



Universität  
Zürich <sup>UZH</sup>

Faculty of Law



## Sanctions Against Juvenile Offenders

Gian Ege / Niccolò Armandola

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# Thank you

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- **Manuel Eisner**  
Prof. Dr., Professor of Criminology, Institute of Criminology, University of Cambridge, and, Jacobs Center for Productive Youth Development, University of Zurich
- **Denis Ribeaud**  
Dr., Senior Research Associate, Jacobs Center for Productive Youth Development, University of Zurich

# Juvenile Justice in Switzerland

**Special legislation:** JCC and JCrimPC

**Minimum age of criminal responsibility:** 10

**Aim:** protection and education of juveniles (Art. 2 JCC, Art. 4 JCrimPC)

**Different types of sanctions:** sentences and measures  
Dispensation of penalty (Art. 21 JCC)

**Special procedural rules:**

- Specialised authorities (Art. 6-8 JCrimPC)
- Participation of Parents (Art. 12 JCrimPC)
- Mediation (Art. 17 JCrimPC)
- Pretrial Detention / Measures (Art. 5 JCC; Art. 27 JCrimPC)

→ **Flexibility**



# What do we know?

- **Characteristics of juvenile delinquency**

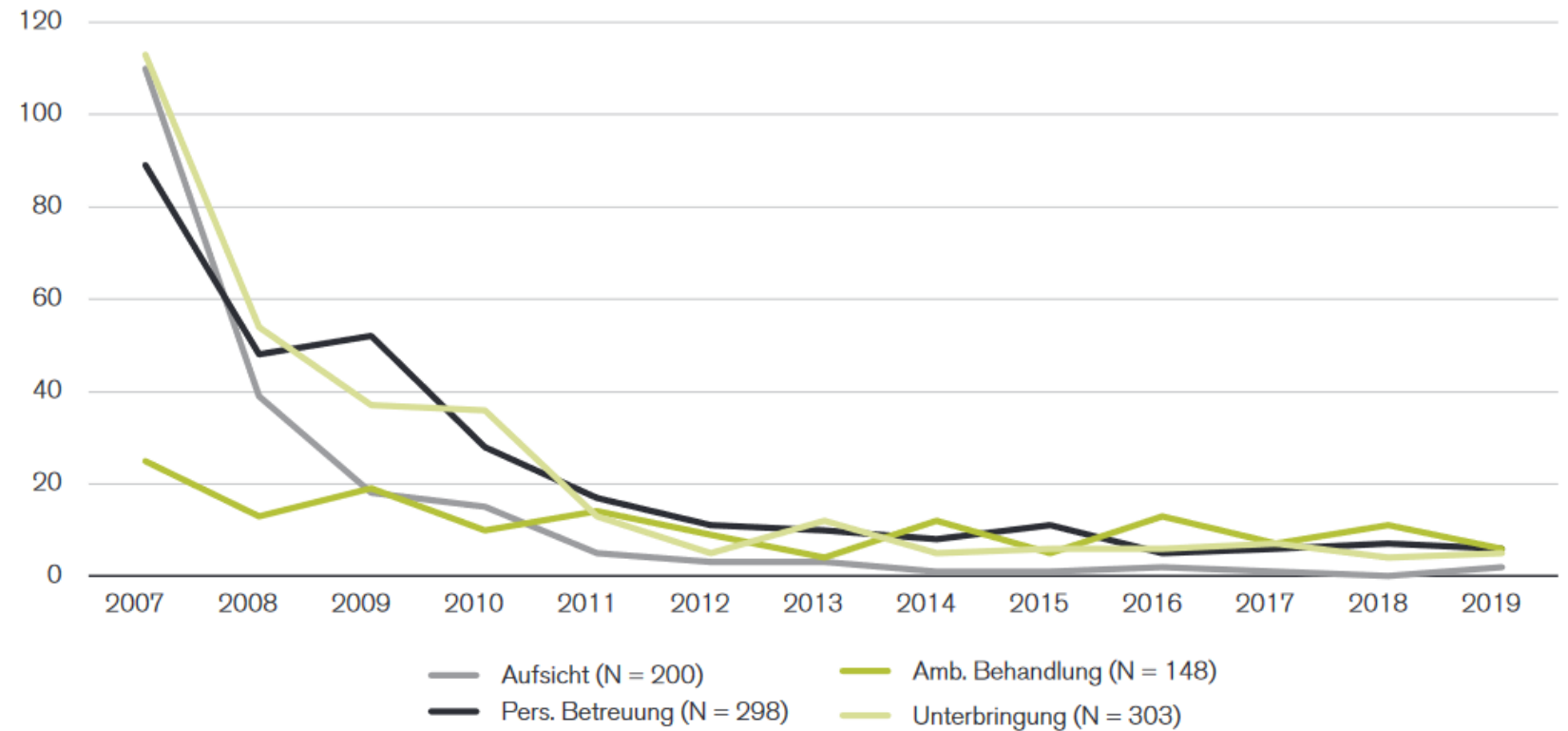
- Ubiquity
- Episodic nature
- Predominantly petty crime

- **Sanctioning**

- Mainly punishments
- Rarely protective measures
- Rarely a combinations

→ **Knowledge gap in dealing with everyday crime**

Grafik 2: Entwicklung der Anordnungen einer einzelnen Schutzmassnahme 2007–2019



(Ege et al., NKrim 2021. 10)

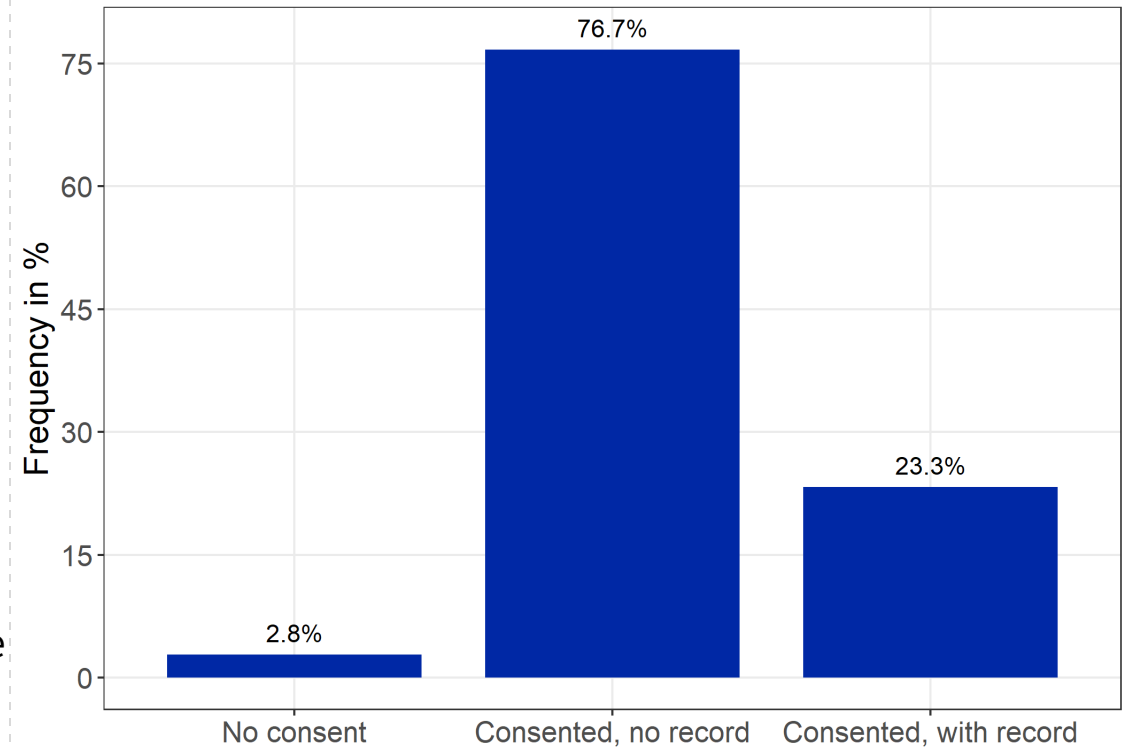
# Z-proso data from official Juvenile Prosecution Office records (I)

**Data:** Analysis of entries in the the *Rechtsinformationssystem 2* of the Canton of Zurich („Legal Information System 2”)

**Informed consent in 7<sup>th</sup> z-proso wave:** Data collection May/June 2017

## Overview of the data:

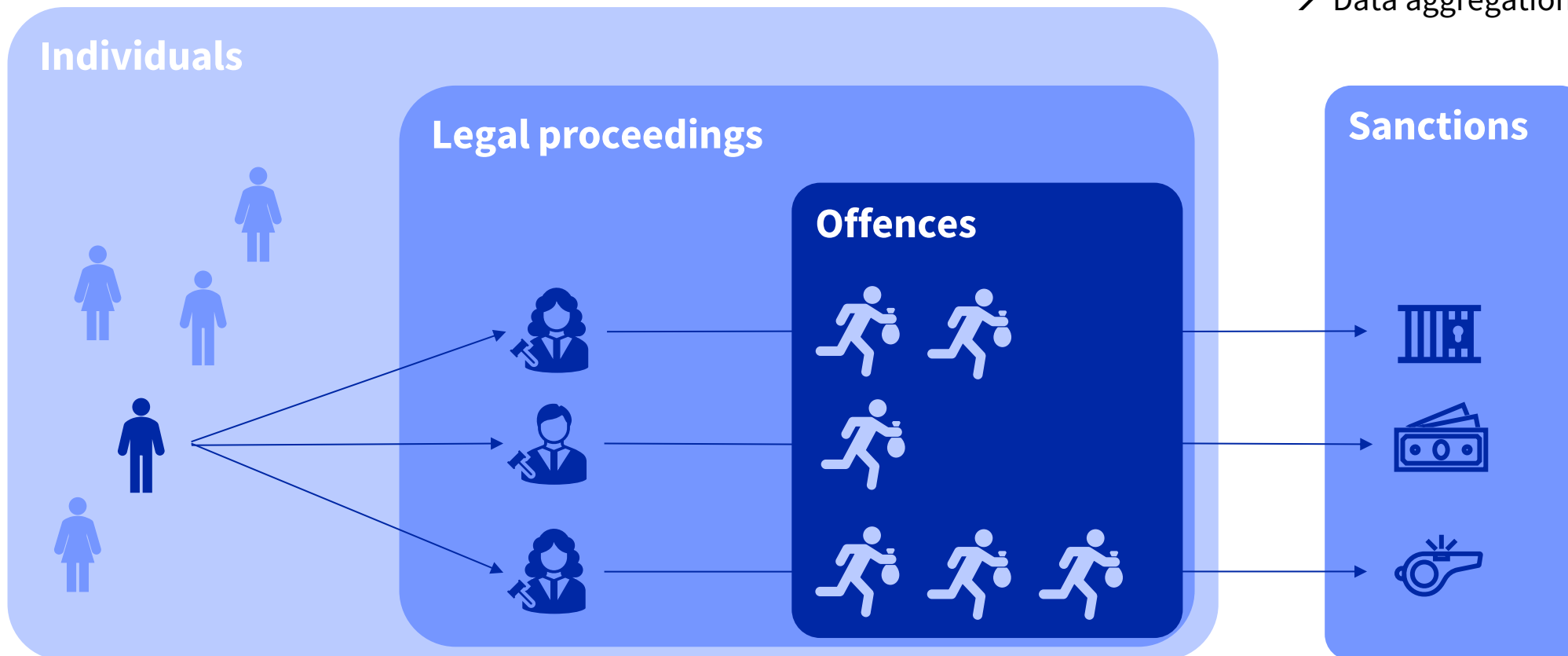
- 1,145 participants (97.3%) provided their consent
  - 267 participants (22.7%) have entries in JPO records
  - A total of 356 official records (some participants have multiple offences)
- Leveraging this data, we plan to publish two studies examining:
1. What drives the severity of imposed penalties under Swiss juvenile criminal law?
  2. How do offence type, offenders’ recidivism and individual characteristics affect prosecutorial action?



# Z-proso data from official Juvenile Prosecution Office records (II)

## Major challenges in the data analysis:

1. Nested data structure
  - Associations must be observed at the correct level
  - Data aggregation is necessary

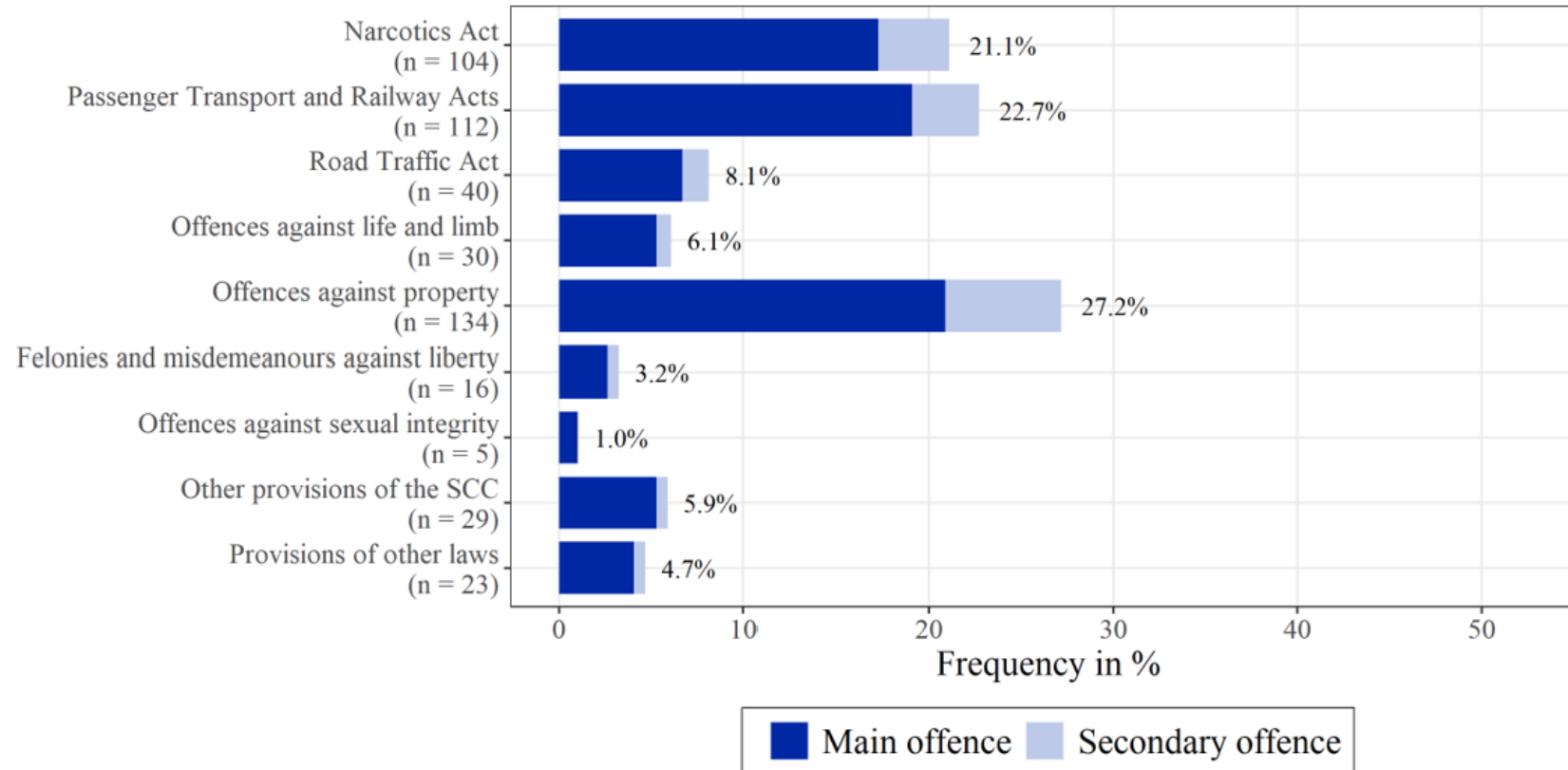


# Paper 1: Sanctions Against Juvenile Offenders (I)

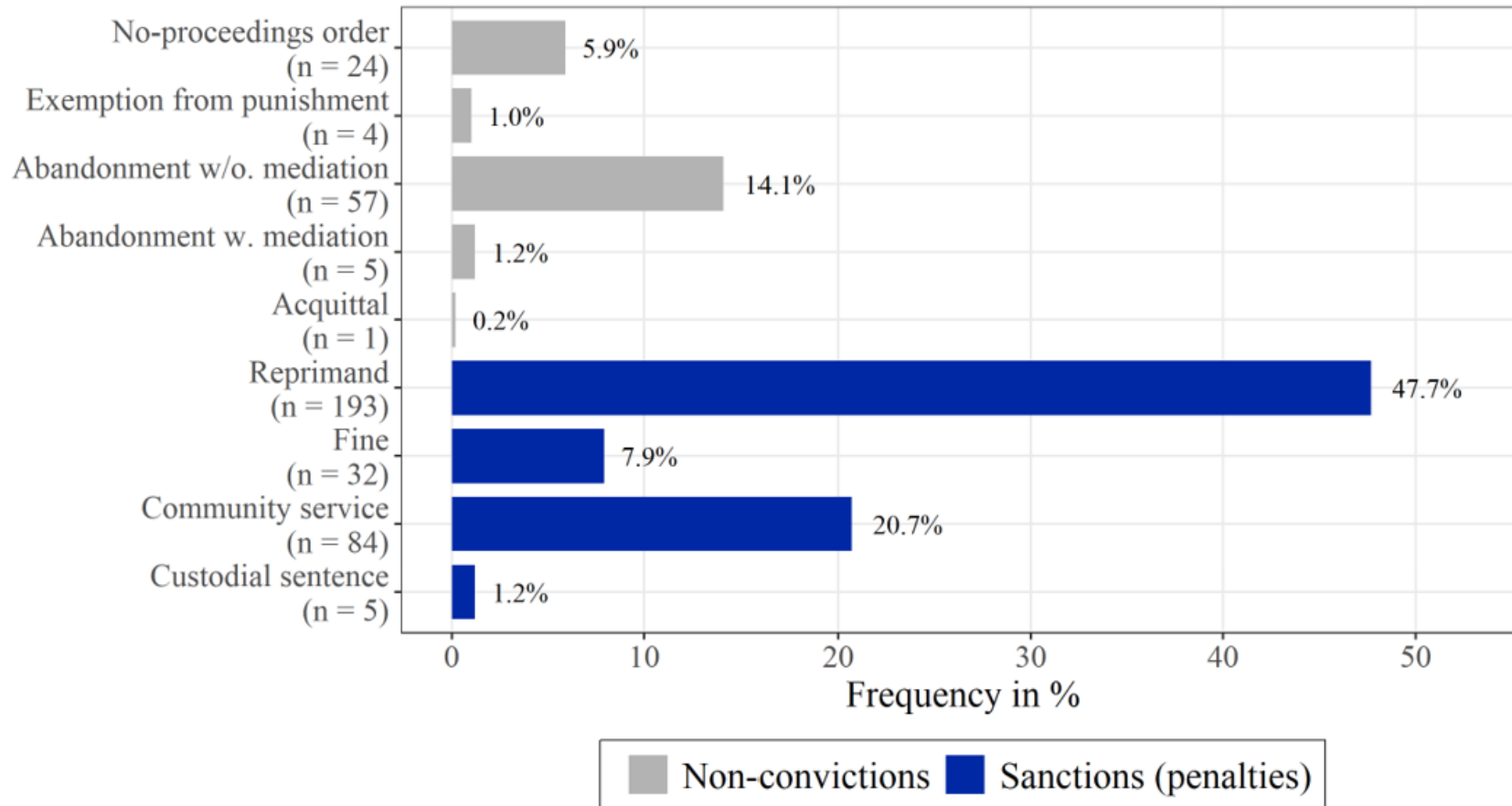
## Major challenges in the data analysis:

2. Skewed distribution:

- Only 23% of participants have a legal proceeding
- Only few „serious“ offences:
  - Sexual integrity (5x)
  - Liberty (16x)



# Paper 1: Sanctions Against Juvenile Offenders (II)



## Major challenges of the data analysis:

### 2. Skewed distribution:

- Only 23% of participants has a legal proceeding
- Only few „serious“ offences:
  - Sexual integrity (5x)
  - Liberty (16x)
- Only few „severe“ sanctions:
  - Custodial sentences (5x)
  - Sanction x Protective measure (3x)

→ Analyses are constrained by the structure of the data

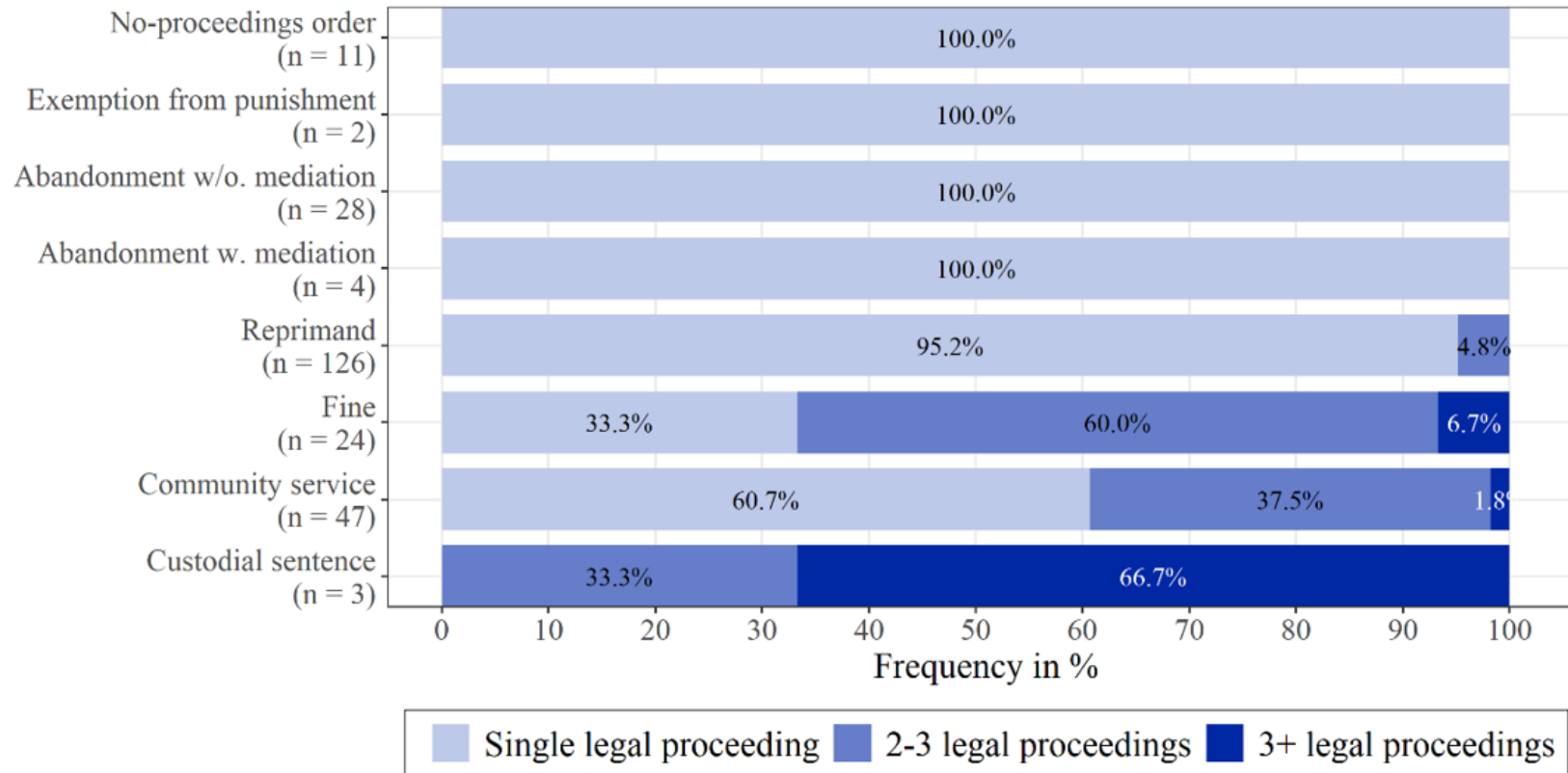
# Paper 1: Sanctions Against Juvenile Offenders (III)

	<i>Penalized Ord. Reg. (OR)</i>	
	(1)	(2)
Offence type (ref.: Passenger Transport and Railway Acts)		
Narcotics Act	2.307 (0.534)	1.791 (0.563)
Road Traffic Act	2.059 (0.654)	2.063 (0.682)
<b>Offences against property</b>	<b>9.718***</b> <b>(0.496)</b>	<b>8.688***</b> <b>(0.511)</b>
<b>Violent and sexual offences</b>	<b>12.718***</b> <b>(0.496)</b>	<b>14.776***</b> <b>(0.678)</b>
<b>Other provisions of the SCC</b>	<b>4.263*</b> <b>(0.652)</b>	<b>3.762*</b> <b>(0.675)</b>
Provisions of other laws	1.642 (0.923)	1.657 (0.941)
<b>Number of proceedings</b>		<b>3.947***</b> <b>(0.355)</b>
Controls	Yes	Yes
Observations	184	184
McFadden's R2	0.260	0.330

## Association between offences and severity of penalties:

- Limited to a restricted subsample:
  - Only participants with at least one legal proceeding
  - Only convicted offenders
  - Only one proceeding per participant (the one that ended with the „most severe“ penalty)
  - No custodial sentences (low N)
  - No sanction combinations (confounding effect, low N)
- Severity of penalties:
  - Reprimand (1), fine (2), community service (3)

# Paper 1: Sanctions Against Juvenile Offenders (IV)



# Paper 1: Sanctions Against Juvenile Offenders (V)

## Paper's conclusion:

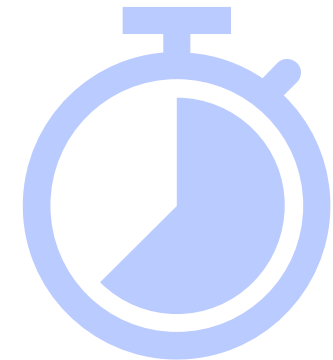
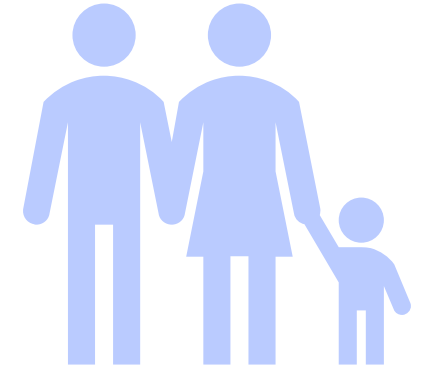
- The severity of penalties is associated with the offence type and the participants' recidivism, not by their individual characteristics
- No evidence of bias in sanction outcomes.
  
- Is Swiss juvenile criminal law unbiased?
  
- We cannot conclude that yet. It is still possible that bias exists in prosecutorial processes
- Requires investigation of **prosecutorial decision-making**



# Paper 2: Do Legal Proceedings Reflect Principles – or Prejudice? (I)

## Research question:

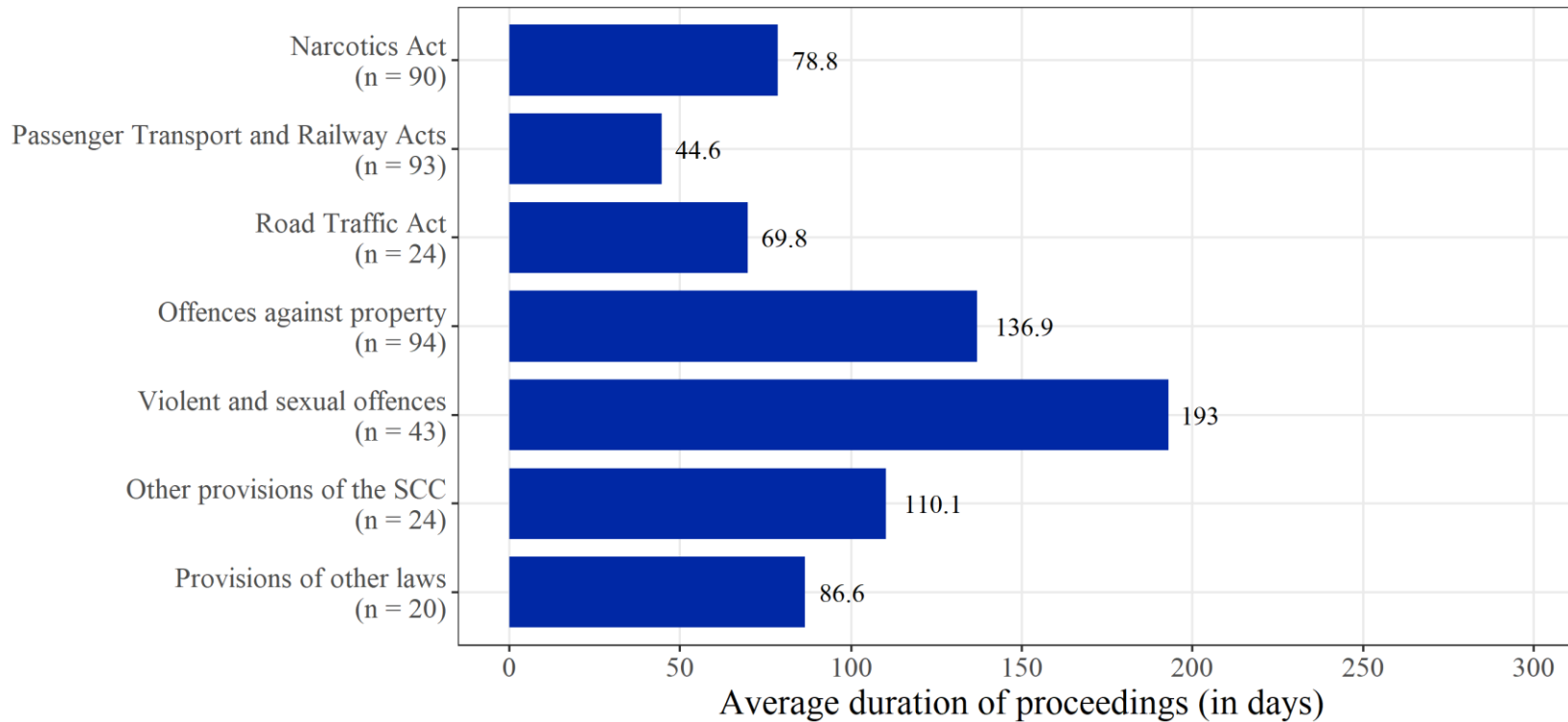
- How do offence types, participant's recidivism, and individual characteristics influence the course of legal proceedings?
  - At the very least, this will provide some empirical evidence on how legal proceedings in Switzerland work (very few empirical analyses on this)
- Available potential dependent variables:
- Duration of the proceeding
  - Time-lag between offence and start of the proceeding
  - Parents' presence during hearings



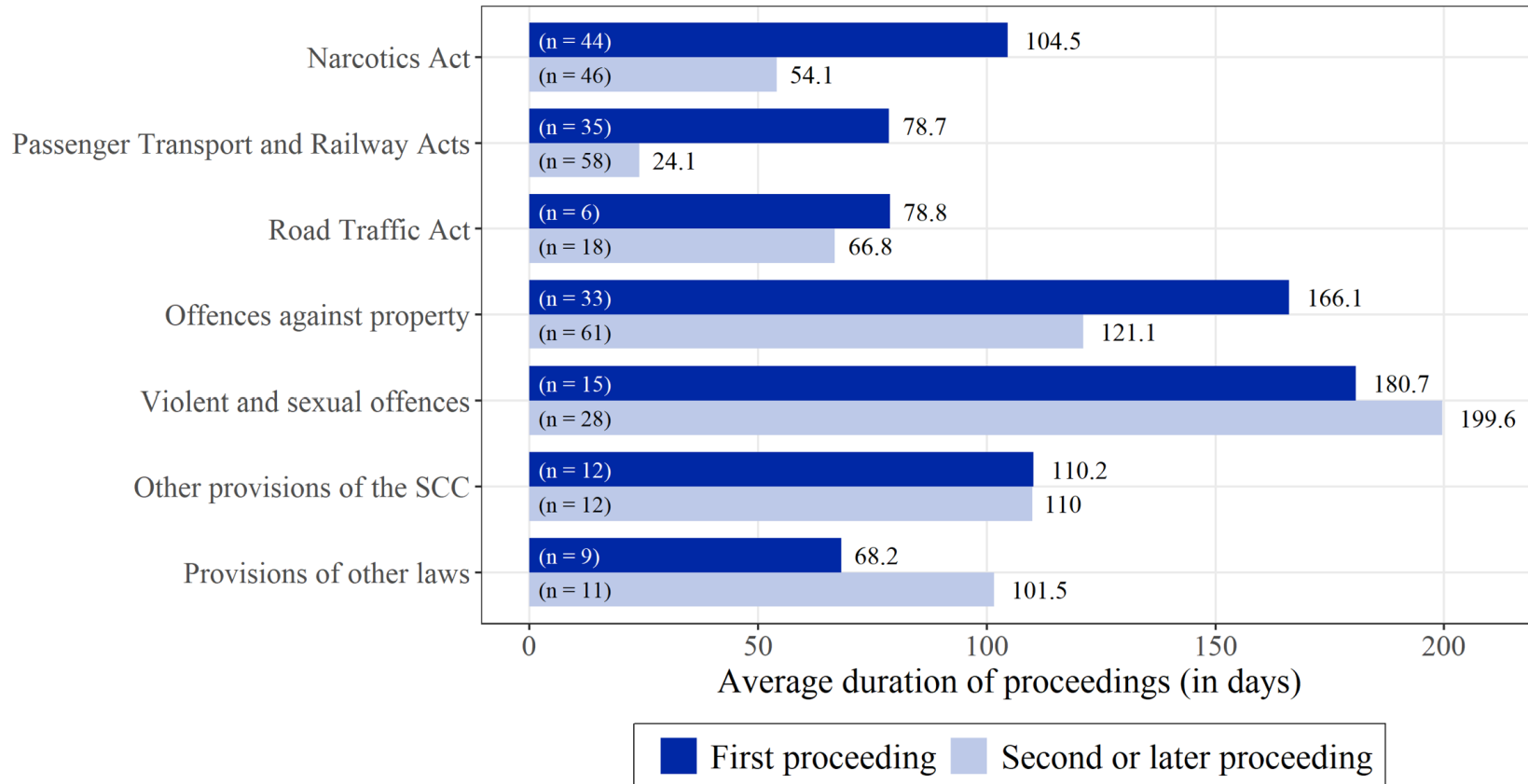
# Paper 2: Do Legal Proceedings Reflect Principles – or Prejudice? (II)

## Duration of proceedings:

- Indicates which proceedings are „simple“ and which require more time
- More serious offences are treated with longer proceedings



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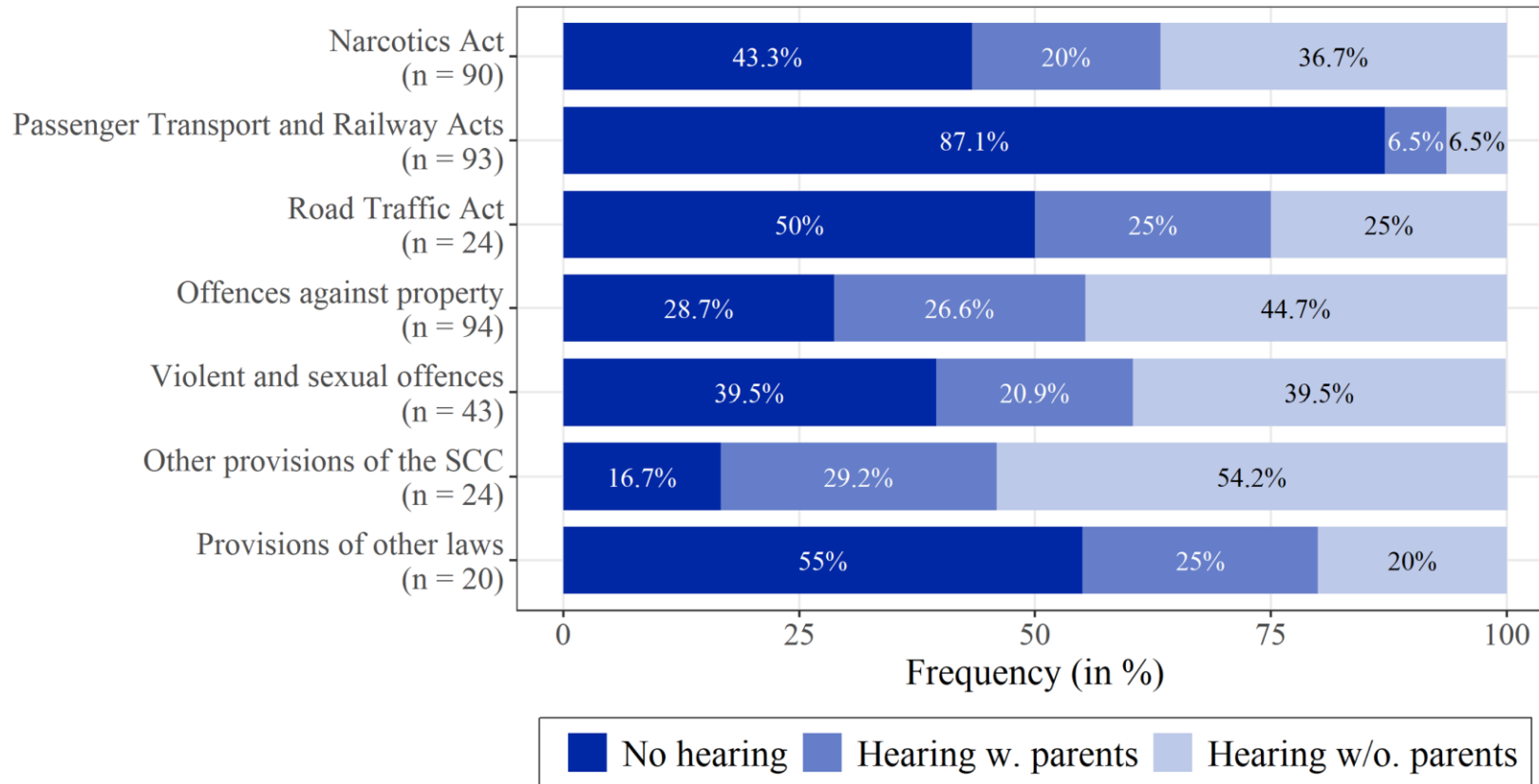
## ➤ Participants' recidivism again plays a big role:

- Depending on the offence type, the first proceeding takes longer than later proceedings
- Quick to judge an already known offender?

# Paper 2: Do Legal Proceedings Reflect Principles – or Prejudice? (III)

## Parents' presence during hearings:

- What does this actually tell us?
- Signal of advantage for the offenders?
- At first glance, no clear association between offence type and hearing / no hearing
- Only Passenger Transport & Railway Acts have almost never hearings



# Paper 2: Do Legal Proceedings Reflect Principles – or Prejudice? (III)

## Parents' presence during hearings:

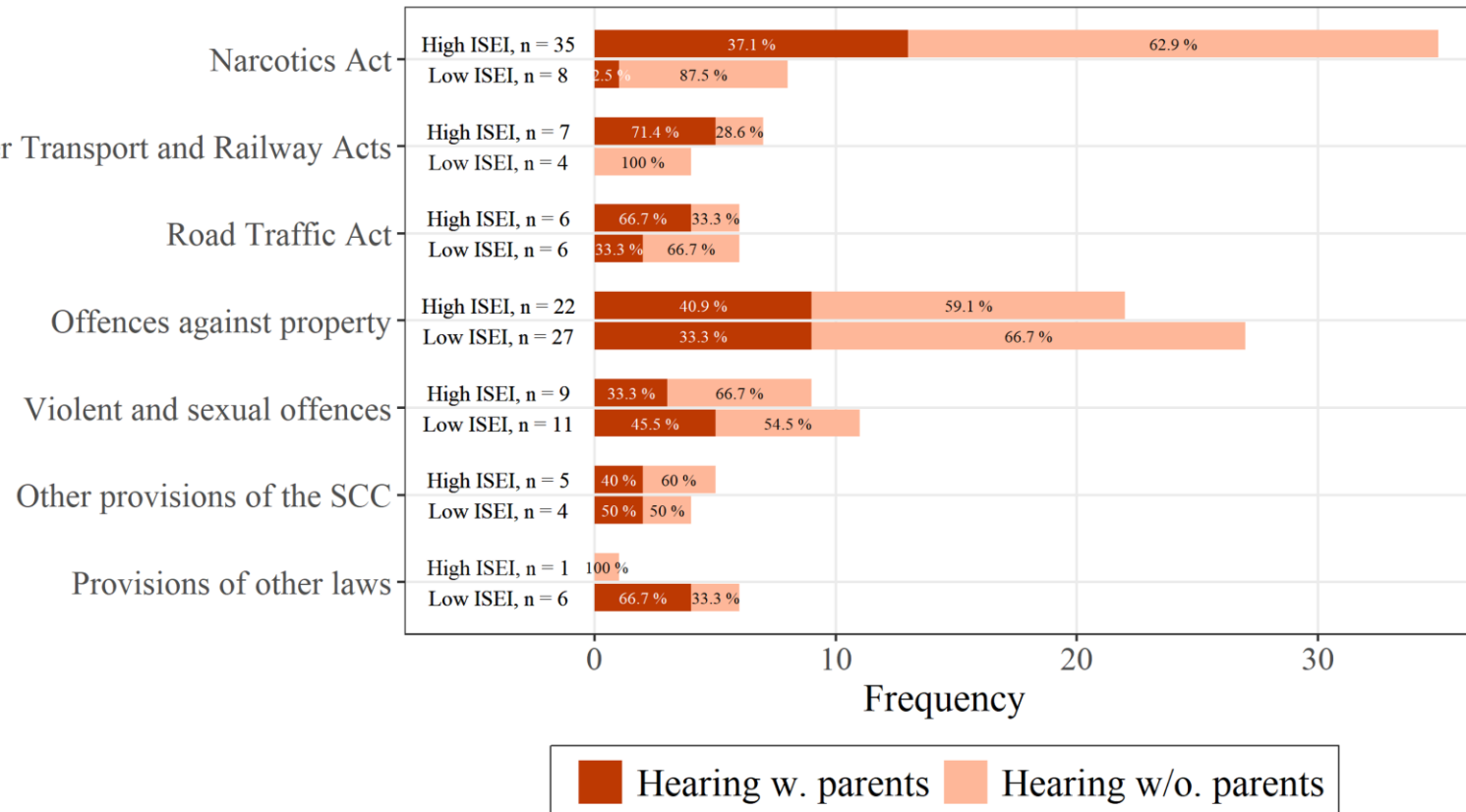
- What does this actually tell us?
- Signal of advantage for the offenders?

➤ At first glance, no clear association between offence type and hearing / no hearing

- Only Passenger Transport & Railway Acts almost never require hearings

➤ With parents' ISEI we see a clear pattern:

- Children from higher-status families commit less severe offences...
- ... and have strong parental support when caught
- Children from lower-status families commit more severe offences that more likely require parental support



# Next steps

## Model(s) specifications:

- Tobit models for time variables (both the duration and time lag)
- Inferential analysis on parents' presence during hearings

## Open questions

- Useful use of the parent's presence variable (dependent, independent, both). What can it really tell us?
- Other ideas on how to identify potential sources of bias in legal proceedings? Maybe comparisons of same-offence sentences?
- Suggestions for interesting control variables / mechanisms?





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