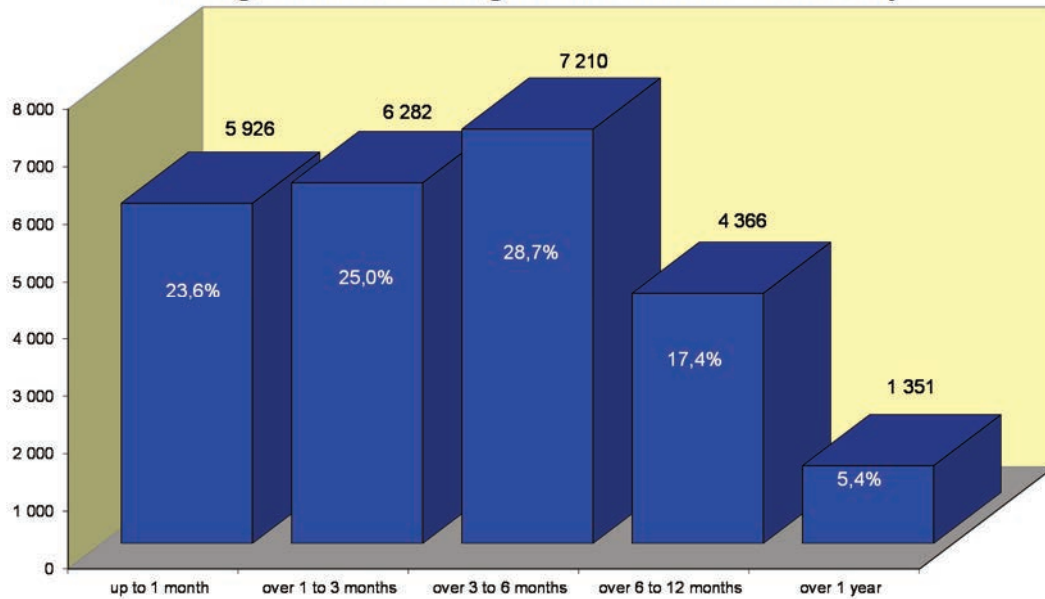


* Several reasons at once are possible; therefore the total exceeds 100 %.
Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 6.1.

There is also a wide discrepancy between the numbers of men and women in remand custody; 93 % of those held in remand custody and subsequently tried were male.

The length of remand custody varies widely: For 24 % it is fairly brief, up to one month of detention, for 25 % between one and three months, and roughly 29 % remain in custody for between 3 and 6 months. Although remand custody can only last for longer than 6 months under specific conditions, 23 % are detained for longer than 6 months. In the case of 1 351 persons (5 %), the custody even lasts longer than one year (diagram 10). Once again, criminal proceedings and thus also remand custody tend to last longer for serious crimes than for less serious offences. The average length of remand custody is somewhat lower for women than for men.

Diagram 10: Length of remand custody



Source: 2013 conviction statistics, published by the Federal Statistical Office; see table 10a in annex for absolute figures.

If one examines the longitudinal development, generally the number of detainees has clearly decreased: from the peak figure of 40 860 in 1998 to 25 135 in 2013. In consequence, the main reason for detention, the risk of flight, is still dominant but has lost its meaning in an absolute and relative way. The groups in custody for a shorter period have clearly decreased (see table 10a in annex).

IV. Sentencing, penal sanctions

1. Court proceedings

1.1 How the courts are organised

Once the charge has been filed by the Public Prosecutor's Office, the court checks whether there are sufficient grounds to suspect the accused of the crime he is alleged to have committed and main proceedings can begin.

Generally, the local court (Amtsgericht) is the court of first instance. If the crime is one where the punishment is not likely to be more than two years' imprisonment, the case is presided over by a single judge. If imprisonment of between two and four years is likely or an allegation of a "Verbrechen" (offences with a minimum punishment of a one year prison sentence) is to be heard, the case will normally come before a judge and two lay assistants (Schöffengericht). The regional court (Landgericht) is responsible for serious cases, and the Grand Criminal Chamber at a regional court (Strafkammer) hears all cases in which imprisonment of over four years or a mental hospital or an incapacitation order is to be expected. A court with three professional and two lay judges (Schwurgericht) hears particularly serious cases, above all those resulting in a person's death.

In exceptional cases, including crimes against the state, the Higher Regional Court (Oberlandesgericht) is responsible.

In simple cases, the Public Prosecution Office can apply for a penal order without previous trial. This simplified procedure, with no oral proceedings, makes it possible to deal with uncomplicated cases quickly. The competent judge at the local court usually comply with the application of the public prosecutor. The issued penal order regularly imposes a fine (exceptionally a suspended imprisonment) and is equivalent to a conviction. It enters into force if there is no defendant's objection within two weeks (see above III.1.).

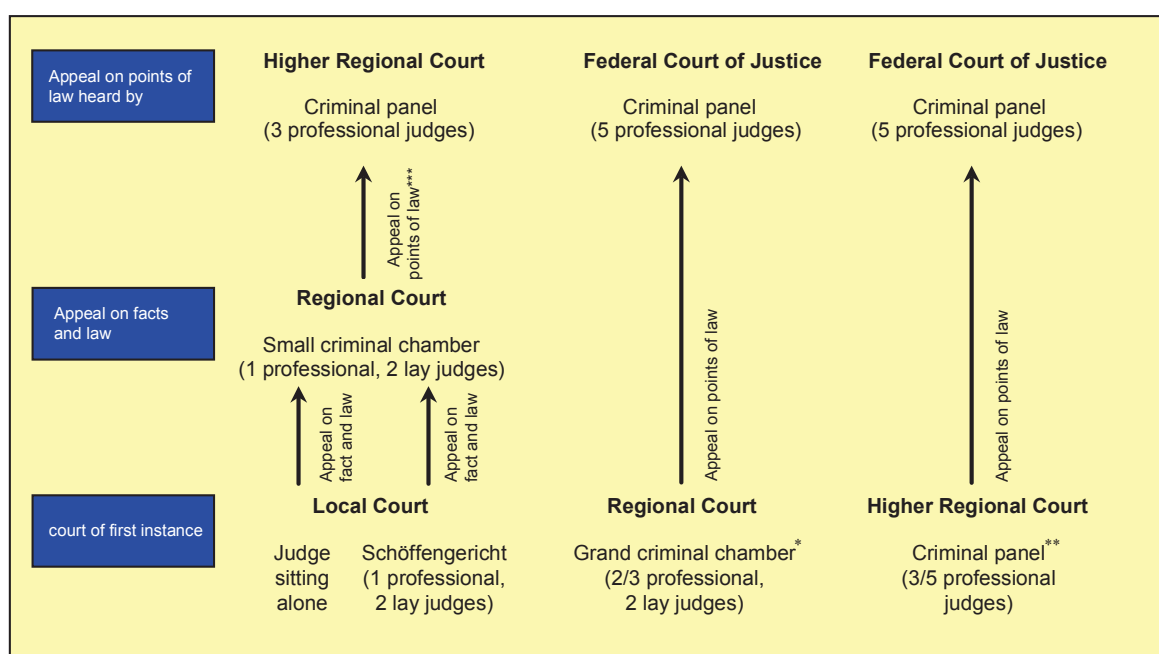
Appeals against judgements by the local court can be made to the Regional Court (Small Criminal Chamber), which will review the facts of the case. Instead of such an appeal (on the facts of the case), it is also possible to lodge an appeal with the Higher Regional Court on points of law regarding the ruling made in the first instance by the criminal judge or the Schöffengericht. Appeals on points of law can also be lodged against the appellate judgement by the Small Criminal Chamber at the Regional Court. If the court of first instance is the Grand Criminal Chamber at a Regional Court or the Schwurgericht, an appeal can be made on points of law to the Federal Court of Justice (in exceptional cases to the Higher Regional Court). If the court of first instance is the Higher Regional Court, appeal on points of law can only be made to the Federal Court of Justice. In all cases, an appeal on points of law can only be based on the argument that the judgement is based on a violation of the law.

There are special juvenile courts for cases against juveniles and young adult offenders. The distribution of responsibilities between the judge of a Juvenile Court (Jugendrichter), the Juvenile Court consisting of a judge and two lay assistants (Jugendschöffengericht), and the Juvenile Court Division (Jugendkammer) is governed by the Act on Juvenile Courts (JGG). If the only decision is likely to be educative or disciplinary measures and the charge is filed with a criminal judge, the Jugendrichter is responsible. The Jugendkammer is primarily responsible in cases which (if they involved adults) would be heard by the Schwurgericht.

However, the Jugendkammer also acts in cases involving the protection of young people, i.e. crimes committed by adults which injure a child or a juvenile. Apart from that, cases against juveniles and young adult offenders are normally heard in the first instance by the Jugendschöffengericht.

In the juvenile court process, each person entitled to challenge a judgement has only one right of appeal: an appeal against judgements of a Jugendrichter or the Jugendschöffengericht regarding the facts of the case can be heard by the Jugendkammer, or an appeal on points of law can be made to the Higher Regional Court; an appeal on points of law can be made against judgements by the Jugendkammer to the Federal Court of Justice.

Diagram 11: Stages of criminal court jurisdiction involving adults



* The following are Grand Criminal Chambers with special responsibilities: Schwurgericht; Wirtschaftsstrafkammer (economic offences chamber), Staatsschutzkammer (chamber for crimes against the state). The diagram omits the possibility of appeals on points of law to the higher regional court against the judgements of the Grand Criminal Chamber when the appeal refers solely to the violation of a provision of Länder legislation.

** The Higher Regional Court is the court of first instance for charges of treason and endangering the state and for charges of involvement in a terrorist association filed by the Federal Public Prosecutor.

*** Alongside the appeal on points of law against judgements by the Regional Court as an appellate court it is also possible to file an immediate appeal on points of law to the Higher Regional Court against judgements given in the first instance by the Local Court.

As with the statistics on proceedings dealt with by the Public Prosecution Office, the court business statistics also primarily count the number of proceedings. Several offences can be treated in one set of proceedings, or one set of proceedings can involve several suspects, so that the number of proceedings recorded is lower than the number of people accused.

Table 6 is intended to give a brief overview of court jurisdictions and the number of cases dealt with by the various courts in 2013 at the various stages of appeal. The table only includes criminal prosecutions. It omits proceedings for the imposition of administrative fines, for which the administrative authorities are normally responsible.

Table 6: Court jurisdictions and number of criminal proceedings

Type of Court	1st instance	Appeal (on facts)	Appeal (on law)
Local court			
- Criminal judge	459 049		
- Schöffengericht	35 447		
- Juvenile court judge	160 858		
- Jugendschöffengericht	45 040		
Regional court			
- Criminal division ¹		40 936	
- Grand criminal division ²	10 829		
- Juvenile criminal division ³	2 248	6 000	
Higher regional court	24		5 907
Federal Court of Justice			2 998

¹ Including Wirtschaftsstrafkammer (see diagram 11).

² Including Schwurgericht and Wirtschaftsstrafkammer (see diagram 11).

³ Juvenile criminal division and grand juvenile criminal division.

Source: 2013 court business statistics, published by the Federal Statistical Office, Wiesbaden, tables 1.2, 3.2, 6.2 and overview of the proceedings at the criminal panels of the Federal Court of Justice 2013, p. 16.

1.2 How the courts process cases

Proceedings before the courts can end in other ways than with the passing of a judgment: for example, if there are procedural impediments, if there is insufficient proof of guilt for a conviction, or if the act is not punishable for certain reasons, such as self-defence, the court will reject the opening of proceedings. If the guilt of the accused is minimal, the court may end the proceedings with the agreement of the Public Prosecution Office and of the accused, perhaps imposing certain conditions.

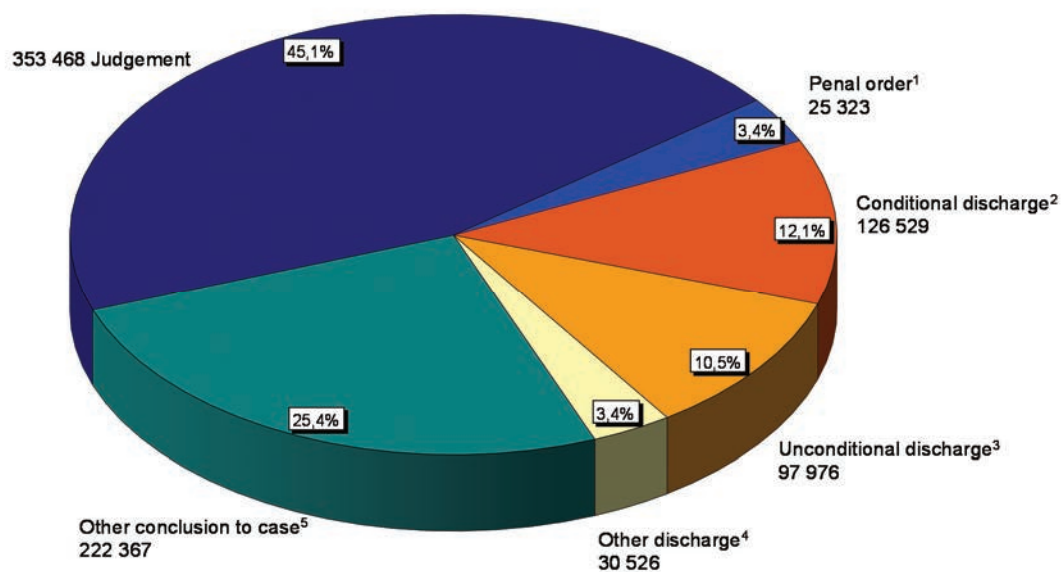
The court business statistics count both the number of proceedings and the number of persons. In order to create better comparability with the conviction statistics, the figures referring to persons are used here. However, it should be remembered that this means that these figures are then no longer comparable with the numbers of proceedings listed in table 6, as one set of proceedings may involve judgements against several persons.

Cases involving approximately half of the accused (45 %) end in judgement after the main proceedings have been completed. 3 % of cases end in a penal order after the main proceedings have commenced, in accordance with § 408a of the Code of Criminal Procedure (StPO). However, the many cases in which the court issues a penal order in response to a written application from the Public Prosecution Offices in accordance with § 407 StPO are not included here; they are only counted in the number of cases dealt with by the Public Prosecution Office (see III.1. above). Almost one quarter of the accused brought before a court end with a dismissal; among them 11 % as unconditional and 12 % as conditional dismissals.

Cases of 5 % of the accused end in other ways: for example, insufficient evidence, or the fact that the court lacks jurisdiction which can mean that proceedings are not opened or that they are referred to another court. If there are several proceedings against one accused, they can be held together (diagram 12).

Diagram 12: Cases processed by the courts*

Total number of accused: 797 855**



* Recording the way the cases of the individual defendants were processed by the Local Courts and the Regional Courts.

** Excluding administrative offences.

¹ Only penal orders issued after main proceedings have commenced, in accordance with § 408a of the Code of Criminal Procedure (StPO).

² Dismissals in accordance with § 153a section 2 StPO, § 37 section 2 and § 38 section 2 of the Narcotics Act, § 47 section 1 sentence 1 no. 2 and 3 of the Act on Juvenile Courts (JGG).

³ E. g. termination because of insignificance of offence in accordance with § 153 section 2 StPO (n=47 405 cases), or because it is an insignificant additional offence in accordance with § 154 section 2 StPO (n=41 720 cases), or in accordance with § 47 section 2 sentence 2 no. 1 of the Act on Juvenile Courts (JGG) and § 47 section 1 page 2 no. 4 JGG.

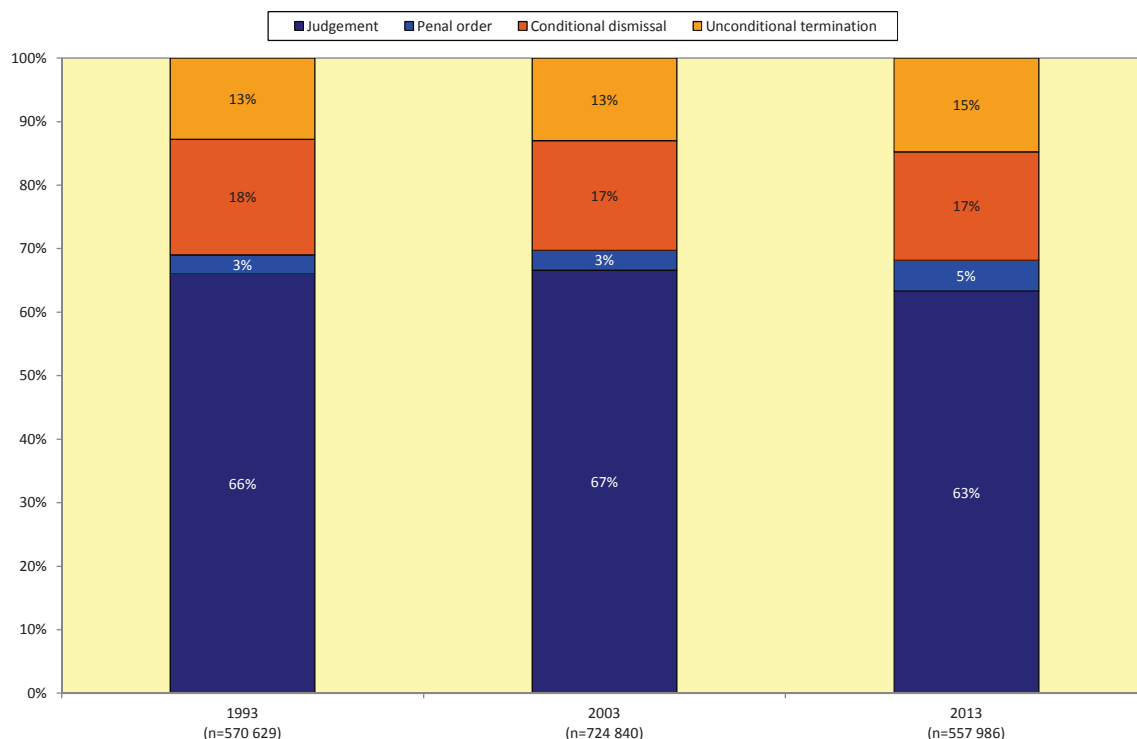
⁴ E. g. dismissals because of extradition, expulsion or absence of the accused; because of impediments to proceedings.

⁵ E. g. combination with another case (n=119 532 cases), withdrawal of private charge/appeal (n=61 155 cases), reference to another court (n=8 050 cases), refusal to open main proceedings (n=4 875 cases)

Source: 2013 court business statistics, published by the Federal Statistical Office, Wiesbaden, table 2.3 and 4.3.

Diagram 13 shows how the structure of court decisions has changed during the last two decades. Included are judgements, penal orders according to § 408a StPO (but not the applications of the public prosecutor according to § 407 StPO) as well as unconditional termination or conditional dismissals (but not other dismissals and discontinuations). Whereas at the public prosecution level the percentage of dismissals has been increasing between 1993 and 2003 (see above III.1.), this does not occur at court level: instead, the proportion of judgements of about two third remained stable. Also in the following decade the importance of dismissals has only been slightly growing.

Diagram 13 – Type of court decision*
1993, 2003, 2013**



* Here only with judgements, penal orders, conditional dismissals and unconditional termination; without other conclusions to the case and other dismissals (see diagram 12); counting unit is the court decisions of the local and regional courts related to accused persons.

** 1993 former (Western) Federal Republic and whole of Berlin, 2003 und 2013 Germany total

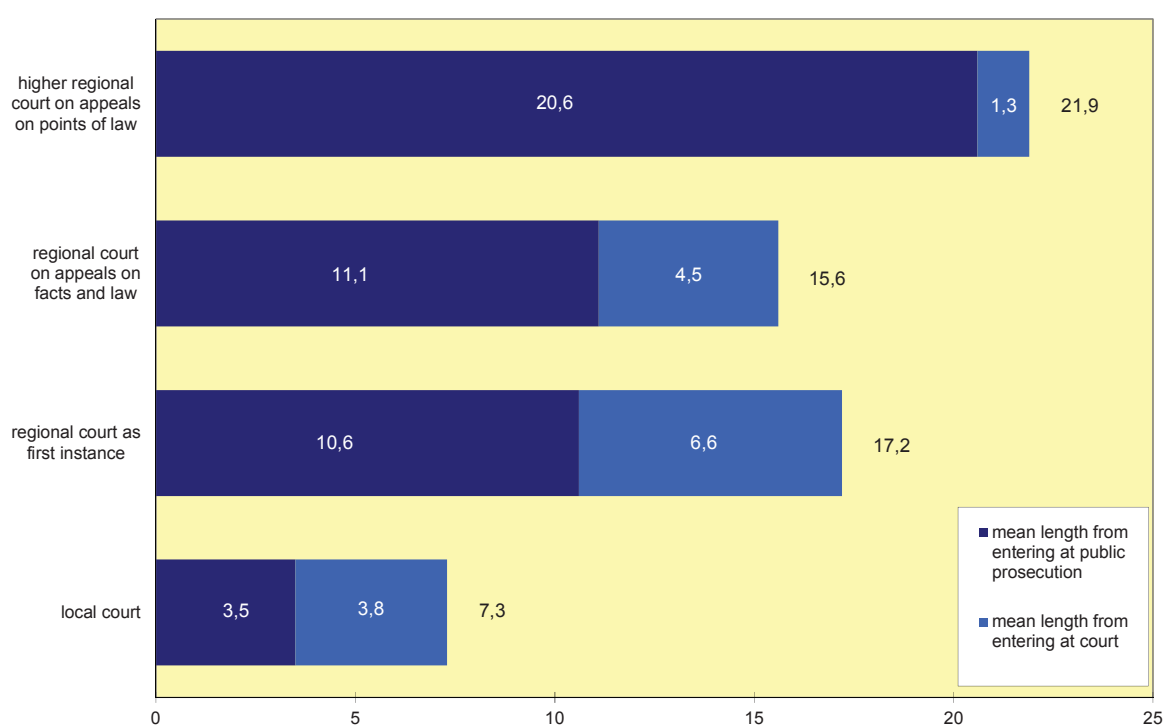
Source: Court business statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, Tab. 2.3 and 4.3.; see table 13a in annex for absolute figures.

1.3 Length of proceedings

According to article 6 of the European Convention on Human Rights criminal proceedings have to be completed in reasonable time. The accelerated completion of criminal proceedings is necessitated by the interest of the defendant, in order to reduce the pressure on him as far as possible. But it is also reasonable in terms of public interest; for growing lapse of time impedes the burden of proof and consequently the finding of material truth. Furthermore long-lasting proceedings tie up resources, particularly personnel. The principle of acceleration, however, has to be balanced against the necessary thoroughness of investigation. Thus the length of proceedings is connected with the type and seriousness of the offence, difficulties of proceedings and evidence, but also with availability of personnel.

Diagram 14 presents data from the court business statistics. The measurement of the length of proceedings starts with the entering of the file or case at the public prosecution office. A second measuring point is defined by the entering of the case at court: in first instance proceedings the indictment, in appellate proceedings the lodging of appeal. Other forms of proceedings, e.g. the complaint to the higher regional court, are excluded here. The final measuring point is the decision of the court, mostly as a judgement or a dismissal.

Diagram 14: Length of proceedings*



* Mean length of proceedings in months: from incoming at the higher regional court 5 907 appeals on points of law were disposed of (without first instance proceedings); at the regional court 46 936 appeals on facts and law and 13 077 first instance proceedings, at the local court 700 394 first instance proceedings were disposed of. The statistics does not record all proceedings from the stage of public prosecution: 5 903 appeals to the higher regional court (without appeals in private charge proceedings); 45 775 appeals to the regional court (without private charge proceedings and without reopening of proceedings); 12 877 first instance proceedings at the regional court (without reopening of proceedings, subsequent and objective proceedings); 695 450 first instance proceedings at the local court (without reopening of proceedings, proceedings of originally administrative fines, penal orders applied for by tax authorities, subsequent and objective proceedings).

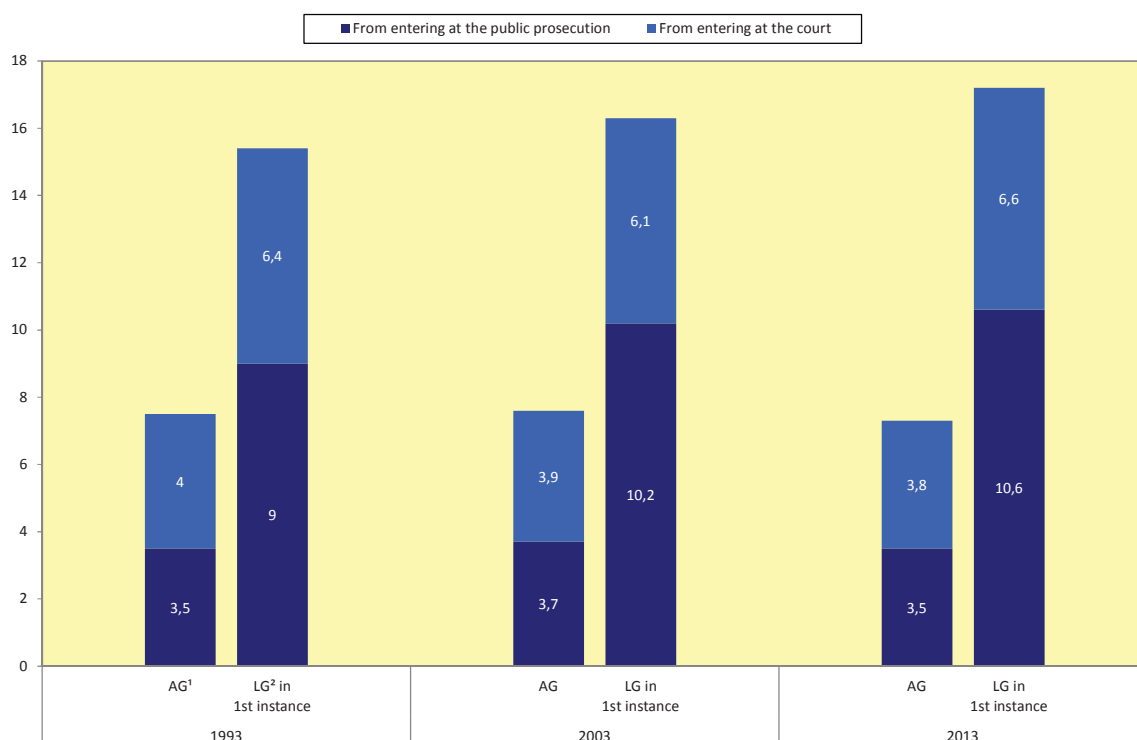
Source: 2013 court business statistics, published by the Federal Statistical Office, Wiesbaden, tables 2.5, 4.5, 5.5 and 8.4.

Naturally proceedings before local courts take the shortest period of time: from entering at public prosecution service on average 7.3 months, at court level 3.5 months. In contrast, the proceedings are twice the length if grand criminal chambers act as first instance courts: from entering at the public prosecution office 17.2 months, at court level 6.6 months. Corresponding differences can be found in terms of appellate proceedings: If the court of appeal is a regional court proceedings take 15.6 months since entering at prosecution level including the period of time at first instance court, but 6.6 months at the court of appeal. These figures refer not only to judgements and dismissals, but also to revocations of the appeal (35 %). If the higher regional court acts as a court of appeal on points of law proceedings take 21.9 months from entering at prosecutorial level and thus including the previous court stages. From entering at the level of the higher regional court only 1.3 months are needed before the final court decision; this very short period is connected with the fact that 90 % of the appeals on points of law are rejected in a written procedure according to § 349 StPO.

It is an interesting question whether the length of proceedings has changed during the last two decades. The proportion given in the selected years 1993, 2003 and 2013 demonstrates only slight differences (see diagram 15): Criminal cases brought before local courts end

after about 7.5 months; between 2003 and 2013 a minor reduction of 0.3 months since entering at prosecutorial level and of 0.1 months since entering at court level can be observed. If the regional court acts as court of first instance the opposite trend occurs: The total length of proceedings from entering at prosecutorial level until the final court decision has risen from 16.3 to 17.2 months between 2003 and 2013; the length at court level, however, has only been extended by 0.5 months up to 6.6 months.

Schaubild 15: Length of proceedings in months
1993, 2003, 2013*



* Mean length in months, differentiated by kind of proceedings.

¹ Amtsgericht (local court)

² Landgericht (regional court)

Source: Court business statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, tables 2.5, 4.5, 5.5 and 8.4.; 1993 former (Western) Federal Republic, 2003 Germany total without dismissals according § 154 section 2 of StPO, 2013 Germany total; see table 15a in annex for absolute figures.

2. Persons judged and sentenced by category of crime

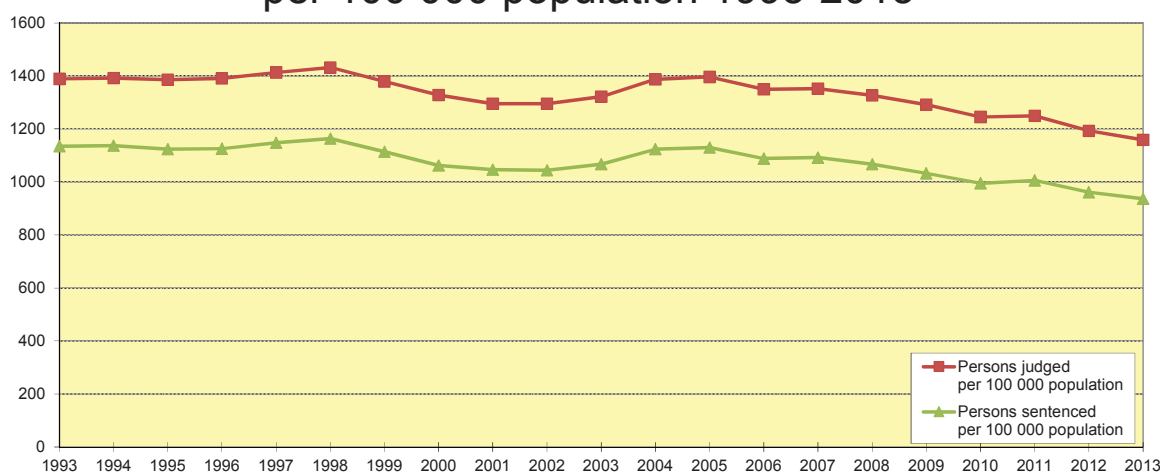
The conviction statistics (Strafverfolgungsstatistik) provide information about the numbers of sentences passed and penal sanctions. They count the number of persons. If several crimes by one person are treated in one set of proceedings, only the crime which can carry the heaviest punishment is counted. If the same person is convicted of several crimes in several proceedings, the person is counted separately for each set of proceedings.

The total number of crimes includes traffic offences, but the individual sub-categories do not. For example, negligent bodily injury or negligent homicide in conjunction with a traffic accident are not included in the category "Other crimes against the person", but only in the category "Traffic offences" and "Total number of crimes".

The category "*persons judged*" includes all the accused against whom penal orders have been issued (in contrast to the court business statistics, IV. 1., all penal orders applied for by the public prosecutor are counted) or criminal proceedings have been finally and absolutely concluded by judgement or dismissal following the opening of main proceedings. Apart from convictions, this figure also covers persons in whose cases a different decision has been reached, such as acquittal, dispensing with punishment, or measures of rehabilitation and incapacitation.

"*Persons sentenced*", on the other hand, are adults sentenced to a prison sentence, (military) detention or a fine, or young people sentenced to a young offender institution, disciplinary measures or educative measures. Only those who have reached the age of criminal responsibility can be sentenced, i.e. persons aged at least 14.

Diagram 16: Persons judged and sentenced per 100 000 population 1993-2013



* Until 1994 former (Western) Federal Republic, from 1995 to 2006 former (Western) Federal Republic and whole of Berlin, from 2007 Germany total.

Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden; see table 16a in annex for absolute figures.

Diagram 16 (see table 16a in annex for absolute figures) briefly reviews the development and level of the total rates of persons judged related to 100 000 population because only from 2007 on figures for the whole of Germany are provided. The trend is similar to that of the police figures on offences and suspects but on a much lower level because the public prosecution service brings only a minority of criminal cases before a court (see above III.1.). During the last years between 2008 and 2013 the number of judged persons has declined a little stronger than the suspects. This might be connected with the fact that public prosecution makes increasingly use of dismissals and dismissals (see above diagram 8). In 2013 the number of judged persons is 935 788. The rates of sentenced persons take a parallel course because their proportion of all persons judged has remained constantly about 80 %. In 2013 the number of sentenced persons is 755 938.

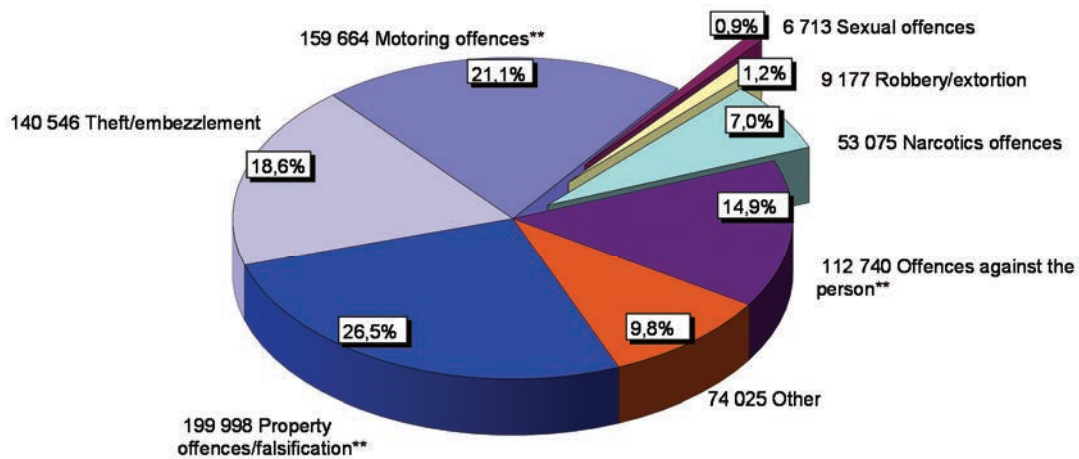
Diagram 17 shows the crimes to which the sentences refer. It should be remembered that only the most serious offence is recorded statistically, i.e. when several crimes have been committed, the less serious is not included in the figures. 20 % of all sentences in 2013 are for criminal traffic offences; 40 % involve property offences (theft, embezzlement and criminal damage, robbery and extortion, fraud, forgery of documents and other property offences); theft and embezzlement alone account for 16 % of the total figure. The proportion

of sexual offences is lower than 1 %; that of other offences against the person, e.g. insult, bodily injury or homicide, is 12 %; that of narcotics offences is 6 %.

If these figures are compared to the distribution of crimes as recorded by the police crime statistics (see II.1. above), there is a clear shift in the relative significance of certain categories of crime. This is partly because (unlike in the police statistics) traffic offences are included; also, many of the less serious offences, particularly with regard to theft, criminal damage, bodily injury and insult, do not reach the courts, because these cases are dropped by the Public Prosecution Office or dealt with by private prosecution.

Diagram 17: Sentences by category of crime*

Total of persons sentenced: 755 938



* Only the most serious offence; offences according to the criminal code (StGB).

** Motoring offences: §§ 142, 222, 230, 315b, 315c, 316, 323 StGB; §§ 21, 22, 22a of the Road Traffic Act. Unlike the categories of offences contained in table 1, offences against the person include: §§ 185-189, 169-173, 201-206, 211-222, 223-231, 234-241a StGB; property offences/falsification include: §§ 257-261, 263-266b, 267-281, 283-305a StGB.

Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 2.1.

3. Sentencing of adults

3.1 Types of sanctions and their relative frequency

The main punishments under general (i.e. adult) criminal law take the form of fines and prison sentences (with or without the sentence being suspended on probation). In certain cases, the law also permits or imposes additional penalties, such as a driving ban and/or a ban from holding public office.

The most severe measure of the military criminal system is detention.

If the accused is sentenced to a prison sentence of up to two years, execution of the sentence can be suspended and the convicted person put on probation. In a period of probation to be determined by the court, the person sentenced should demonstrate that being sentenced was itself sufficient warning and that he will not commit any further crimes. At the same time, as the punishment is suspended, the negative effects of confinement are avoided, e.g. that the individual is torn away from his previous life, work and social contacts. In combination

with suspending the sentence and imposing a period of probation, the court can impose conditions on the person sentenced (e.g. payment of money to a charitable organisation or the state) or issue instructions affecting his conduct, e.g. he can be placed under the supervision of a probation officer for the period of probation.

If the person sentenced re-offends during the probationary period, or if he fails to meet conditions or follow instructions, the suspension of the sentence can be revoked, meaning that he must now serve the prison sentence.

The longer the prison sentence, the more stringent are the preconditions for suspending the sentence and granting probation. Prison sentences of under six months are suspended by the court and the individual put on probation if it is likely that he will not commit any further crimes without going to prison. Prison sentences of between six months and a year are suspended in the same way, unless it is necessary for the person to serve the sentence in order to preserve legal order. Prison sentences of between one and two years can be similarly suspended if, additionally, an overall assessment of the crime and the convict's personality indicate special circumstances.

If the punishment cannot be suspended and the individual placed on probation, or if the suspension is revoked, e.g. because the person has re-offended, the person must serve his sentence in a penal institution. After at least two-thirds of the term of imprisonment has been served, the remaining period is suspended and probation imposed - so long as the person agrees and this can legitimately be done in consideration of the interest of public safety. In exceptional cases, the remainder of the sentence can be suspended and probation imposed at an earlier stage, i.e. once half of the term of imprisonment has been served. Similarly, the remainder of a sentence to life imprisonment can be suspended and probation imposed once 15 years have been served, if the particular gravity of the convicted offender's guilt does not necessitate his remaining in prison, and if the prognosis is favourable and the prisoner agrees.

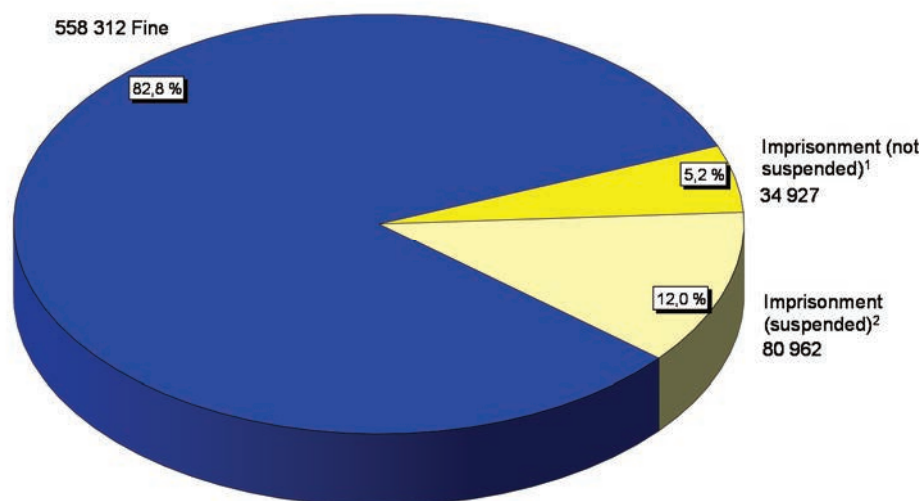
In addition to the sanctions mentioned above, it is also possible for measures other than punishment to be imposed in order to reform the offender or protect the public (mental hospital order or custodial addiction treatment order, incapacitation order, supervision of conduct, withdrawal of permission to drive, ban from the pursuit of certain occupations). Even if the person is acquitted due to lack of criminal responsibility, it may be possible for such measures to be imposed, e.g. he can under certain conditions be committed to a mental hospital or an institution for addiction treatment. These measures can be suspended on probation if there are special circumstances indicating that their objective can still be achieved.

In total 674 000 adults are sentenced under general criminal law in 2013, 19.7 % of them are female (121 115). Easily the most frequent sentence imposed on adults is a fine, in 558 000 cases (or 83 % of the total); in the other cases a prison sentence or (very rarely) military detention is imposed.

Roughly two-thirds of the 116 000 prison sentences or military detention are suspended on probation, i.e. 12 % (81 000) of all sentences result in the person receiving a suspended sentence and being placed on probation, and 5 % (35 000) are sent to prison without a suspension (diagram 18).

Diagram 18: Sanctions against adults*

Total persons sentenced under general criminal law: 674 201



* Only the most severe punishment in each case.

¹ Military detention included (n=3).

² Military detention included (n=6).

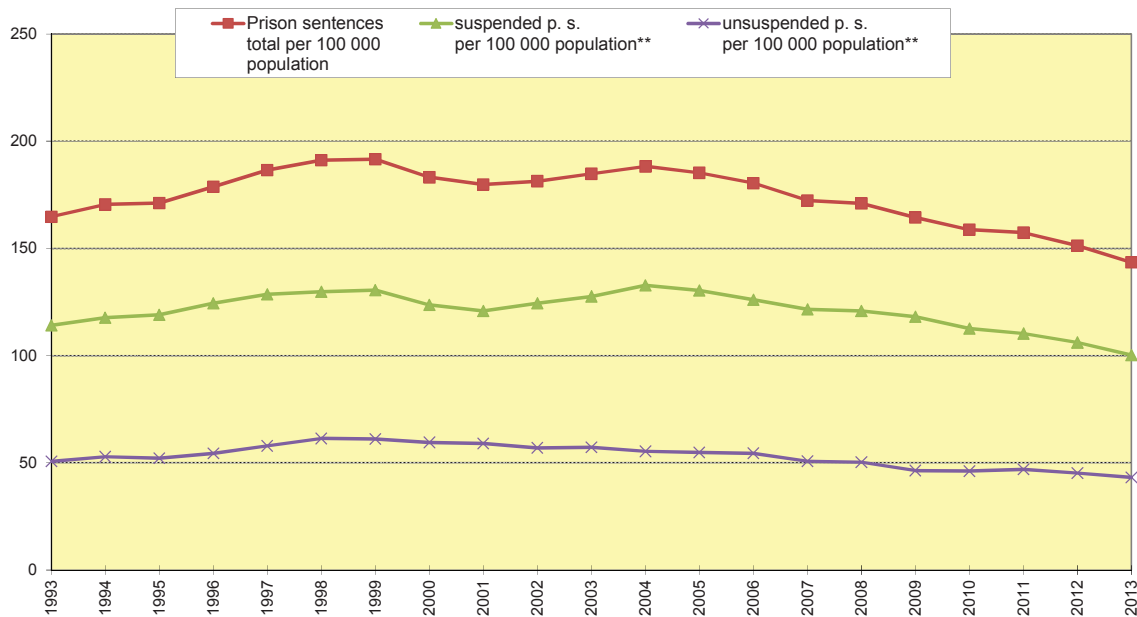
Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 2.3.

3.2 Prison Sentences

Diagram 19 (see table 19a in annex for absolute figures) shows that there was no constant development of prison sentences during the last two decades. Related to 100 000 population the rates increased during the 1990s and stabilised on high level with a small fluctuation at the beginning of the 2000s whereas they have gone down steadily since 2004. Suspended prison sentences take a similar course; their proportion of all prison sentences is relatively stable and amounts to two third.

In general, it can be stated that since the early 1970s, the proportion of prison sentences which are suspended has risen enormously, and from mid-1980ss make up two third of all prison sentences (see previous editions).

Diagram 19: Prison sentences 1993-2013

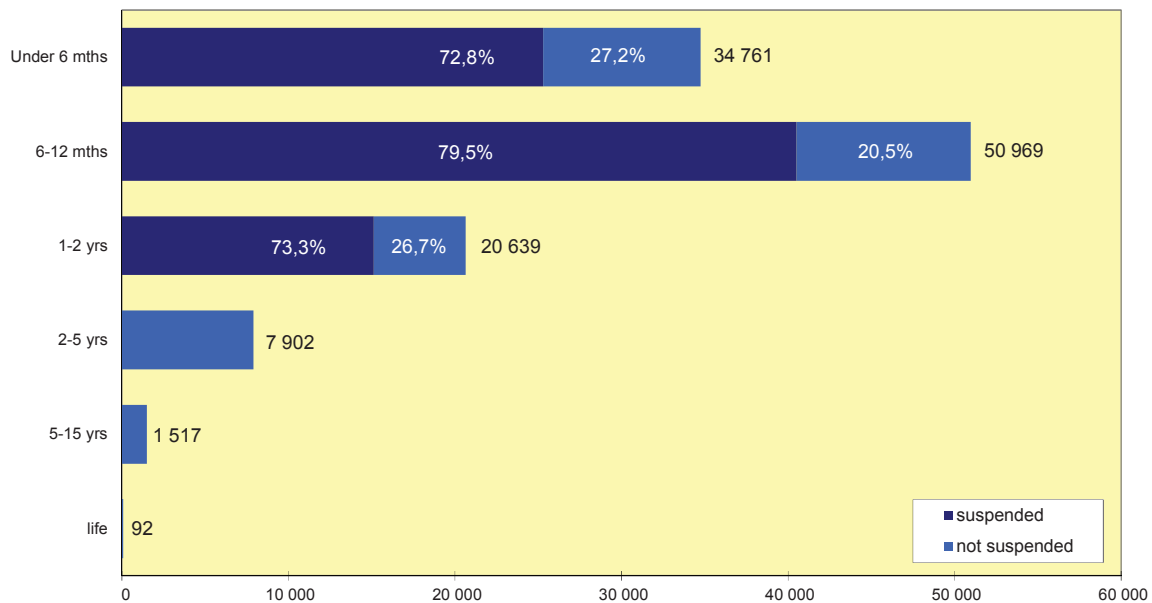


* Until 1994 former (Western) Federal Republic, from 1995 to 2006 former (Western) Federal Republic and whole of Berlin, from 2007 Germany total.

Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden; see table 19a in annex for absolute figures.

With regard to the length of the prison sentences, most are under 12 months. About 30 % refer to short sentences of under 6 months and about 45 % are between 6 and under 12 months and under 1 year months. 18 % are related to terms of between 1 and 2 years. The highest proportion of suspended prison sentences can be observed for terms of 6 months and under 1 year (almost four fifths), but it is still above two thirds for terms between 1 and 2 years. Prison sentences for terms of over two years cannot be suspended, they make up 7 %. In 1.4 % the prison term is over five years. 0.1 % of prison sentences are to life imprisonment (diagram 20).

Diagram 20: Length of prison sentence (adults)



Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 3.1.

3.3 Fines

Fines are imposed in daily units. This is intended to ensure that they have the same impact on offenders who have committed equally serious crimes but live in different economic circumstances. The total fine derives from the number of daily units and the level of those units, e.g. if someone is sentenced to 30 daily units at a rate of EUR 30, the fine will total EUR 900. Whilst the level of the daily units is oriented towards the ability to pay, generally towards the net income of the person, the number of daily units imposed reflects the degree of guilt.

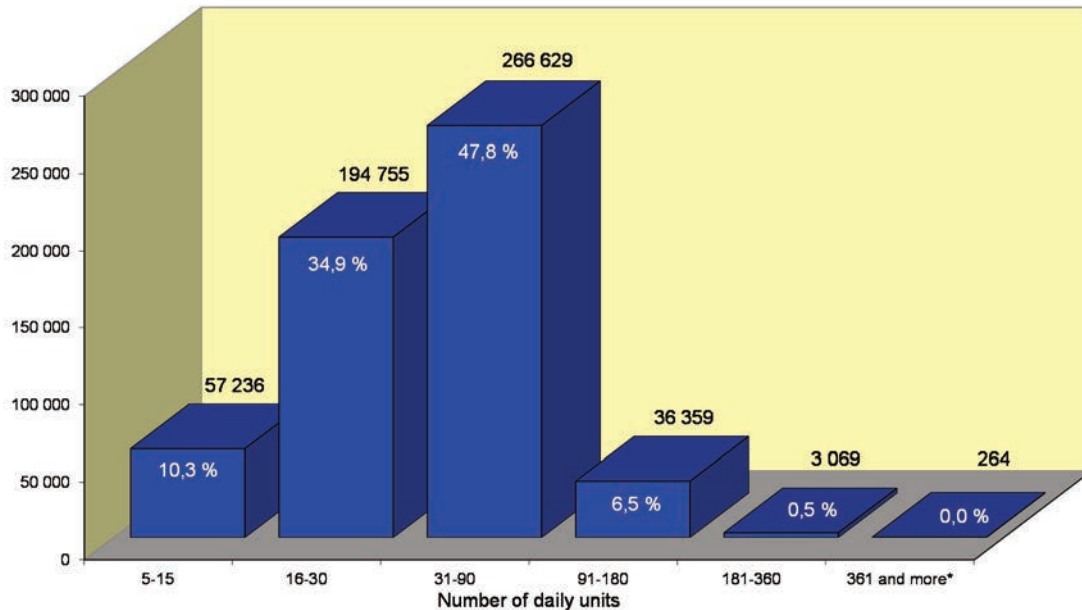
Since the personal and financial position of many individuals does not permit them to pay the whole fine immediately, they can be granted a deadline for payment or allowed to pay off the fine in instalments. If the person fails to pay the fine, it will be replaced by imprisonment. When calculating the term of imprisonment to replace a fine, one daily unit equates to one day of imprisonment. However, where the law of the individual Länder permits, the law-enforcement authorities can allow the person to do community service rather than go to prison.

Fines are not suspended. However, in the case of fines of up to 180 daily units a caution can be issued: the court finds the person guilty, cautions him, stipulates a fine and reserves the right to impose the fine during a period of probation. This approach is rarely taken in practice. These 6 692 cases are not included in the figures below. Nor are 292 cases considered in which no punishment was imposed because it was felt that the offender had suffered enough due to the consequences of his actions.

About half of the approximately 560 000 fines imposed were of up to 30 daily units and between 31 and 90 daily units each. In 6 % of the cases, the number of units exceeded 90, and only 0.5 % of fines were for more than 180 daily units (diagram 21).

Diagram 21: Fines - number of daily units

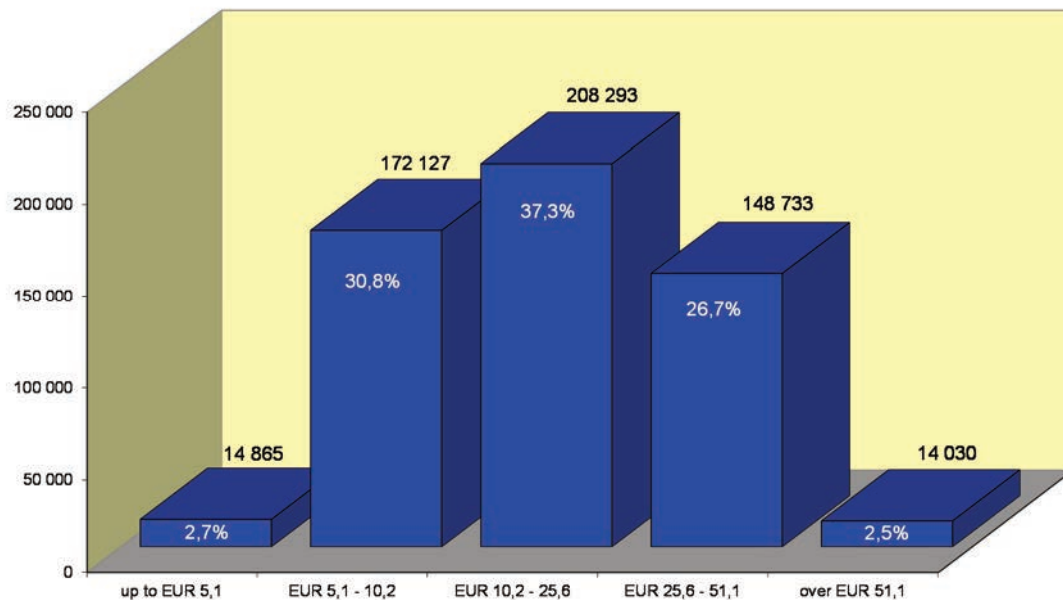
Total number of fines: 558 312



* Only up to 360 daily units as an independent sanction; higher levels only where it forms part of a package of sanctions. Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 3.3.

Diagram 22: Fines - level of daily units

Total: 558 048*



* Excluding the 264 cases with 361 or more daily units. Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 3.3.

37 % of the fines imposed are comprised of a daily unit of between EUR 10 and 25. One-twentieth of fines are at a rate of under EUR 5, almost a third between EUR 5 and 10, and

about a quarter between EUR 25 and 51.1 and 51.2 % of those sentenced to a fine pay a daily unit of more than EUR 51 (diagram 22).

3.4 Other measures and additional sanctions

The main additional sanctions consist of driving bans, forfeiture and confiscation. A driving ban of up to three months can be imposed if the crime for which the person was sentenced was related to the driving of a vehicle. In the case of forfeiture and confiscation the offender is forced to relinquish the assets or other advantages obtained by the crime and the objects used to commit the crime.

Some of the measures other than punishment to reform the offender or protect the public can be imposed separately (i.e. independently of the main punishment). If the offender's culpability is at least diminished, a combination of such measures and a fine or a prison sentence is possible.

The most frequent such measure is the withdrawal of permission to drive (disqualification order). Unlike a driving ban, which is intended to serve as a short-term warning for 3 months at the most, it aims to remove unsuitable drivers from road traffic. When the court withdraws permission to drive, it will stipulate a period in which the offender cannot be granted permission anew. After the expiry of the period the administrative agency will first examine whether the offender is suited to driving a vehicle. If this is not the case, permission to drive can be permanently refused.

Other measures of rehabilitation and incapacitation, involving a stay in a custodial institution for treatment, are imposed more rarely. The most frequent such measure (2 457 cases) is to place addicted offenders in an institution for addiction treatment; in 815 cases, mentally disturbed offenders are committed to psychiatric hospitals (mental hospital order). Detention for the purpose of incapacitation is a preventive detention (post imprisonment) and can only be ordered in combination with a prison sentence and only when the offender is regarded as dangerous because of a tendency to commit serious crimes (incapacitation order). It is only imposed in 32 cases (table 7).

Table 7: Other measures and additional sanctions

	Total Crimes	Excluding motoring offences
Driving ban	26 232	4 402*
Forfeiture, confiscation	36 881	36 069
Measures to reform offender / protect public		
- Withdrawal of permission to drive	94 213	6 829*
- Mental hospital order	815	811
- Custodial addiction treatment order	2 457	2 405
- Incapacitation order	32	32
- Ban on occupation and supervision of conduct	100	97

* This usually applies to cases in which a person was convicted for a more serious offence which is included in the conviction statistics alongside a road traffic offence.

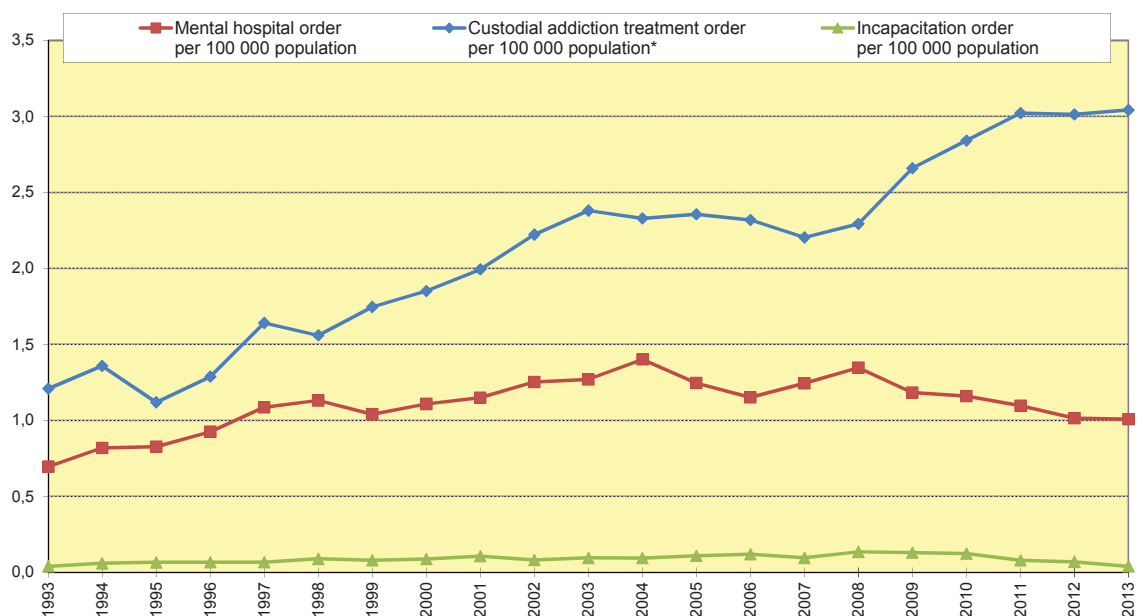
¹ Only supervision of conduct ordered by court; the figure omits supervision of conduct in relation to the suspension of measures to reform offender/protect public.

Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 5.

The present figures of custodial measures of rehabilitation and incapacitation are at the end of a remarkable development during the last two decades. Diagram 23 does not refer to the absolute numbers but to the orders per 100 000 population because the statistics provide data for the whole of Germany only from 2007 on. The mental hospital order and the custodial addiction treatment order demonstrate an almost continuous rise in the first decade; since then the development is not uniform: Whereas mental hospital orders have decreased slightly custodial addiction treatment orders have tremendously increased since 2007; in consequence, they have doubled since 1993.

Incapacitation orders started on a very low level in 1993 (n=27; see table 23a in annex) and then – in two sweeps – reached their peak in the years 2008 (n=111) to 2010 (n=101). Since then the figures have been strongly falling. The initial rise of the numbers was certainly connected with legal changes in terms of broadening the application of incapacitation order; in contrast, the recent decrease has occurred parallel to a ruling of the Federal Constitutional Court which restricted the prerequisites for incapacitation order.

Diagram 23: Order of custodial measures per 100 000 population 1993-2013*



* Until 1994 former (Western) Federal Republic and Western Berlin, from 1995 to 2006 former (Western) Federal Republic and whole of Berlin, since 2007 Germany total, figures for 2013 before census.

Source: Conviction statistics of the relevant years, published by the Federal Statistical Office, Wiesbaden, table 5.1; see table 23a in annex for absolute figures.

4. Sanctions under juvenile criminal law

In the case of juvenile offenders (14-17 years inclusive) and young adults (18-20 years inclusive) convicted under juvenile criminal law the criminal justice system aims to educate the offender and provides for special sanctions: firstly, educative and disciplinary measures and, secondly, youth imprisonment with the possibility of suspension and probation. The imposition of additional legal consequences and measures to reform the offender and protect the public is only possible to a limited extent. A young adult offender is required to be

processed under juvenile criminal law if he is like a juvenile in terms of his development or if the offence was a transgression of a juvenile nature.

The educative measures include the issuing of instructions and the requirement that the offender accept certain forms of educative assistance, i.e. socio-educational support or in the form of residential accommodation with back-up support from social workers. These measures are not really intended to punish, but to promote the juvenile's upbringing in an educative dimension. For example, the instructions may refer to the place of residence, participation in a course of social training, work, or attempts to achieve offender-victim mediation.

In contrast, disciplinary measures are also intended as a sanctioning reaction. The juvenile is to be made aware of the injustice of his action, without this requiring youth imprisonment. Disciplinary measures include cautions, the imposition of conditions (reparations for the injury, apologies to the injured party, payment of money to charitable organisations or the state, work) and detention, which can range from a weekend to up to four weeks. Educative and disciplinary measures can be imposed simultaneously.

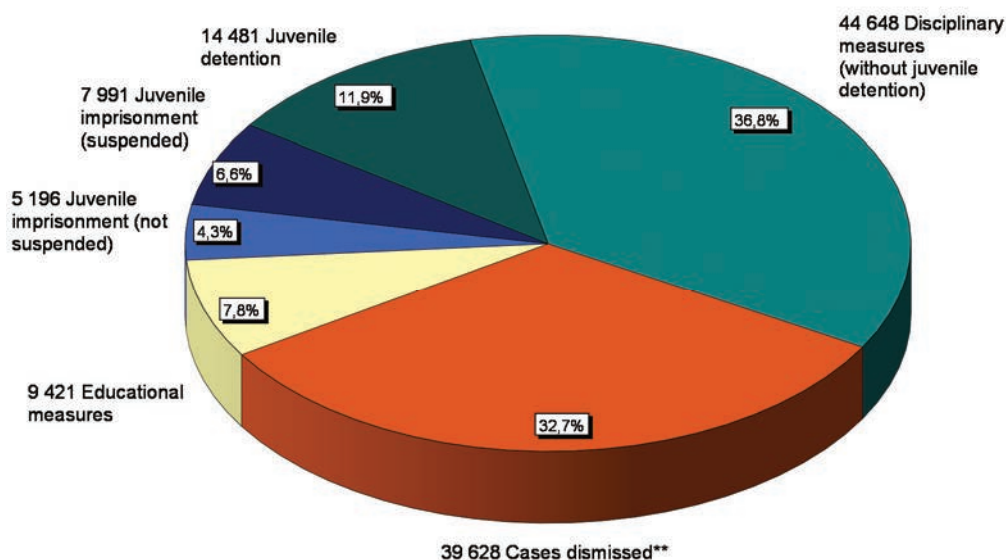
Youth imprisonment is the only real criminal punishment available under the Act on Juvenile Courts (JGG). There are differences compared with adult imprisonment rules. The length of the period is limited to between six months and five years, for serious crimes up to ten years; if a young adult commits a crime with the provision of lifelong imprisonment in general criminal law the maximum prison sentence is a 15 years term. The judge imposes youth imprisonment when the criminal tendencies of the juvenile, which have become apparent as a result of his crime, indicate that educative or disciplinary measures will not suffice to reform the offender or when punishment is needed because of the seriousness of the offence. If it is not possible to ascertain with certainty during the main proceedings whether the criminal tendencies of the offender are such that youth imprisonment is actually needed, the judge will only pronounce the guilt of the juvenile. The decision as to whether a sentence to youth imprisonment should be imposed is suspended for a certain probationary period. The following tables do not include the 2 185 cases in which the decision on whether to impose a sentence of youth imprisonment was suspended in this way (in accordance with § 27 JGG).

The proceedings can be dismissed by the Public Prosecution Office with the approval of the court in accordance with § 45 section 3 JGG and by the juvenile court itself in accordance with § 47 JGG. Furthermore, in accordance with § 45 sections 1 and 2 JGG, the Public Prosecution Office can itself decide to end the case without referring to the court. These decisions can, where they are taken by the court or with the approval of the court, be linked to the imposition of certain conditions and instructions on the offender. In minor cases, it may be sufficient for other educative measures to be taken or introduced or for the offender to attempt to make good the injury suffered by the victim.

In 2013, 81 737 persons are convicted under juvenile criminal law (table 24a in annex). Nine-tenths of the juvenile and young adult offenders are male; one-tenth are female. In 84 % of convictions educative and disciplinary measures were imposed. 11 % of offenders are sentenced to youth imprisonment with the sentence suspended; 5 % are given a sentence to youth imprisonment without it being suspended.

Diagram 24: Sanctions under juvenile criminal law*

Total sanctions (by the most serious type of sanction): 121 365



* Cases discontinued by the juvenile courts in accordance with adult criminal law are omitted here.

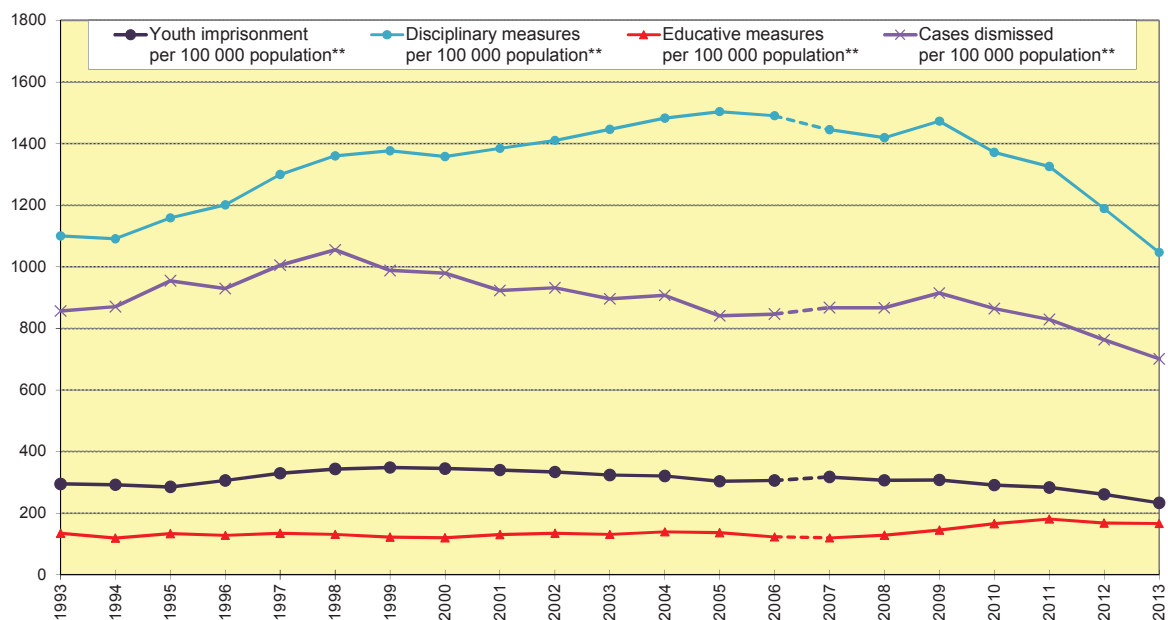
** According to § 45 section 3 and § 47 of the Act on Juvenile Courts.

Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden; see table 24a in annex for absolute figures.

Diagram 24 provides an overview of the sanctions imposed in the juvenile criminal justice system, including cases dismissed in accordance with § 45 section 3 and § 47 of the Act on Juvenile Courts. But it has to be considered that the statistics only provide data for the most severe sanction. The most common sanction takes the form of disciplinary measures: in 2013, more than 59 000 offenders are sentenced to over 85 000 different disciplinary measures; detention, as the only disciplinary measure involving a stay in an institution, is imposed in almost 14 000 cases and affects 26 % of all those convicted. Approximately 9 400 offenders have an educative measure, almost always in the form of an instruction, imposed upon them as their severest punishment. About 13 000 offenders are given a sentence to youth imprisonment: 54 % of the youth imprisonment sentences are between 6 and 12 months, 34 % between 1 and 2 years. 12 % of the youth imprisonment sentences are for between 2 and 5 years, and 0.5% for between 5 and 10 (15) years (see table 24a in annex for absolute figures).

In just under 40 000 cases, proceedings were dismissed by the Public Prosecution Office with the approval of the court in accordance with § 45 section 3 JGG or by the juvenile courts themselves in accordance with § 47 JGG, without a sentence being passed following main proceedings. However, the prosecution statistics do not include the many cases dismissed by the Public Prosecution Office without the involvement of the court in accordance with § 45 section 1 or 2 JGG. These decisions amount to 71 967 dismissals according to § 45 section 1 JGG and 69 144 dismissals according to § 45 section 2 JGG.

Diagram 25:
Sanctions under juvenile criminal law per 100 000 population
1993-2013*

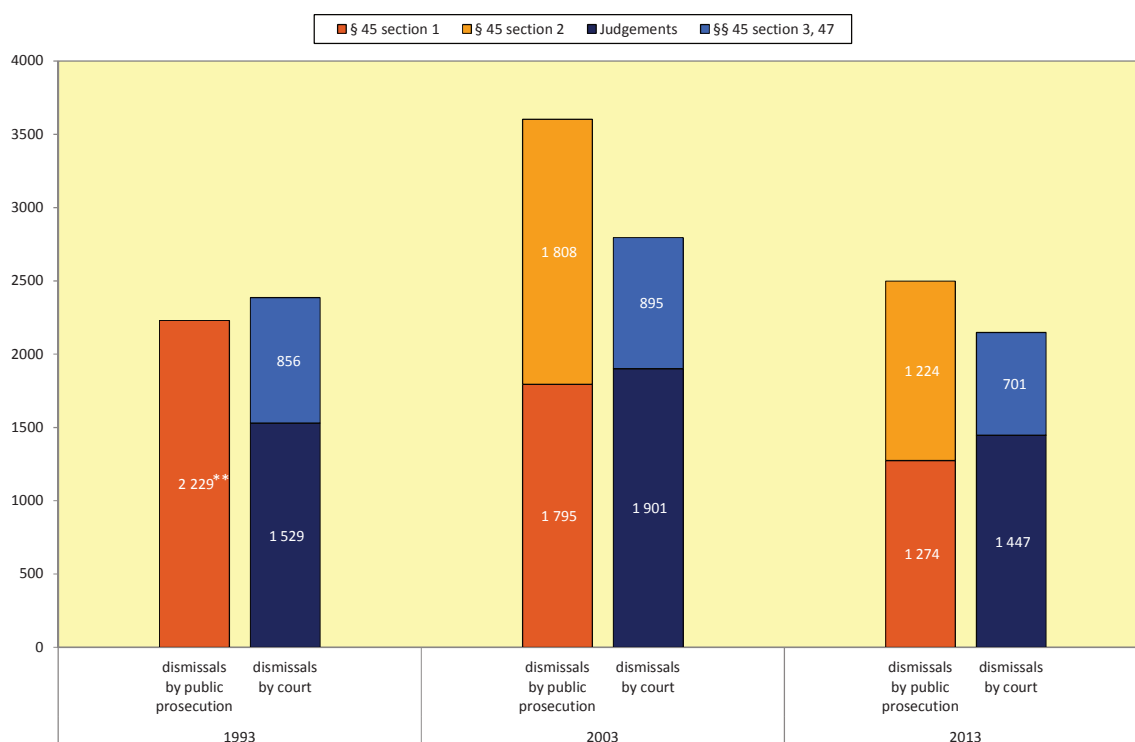


* Until 1994 former (Western) Federal Republic, from 1995 to 2006 former (Western) Federal Republic and whole of Berlin; from 2007 Germany total; per 100 000 juvenile and young adult population.

** Population figures until 2006 for former (Western) Federal Republic and whole of Berlin, from 2007 for Germany total.
Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden; see table 25a in annex for absolute figures.

Diagram 25 and table 25a (in annex) show the rates per 100 000 population for sanctions under juvenile criminal law; from 1993 to 2006 the development was different: Whilst the disciplinary measures were steadily growing youth imprisonment and dismissals according to §§ 45 section 3, 47 JGG rose only until the end of the 1990s, but has declined slightly since then. From 2007 on the rates for the whole of Germany are provided; at the same time a remarkable decrease of all juvenile sanctions and measures (except for educative measures) can be observed. The fact that the absolute figures go down (see table 25a) can be explained by the demographic development only in part. That is because the rate of the judged juveniles and young adults per 100 000 of their age group is decreasing as well; from 2 750 in 2007 to 2 148 in 2013. Thus considerably less young persons appear before a criminal court meanwhile.

Diagram 26: Cases dismissed and judgements according Juvenile Court Act per 100 000 population*



* 1993 former (Western) Federal Republic including the whole of Berlin, 2003 und 2013 Germany total; per 100 000 youth and young adult population.

** Cases dismissed by the public prosecution include decisions according to § 45 sections 1 and 2 JGG

Source: Conviction statistics and public prosecution business statistics for the relevant years, published by the Federal Statistical Office Wiesbaden; see table 26a in annex for absolute figures.

The public prosecution service has the sole responsibility for dismissals according to § 45 sections 1 and 2 JGG. They are not included in the conviction statistics, but only in the prosecution business statistics. Therefore the suspects concerned do not belong to the same counting unit as the other persons dealt with by the courts. Nevertheless, in order to give an idea of their quantitative importance the figures from public prosecution and from court are related to each other. Diagram 26 shows the figures per 100 000 population for the years 1993, 2003, 2013: The majority of petty offences is answered by prosecutorial diversion, i.e. dismissals according to § 45 sections 1 and 2 JGG. Furthermore, their importance has relatively grown during the last two decades: 2003 and 2013 juvenile criminal proceedings were more frequently ended by the public prosecutor solely through dismissals than by the court through a judgement or dismissal. This demonstrates at the same time that juvenile criminal offences are mainly of minor seriousness.

5. Special topic: Offender-Victim Mediation

Offender-Victim Mediation (Täter-Opfer-Ausgleich; abbreviated: TOA), which was given a legislative basis for the first time in 1990, refers to an offender's efforts to achieve a settlement with the injured party and in doing so to make good his or her offence, or to go a long way towards doing so. A settlement of this kind can take place at any stage during criminal proceedings and can cause the authorities to refrain from prosecution (§ 45 section 3 of the Act on Juvenile Courts, JGG – see above IV.4.), to drop the prosecution (§ 153a section 1 sentence 2 no. 5 Code of Criminal Procedure, StPO, § 47 section 1 no. 3 JGG, see above IV.1.) or to refrain from imposing a or milden the sanction (§ 46a StGB). According to juvenile criminal law, the judge can issue the instruction that the judged offender is to make efforts towards TOA (§ 10 section 1 sentence 3, no. 7 JGG). In order to enable TOA to be used more frequently and easily the criminal code provisions were augmented procedurally in 1999 with the §§ 155a and 155b StPO. These oblige the prosecution service and the court to consider the possibilities for reaching a settlement between the accused and the victim at all procedural stages.

Offender-Victim Mediation is usually achieved upon prosecution service initiative although a TOA institution, usually the juvenile court service, the court service or a specialist independent organisation will be involved. This organisation will consider whether a case is generally suited for TOA, whether the victim and perpetrator are prepared to enter settlement discussions, lead these discussions, record the result of these, supervise the actual compensatory efforts and inform the prosecution service and court of success or failure.

Official statistics do not record the use of Offender-Victim Mediation. Since 1995 there are Federal TOA statistics (see "Täter-Opfer-Ausgleich in Deutschland" by Arthur Hartmann, Hans Eikens and Hans-Jürgen Kerner, ed. by the Federal Ministry of Justice, Berlin 2014), funded by the Federal Ministry of Justice, collected and prepared by a research group, which recently published statistics for 2011 and 2012. The data are collected from institutions which carry out TOA. Because participation in the TOA statistics is on a voluntary basis the available results are not representative of all settlement institutions or all German cases. The TOA statistics present a variety of information about institutions, caseload, characteristics of case, victim and suspect, finally about the course and results of this measure. The central findings are briefly summarised in the following:

Like in previous years, of the 45 reporting *institutions* the majority are independent although the participating youth protection offices and judicial social services are likely to be under-represented. Approximately three quarters of the institutions involved are specialised in TOA; two fifths only dealing with juveniles and young adults, one fifth with adults only and two fifths with all age groups.

Since the first collection round in 1993 the *caseload* of procedures considered suitable for conflict resolution has risen from 1 066 to 5 500 in 2011 or 4 998 in 2012, thus five times multiplied.

TOA is usually initiated in the pre-trial stage (85 % of cases in 2011 and 81 % in 2012) with the prosecution service playing the decisive role: In three of four cases they initiate the TOA and in 85 % they order its execution.

The *offences* affected are mainly bodily injury (58 % in 2011, 55 % in 2012), criminal damage (11 or 12 %), insults (15 or 16 %) and offences against personal freedom (13 %),

whereas property and asset related crimes (5 or 6 %) as well as robberies (1 %) play a comparatively small part. Concerning the *injured parties*, the majority of these (almost two thirds) are male resulting from the high proportion of bodily injuries. As far as data on the type of damage are available bodily harm is outweighing material and psychological damage. Also the *accused* males are dominant (80 %). As to the age group of adults with an emphasis on the 21 to 40 years old are the major age group: of the accused two third and of the injured parties almost three quarters.

A significant pre-condition of TOA is the *willingness to reach a settlement* by both the injured party and the accused. This willingness is lower on side of the injured parties (55 or 58 %) than on side of the perpetrators (73 or 74 %).

The *settlement discussion* between perpetrator and victim is central to the TOA concept; in three of five cases this takes place in the presence of a mediator. In the remaining cases other forms of conciliation are used, e.g. using alternating discussions between the mediator and the injured party and the perpetrator (23 or 27 %). More rarely the mediation is rejected by one of the parties or there are other obstacles.

If a compensation attempt is made it usually leads to a positive *result*: In 84 or 82 % of cases an agreement is reached which satisfies both parties and is carried out: in a further 5 % of cases a partial settlement agreement is reached. Only in 11 % of cases does the TOA fail altogether, due to the parties not reaching an agreement, the injured party withdrawing in the course of proceedings or the perpetrator breaking off compensatory efforts.

Table 8: Content of the action agreed through Offender-Victim Mediation – 2012

	2011 in %	2012 in %
Apology	69,7	65,4
Agreement on a certain behaviour	34,7	35,2
Damages	19,4	23,5
Compensation for pain and suffering	12,8	14,0
Work for the victim	3,6	4,1
Present	2,3	2,2
Restitution	1,9	2,1
Common activity with the victim	1,9	1,8
Other	11,5	10,1
No action agreed	8,2	6,1

* It is possible to agree that more than one action be carried; therefore the total exceeds 100 %.

Source: Kerner/Hartmann, Täter-Opfer-Ausgleich in Deutschland, Berlin 2014, p. 50; author's own presentation.

As one would expect, apology or another agreement on a certain behaviour as well as payment of damages or compensation for pain and suffering are the most common *action agreements* (see table 8). If the TOA-institution views the settlement attempt as completed, it will inform the prosecution service or, where relevant, the court of this.

V. Probation

The probation service's main task is to look after those offenders placed on probation. It also looks after persons whose conduct is subject to supervision.

When the prison sentence is suspended, or the remainder of the sentence is suspended (see IV.3.1. above), the court can order that the offender be placed under the *supervision of a probation officer*; in the case of youth imprisonment (see IV.4.) this is obligatory. Other conditions (e.g. making good the injury caused, community service) or instructions (e.g. regarding place of residence, or regular reporting by the offender to the court or another agency) can also be imposed.

The juvenile criminal justice system has a special feature. In accordance with § 27 of the Act on Juvenile Courts (JGG), it is possible for the judge merely to declare the guilt of the juvenile in the main proceedings, but to leave open the decision as to whether to impose a prison sentence and to appoint a probation officer to supervise a period of probation. If, during that period, the bad behaviour of the juvenile makes it clear that the offence was committed because of criminal tendencies, a prison sentence will be imposed in accordance with § 30 section 1 JGG. If this is not the case, the guilty verdict is extinguished after the probationary period has expired.

The probation officer assists and looks after the offender. With the approval of the court, he monitors compliance with the conditions and instructions. The period of probation either ends "successfully", with remission of the punishment or the end of supervision; or the court revokes the suspension of the sentence or of the remainder of the sentence under certain conditions - if the offender commits new crimes during the probationary period, seriously or continually violates conditions and instructions, or continually evades supervision by the probation officer.

Supervision of conduct is one of the measures taken to reform the offender and protect the public. It is imposed when a sentence committing to a mental hospital or a facility of custodial addiction treatment is suspended or when continuing accommodation there is suspended, when a incapacitation order or its execution is suspended, or when the court expressly requires it for particular crimes. The most frequent case in practice is supervision of conduct following the full serving of a prison sentence of at least two years, in case of sexual offences one year. The offender is then subject to the control and assistance of the supervisory agency and the probation officer. Supervision of conduct can also be linked to instructions. The office supervising the conduct monitors the behaviour of the offender and compliance with any instructions.

The probation service keeps its own statistics and records data as far as supervision is imposed in terms of suspended prison sentence or remainder of prison sentence. But it has stopped to record cases of supervision of conduct. The most recent edition of these statistics refers to the year 2011 and only to the Länder of the former (Western) Federal Republic including the whole of Berlin (excluding the Eastern Länder).

There are two different counting methods: the number of probation orders in force on a fixed date, i.e. 31 December of each year, and all the periods of probation concluded in the course of a year. The number of probation orders recorded there is greater than the number of

people subject to it. This is mainly because a single offender in court for several offences in various trials can be placed on probation several times.

18 % of the probation orders in force on the fixed date result in accordance with juvenile criminal law, 82 % in accordance with adult criminal law (Table 9). As the length of probation periods in accordance with juvenile criminal law are generally shorter than those in accordance with adult criminal law, the proportion of young probationers, who occupy the probation service personnel in the course of one year is significantly higher (see below).

Table 9: Number of ongoing periods of probation*
- Former West Germany and Berlin -**

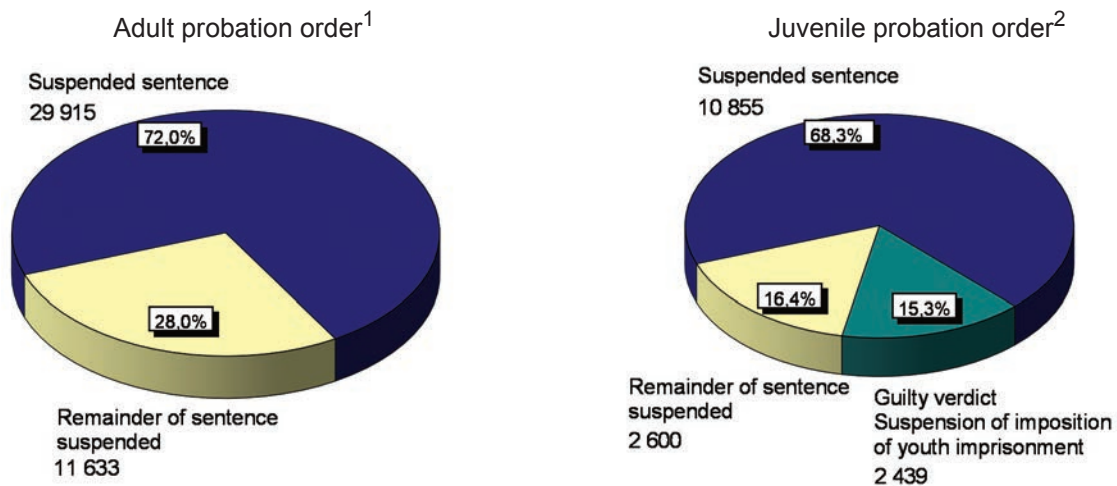
	Periods of probation		Probation under			
	Total	Percentage	adult law		juvenile law	
Total	182 715	100 %	150 713	82 %	32 002	18 %

* Probation periods supervised by full-time probation officers only; including multiple probation periods relating to an individual probationer.

** Excluding Hamburg, for Schleswig-Holstein results from 2003.

Source: 2011 probation statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 5), table 1.1.

Diagram 27: Reasons for probation orders*
- Former West Germany and Berlin** -



* Probation orders supervised by full-time probation officers only.

** Excluding Hamburg, for Berlin results from 2007.

¹ Excluding the 563 probation orders by way of pardon as well as a further probation orders suspending life imprisonment.

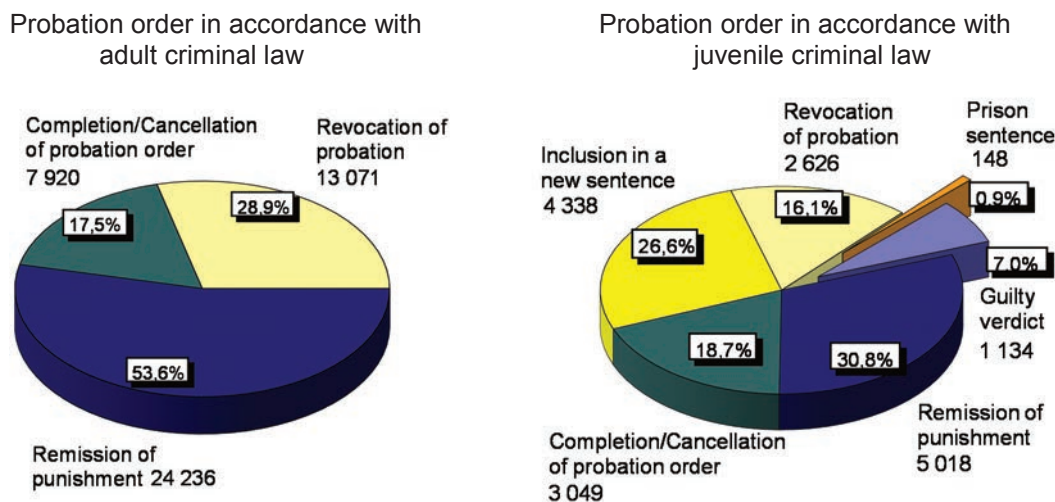
² Excluding the 29 probation orders by way of pardon.

Source: 2011 probation statistics, published by the Federal Statistical Office, Wiesbaden, tables 6 and 7.

Diagram 27 provides an overview of the number of probation orders which ended in 2011, in some way it illustrates the turnover. All probation orders which come to an end are

counted, therefore the cases in which probation ended because the suspension of the sentence was revoked and the prison sentence executed are also included. Firstly the diagram shows that overall the young probationers make up approximately one-third of the probation service's clientèle. If one differentiates by reason for the probation order, the suspending of a prison sentence (72 %) or youth imprisonment (Jugendstrafe 68 %) respectively, clearly forms the majority. In addition, for younger probationers there is the peculiarity of suspending the imposition of a sentence to youth imprisonment in accordance with § 27 JGG (15 %). At the same time those released early from prison (28 %) and youth imprisonment (16 %) respectively, form a significant group.

Diagram 28: Reasons why the probationary period ended*
- Former West Germany and Berlin -**



* Probation orders supervised by full-time probation officers only.

** Excluding Hamburg, for Berlin results from 2007.

Source: 2011 probation statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 5), table 3.2; see table 27a in annex for absolute figures and for a more detailed breakdown of the reasons for ending a probation period.

Diagram 28 (for absolute numbers see table 28a in the annex) includes a special feature; in showing the reasons for ending a probation period it allows - in contrast to all other sanctions recorded in the conviction statistics - conclusions to be drawn about the course and the "success" of the punishment. In the current edition of the probation service statistics (of 2011) the following differentiations are made for *adults*: firstly probation periods ending in remission of the prison sentence altogether or the remaining punishment due to a successful period of probation; these make up 54 %. In these cases the suspending of a sentence can be regarded as a success. In contrast, the revocation of a suspended sentence or of the suspension of a remaining sentence ends the probation period with the consequence that the person concerned has to serve either the complete or the remaining prison sentence; this is the case in 29 % here, meaning that just under one-third of cases represent a clear failure for probation. Mostly the revocation occurs at least partly because of a new crime committed during the probation period; the remaining revocations presumably result due to the conditions laid down for probation not being fulfilled. Naturally not every new offence, e.g. one punished by a fine, leads to a revocation. A revocation will only occur when the

sentenced offender „shows that the expectation upon which the granting of probation was based has not been fulfilled“ (§ 56 f StGB).

The category completion/cancellation of the probation order covers cases in which the probation service supervision is ended earlier than the probation period initially laid down without the prison sentence being enforced or its suspension being revoked. In these cases the probationer has also proved himself, if this means that nothing has become known during the probation period which led to the suspension of the sentence or the remainder of the sentence being revoked. However, no conclusions can be drawn here as to a complete success because the period of probation can be longer than the period under probation service supervision.

The situation is more complex in relation to those probationers sentenced in accordance to *juvenile criminal law*. Firstly, it is necessary to deal with the peculiarity of suspending the imposition of a sentence to youth imprisonment: at first glance the relationship between success, i.e. extinguishing the conviction, and failure, i.e. imposition of youth imprisonment, would appear to be fairly good. However, one has to consider that many of the 2 439 cases of suspending the imposition of a sentence to youth imprisonment are also hidden in the categories inclusion in a new judgment, cancellation and completion of supervision by the probation service.

With regard to the probation orders in accordance with juvenile criminal law (including the cases of § 27 JGG) as a whole, an unambiguous success can be established in 38 % of cases where the sentence has been remitted or the conviction extinguished. A clear failure meaning a revocation of the suspension or imposition of youth imprisonment respectively occurs in 17 %. The revocation results in the majority of cases in part or solely because of a new crime.

The cases resulting in completion/cancellation of the supervision of the probation service can for the most part be regarded as successful if one bears the restrictions mentioned above in mind. On the other hand, the cases "inclusion in a new sentence (27 %)" can for the most part be considered as failures because most will be dealing with crimes committed at a *later time during* the probation period for which the probationer is convicted. Even here, however, it is not possible to be completely certain as to this categorisation because the reason for inclusion can also be crimes committed by the juvenile or young adult *before* the sentence to a probation order.

Overall the majority of the sentences to a probation period achieve their intended goal (see also the chapter on reconviction, VII.).

VI. Penal institutions

1. Scale and nature of imprisonment

Only a small proportion of those sentenced actually spend a period in prison: those sentenced to prison or youth imprisonment without suspension, or those whose prison sentence was suspended but whose suspension was then revoked. In addition, there are those who are kept in custody for the purpose of incapacitation following a prison sentence. Finally, offenders sentenced to a fine end up in prison if they fail to pay their fine and have to serve a period of imprisonment instead.

However, the penal institutions also accommodate people not sentenced by the criminal courts: those in remand custody (see also above III.2), or those deprived of their freedom for other reasons. The latter include people in other judicially imposed forms of detention (e.g. under civil law - in very rare cases) and those in custody awaiting deportation (although the latter are not always housed in penal institutions).

Information about the prison system is to be found in the Federal Statistical Office's prison statistics. Part of the data refer to a fixed date, usually the 31.03 of the year. Whilst interpreting these numbers it should be borne in mind that short-term prisoners are underrepresented in comparison to long-term prisoners; the likelihood of a prisoner serving a longer sentence being included in a count which is only carried out once a year is much higher than that of one sentenced to a short term of imprisonment.

On the 31.03.2014, 65 710 people were imprisoned in 186 penal institutions, 72 % in single and 28 % in shared cells respectively (table 10).

Table 10: Penal institutions: capacity and actual population*

	Number
Number of penal institutions	186
Capacity	76 181
of which: - Single cells ¹	55 030
- Shared cells ¹	21 151
Actual population	65 710
of which: - Single cells ¹	46 676
- Shared cells ¹	19 034

* excluding those temporarily absent (n=1 415) on the 31.03.2014.

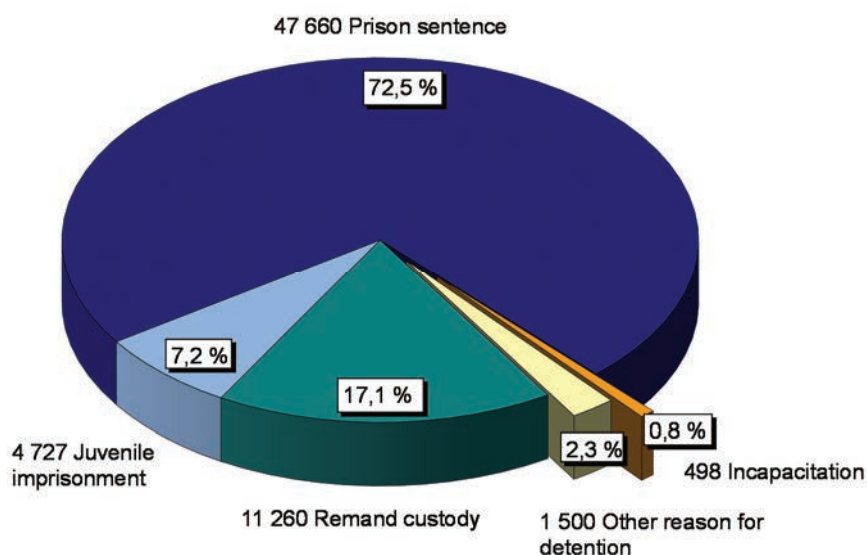
¹ The figures do not add up to 100 % because differentiated numbers are not available for Bremen.

Source: 2014 prison statistics, published by the Federal Statistical Office Wiesbaden, Current Number of Prisoners and Detainees, fixed date 31.03.

These figures do not include those prisoners who were temporarily absent, e.g. as a result of temporary release measures, on the day of counting, but for whom a place must be reserved. They amounted to some 1 415 persons, i.e. around 3 % of occupied places on this fixed date.

Diagram 29: Nature of imprisonment

Total prison population: 65 710*



* Excluding those temporarily absent (n=1 415) on the 31.03.2014.
 Source: 2014 prison statistics, published by the Federal Statistical Office Wiesbaden, Current Number of Prisoners and Detainees, fixed date 31.03.

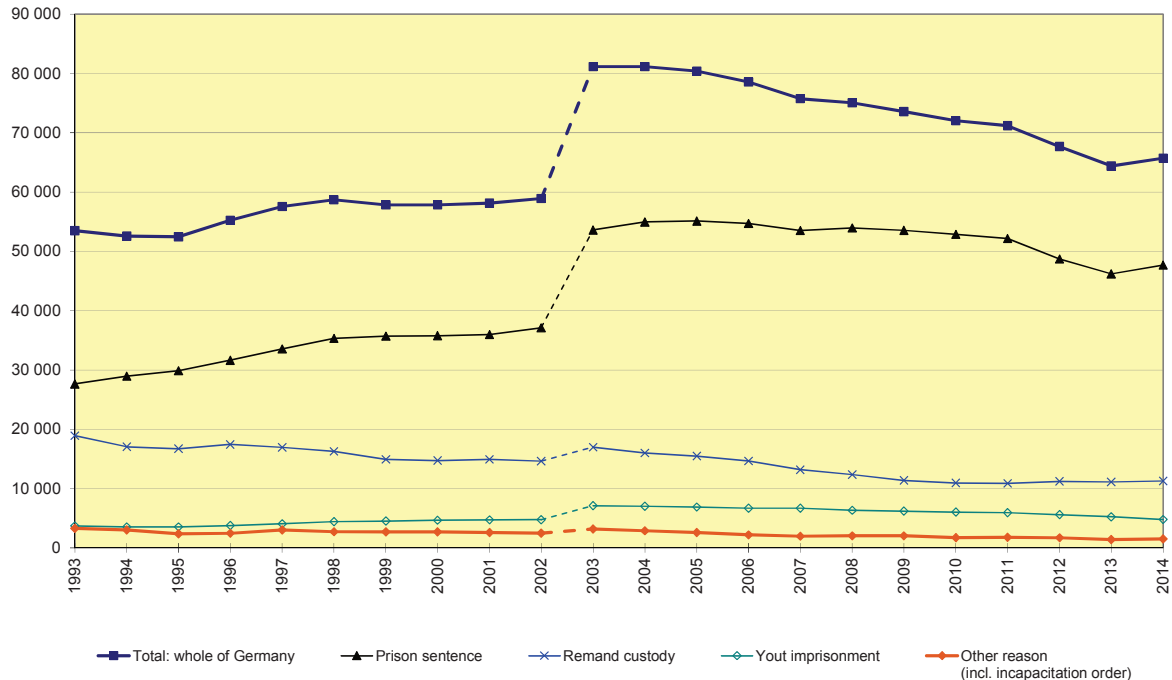
80 % of the people in prison are serving a prison sentence or a youth imprisonment; approx. 17 % are in remand custody. Prisoners detained for other reasons, e.g. those in custody awaiting deportation (diagram 29 and table 11), account for 2 % of the prison population. The number of those detained because of an incapacitation order is small (0.8 %). Women account for a small proportion of the prison population: 94 % of inmates are male.

Table 11: Scale and nature of imprisonment*

Nature of imprisonment	Total	Male	Female
Total	65 710	61 976	3 734
Remand custody	11 260	10 604	656
Youth imprisonment	4 727	4 543	184
Prison sentences	47 660	44 874	2 786
Incapacitation	498	497	1
Other reason	1 500	1 393	107
of which: - Military detention	0	0	0
- Awaiting deportation	112	107	5

* Excluding those temporarily absent (n=1 415) on the 31.03.2014.
 Source: Prison statistics 2014, published by the Federal Statistical Office Wiesbaden, Current Number of Prisoners and Detainees, fixed date 31.03.

Diagram 30: Number of prisoners on fixed date
by nature of imprisonment*



* Counted on the fixed date 31.12.07 until 2002; 31.03. thereafter; excluding those temporarily absent (on the 31.03.14 this was 1 415 persons); figures until 2002 for the former (Western) Federal Republic including the whole of Berlin, since 2003 for Germany total.

Source: Prison statistics for the relevant years, published by the Federal Statistical Office Wiesbaden (up until 2002 Fachserie 10, Reihe 4.2, page 5, fixed date 31.12.; as of 2003 new publication, Current Number of Prisoners and Detainees, fixed date 31.03).

The total figures of prison population are available for the whole of Germany since 1993; but the breakdown by the nature of imprisonment only since 2003 (see diagram 30). Thus the figures up to 2002 refer only to former West Germany and Berlin and show a considerable rise of persons serving a prison sentence or youth imprisonment. This is because more persons were sentenced on the one hand and there was a growing number of longer prison terms on the other. During the same period the number of detainees in remand custody decreased a lot. In Germany as a whole the total figures went down since 2003. Only recently from 2013 to 2014 a slight rise can be observed.

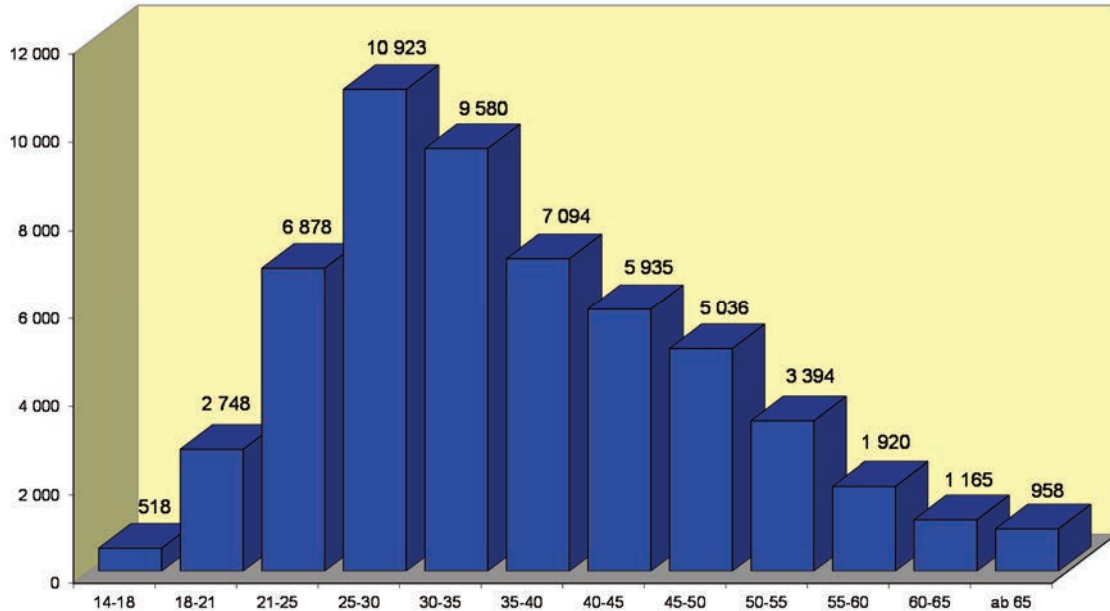
This decrease of the total numbers is connected with the declining numbers of persons in remand custody and in youth imprisonment facilities whereas the number of adult prisoners went down to a modest extent only.

2. Prisoners and Age

Diagram 31 shows that almost two-third of prisoners are aged between 21 and 40. Almost 6 % of prisoners are juveniles and young adults. 13 % of prisoners are over 50, and only 3.5 % over 60.

Diagram 31: Prisoners by age

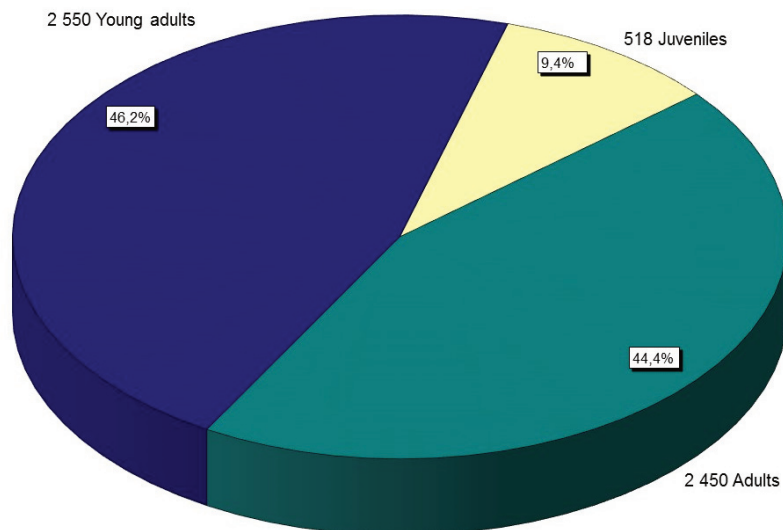
Total number of prisoners: 56 149



Source: 2014 prison statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 4.1), table 3.1; fixed date 31.03.

Diagram 32: Inmates in youth imprisonment*

Total: 5 518



* Including adult prisoners housed in a juvenile penal institution.

Source: 2014 prison statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 4.1), table 3.1; fixed date 31.03.

With regard to the inmates in youth imprisonment, it is noticeable that only 9 % of inmates are aged under 18, 46 % are young adults, and 44 % adults over 21 (diagram 32). There are several reasons for this: serious offences which result in a person being sentenced to youth

imprisonment without the sentence being suspended tend to be committed by young adults rather than juveniles. Since whether or not the offender is dealt with by the juvenile criminal justice system or the adult courts depends on the date when the crime was committed, people aged over 21 can also be sentenced to youth imprisonment. Only after the offender is aged over 24 is the sentence passed by a juvenile court normally served in an adult institution.

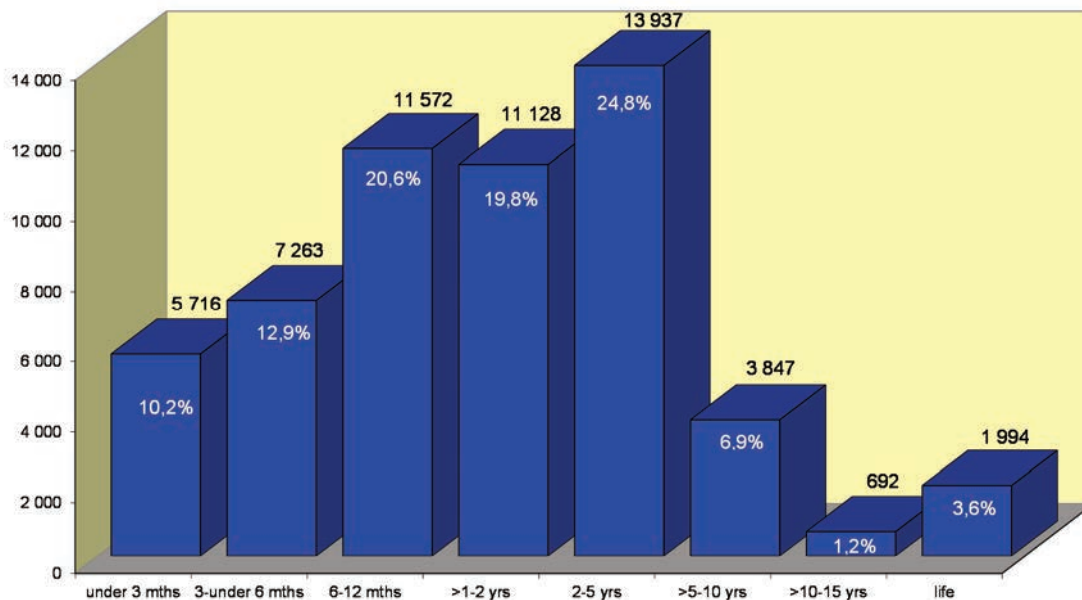
3. Prospective length of imprisonment

There are no official statistics on the actual period of imprisonment. The prison statistics only contain data on the prospective length of imprisonment. This consists of the length of the sentence minus remand custody. They do not include early release, e.g. after the remainder of the sentence has been suspended or after a pardon.

According to the statistics, 23 % of those in prison on a certain day are likely to be in prison for less than six months. The proportion of those likely to be in prison for between 6 and 12 month is almost just as high, 21 %. 12 % can expect to be in prison for more than 5 years (diagram 33). However, the figures are very much influenced by the fact that they are recorded on a fixed date; if one takes the prisoners starting their sentence in the course of a year, the short-term (less than a year) prisoners are clearly represented in a higher proportion.

Diagram 33: Prospective length of imprisonment*

Total of prisoners: 56 149



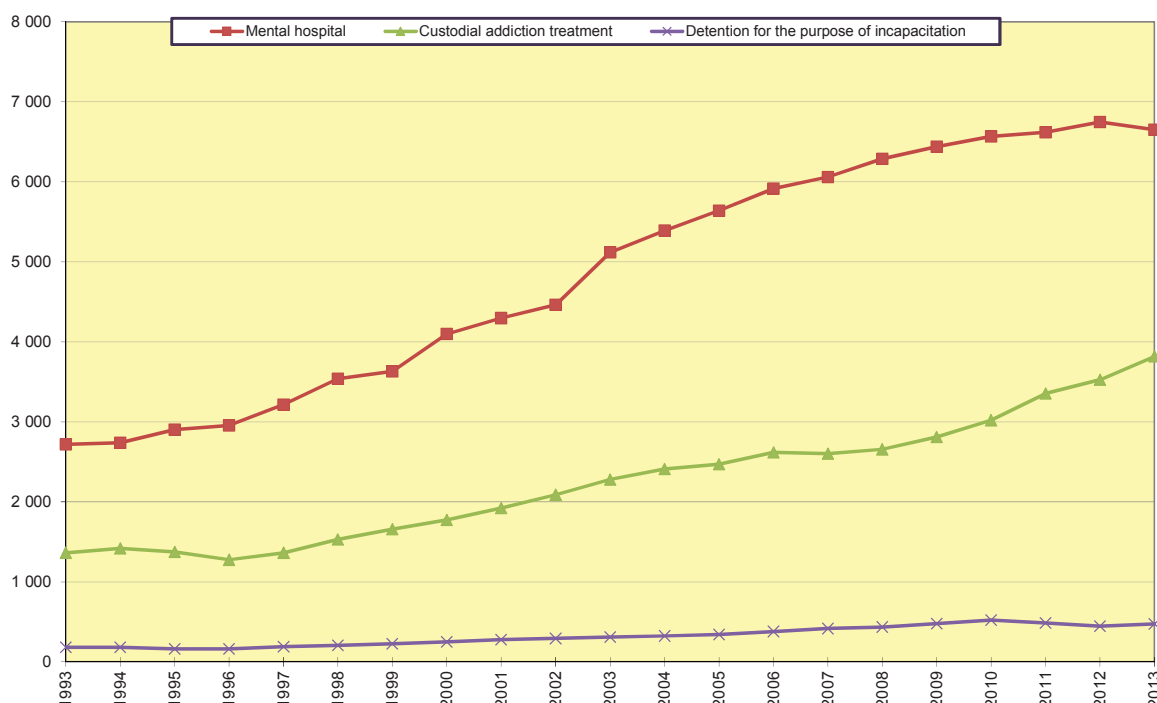
* Sentence imposed minus deductible remand custody.

Source: 2014 prison statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 4.1), table 3.1; fixed date 31.03.

4. Special topic: Execution of custodial measures of rehabilitation and incapacitation

In the previous chapters the execution of prison sentences in prisons run by penal institutions were dealt with. Of the custodial measures of rehabilitation and incapacitation only the order of incapacitation is executed in facilities attached to prisons following a previous service of a prison sentence. In contrast, the other two custodial measures, mental hospital order and addiction treatment order, are executed in facilities which belong to the administration of health and social security. Nonetheless the prison statistics provide data on detainees of these measures, but only for the Western, not for the Eastern Länder.

Diagram 34: Persons in facilities of custodial measures 1993-2013*



* Concerning mental hospital and custodial addiction treatment orders until 1994 former (Western) Federal Republic, since 1995 former (Western) Federal Republic and whole of Berlin; concerning incapacitation orders until 1994 former (Western) Federal Republic, since 1995 former (Western) Federal Republic and whole of Berlin, since 2003 Germany total.

Source: prison statistics for the relevant years, published by the Federal Statistical Office Wiesbaden (up until 2002 Fachserie 10, Reihe 4.2, page. 5; as of 2003 new publication, Current Number of Prisoners and Detainees, fixed date 31.03).

In contrast to the prison population the number of detainees in facilities of custodial measures has grown constantly and strongly during the last two decades: Thus the number of detainees in a mental hospital increased from 2 800 in 1993 up to 6 800 in 2012; only in 2013 a slight decrease can be observed. This development occurred parallel to the rising number of court orders during the first decade (see above IV.3.4.). But whilst those decreased in the following years the number of detainees continued to rise; therefore the reason for this is an extended duration of stay in consequence of a restrictive use of releases. Differently from this, the number of detainees in facilities of custodial addiction treatment has almost constantly increased parallel to the court orders (see above IV. 3.4.) and tripled

up to almost 4 000 in 2013. Starting from a low level (1993: 183) the number of detainees in incapacitation custody grew steadily up to 2010. In the following years the number decreased slightly (n=450 in 2013), presumably due to releases in consequence of judgements of the European Court on Human Rights and the Federal Constitutional Court (see above IV.3.4.).

VII. Reconviction

Criminal punishment is the most severe form of disapproval a society expresses towards certain modes of behaviour. At the same time punishment fulfils preventive purposes. Preventing others from offending and the convicted person from re-offending is one of the most important tasks assigned to criminal law. This purpose has been expressed in various penal acts. For example, the federal Act on the Execution of Prison Sentences (§ 2) defines as the goal of imprisonment to enable the prisoner “to conduct his life in social responsibility without committing offences“. This preventive orientation is particularly true for the juvenile criminal law; its sanctions and measures “shall prevent a juvenile or young adult from repeat offending” (§ 2 Act on Juvenile Courts, JGG).

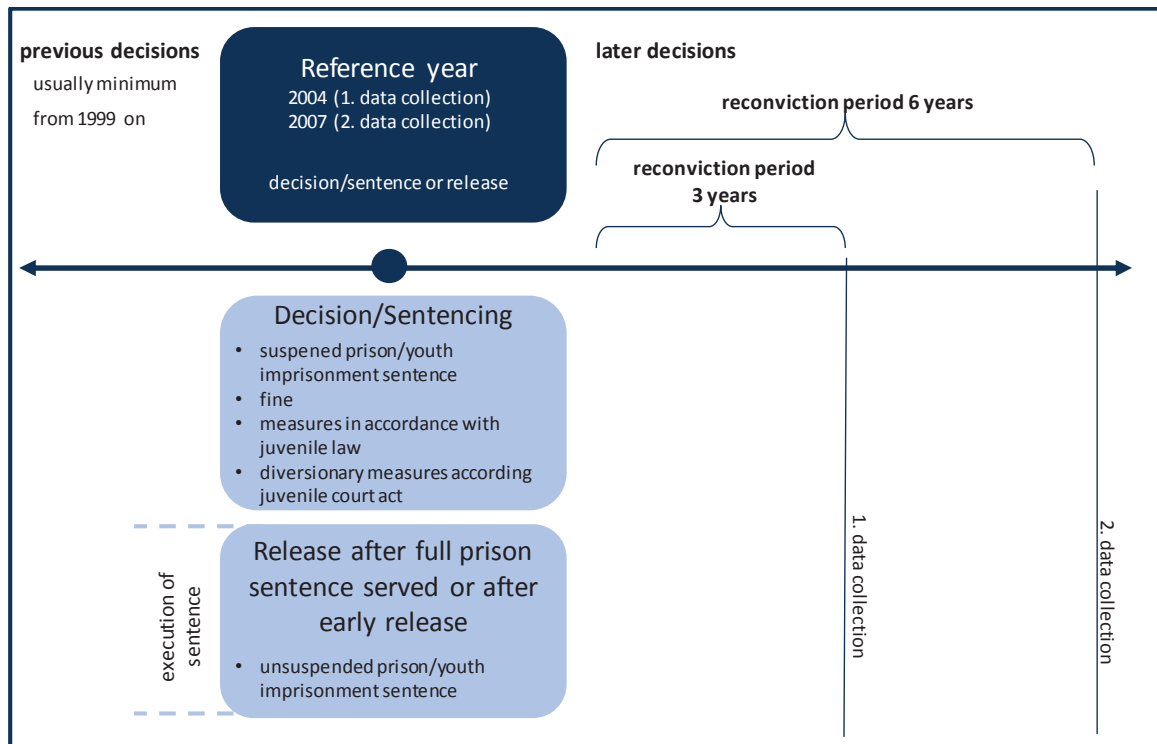
How far punishment has a preventive effect on the offender is a permanent question for crime policy and jurisprudence. Differently from other premises of (criminal) law this question can be studied empirically: We can observe whether sentenced persons commit repeat offences or conduct their future life without committing offences. Studies or statistics on relapses also play a role in terms of the growing importance of prognosis in the field of criminal justice. Criminal law is more and more oriented at risk evaluation; therefore data provided through national periodic reconviction statistics which can even present base rates for selected repeat offender groups are needed. If one takes the preventive claim of criminal justice seriously one has to measure to which degree it succeeds in preventing from relapses.

The current official statistics on criminal justice (see chapter III. and IV.) are only designed for recording data for a specific reference year (either persons or proceedings being counted) without any information about what happens to the convicted persons after that. In order to be able to measure relapses or reconvictions a different approach is needed (Bundesministerium des Inneren/Bundesministerium der Justiz (ed.): *Erster Periodischer Sicherheitsbericht 2001*, Kap. 3.8). Realizing this the Federal Ministry of Justice commissioned a nationwide study on reconviction after criminal sentence.

According to the design of the reconviction study (see Jehle et al 2013) all persons recorded in the so-called reference year and subject to a criminal sanction or released from prison are observed for a follow-up period in order to see whether they re-offend. Database for this is the person-related entries in the Federal Register of Criminal Records (Central Register and Register of Educative Measures according to the Act on Juvenile Courts); they are usually kept for 5 years minimum. In case of executed prison sentences or custodial measures the starting point is the date of release, in case of non-custodial sanctions – including suspended prison sentences – and juvenile measures the date of decision.

Data from the Federal Register were collected and evaluated in three waves: for the reference years 2004, 2007 and 2010 reconvictions can be observed for a three years period each. Additionally the data of the different waves can be connected with each other; thus for the reference year 2004 the observation period can be extended to 9 years in the end. Up to now the results of the first two waves were published (see diagram 35).

Diagram 35: Design of the reconviction study
2004-2010 and 2007-2010



For the first time in Germany the research project on reconviction can analyse relapses for all sanctions and measures which are recorded in the Federal Register and present reconvictions related to offence, sanction, age, gender and nationality as well as previous convictions of the person concerned for a uniform reference year. These analyses allow to make empirically founded statements on the real reconviction rates. Thus one can find out how frequently e.g. persons convicted because of sexual or violent offences commit repeat offences. Further statements of policymakers concerning different reconviction risks of various sanctions can be tested on the base of sound information. However, it has to be considered that the data set just contains the frequency of reconviction (“Released prisoners are more frequently reconvicted than person sentenced to fine”), without allowing to deduct causal links (“prison service effects reconviction”). For the example chosen one might find the explanation that courts principally impose fines only on offenders having committed minor offences and showing a favourable prognosis.; thus the persons sentenced to imprisonment could be a sort of negative selection whose more frequent relapses are not surprising. It could appear rather surprising that their reconviction rate is relatively moderate (see below).

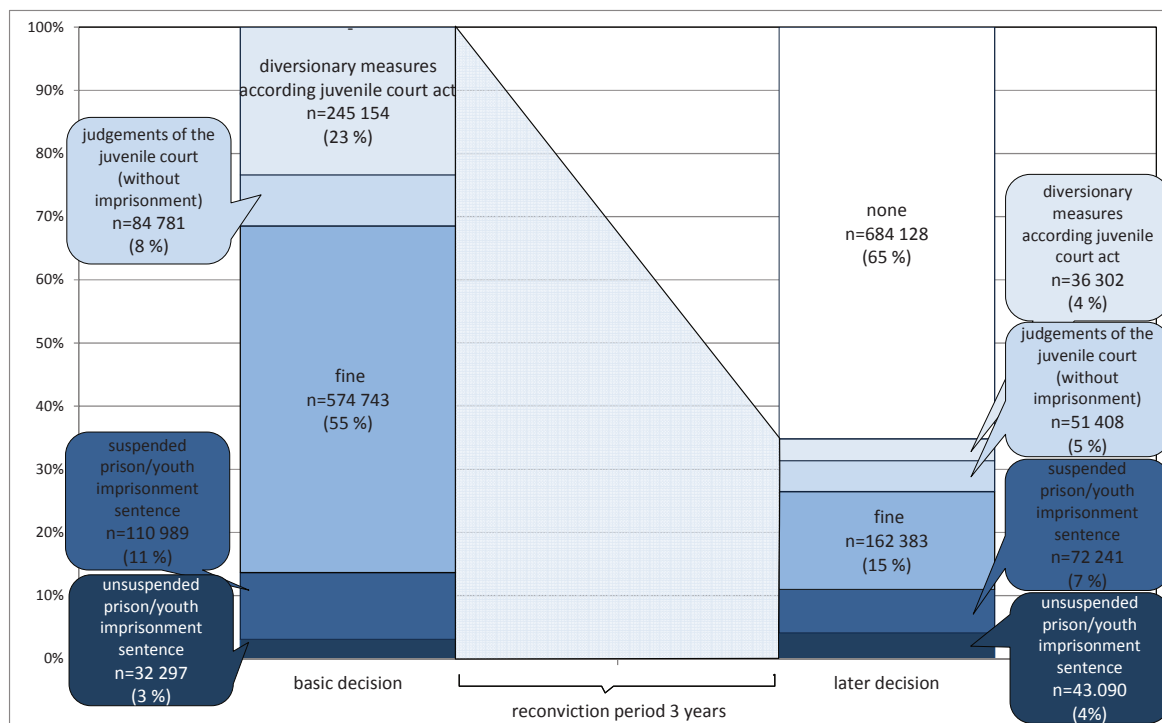
In the following the results of the second wave of the reconviction study is presented (Jehle et al. 2013; referring to the first wave see Jehle et al. 2010). From data of the Federal Register a complex data set has been produced and meaningful categories established; thus the reconviction rates related to sanction, offence, previous convictions age and gender of the persons concerned can be described for the reference years 2004 and 2007. Some important results are summarised here.

For most of the persons concerned the criminal sanction or measure remains a single event (during the observation period). Only each third one (34 %) was reconvicted within a three years period (see diagram 36). That means, 1 049 816 persons registered in the reference year 2007 684 128 (65 %) were not registered anew. This result corresponds to the outcome of the previous study for the reference year 2004.

Mostly the relapses were not so serious that an unsuspended prison sentence or youth imprisonment were imposed. A reconviction did usually not result in imprisonment but in milder sanctions. Thus only 4 % of the persons concerned were sentenced to an unsuspended prison term; 7 % to a suspended prison sentence, 15 % to a fine and 5 % to a juvenile measure. Even in 4 % of the cases the relapse was answered by a dismissal anew (diagram 36).

When the observation period is prolonged up to 6 years (2004 to 2010), one can see that the vast majority of reconvictions takes place during the first three years, half of them during the first year. Longer observation beyond three years results in only a minor rise of the reconviction rate: At the end of a six years observation period 44 % of persons from the reference year 2004 were reconvicted at least once. Compared to the rate after three years of observation this is a rise by 9 percentage points.

Diagram 36: Overall picture (reference year 2007)*



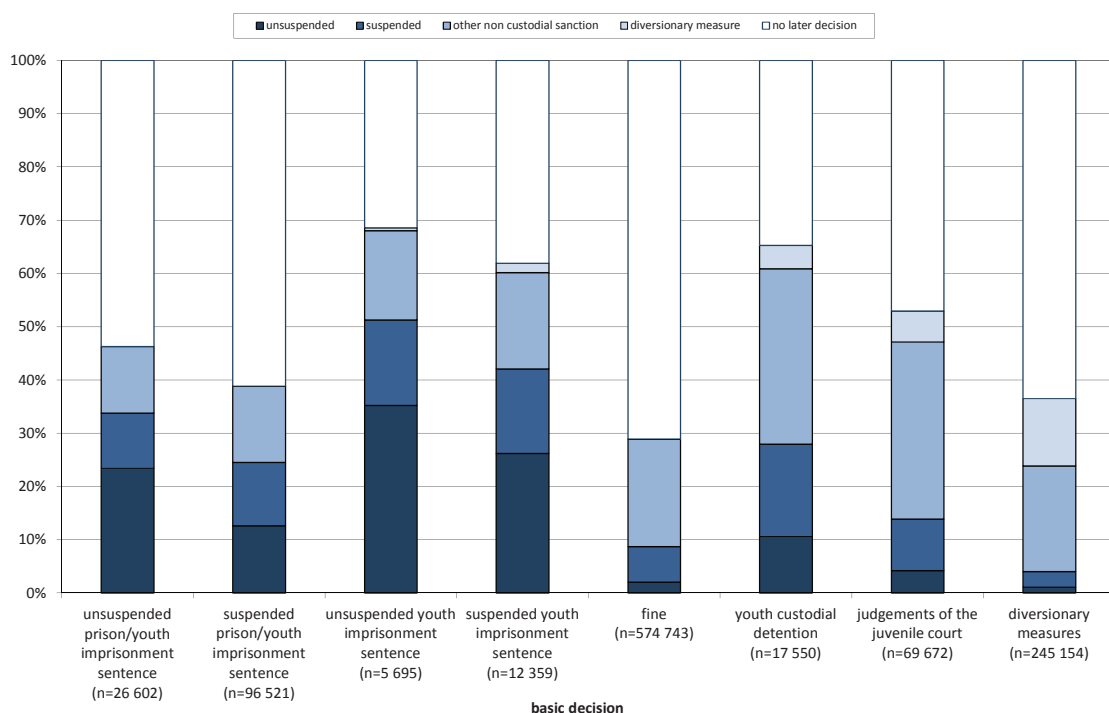
* As to the basic decisions 1 942 cases with isolated measures are excluded, as to the later decisions 264 cases are excluded.

As expected, age and gender play an important role: Juveniles have the highest (over 40 %) reconviction rate, the age group of more than 60 years old the lowest (14 %). Females re-offend less frequently than males.

Furthermore, the reconviction rate is strongly related to previous convictions: Corresponding to the growing number and seriousness of former sanctions the reconviction rate rises.

The various forms of sanctions and measures result in clearly different reconviction rates. As mentioned above, one has to be cautious: The differences cannot be interpreted as causal effects because the different judgements concern different groups of persons (with different risks of re-offending). The persons sentenced to unsuspended prison term show higher reconviction rates than those with fines or juvenile measures. The highest reconviction rates occur after release from an unsuspended youth imprisonment (69 %), immediately followed by juvenile detention (65 %), the lowest one after a sentence to payment of money to a charitable organisation or the state (29 %). The reconviction rates after youth imprisonment are higher than after adult prison sentences and correspond to the generally higher risk of young people to re-offend. Compared to unsuspended prison sentences the suspended ones result in significantly lower reconviction rates (diagram 37).

Diagram 37: Reconviction type by basic decision type
(reference year 2007)*

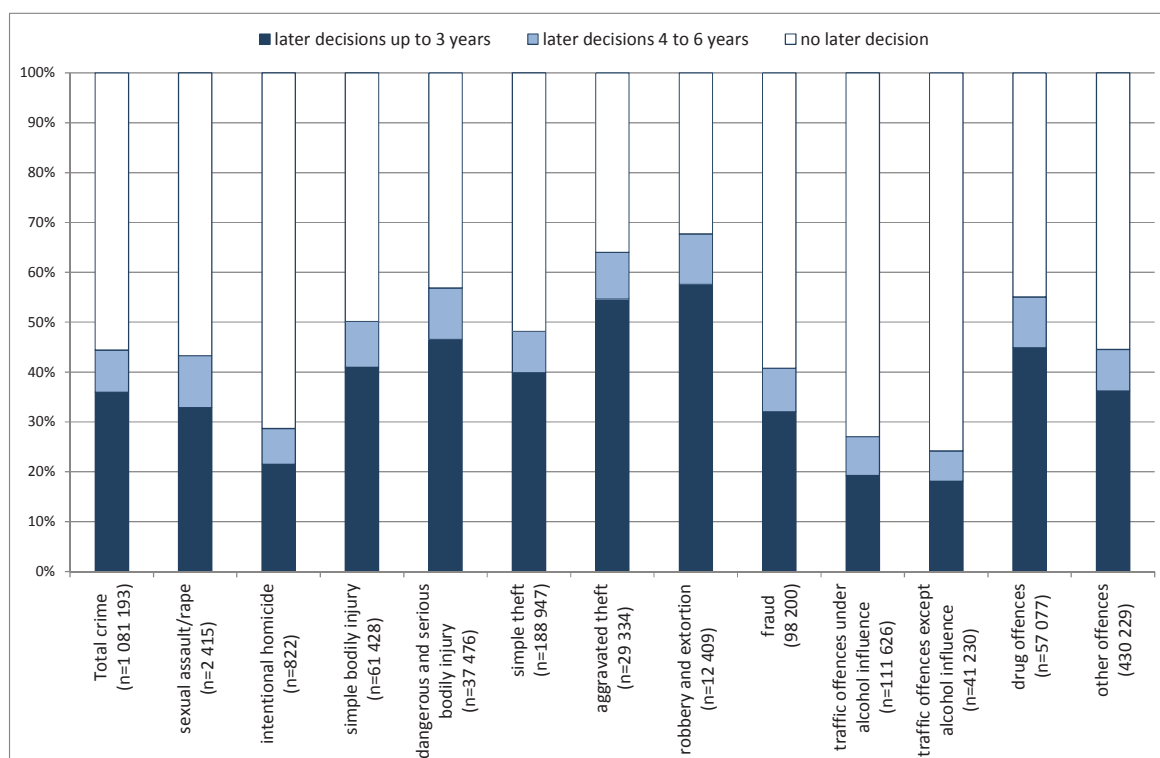


* Absolute figures, see Jehle et al 2013, p. 47.

As expected more serious sentences lead to more serious subsequent sentences: Those released from prison or youth imprisonment return to prison in 35 or 23 % whereas of those sentenced to a fine only 3 % were imprisoned in the years to follow. This outcome might be explained by the assumption that persons sentenced to a non-custodial sanction usually show a more favourable prognosis.

Released prisoners are reconvicted for the most part, but clearly less than half of them return to prison.

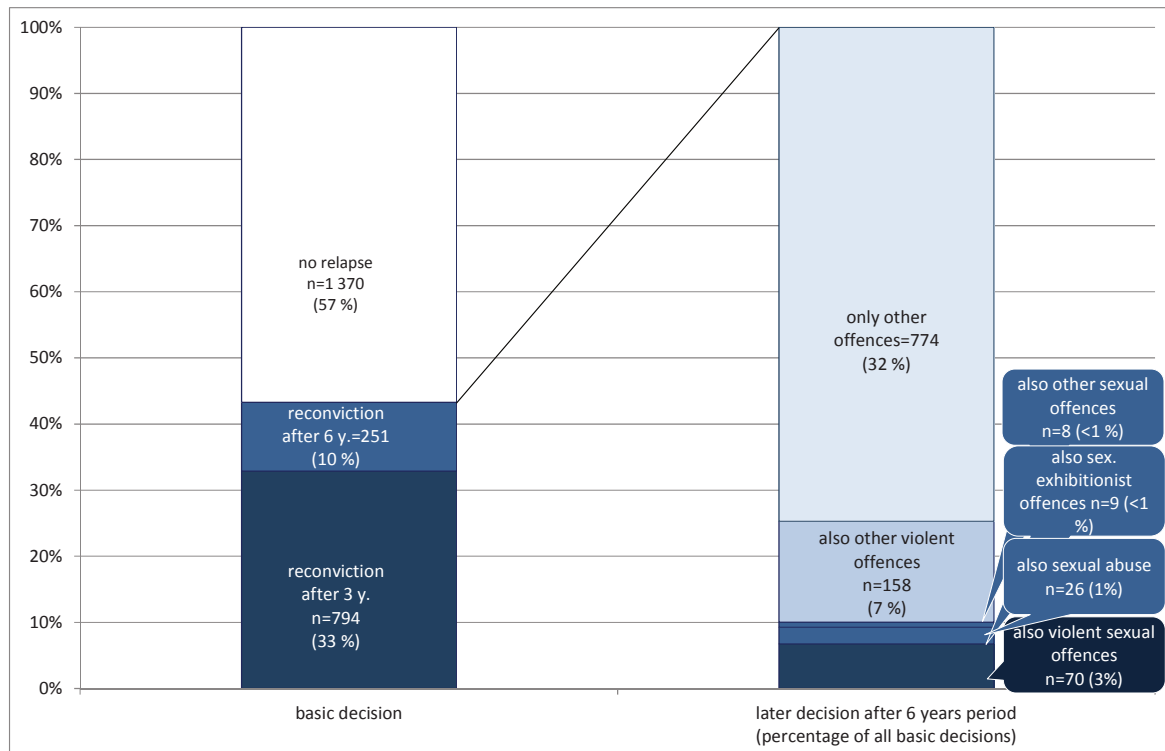
Diagram 38: General reconviction rate during the first and the second three years period by type of offence of the basic decision (reference year 2004)*



* Absolute figures, see Jehle et al 2013, p. 227.

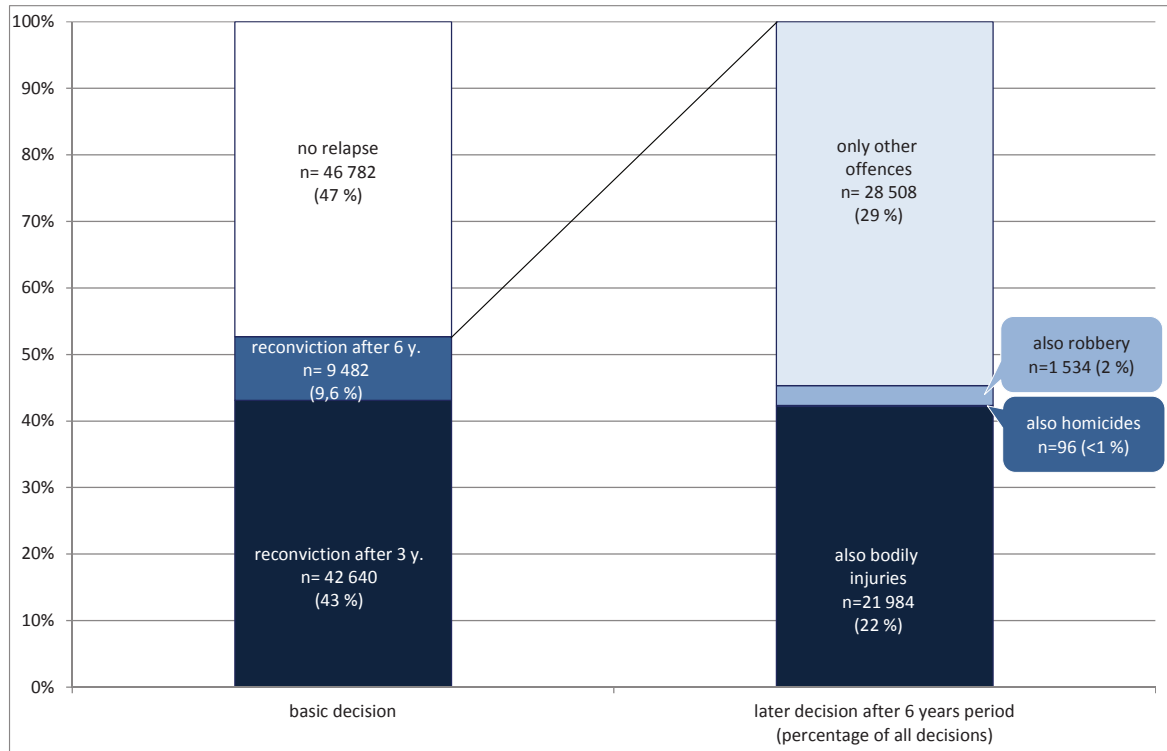
Related to various offence groups the general reconviction rate differs strongly: After a three years observation period traffic offenders (except for driving without licence) and sentenced persons because of homicides demonstrate the lowest reconviction rates (about 20 %) whereas sentenced persons because of robbery and serious forms of thefts are mostly reconvicted (dark blue part of columns). The additional increase during the following three years (light blue) is considerably lower with only small differences between the various offence groups. Relatively low concerning traffic offences without influence of alcohol (by 6 percentage points) and homicides (7 percentage points). Slightly stronger increase can be found concerning sexual assault and rape, bodily injury, robbery and extortion as well as drug offences (by 10 percentage points each).

Diagram 39: Offence related reconviction rate after six years period – sexual assault and rape (reference year 2004)



Not only the general reconviction rate because of any new offence can be studied but also the type of the new offence, especially whether it is of the same kind as the offence of the reference judgement. Here, this is demonstrated for some selected offence groups: Sexual offenders show specific relapses only to a small proportion. Within six years of observation, of offenders registered because of rape or serious sexual assault only 3 % are reconvicted because of a new violent sexual offence and 12 % because of any form of violent or sexual offence (see diagram 39). Similar relations occur for sexual abuse: Only a very small minority (4 %) is registered once more for a specific relapse. Differently from that, of persons sentenced to an unsuspended prison term because of exhibitionist acts a considerable proportion (15 %) is reconvicted because of the same offences. Nevertheless there are no indications for the assumption that exhibitionist acts initiate later serious sexual offences.

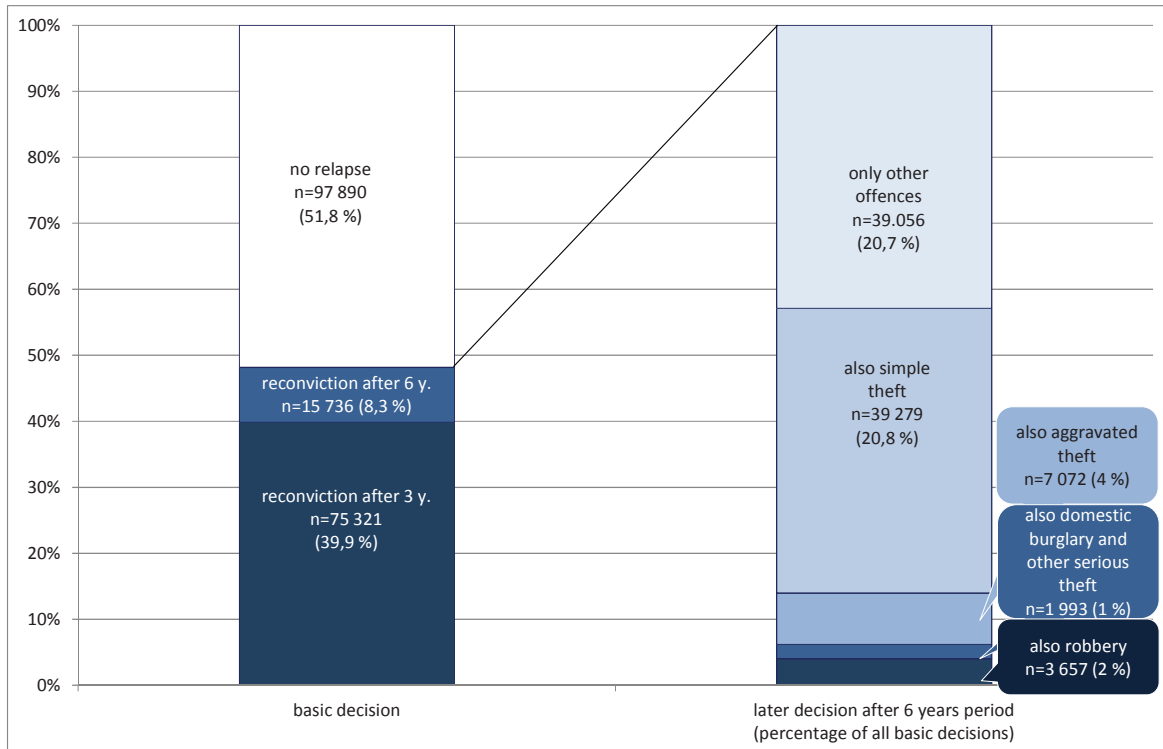
Diagram 40: Offence related reconviction rate – bodily injury (reference year 2004)



Among violent offenders the perpetrators of bodily injury show most frequently specific relapses (22 % after six years of observation; diagram 40). Persons sentenced or released from prison because of robbery or extortion commit new specific offences more rarely (11 %) but often re-offend in other fields: 20 % bodily injury, 1 % homicide, 37 % commit other offences.

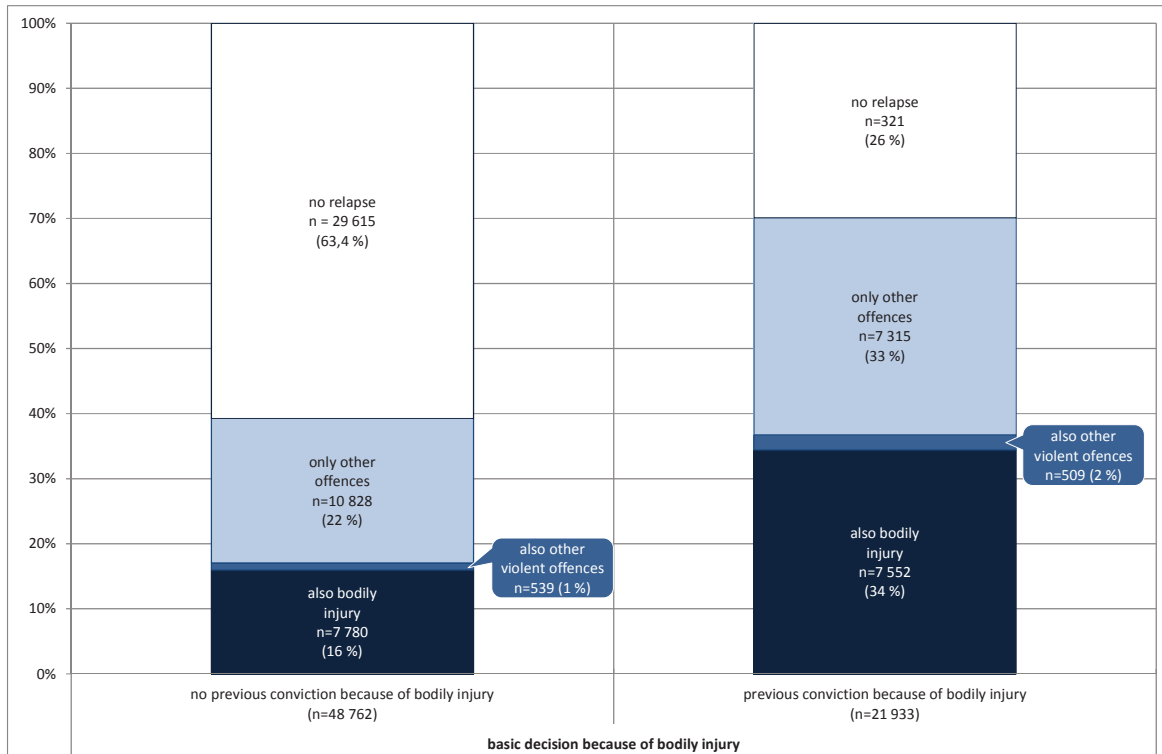
A total different picture can be seen in terms of homicides: Those offenders show a relatively low general reconviction rate (29 %) after six years of observation, but usually because of non-violent offences. Only 8 % of them commit a bodily injury and about 1 % a robbery. A specific relapse in terms of a repeat homicide is clearly below 1 %.

Diagram 41: Offence related reconviction rate – simple theft (reference year 2004)



From the perspective of crime policy mass offences like theft are of interest, too, because one fifth of the perpetrators are registered because of theft according to §§ 242-244a of the criminal code (StGB). Altogether, the general reconviction rates of thieves are above average: simple theft 48 %, serious or qualified theft even 64 %. Also the specific relapses are high: of persons sentenced because of simple theft 21 % are reconvicted because of a repeat theft or robbery (see diagram 41), of those with serious theft already 35 % and with qualified theft even 37 %. However, one has to consider that only few of the persons sentenced because of simple theft go over to serious forms of theft or robbery.

Diagram 42: Offence related reconviction rate with or without previous convictions because of bodily injury (reference year 2004)



If one relates the risk of re-offending to former convictions one can observe an outcome as expected: Sentenced persons with no previous conviction show lower reconviction rates than those with previous convictions

A reconviction because of a specific relapse is more likely for persons who were previously convicted because of this specific offence. This is true for every offence type: of 149 offenders sentenced in the reference year and formerly convicted because of a violent sexual offence 7 % were reconvicted because of the same offence type whereas this is the case for only 2 % of the 1 174 persons without previous specific convictions.

Perpetrators of bodily injury generally show a higher rate of specific relapses. But this rate rises when there were previous convictions because of the same offence (34 %; diagram 42). Also persons who were multiply recorded because of simple theft show often relapses of simple theft (33 %); only a small proportion of them (8 %) commit further serious theft or robbery.

The findings in Germany are quite similar to those from Austria and Switzerland: 25-30 % of adult offenders are reconvicted within a period of three years. Males show higher reconviction rates than females, younger persons higher rates than older ones. Persons released from prison reoffend more frequently than persons sentenced to non-custodial sanctions. Related to offence groups the highest reconviction rate occur concerning serious forms of theft and robbery.

These basic data lay a broad foundation upon which given findings from special, regionally and temporally restricted studies on reconviction could be evaluated. In addition, the data set offers further possibilities for more differentiated studies, e.g. for a comparative analysis of differing regional practices of sentencing. Also a study of the patterns of sanctioning in the course of criminal careers could be made.

In order to observe re-offending and reconviction even longer the Federal Ministry of Justice has commissioned a follow-up study (third wave) which examines the reconvictions of persons sentenced in the reference year 2010 on the one hand and allows to observe the persons sentenced or released in 2004 for a nine years period. The results will be published in 2016.

VIII. European Comparison

In the previous chapters the quantitative relations at the various levels of criminal justice in Germany, from police to prisons, are described. However, it cannot be stated whether the given crime rates are particularly high or low and developments going up or down appear unusual. Only in comparison to other countries, it can be demonstrated if the German figures follow general trends or describe a specific development. Therefore a comparison within Europe shall be made; as an example crime rates of some selected offence groups in Germany and other European countries are compared. The only data source available providing European-wide data on prosecution sentencing and execution of sentences is the European Sourcebook of Crime and Criminal Justice Statistics (ESB 2014). It collects and evaluates national data at all stages of the criminal justice system and brings them together in a European-comparative perspective. Also the ESB has to tackle the known fact that comparisons between jurisdictions are extremely difficult given the many differences in legal definitions of offences and sanctions, in reporting and recording practices. Thus it tries to improve comparability by introducing standard definitions for offences and criminal measures or at least improve the base for analysis by documenting the deviations of national systems (ESB, offence definitions, p. 359-402).

Firstly, one could think of comparing the total figure of crimes. But this is not reasonable, because the border of what is defined as a criminal act or only a regulatory offence differs from country to country; this is especially true for the masses of traffic offences and petty property offences. More reliable are individual offences or offence groups to be compared even though there might be national differences in the offence definition as well.

In total, the figures of 38 and hereby almost all European countries are collected in the ESB. They are not listed individually here; instead by summarizing all European countries a mean figure is given; additionally countries of West and Northern Europe which are comparable to Germany with regard to social and economic aspects are gathered in a group: Besides Germany our neighbour countries Austria, Switzerland, France, Belgium, the Netherlands as well as the United Kingdom (with separate statistics for England and Wales, Scotland, Northern Ireland), Ireland and the Scandinavian countries Denmark, Norway, Sweden, Finland and Iceland belong to this group. Not all countries can provide data for every offence; therefore the counting unit for the individual categories varies.

Table 12: Intentional homicide, rape and theft 2007 and 2011*
Crime rates

Year	Intentional homicide completed			Rape			Theft total		
	Germany	Western Europe ¹	Europe overall	Germany	Western Europe ¹	Europe overall	Germany	Western Europe ¹	Europe overall
2007	1,0	1,4	2,3	8,5	21,3	10,7	3112	3422	1947
2011	0,8	1,3	1,8	8,6	24,4	11,6	2940	3245	1890

* Basic figures from ESB, tables p. 36, 42, 46.

¹ Western and Northern Europe; mean calculated by the author

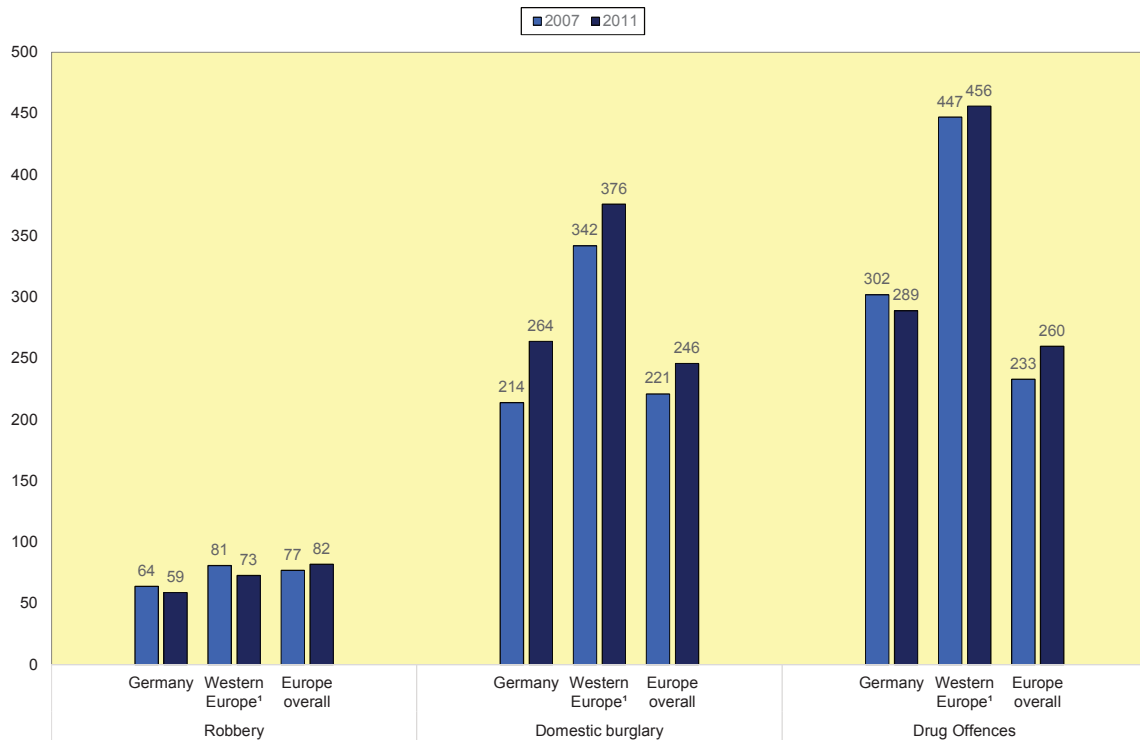
The most serious offences, intentional homicides, are committed most rarely at the same time. Whilst the rates for homicides total (including attempts) strongly differ from country to country, the comparative figures in Germany, West and Northern Europe as well as the whole of Europe come closer in terms of completed homicide. In 2011, Germany records

less (0.8) and West and Northern Europe a little bit more (1.3) than one completed homicide per 100 000 population. The rates of whole of Europe are higher (1.8) because of the clearly higher rates in Eastern European countries. As to the 5 years trend between 2007 and 2011 the rates are generally going down (table 12).

The most serious sexual offence is “rape” defined as “sexual intercourse with a person against his/her will (per vaginam or other)” in the ESB, which means serious forms of sexual assault. Instead, sexual acts against a child without violence or minor forms of sexual assaults should not be included but counted separately. These cannot be excluded in all countries, whether the offence definition is broader or the statistics do not differentiate. This is especially true for Scandinavian countries. That is why the mean rates in Western and Northern Europe are relatively high (20 rapes per 100 000 population) compared to those in Germany (8) and the whole of Europe (11). Further they significantly rise in West and Northern Europe whereas they remain stable in Germany during the period between 2007 and 2011 (table 12).

Theft is the offence group of greatest quantitative importance at police level. Their development influences the whole picture of registered crimes. In Germany the rates for theft (about 3 000) are slightly lower than in West and Northern Europe (see Table 12). In contrast, the rates for the whole of Europe are on a significantly lower level because of partly extremely low theft rates in Eastern European countries. Presumably that is because there the reporting rate is low and petty thefts are not handled as criminal acts and therefore not recorded in police statistics. Within the five years period the rates slightly decrease everywhere.

Diagram 43: Robbery, domestic burglary and drug offences
Crime rates 2007 and 2011*



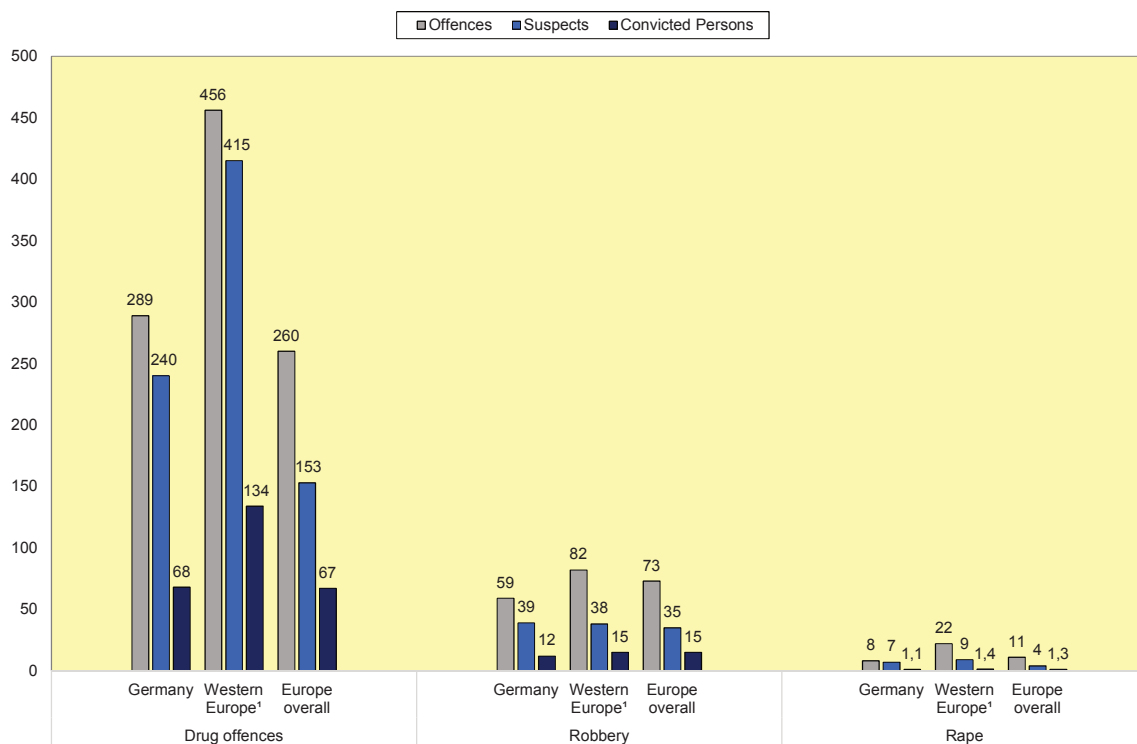
* Basic figures from ESB, tables p. 44, 49, 53.

¹ Western and Northern Europe; mean calculated by the author

Diagram 43 shows further offence groups: The German rates for robbery (60 per 100 000 population) are clearly below the means in West and Northern Europe and the whole of Europe. Whilst the rates in West and Northern Europe remain stable (+1%) within the five years period they decrease in the whole of Europe (-6 %) and even more in Germany (-9 %). More often domestic burglaries happen. According to the standard definition domestic burglary refers to “access to closed private premises”; business facilities, garages etc. should be excluded. Here the reported figures depend on national definitions of the offence or the statistical counting unit. In Germany the domestic burglary according to § 244 section 1 no. 3 StGB is defined in a restricted way: Therefore it might be plausible that the German rates of 219 or 264 domestic burglaries per 100 000 population are significantly below the mean rates in West and Northern Europe. One should especially note that – despite the general trend – domestic burglaries have risen throughout Europe (in Germany by 20 %, in West and Northern Europe 11%, in whole of Europe 11 %).

Finally drug offences are considered. Their recording depends on control activities of police to a high degree. Here the German rates decreasing slightly (-4 %) during the five years period are much lower than the mean rates in Western and Northern Europe which remain almost stable (+2 %). The rates for the whole of Europe are once again clearly lower but show a significantly growing trend (11 %).

Diagram 44: Offences – suspects – convicted persons for rape, robbery and drug offences* 2011



* Basic figures from ESB, tables for offences p. 42, 44, 53; for suspects p. 64, 66, 75; for convicted persons 163, 165, 173.

¹ Western and Northern Europe; mean calculated by the author

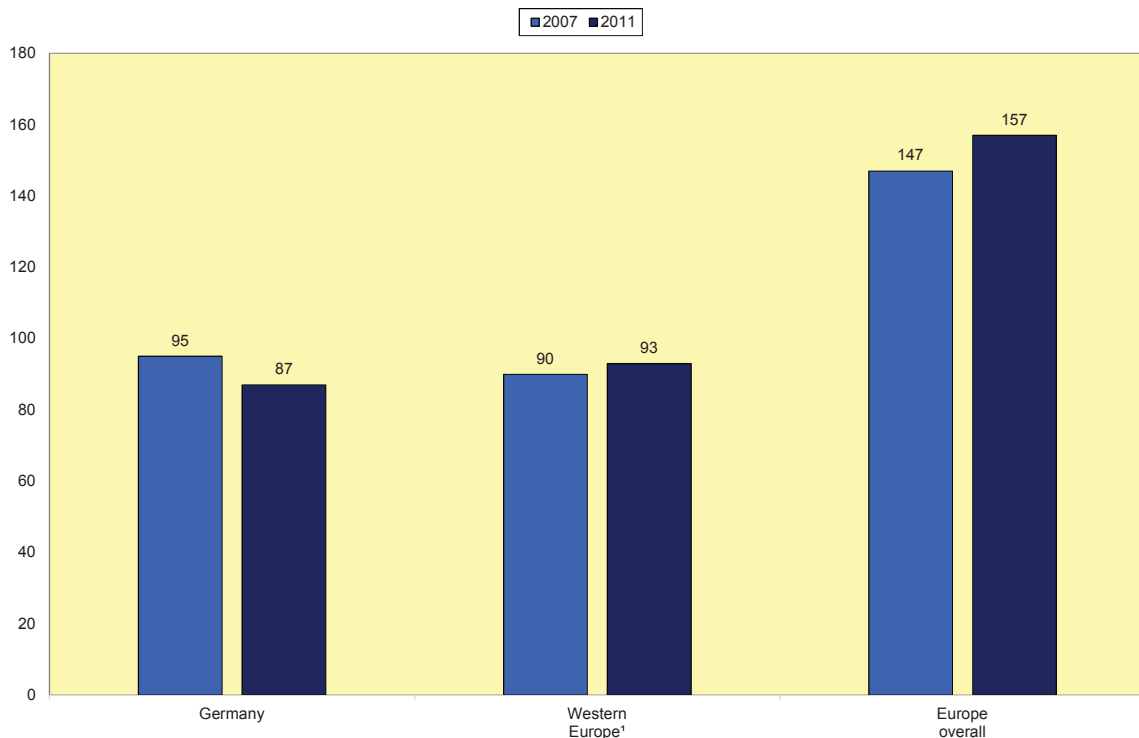
As described in chapter I.2., in the course of investigation and prosecution a tremendous attrition of criminal cases between police and courts can be observed. This is no particular phenomenon in Germany, but occurs in all criminal justice systems. It can be demonstrated related to ESB figures of offences and suspects at police level and convicted persons at court level. As an example the offence groups of robbery, rape and drug offences are taken.

As to robbery the rates for offences are quite different but the rates for suspects come closer; and similar rates are observed concerning convicted persons. The conviction ratio, i.e. the number of convicted persons related to the number of suspects, in Germany (31 %) is lower than in West and Northern Europe (39 %) and whole of Europe (43 %).

Referring to rape the starting level of recorded offences is quite different, but concerning suspects and convicted persons a sort of approximation takes place ending in a similar rate of 1.1 to 1.4 convicted persons per 100 000 population. The conviction ratio is even the same (15 %) in Germany and West and Northern Europe.

The attrition process for drug offences is more heterogeneous. The big differences at the starting point of offence related rates are continued at the next levels. Therefore the conviction ratios are similar (Germany 28 %), west and Northern Europe 32 %, whole of Europe 44 %).

Diagram 45: Prison rates* in Europe 2007 and 2011



* Stock of prisoners and pre-trial detainees at date: September 1st, per 100 000 population

¹ Western and Northern Europe; mean calculated by the author

In international criminology prison rates are taken as an indicator for punitivity in a given country. In this respect the figures for Germany and for West and Northern Europe are quite similar; however showing a contrary trend: during the five years period the rate goes up by 3 % in West and Northern Europe and decreases by 8 % in Germany. Roughly speaking, in West and Northern Europe about one prisoner is related to 1 000 inhabitants. In contrast, the rates in whole of Europe are significantly higher with a growing tendency (+6 %). This is because of the considerably higher prison rates in Eastern European countries (see diagram 45).

Summarizing, the European comparison does not demonstrate striking deviations of the German figures: According to the analysis of selected offence groups the German crime rate is constantly a little bit lower than the mean figures of West and Northern Europe and corresponds to the general trend during the five years period between 2007 and 2011 which is declining except for domestic burglary. Also the attrition of criminal cases between police and court level is quite similar. Last but not least the prison rates in Germany and Western and Northern Europe are almost the same.

Annex

Tabelle 4.1a: Recorded crimes 1993-2013

Jahr	Recorded crimes total	Frequency rate ¹ ; Recorded crimes total*	Property offences etc ²	Violent offences ²
1993	6 750 613	8 337	4 842 139	374 312
1994	6 537 748	8 038	4 617 392	377 132
1995	6 668 717	8 179	4 648 534	398 668
1996	6 647 598	8 125	4 508 286	419 835
1997	6 586 165	8 031	4 402 665	438 318
1998	6 456 996	7 869	4 223 218	452 276
1999	6 302 316	7 682	4 047 417	468 768
2000	6 264 723	7 625	3 959 210	480 562
2001	6 363 865	7 736	3 983 024	495 272
2002	6 507 394	7 894	4 098 397	523 638
2003	6 572 135	7 963	4 140 618	548 379
2004	6 633 156	8 037	4 135 842	578 052
2005	6 391 715	7 747	3 908 316	592 024
2006	6 304 223	7 647	3 772 968	608 090
2007	6 284 661	7 635	3 693 580	619 311
2008	6 114 128	7 437	3 546 917	611 859
2009	6 054 330	7 383	3 514 109	612 394
2010	5 933 278	7 253	3 485 090	610 351
2011	5 990 679	7 328	3 554 038	606 422
2012	5 997 040	7 327	3 549 353	612 044
2013	5 961 662	7 269	3 534 670	596 672

¹ recorded crimes per 100 000 population; figures for 2013 before census.

² Offences according to the criminal code (StGB): This overall category of theft, property offences, fraud, forgery includes in detail: theft without aggravating circumstances (§ 242), theft under aggravating circumstances (§§ 243-244a) as well as property offences, fraud and forgery (§§ 263, 263a, 264, 264a, 265, 265a, 265b, 266, 266a, 266b, 246, 247, 248a, 267-275, 277-279, 281, 146-149, 151, 152, 152a, 283, 283a-d); violence offences include offences against life (§§ 211, 212, 213, 216, 217, 222, 218, 218b, 218c, 219a, 219b), rape and sexual assault (§§ 177, 178, 174, 174a, 174b), robbery, extortion resembling robbery and assault of a motor vehicle driver resembling robbery (§§ 249-252, 255, 316a) as well as bodily injuries (§§ 223-227, 229, 230).

Source: Police crime statistics for the relevant years, published by the Federal Criminal Police Office, Wiesbaden, table 1.1, since 1997 section 2.1.1

Table 4.2a: Selected violent crimes 1993-2013*

Year	Total violent crimes	Intentional homicides	Rape ¹	Robbery etc	Serious and dangerous bodily injury ²
1993	160 651	4 230	6 376	61 757	87 784
1994	156 246	3 725	6 095	57 752	88 037
1995	170 138	3 928	6 175	63 470	95 759
1996	179 424	3 500	6 228	67 578	101 333
1997	186 423	3 288	6 636	69 569	106 222
1998	186 286	2 877	7 914	64 405	110 277
1999	186 847	2 851	7 565	61 420	114 516
2000	187 103	2 770	7 499	59 414	116 912
2001	188 413	2 641	7 891	57 108	120 345
2002	197 443	2 664	8 615	58 867	126 932
2003	204 124	2 541	8 766	59 782	132 615
2004	211 172	2 480	8 831	59 732	139 748
2005	212 832	2 396	8 133	54 841	147 122
2006	215 471	2 468	8 118	53 696	150 874
2007	217 923	2 347	7 511	52 949	154 849
2008	210 899	2 266	7 292	49 913	151 208
2009	208 446	2 277	7 314	49 317	149 301
2010	201 243	2 218	7 724	48 166	142 903
2011	197 030	2 174	7 539	48 021	139 091
2012	195 143	2 126	8 031	48 711	136 077
2013	184 847	2 122	7 408	47 234	127 869

* Offences according to the criminal code (StGB): "Violent crimes" include the following categories of offence; intentional homicides (§§ 211, 212, 213, 216)⁶; rape and serious sexual duress (§§ 177, para. 2, 3 and 4, 178)⁶; robbery, extortion accompanied by violence, robbery of a motor vehicle driver (§§ 249-252, 255, 316a)⁶; bodily injury resulting in death (§ 227)⁶; serious and dangerous bodily injury (§§ 224-226)⁶; kidnapping for extortion (§ 239a)⁶; hostage-taking (§ 239b)⁶; attack on air traffic (§ 316c); intentional homicides include murder (§ 211), killing without murderous motives (Totschlag) and homicide at request (Tötung auf Verlangen) (§§ 212, 213, 216), rape and sexual assault include §§ 177 sections 2, 3 and 4 and 178, Robbery etc includes robbery, extortion resembling robbery, assault of a motor vehicle driver resembling robbery (§§ 249-252, 255, 316a), dangerous and serious bodily injuries include §§ 224, 226, 231.

¹ The 6th Act on Criminal Law Reform regulates rape and sexual duress together in one provision. Therefore, as of 1998 the Police Crime Statistics count other serious forms of sexual duress alongside rape in this category, which probably explains the rise between 1997 and the following years.

² Up to 1998 including poisoning (§§ 223a, 224, 225, 227, 229).

Source: Police crime statistics for the relevant years, published by the Federal Criminal Police Office, Wiesbaden, table 2.18, as of 1997 table 219.

Table 5a: Suspect number and rate*: Germans by age and sex

Age group	Suspects			Suspect rate	
	Total	Male	Female	Male	Female
60 years and more	136 806	96 209	40 597	1 045	348
50 to 59 years	175 693	127 475	48 218	2 248	853
40 to 49 years	250 827	183 424	67 403	3 075	1 168
30 to 39 years	263 852	196 473	67 379	4 749	1 685
25 to 29 years	188 915	142 773	46 142	6 500	2 200
21 to 24 years	188 485	143 795	44 690	8 058	2 627
Young adults (18-21)	142 590	109 215	33 375	9 491	3 052
Juveniles (14-17)	152 054	105 096	46 958	7 046	3 321
Children ¹	56 489	40 117	16 372	1 781	783

* Suspect rate = number of suspects per 100 000 of the relevant age group.

¹ Children over 8.

Source: 2013 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, table 6.1.1, p. 52 and standard tables table 40_TV BZ.

Table 6a: Suspect rate* of male Germans for serious and dangerous bodily injury by age groups 1993-2013

Year	Juveniles (14-17)	Young adults (18-20)	21 to 24 year olds	25 years and more**
1993	542,9	707,4	401,0	114,6
1994	561,4	757,4	440,9	117,8
1995	685,0	845,9	478,8	125,5
1996	767,0	955,7	518,9	127,9
1997	856,9	1013,4	571,4	130,9
1998	910,2	1086,0	636,8	135,6
1999	997,5	1137,7	685,7	137,7
2000	1096,7	1204,6	725,8	137,7
2001	1104,7	1234,5	739,3	138,7
2002	1113,9	1282,6	789,3	148,6
2003	1091,1	1342,1	825,9	153,6
2004	1169,5	1435,6	884,0	156,0
2005	1198,2	1567,5	982,5	162,3
2006	1265,0	1618,7	1006,2	161,8
2007	1418,1	1633,0	1047,6	163,7
2008	1382,7	1636,8	1054,6	164,1
2009	1295,3	1603,5	1047,9	164,1
2010	1191,6	1477,0	996,2	158,0
2011	1055,9	1375,5	930,3	161,8
2012	877,6	1301,5	927,7	162,3
2013	748,1	1120,4	839,2	157,4

* Figures for 2013 before census.

** Author's own calculations.

Source: 2013 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, time series suspect rates suspects table 40.

Table 8a: Type of prosecutorial decision* 1993, 2003, 2013**

Year	Charge		Application for a penal order		Conditional dismissal		Unconditional dismissal	
	Absolute	Percentage	Absolute	Percentage	Absolute	Percentage	Absolute	Percentage
1993	486 096	24%	643 904	32%	203 128	10%	690 070	34%
2003	573 345	23%	603 999	25%	265 909	11%	998 845	41%
2013	455 510	20%	527 228	23%	183 333	8%	1 094 682	48%

* Here without dismissals because of insufficient evidence (§ 170 para. 2 of the Code of Criminal Procedure), lack of responsibility and without other disposals (see diagram 7); the counting unit is proceedings dealt with by the public prosecution office at the regional court (including „Amtsanwaltschaft“, not suspects).

** 1993 former (Western) Federal Republic including the whole of Berlin, 2003 Germany total (for SH figures from 1997), 2013 Germany total

Source: 2013 public prosecution business statistics, published by the Federal Statistical Office, Wiesbaden, table. 2.1.1.1.

Table 9a: Reasons for and length of remand custody

	Offences		
	Total	Male	Female
Persons statistically recorded as having served remand custody	950 289 25 135	763 510 23 175	186 779 1 960
Reasons for detention (several possible)			
Flight / risk of flight	23 296	21 440	1 856
Risk of evidence being tampered with	1 911	1 770	141
Crimes against life (Section 112 para. 3 of the CCP ¹)	374	345	29
Risk of repetition:			
- of sexual offences	333	328	5
- of offences under Section 112a para. 1 fig. 2 of CCP ¹	1 143	1 062	81
Length of remand custody:			
up to 1 month	5 926	5 287	639
over 1 to 3 months	6 282	5 717	565
over 3 to 6 months	7 210	6 776	434
over 6 to 12 months	4 366	4 115	251
over 1 year	1 351	1 280	71

¹ Code of Criminal Procedure.

Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 6.1.

Table 13a: Type of court decision* 1993, 2003, 2013**

Year	Judgement		Penal order		Conditional dismissal		Unconditional termination	
	Absolute	Percentage	Absolute	Percentage	Absolute	Percentage	Absolute	Percentage
1993	376 664	66%	17 156	3%	103 892	18%	72 917	13%
2003	482 645	67%	22 887	3%	125 174	17%	94 134	13%
2013	353 468	63%	26 876	5%	95 210	17%	82 432	15%

* Here without other conclusions to the case and other dismissals (see diagram 12); counting unit is the court decisions of the local and regional courts related to accused persons.

** 1993 former (Western) Federal Republic including the whole of Berlin, 2003 und 2013 Germany total

Source: Court business statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, Tab. 2.3 und 4.3.

Table 15a: Length of proceedings in months 1993, 2003, 2013*

Year	Local court			Regional court as first instance		
	From entering at publ. pros.	From entering at the court	Total	From entering at publ. pros.	From entering at the court	Total
1993	3,5	4,0	7,5	9,0	6,4	15,4
2003	3,7	3,9	7,6	10,2	6,1	16,3
2013	3,5	3,8	7,3	10,6	6,6	17,2

* Mean length in months, differentiated by kind of proceedings; the statistics does not record all proceedings from the stage of public prosecution: Appeals to the higher regional court exclude appeals in private charge proceedings; appeals to the regional court exclude private charge proceedings and without reopening of proceedings; first instance proceedings at the regional court exclude reopening of proceedings, subsequent and objective proceedings; first instance proceedings at the local court exclude reopening of proceedings, proceedings of originally administrative fines, penal orders applied for by tax authorities, subsequent and objective proceedings.

Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, tables 2.5, 4.5, 5.5 und 8.4.; 1993 former (Western) Federal Republic, 2003 Germany total without dismissals according § 154 section 2 of the Code of Criminal Proceedings, 2013 Germany total.

Table 16a: Persons judged and sentenced per 100 000 population 1993-2013

Year	Persons judged*	Persons sentenced*	Proportion of persons sentenced of persons judged	Persons judged per 100 000 population	Persons sentenced per 100 000 population	Population**
1993	931 051	760 792	82 %	1 389	1 135	67 038 583
1994	936 459	765 397	82 %	1 391	1 137	67 308 224
1995	937 385	759 989	81 %	1 386	1 124	67 643 057
1996	944 324	763 690	81 %	1 391	1 125	67 880 084
1997	960 334	780 530	81 %	1 413	1 148	67 974 039
1998	974 187	791 549	81 %	1 432	1 164	68 021 206
1999	940 683	759 661	81 %	1 379	1 114	68 215 441
2000	908 261	726 969	80 %	1 328	1 063	68 409 664
2001	890 099	718 702	81 %	1 295	1 046	68 711 187
2002	893 005	719 751	81 %	1 296	1 044	68 919 667
2003	911 848	736 297	81 %	1 321	1 067	69 007 389
2004	958 259	775 802	81 %	1 387	1 123	69 067 491
2005	964 754	780 659	81 %	1 396	1 130	69 093 201
2006	932 352	751 387	81 %	1 350	1 088	69 070 679
2007	1 111 577	897 631	81 %	1 352	1 092	82 217 837
2008	1 087 842	874 691	80 %	1 327	1 067	82 002 356
2009	1 056 809	844 520	80 %	1 292	1 032	81 802 257
2010	1 018 006	813 266	80 %	1 245	995	81 751 602
2011	1 003 458	807 815	81 %	1 249	1 006	80 327 900
2012	960 225	773 901	81 %	1 192	961	80 523 746
2013	935 788	755 938	81 %	1 159	936	80 767 463

* Until 1994 former (Western) Federal Republic; from 1995 former (Western) Federal Republic including the whole of Berlin; from 2007 Germany total.

** Until 2006 former (Western) Federal Republic including the whole of Berlin; from 2007 Germany total.

Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, table 1.3 and 2.1.

Table 19a: Prison sentences 1993-2013

Year	Prison sentences total*	Suspended*	Not suspended*	Prison sentences total per 100 000 population	Suspended per 100 000 population**	Unsuspending per 100 000 population**
1993	110 429	76 496	33 933	165	114	51
1994	114 749	79 172	35 577	170	118	53
1995	115 767	80 516	35 251	171	119	52
1996	121 326	84 452	36 874	179	124	54
1997	126 775	87 440	39 335	187	129	58
1998	130 022	88 271	41 751	191	130	61
1999	130 693	89 052	41 641	192	131	61
2000	125 305	84 552	40 753	183	124	60
2001	123 533	83 015	40 518	180	121	59
2002	125 019	85 746	39 273	181	124	57
2003	127 511	88 043	39 468	185	128	57
2004	129 986	91 728	38 258	188	133	55
2005	127 981	90 085	37 896	185	130	55
2006	124 663	87 058	37 605	180	126	54
2007	141 716	99 999	41 717	172	122	51
2008	140 279	99 040	41 239	171	121	50
2009	134 496	96 585	37 911	164	118	46
2010	129 717	92 057	37 660	159	113	46
2011	126 350	88 618	37 732	157	110	47
2012	121 809	85 436	36 373	151	106	45
2013	115 880	80 950	34 930	143	100	43

* Until 1994 former (Western) Federal Republic; from 1995 former (Western) Federal Republic including the whole of Berlin; from 2007 Germany total.

Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, table 3.1.

Table23a: Order of custodial measures per 100.000 population 1993-2013*

Year	Mental hospital order, § 63 StGB	Custodial addiction treatment order, § 64 StGB	Incapacitation order, § 66 StGB	Mental hospital order per 100 000 population	Custodial addiction treatment order per 100 000 population	Incapacitation order per 100 000 population
1993	467	810	27	0,70	1,21	0,04
1994	551	914	40	0,82	1,36	0,06
1995	559	757	45	0,83	1,12	0,07
1996	628	874	46	0,93	1,29	0,07
1997	739	1 116	46	1,09	1,64	0,07
1998	770	1 061	61	1,13	1,56	0,09
1999	709	1 191	55	1,04	1,75	0,08
2000	758	1 267	60	1,11	1,85	0,09
2001	790	1 370	74	1,15	1,99	0,11
2002	864	1 532	56	1,25	2,22	0,08
2003	876	1 643	66	1,27	2,38	0,10
2004	968	1 609	65	1,40	2,33	0,09
2005	861	1 628	75	1,25	2,36	0,11
2006	796	1 602	83	1,15	2,32	0,12
2007	1 023	1 812	79	1,24	2,20	0,10
2008	1 104	1 881	111	1,35	2,29	0,14
2009	968	2 176	107	1,18	2,66	0,13
2010	948	2 323	101	1,16	2,84	0,12
2011	881	2 427	64	1,10	3,02	0,08
2012	817	2 426	56	1,01	3,01	0,07
2013	815	2 457	32	1,01	3,04	0,04

* Until 1994 former (Western) Federal Republic and Western Berlin, from 1995 to 2006 former (Western) Federal Republic and whole of Berlin, since 2007 Germany total, figures for 2013 before census.

Source: Conviction statistics of the relevant years, published by the Federal Statistical Office, Wiesbaden, table 5.1.

Table 24a: Sanctions under juvenile criminal law

Sanctions under juvenile criminal law (only most severe sanction)	Total offences	Excluding traffic offences
Termination*	39 628	35 707
Total sentenced	81 737	74 175
of which:		
Educative measures	9 421	8 551
of which: Instructions ¹	27 948	25 524
Educative support ¹	181	173
Residential care ¹	32	30
Disciplinary measures	59 129	52 750
of which: Warning ¹	23 343	20 738
Condition ¹	47 723	42 071
Detention ¹	14 481	13 826
Youth imprisonment	13 187	12 874
Suspended	7 991	7 786
Not suspended	5 196	5 088
Length of youth imprisonment		
6 - 12 months	6 465	6 268
of which: Suspended	5 229	5 070
Not suspended	1 236	1 198
1 - 2 years	5 911	5 750
of which: Suspended	3 387	3 296
Not suspended	2 524	2 454
2 - 5 years	1 845	1 817
5 - 10 years	81	80

* Cases dropped in accordance with the Act on Juvenile Courts only; excluding cases dropped in accordance with the Criminal Procedure Code (Total offences n=4 300, excluding road traffic offences n=4 058).

¹ Under the main categories (disciplinary/educative measures), those offenders are counted for whom these measures were the most severe punishment. In the breakdown of disciplinary measures (warning, condition, youth detention) and educational measures (instructions, educative support, education in home), *all* the measures of this sort are included, irrespective of whether they are the most severe sanction or are combined with other sanctions. The sum of the sub-groups therefore exceeds the figure for the main category.

Source: 2013 conviction statistics, published by the Federal Statistical Office, Wiesbaden, tables 2.2, 2.3, 4.1 and 4.3.

Table 25a: Sanctions under juvenile criminal law 1993-2013*

Year	Youth imprisonment	Disciplinary measures	Educative measures	Cases dismissed	Youth imprisonment per 100 000 population**	Disciplinary measures per 100 000 population**	Educative measures per 100 000 population**	Cases dismissed per 100 000 population**
1993	13 991	52 277	6 396	40 687	294	1 100	135	856
1994	13 998	52 276	5 691	41 696	292	1 091	119	870
1995	13 880	56 357	6 494	46 428	285	1 159	134	955
1996	15 146	59 385	6 315	45 940	306	1 201	128	929
1997	16 399	64 696	6 712	50 029	329	1 300	135	1 005
1998	17 220	68 207	6 574	52 903	343	1 360	131	1 055
1999	17 645	69 769	6 188	50 085	348	1 377	122	988
2000	17 753	69 892	6 195	50 392	345	1 358	120	979
2001	17 722	72 167	6 786	48 106	340	1 385	130	923
2002	17 684	74 643	7 155	49 315	334	1 410	135	932
2003	17 288	77 273	7 001	47 853	324	1 446	131	895
2004	17 419	80 553	7 551	49 280	321	1 483	139	907
2005	16 641	82 516	7 498	46 142	303	1 504	137	841
2006	16 886	82 233	6 783	46 695	306	1 490	123	846
2007	20 480	93 145	7 729	55 907	318	1 445	120	867
2008	19 255	88 976	8 047	54 337	307	1 419	128	866
2009	18 684	89 408	8 787	55 527	308	1 473	145	915
2010	17 241	81 377	9 846	51 273	291	1 372	166	864
2011	16 168	75 668	10 339	47 310	283	1 326	181	829
2012	14 803	67 389	9 503	43 244	261	1 189	168	763
2013	13 187	59 129	9 421	39 628	233	1 047	167	701

* Until 1994 former (Western) Federal Republic and Western Berlin, from 1995 to 2006 former (Western) Federal Republic and whole of Berlin, since 2007 Germany total, figures for 2013 before census.

Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, tables 2.2 and 2.3.

Table 26a: Cases dismissed and judgements according Juvenile Court Act per 100 000 population 1993-2013*

Year	Absolute figures				per 100 000 population			
	§ 45 section 1	§ 45 section 2	§§ 45 section 3, 47	Judgements	§ 45 section 1	§ 45 section 2	§§ 45 section 3, 47	Judgements
1993	105 927	-***	8 496	32 191	2 229	-***	856	1 529
2003	95 896	96 617	7 425	40 428	1 795	1 808	895	1 901
2013	71 967	69 144	4 661	34 967	1 274	1 224	701	1 447

* Until 1994 former (Western) Federal Republic and Western Berlin, from 1995 to 2006 former (Western) Federal Republic and whole of Berlin, since 2007 Germany total, figures for 2013 before census.

** Population figures include until 2006 former (Western) Federal Republic and whole of Berlin, from 2007 Germany total; figures for 2013 before census.

*** Dismissals due to § 45 section 1 and 2 cannot be differentiated in this year.

Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, tables 2.2 and 2.3.

Table 27a: Reasons why the probationary period ended*
- Former West Germany and Berlin - **

	Periods ended under adult criminal law		Periods ended under juvenile criminal law	
Total	100,0 %	45 227	100,0 %	16 313
Remission of punishment	53,6 %	24 236	30,8 %	5 018
Completion of probation order	8,2 %	3 705	15,5 %	2 531
Cancellation of probation order	9,3 %	4 215	3,2 %	518
Revocation of probation, thereof	28,9 %	13 071	16,1 %	2 626
- only or partly due to a new crime	21,1 %	9 563	8,7 %	1 418
- due to other reasons	7,8 %	3 508	7,4 %	1 208
Inclusion in a new sentence			26,6 %	4 338
Guilty verdict extinguished			7,0 %	1 134
Prison sentence imposed, thereof			0,9 %	148
- only or partly due to a new crime			0,5 %	85
- due to other reasons			0,4 %	63

* Probation periods overseen by full time probation officers only.

** Excluding Hamburg, figures for Berlin from 2007.

Source: 2011 probation service statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 5), table 3.2.

Table 34a: Persons in facilities of custodial measures per 100 000 population
1993-2013*

Year	Mental hospital	Custodial addiction treatment	Detention for the purpose of incapacitation	Mental hospital per 100 000 population	Custodial addiction treatment per 100 000 population	Detention for the purpose of incapacitation per 100 000 population
1993	2 719	1 363	183	3,3	1,7	0,2
1994	2 739	1 418	180	3,4	1,7	0,2
1995	2 902	1 373	163	3,5	1,7	0,2
1996	2 956	1 277	163	3,6	1,6	0,2
1997	3 216	1 363	191	3,9	1,7	0,2
1998	3 539	1 529	207	4,3	1,9	0,3
1999	3 632	1 657	227	4,4	2,0	0,3
2000	4 098	1 774	251	5,0	2,2	0,3
2001	4 297	1 922	277	5,2	2,3	0,3
2002	4 462	2 088	291	5,4	2,5	0,4
2003	5 118	2 281	310	6,2	2,8	0,4
2004	5 390	2 412	324	6,5	2,9	0,4
2005	5 640	2 473	340	6,8	3,0	0,4
2006	5 917	2 619	380	7,2	3,2	0,5
2007	6 061	2 603	415	7,4	3,2	0,5
2008	6 287	2 656	435	7,7	3,2	0,5
2009	6 440	2 811	476	7,9	3,4	0,6
2010	6 569	3 021	524	8,0	3,7	0,6
2011	6 620	3 354	487	8,2	4,2	0,6
2012	6 750	3 526	445	8,4	4,4	0,6
2013	6 652	3 819	475	8,2	4,7	0,6

* Until 1994 former (Western) Federal Republic and Western Berlin, since 1995 former (Western) Federal Republic and whole of Berlin.

Source: Prison statistics for the relevant years, published by the Federal Statistical Office Wiesbaden (up until 2002 Fachserie 10, Reihe 4.2, page 5, fixed date 31.12.; as of 2003 new publication, Current Number of Prisoners and Detainees, fixed date 31.03.).

Table 30a: Number of prisoners at year-end by nature of imprisonment*

Year	Total: whole of Germany	Prison sentence	Remand custody	Youth imprisonment	Other reason (incl. incapacitation order)
1993	53 482	27 625	18 897	3 691	3 269
1994	52 565	28 964	17 056	3 537	3 008
1995	52 462	29 853	16 725	3 525	2 359
1996	55 257	31 626	17 424	3 748	2 459
1997	57 578	33 537	16 954	4 067	3 020
1998	58 686	35 313	16 246	4 419	2 708
1999	57 831	35 698	14 921	4 522	2 690
2000	57 832	35 783	14 729	4 656	2 665
2001	58 134	35 959	14 897	4 712	2 566
2002	58 931	37 105	14 615	4 735	2 476
2003	81 176	53 609	16 973	7 105	3 179
2004	81 166	54 960	15 999	7 023	2 860
2005	80 410	55 126	15 459	6 892	2 593
2006	78 581	54 699	14 634	6 680	2 188
2007	75 756	53 520	13 169	6 684	1 968
2008	75 056	53 928	12 358	6 326	2 009
2009	73 592	53 543	11 385	6 180	2 008
2010	72 052	52 868	10 941	6 008	1 711
2011	71 200	52 161	10 864	5 920	1 768
2012	67 671	48 739	11 195	5 603	1 689
2013	64 414	46 196	11 119	5 234	1 390
2014	65 710	47 660	11 260	4 792	1 500

* counted on the fixed date 31.12. until 2002; 31.03. thereafter; excluding those temporarily absent (on the 31.03.2014 this was 1 415 persons for the Federal Republic of Germany in total, 1 244 persons for former West Germany and Berlin¹).

Source: Prison statistics for the relevant years, published by the Federal Statistical Office Wiesbaden (until 2002 Fachserie 10, Reihe 4.2, page 5, fixed date 31.12.; as of 2003 new publication, Current Number of Prisoners and Detainees, fixed date 31.03.).

Table 37a: Most serious following decision by sanction group

	total	Sanction groups of reference decision							D. a. §§ 45, 47
		PS n.s.	PS s.	YI n.s.	YI s.	Fine	JA	Other AJC	
Cases total	1 048 296	26 602	96 521	5 695	12 359	574 743	17 550	69 672	245 154
No FD	682 983	14 308	59 050	1 801	4 708	408 543	6 102	32 789	155 682
FD, including	365 313	12 294	37 471	3 894	7 651	166 200	11 448	36 883	89 472
A. Prison sentence	92 728	8 980	23 644	2 170	2 163	49 398	1 200	2 944	2 229
a. 5 yrs.	1 039	208	230	66	25	451	10	27	22
a. 2 - 5 yrs.	6 365	1 204	1 607	397	239	2 530	67	186	135
a. 1 - 2 yrs. n.s.	6 816	1 604	2 339	382	277	1 970	65	109	70
s.	7 732	365	1 365	129	170	4 891	128	360	324
6 - 12 m. n.s.	11 030	2 039	4 394	390	372	3 454	112	158	111
n.	27 248	1 413	5 622	437	508	16 517	429	1 258	1 064
under 6 m. n.s.	8 745	1 171	3 600	164	232	3 257	85	158	78
s.	23 753	976	4 487	205	340	16 328	304	688	425
B. Youth imprisonment	20 273	3	28	746	3 028	626	3 421	5 920	6 501
a. 5 yrs.	132	0	1	28	20	6	16	25	36
a. 2 - 5 yrs.	3 318	2	6	334	864	109	512	722	769
a. 1 - 2 yrs. n.s.	3 825	0	5	167	927	84	649	1 029	964
s.	3 773	1	7	57	576	140	555	1 105	1 332
6 - 12 m. n.s.	1 802	0	1	79	282	42	349	537	512
s.	7 423	0	8	81	359	245	1 340	2 502	2 888
C. Fine	162 314	3 311	13 791	860	1 737	115 253	2 351	9 696	15 315
D. Other AJC	89 993	0	8	118	721	921	4 476	18 323	65 426
Detention	17 132	0	3	31	240	223	1 711	5 801	9 123
Guilty verdict	2 288	0	0	4	8	62	283	793	1 138
Measure by JCJ.	34 150	0	3	54	254	369	1 707	7 647	24 116
D. a. §§ 45, 47	36 300	0	2	29	217	267	772	4 043	30 970

FD: following decision (all decisions under A, B, C, D, isolated measures as well as custody reserving punishment)

PS: Prison sentence

YI: Youth imprisonment

a: about

yrs.: years

m.: months

n.s.: not suspended

s.: suspended

Measure by JCJ: measure imposed by juvenile court judge (educative measure, disciplinary measure, § 27 JGG)

Other AJC: Other Reaction under Act on Juvenile Courts (all, also § 3, second sentence, except youth imprisonment)

D. a. §§ 45, 47: Decision according to §§ 45, 47 (AJC)

Meas./add.S. u.CC: Other measures and additional sanctions according to Criminal Code

Prev. det. (p.i.): Preventive detention (post imprisonment)

Comm psy. Hosp.: Committal to psychiatric hospital

Comm.withd.treat.: Committal to institution for withdrawal treatment

Supervision o.c.: Supervision of conduct

Withd/Susp. per d.: Withdrawal / Suspension of permission to drive

Source: Jehle/Albrecht/Hohmann-Fricke/Tetal, Legalbewährung nach strafrechtlichen Sanktionen, Berlin 2013, p. 47.

Table 37b: Most serious following decision by sanction group in percent

	total	Sanction groups of reference decision							
		PS n.s.	PS s.	YI n.s.	YI s.	Fine	JA	Other AJC	D. a. §§ 45, 47
Cases total	1 048 296	26 602	96 521	5 695	12 359	574 743	17 550	69 672	245 154
No FD	65,15	53,79	61,18	31,62	38,09	71,08	34,77	47,06	63,50
FD, including	34,85	46,21	38,82	68,38	61,91	28,92	65,23	52,94	36,50
A. Prison sentence	8,85	33,76	24,50	38,10	17,50	8,59	6,84	4,23	0,91
a. 5 yrs.	0,10	0,78	0,24	1,16	0,20	0,08	0,06	0,04	0,01
a. 2 - 5 yrs.	0,61	4,53	1,66	6,97	1,93	0,44	0,38	0,27	0,06
a. 1 - 2 yrs. n.s.	0,65	6,03	2,42	6,71	2,24	0,34	0,37	0,16	0,03
s.	0,74	1,37	1,41	2,27	1,38	0,85	0,73	0,52	0,13
6 - 12 m. n.s.	1,05	7,66	4,55	6,85	3,01	0,60	0,64	0,23	0,05
n.	2,60	5,31	5,82	7,67	4,11	2,87	2,44	1,81	0,43
under 6 m. n.s.	0,83	4,40	3,73	2,88	1,88	0,57	0,48	0,23	0,03
s.	2,27	3,67	4,65	3,60	2,75	2,84	1,73	0,99	0,17
B. Youth imprisonment	1,93	0,01	0,03	13,10	24,50	0,11	19,49	8,50	2,65
a. 5 yrs.	0,01	0,00	0,00	0,49	0,16	0,00	0,09	0,04	0,01
a. 2 - 5 yrs.	0,32	0,00	0,00	5,86	6,99	0,02	2,92	1,04	0,31
a. 1 - 2 yrs. n.s.	0,36	0,00	0,00	2,93	7,50	0,01	3,70	1,48	0,39
s.	0,36	0,00	0,00	1,00	4,66	0,02	3,16	1,59	0,54
6 - 12 m. n.s.	0,17	0,00	0,00	1,39	2,28	0,01	1,99	0,77	0,21
s.	0,71	0,00	0,00	1,42	2,90	0,04	7,64	3,59	1,18
C. Fine	15,48	12,45	14,29	15,10	14,05	20,05	13,40	13,92	6,25
D. Other AJC	8,58	0,00	0,01	2,07	5,83	0,16	25,50	26,30	26,69
Detention	1,63	0,00	0,00	0,54	1,94	0,04	9,75	8,33	3,72
Guilty verdict	0,22	0,00	0,00	0,07	0,06	0,01	1,61	1,14	0,46
Measure by JCJ.	3,26	0,00	0,00	0,95	2,06	0,06	9,73	10,98	9,84
D. a. §§ 45, 47	3,46	0,00	0,00	0,51	1,76	0,05	4,40	5,80	12,63

FD: following decision (all decisions under A, B, C, D, isolated measures as well as custody reserving punishment)

PS: Prison sentence

YI: Youth imprisonment

a: about

yrs.: years

m.: months

n.s.: not suspended

s.: suspended

Measure by JCJ: measure imposed by juvenile court judge (educative measure, disciplinary measure, § 27 JGG)

Other AJC: Other Reaction under Act on Juvenile Courts (all, also § 3, second sentence, except youth imprisonment)

D. a. §§ 45, 47: Decision according to §§ 45, 47 (AJC)

Meas./add.S. u.CC: Other measures and additional sanctions according to Criminal Code

Prev. det. (p.i.): Preventive detention (post imprisonment)

Comm psy. Hosp.: Committal to psychiatric hospital

Comm.withd.treat.: Committal to institution for withdrawal treatment

Supervision o.c.: Supervision of conduct

Withd/Susp. per d.: Withdrawal / Suspension of permission to drive

Source: Jehle/Heinz/Sutterer, Legalbewährung nach strafrechtlichen Sanktionen, Berlin 2013, p. 47.

Table 38a: General reconviction during the first and the second three years period by type of offence of the basic decision (reference year 2004)

	Total crime (n=1 081 193)	sexual assault/rape (n=2 415)	intentional homicide (n=822)	simple bodily injury (n=61 428)	dangerous and serious bodily injury (n=37 476)	simple theft (n=188 947)	aggravated theft (n=29 334)	robbery and extortion (n=12 409)	fraud (n=98 200)	traffic offences under alcohol influence (n=111 626)	traffic offences except alcohol influence (n=41 230)	drug offences (n=67 077)	other offences (n=343 450)
no later decision	600 833	1 370	586	30 615	16 167	97 890	10 557	4 007	58 136	81 431	31 267	30 145	193 262
later decisions up to 3 years	388 408	794	177	25 182	17 458	75 321	16 032	7 148	31 465	21 458	7 473	30 087	122 198
later decisions 4 to 6 years	91 952	251	59	5 631	3 851	15 736	2 745	1 254	8 599	8 737	2 490	6 845	27 990

Table 38b: General reconviction during the first and the second three years period by type of offence of the basic decision in percent (reference year 2004)

	Total crime (n=1 081 193)	sexual assault/rape (n=2 415)	intentional homicide (n=822)	simple bodily injury (n=61 428)	dangerous and serious bodily injury (n=37 476)	simple theft (n=188 947)	aggravated theft (n=29 334)	robbery and extortion (n=12 409)	fraud (n=98 200)	traffic offences under alcohol influence (n=111 626)	traffic offences except alcohol influence (n=41 230)	drug offences (n=67 077)	other offences (n=343 450)
no later decision	56%	57%	71%	50%	43%	52%	36%	32%	59%	73%	76%	45%	56%
later decisions up to 3 years	36%	33%	22%	41%	47%	40%	55%	58%	32%	19%	18%	45%	36%
later decisions 4 to 6 years	9%	10%	7%	9%	10%	8%	9%	10%	9%	8%	6%	10%	8%

