



Federal Ministry  
of Justice



# Criminal Justice in Germany

by Jörg-Martin Jehle

Eighth Edition 2023



# **Criminal Justice in Germany**

**Facts and Figures**

by

**Jörg-Martin Jehle**

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## Preface

Dear Reader,

What overall picture emerges from German crime statistics? What criminal offences are the law enforcement authorities and courts confronted with? How does the criminal justice system in Germany work? This publication sets out to provide answers to these and many other important questions relating to law enforcement and the prison system. It aims to provide an overview of the most important data and statistics from the various stages of criminal proceedings and thus present a realistic and fact-based picture of the German criminal justice system.

In the field of criminal sanctions, we achieved a major breakthrough in 2023: as of 2024, the measure used for calculating the period of imprisonment for failure to pay a fine will change. In future, one daily unit of a fine will be equal not to a whole day but to half a day of default imprisonment. We will also strengthen the role of proactive social services and place a greater focus on community service as an alternative to default imprisonment. I am certain that this historic reform will be reflected in future statistics: shorter periods of detention for minor offences will reduce the burden on the Länder considerably, both financially and structurally.

My expectation is that the resources saved will remain within the criminal justice system, allowing for an increase in personnel and greater investment in infrastructure. This will enable the various institutions to focus even more on the prosecution and punishment of criminally more relevant offences. It is true that, in terms of recidivism, our criminal justice system has proven successful as far as the prison service is concerned. The majority of offenders are not convicted a second time. This is good news. What is striking, however, is that police statistics for 2022 showed a rise in criminal offences and increasing numbers of suspects both overall and in the area of property crime and violent crime specifically. Action is therefore needed to ensure that everybody in our society can feel safe and protected by criminal law.

That action must include making sure our citizens have the information they need about criminal proceedings, and that is precisely the purpose of this publication. Its structure largely follows the different stages of criminal proceedings. All steps in the criminal justice process are described, from the work of the police, prosecutors and judges, to sentencing, detention and probation. There are also sections focusing specifically on juvenile criminal law, victim-offender mediation and reconvictions. At the end is a chapter looking at comparative statistics for Europe, which places crime rates and law enforcement in Germany in a pan-European context.

I am pleased that the publication has met with such interest in the past. I hope this latest edition will also help inform a factual debate on the criminal justice system in Germany!

Berlin, in December 2023

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

Dr. Marco Buschmann  
Federal Minister of Justice

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## 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 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. The figures of offences and offenders stem from the police crime statistics of the year 2022. The data of the public prosecution and courts business statistics as well as the prison statistics also refer to 2022. But the figures of the conviction statistics which mostly contains data of the convicted persons stem from 2021.

When time series are dealt with, the earliest year for beginning is 1993. In the context of the German reunification and the expanded territory of the Federal Republic of Germany including 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
<b>Investigation</b>		
Suspicion of criminal act	<b>Police</b>	<b>Police crime statistics *</b>
Passed on to Public Prosecutor's Office		Register of proceedings
Pending cases	<b>Public Prosecution Office</b>	<b>Public prosecution business statistics *</b>
Final decision (public charge, termination etc.)	<b>Public Prosecution Office</b>	<b>Court business statistics *</b>
<b>Intermediate proceedings</b>	<b>Court</b>	
<b>Main proceedings</b>	<b>Court</b>	
Judgments	<b>Public Prosecution Office</b>	<b>Conviction statistics *</b>
Sentences	<b>Public Prosecution Office</b>	<b>Conviction statistics *</b> Central Federal Register
<b>Execution of sentence</b>		
Prison Sentences	<b>Public Prosecution Office</b>	Central Federal Register
Suspended sentence - subject to supervision by probation officer -	<b>Court</b>	<b>Probation statistics **</b>
Not suspended	<b>Public Prosecution Office</b>	Central Federal Register
- when served -	<b>Prison service</b>	<b>Prison statistics *</b>
Remission / completion of sentence		
<b>Sentencing of repeat offenders</b>	<b>Public Prosecution Office or Court</b>	Central Federal Register (basis for reconviction statistics *)

\* Source of data for the figures which follow.

\*\* Since 2012 no longer released.

## 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 dispense with prosecution 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.

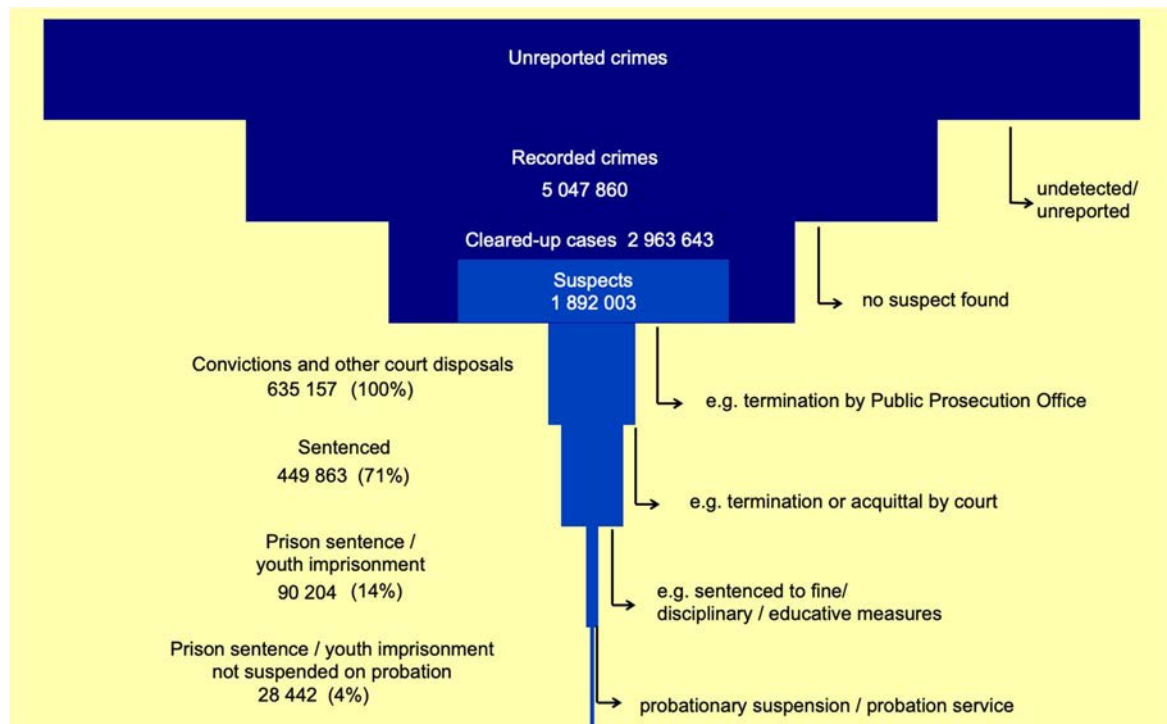
Diagram 2 illustrates the law enforcement process and gives an impression of the scale of the problem. The figures cover all offences except for traffic offences (which are not included in the police crime statistics; see II. below) for 2021.

No precise estimate of the "dark number" of crimes not recorded by the police can be given. Of the almost 5 million recorded crimes, almost 3 million, i.e. more than half, are cleared up, and about 1.9 million suspects are found for these (see II. below).

The next level for which - crime-related - data of persons 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 to the suspects 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 635 000. 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 (14 %), and the execution of most sentences of this kind is suspended with the offender being put on probation (see IV.3 below). Altogether only 4 % of judged persons are sentenced to serve an unsuspended prison term.

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



Source: 2021 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, table 4.1-01, p. 10; 2021 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 drugs 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.

Oriented at international models, a representative survey of the population on security and crime takes place also in Germany. After two precursor studies (Viktimisierungstudie 2012 and 2017) the Federal Criminal Police Office has conducted the survey: Safety and Crime in Germany in 2020. The main focus is on the question which persons have become victims of criminal acts and whether these have been reported. The survey demonstrates that the reporting rate is very low especially in the field of cybercrime and sexual offences, meaning that there the official statistics have a large gap.

Though, it is impossible to establish a precise relation between survey data and figures from the police statistics; furthermore, serious and rare offences are not included in the survey.

There are other limitations of the official statistics. In the course of law enforcement proceedings, it could turn out that the suspicion was not proofed. Furthermore, the legal aspects of the case may change. 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, especially in the field of serious offences.

### 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.

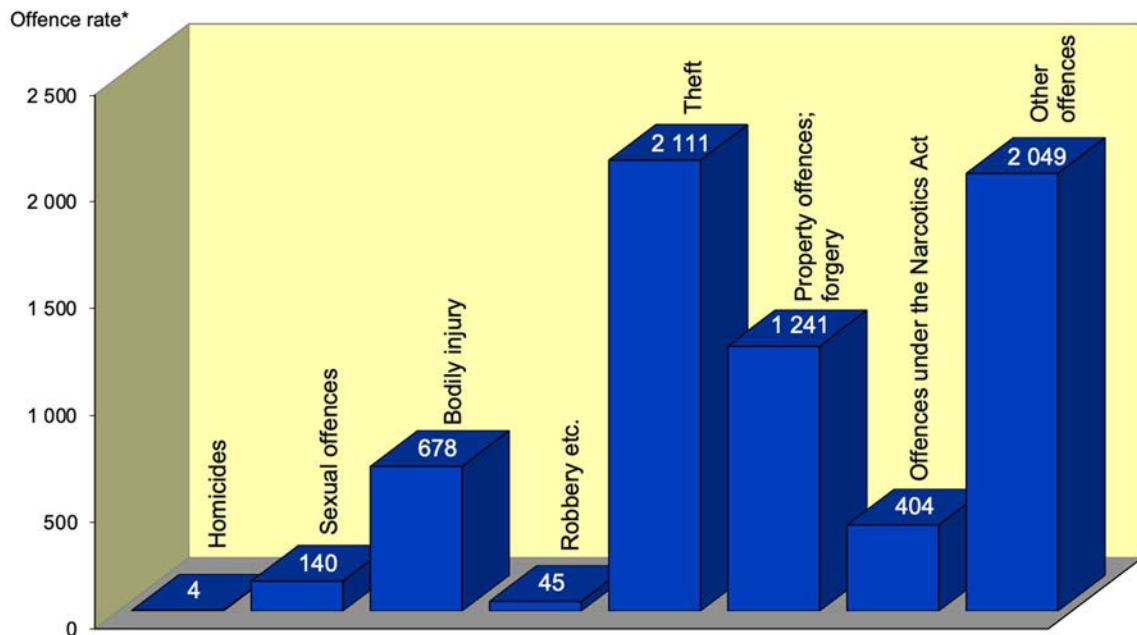
The *frequency rate* is the number of recorded cases per 100 000 inhabitants, either in total or for individual types of offences. However, the significance of the frequency rate is

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.

Almost one third (31,6 %) 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 of them completed, but about 2100 thefts (table 1 and diagram 3).

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.

Diagram 3: Recorded cases



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

Source: 2022 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden; see table 1 for absolute figures.

Table 1: Detected cases and frequency rate

Crimes	Detected cases	Frequency rate**
Total crimes	5 628 584	6 672
Homicides (§§ 211-213, 216, 217, 218 ff., 222*)	3 077	4
Sexual offences (§§ 174-184b*)	118 196	140
Bodily injury (§§ 223-227, 229, 231*)	572 219	678
Robbery, extortion resembling robbery, assault of a motor vehicle driver resembling robbery (§§ 249-252, 255, 316a*)	38 195	45
Total theft (§§ 242, 243-244a, 248a-c*)	1 780 783	2 111
including: theft under aggravating circumstances (§§ 243-244a*)	736 896	874
Property offences; forgery (§§ 263-283d, 246-248a, 146-152a*)	1 046 585	1 241
Offences under the Narcotics Act (§§ 29-30 of the Act)	340 677	404
others	1 728 852	2 049

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

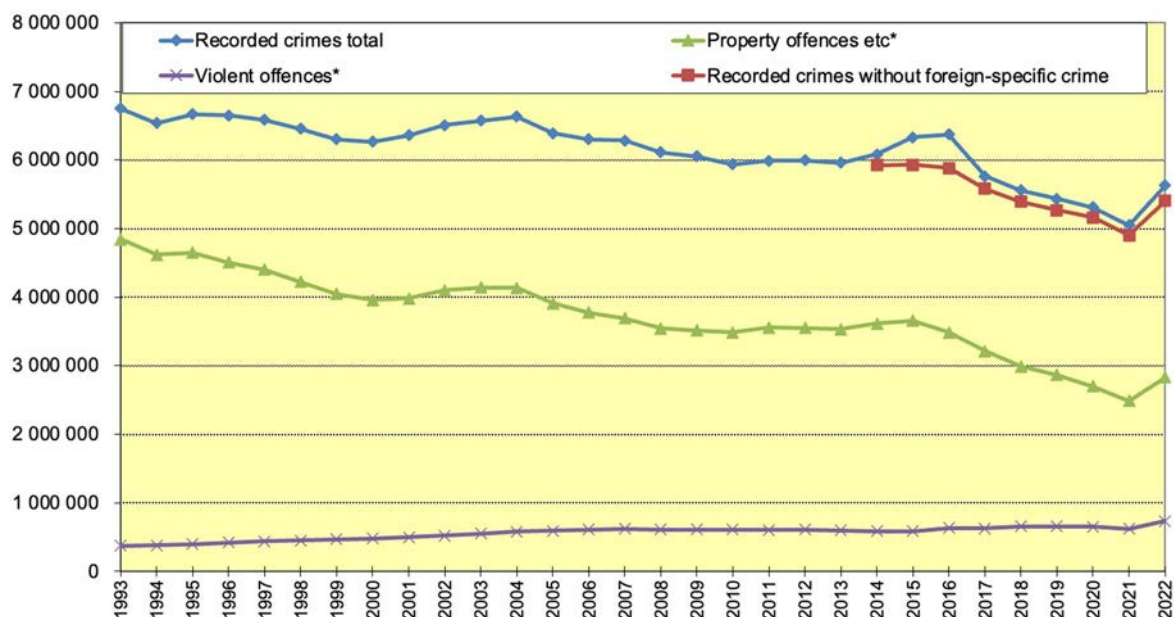
\*\* Per 100 000 population

Source: 2022 police crime statistics, published by Federal Criminal Police Office, Wiesbaden, table 01 – Fälle; Population by nationality and gender 2022 according to the results of the population update based on the 2011 census, published by Federal Statistical Office, Wiesbaden

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 5 million in 2021. 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 appeared stable until 2014. With the exception of 2015 and 2016 the figures were decreasing once again and had reached a new all-time low in 2021. The short interruption of the decreasing trend was due to the so called refugee wave in 2015/2016 when more than 1 million persons, especially young men, entered Germany during a short period of time. The offences committed by them are mostly specific violations of the acts of residence, freedom of movement, and asylum proceedings, especially illegal stay which is already given when entering without a visa. Without these specific offences the total of offences has not risen in the period of time in question as the diagram shows (see also below II.3.).

However, the most recent increase in 2022 is striking; it concerns property offences as well as violent offences. This may be partly due to a sort of normalisation after the decrease during the COVID driven restrictions of life but could also mean a reversal of the trend.

Diagram 4.1: Recorded crimes 1993-2022



\* 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); violent 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, 231).

Source: Police crime statistics for the relevant years, published by the Federal Criminal Police Office, Wiesbaden, section 1.1. (1997-2016) section 2.1, section 3.1 (2017), section 4.1 and 4.2 (from 2018); see table 4.1a in annex for absolute figures.

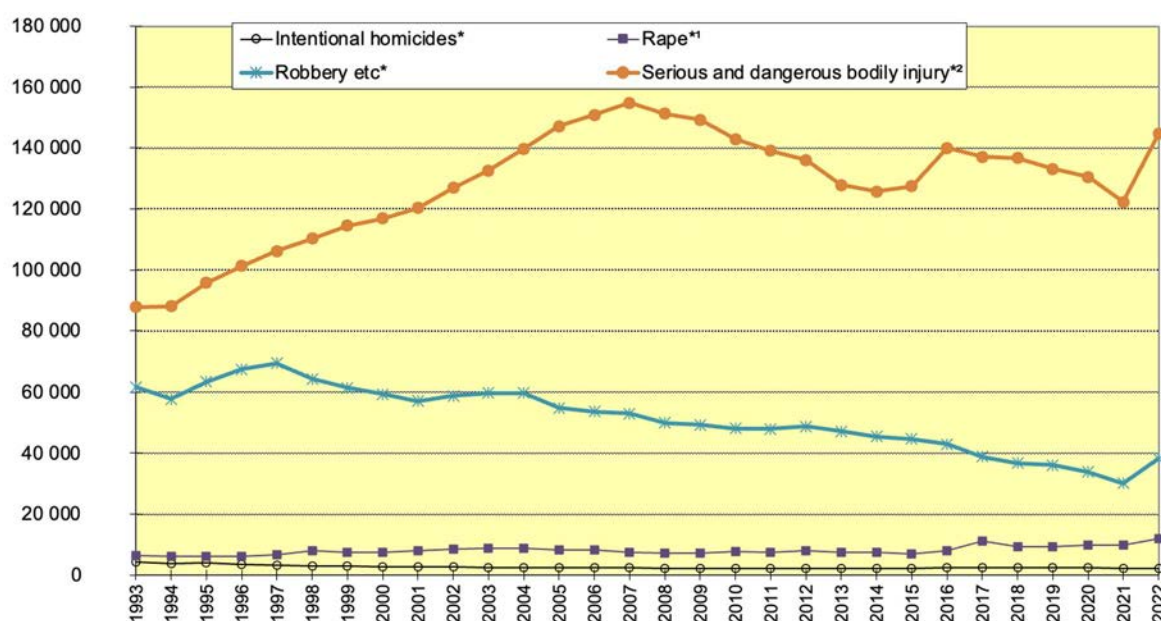
Apart from that, the general development is mainly influenced by the masses of property offences etc. which are the major group of recorded crimes. Though, the figures of violent offences show a different development: They remarkably have risen until 2007 and since then remain stable with a slight decreasing trend until 2015, though increasing again between 2016 and 2018 which 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 4.2 (see table 4.2a in annex for absolute figures) shows the trend in selected violent crimes over the last 30 years. The police crime statistics record the following categories of crime as "violent crime": intentional homicides, rape and sexual assault, 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, decreasing constantly until 2015, from more than 150 000 to less than 130 000. But nevertheless, this level is still higher than that of the 1990s. In 2016 it came to a remarkable rise, up to 2021 the figures were slightly decreasing. However, the rapid increase in 2020 is striking. In contrast, the figures for robbery only increased until 1997 and considerably decreased since

then, from about 70 000 in 1997 to almost 35 000 in 2021 but increased in 2022 once again. As to rape and sexual assault the figures rose until 2004 (8 800) and slightly fell until 2015 (7 400). In 2016 and 2017 there was a considerable rise which is partially due to the fact that the reform of sexual crimes of 2016 has broadened the range of rape and sexual assault. In 2018 the figures were slightly decreasing again, but since then have risen slightly and in 2022 significantly. In all groups of violent offences, a significant rise can be observed. If this increase is an outlier or an indicator for a future rising trend remains to be seen.

Diagram 4.2: Selected violent crimes 1993 – 2022



\* 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 (sexuelle Nötigung) include §§ 177, 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.

<sup>1</sup> Up to 1997 only rape (§ 177 old), from 1998 to 2016 rape and serious forms of sexual assault (§ 177 sections 3 und 4, 178), since 2017 all forms of rape and sexual assault total (§ 177) and sexual assault in particularly serious cases, including death (§ 178).

<sup>2</sup> 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; 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 a massive rise of 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, at least until 2021. This decreasing trend was interrupted in the years 2015 to 2017, in coincidence with the so called



refugee wave when more than 1 million persons entered Germany in a short period of time (see also below II.3.).

## 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	5 628 584	3 226 935	57%

Source: 2022 police crime statistics, published by the Federal Criminal Office, Wiesbaden, p. 14.

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. 93,8 % of homicides are solved, but only 16,1 % of residential burglary.

## 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.

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 not fully reliable.

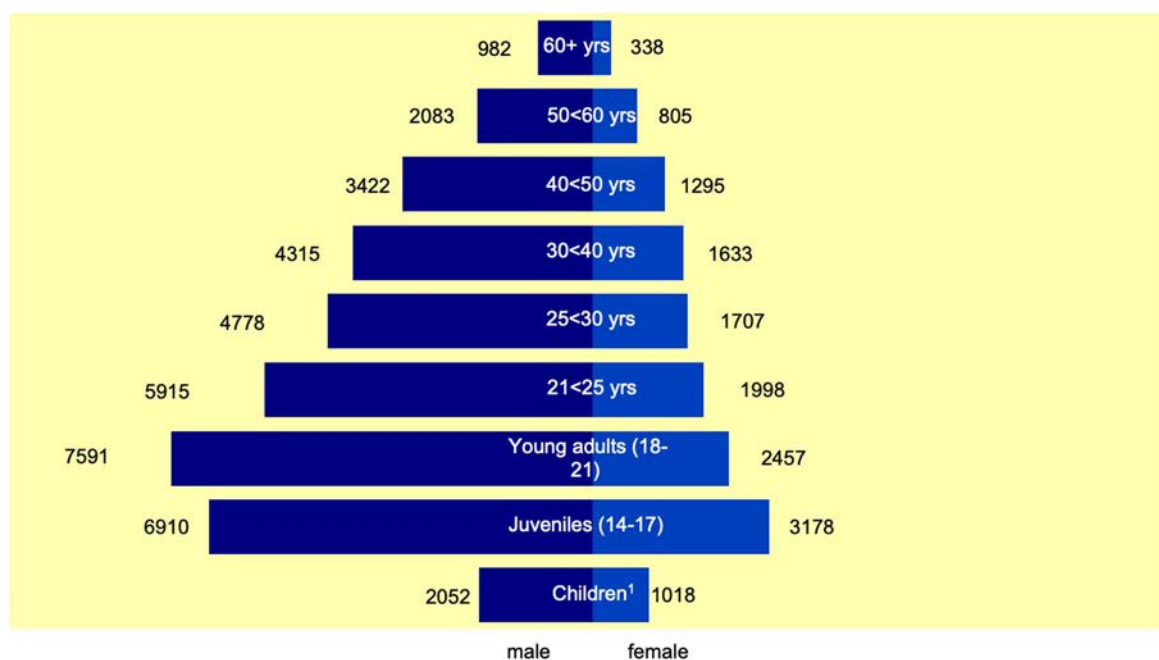
Table 3: Suspects by age and sex

Age groups	Suspects				
	Total	Male		Female	
		absolut	%	absolut	%
Total	2 093 782	1 565 240	74,8%	528 542	25,2%
Adults (21 and over)	1 650 540	1 240 869	75,2%	409 671	24,8%
Young adults (18-20)	160 998	125 633	78,0%	35 365	22,0%
Juveniles (14-17)	189 149	135 691	71,7%	53 458	28,3%
Children*	93 095	63 047	67,7%	30 048	32,3%

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

Source: 2022 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, Tatverdächtigen Tabellen, table 20

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



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

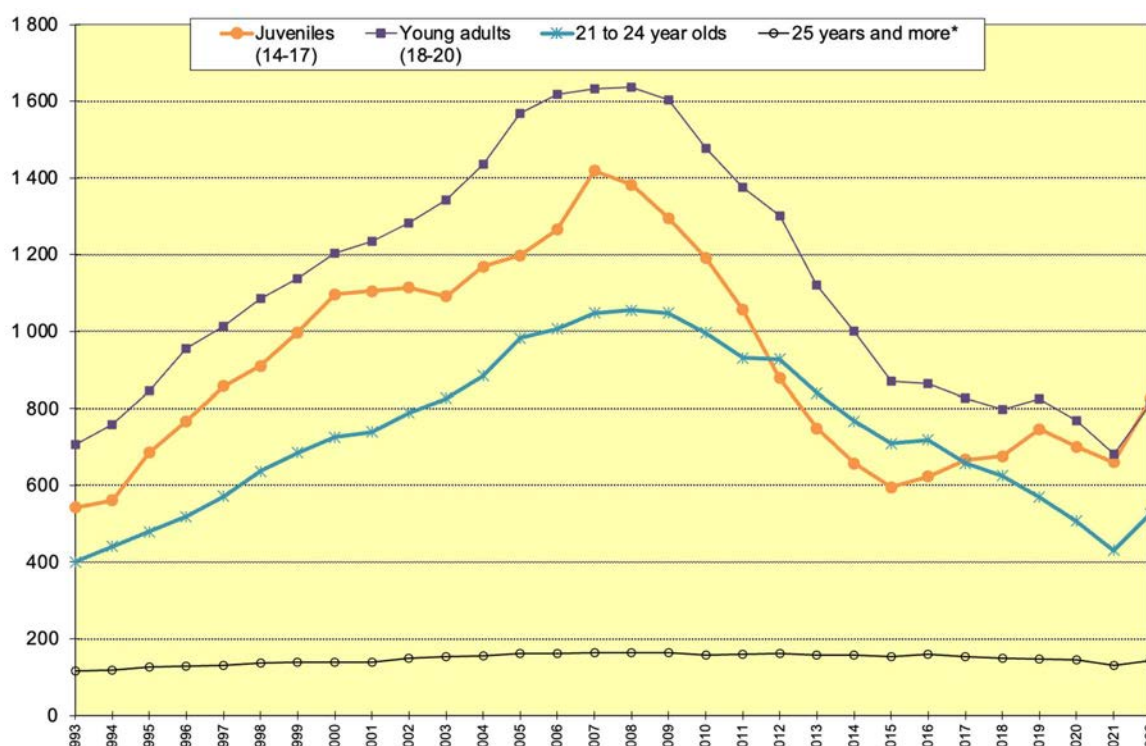
¹ over 8.

Source: 2022 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, table 7.1 T01, p. 40; see table 5a in annex for absolute figures.

About 75 % of all the suspects are men; women only account for one quarter. As is to be expected, the vast majority of suspects are adults (21 and over), but, as to their proportion of the population, 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 population group, almost 7 500 of young male adults and more than 6 900 male juveniles, i.e. roughly every thirteenth 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 age while decreasing in older age groups.

Diagram 6: Suspect rate of male Germans  
Dangerous and serious bodily injury by age groups\*  
1993-2022\*\*



\* 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.

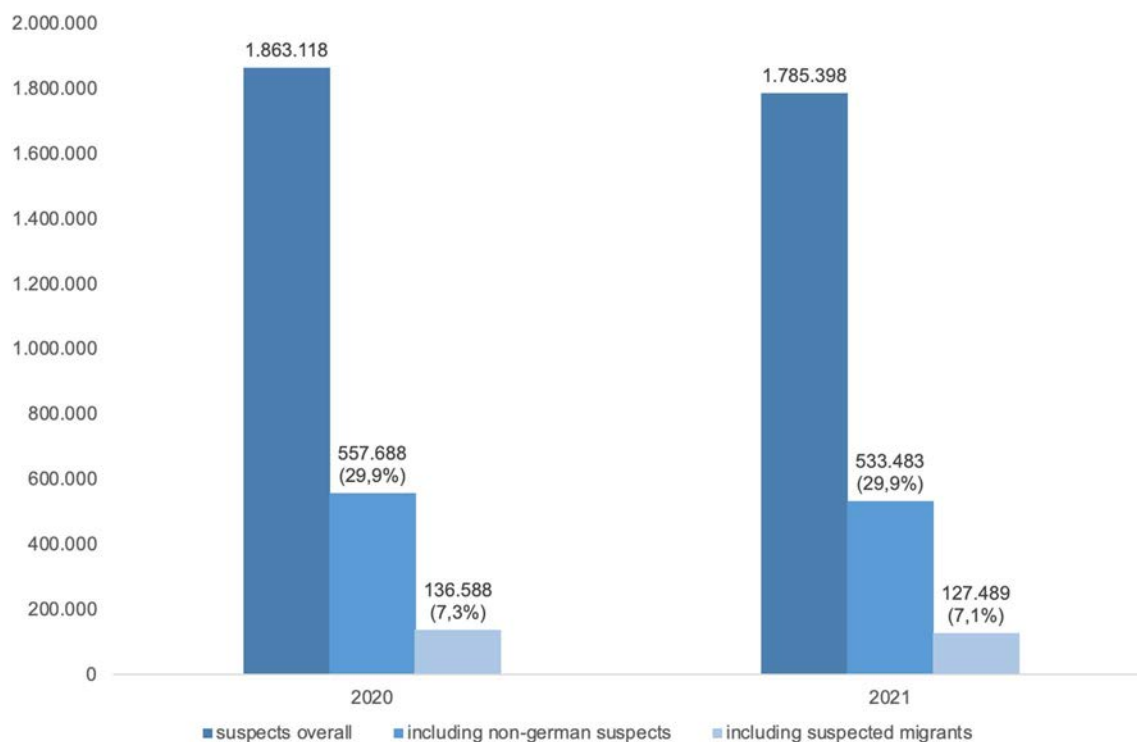
Source: Police crime statistics for the relevant years, published by the Federal Criminal Police Office, Wiesbaden, time series suspect rates table 40; see table 6a in annex for absolute figures.

The different suspect rate of various age groups can also 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 development during the last 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 almost three decades between 1993 and 2021 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. Until 2015 it has

decreased, strongly for the juveniles and young adults, moderately for the adults of 21 and more years. As to young adults the declining trend goes on, but the figures of juveniles and the 21 to 24 years old are rising. 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 decade. Therefore, the substantial overall decrease might be an indication that the propensity to commit violent acts was declining amongst young males. However, the rising figures in 2022, especially of young age groups is striking, as well as the fact that juveniles reach the same level of suspect rates as young adults. But it remains to be seen if this increase is the beginning of a future rising trend.

Diagram 6a: Proportion of non-German suspects\*  
2020/2021



\* without foreigner-specific crime.

Source: Bundeslagebericht 2021, Kriminalität im Kontext von Zuwanderung (annual report: crime in context of migration), published by the Federal Criminal Police Office, p. 8.

Non-German suspects account in 2022 for 37.4 % of all suspects (without violations of immigration law 29.9 %); this is higher than their proportion of the population of approximately 14.6 % (Ausländische Bevölkerung, DESTATIS 2022). However, the fact must be borne in mind 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 composition of this group is different from that of the German population (in terms of age, sex and social structure). These are the reasons why the police crime statistics has not

released suspect rates of foreigners. 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 28.1 % for juveniles to 39.2 % for adults. 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 suspected of 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.

Due to the special situation caused by the so called refugee wave of the years 2015/2016 the Bundeskriminalamt (Federal Criminal Police Office) presents an annual report on the crime situation in context of migration (Bundeslagebericht 2021). Here, the recorded offences of asylum seekers, persons seeking subsidiary protection, persons with exceptional leave to remain for humanitarian reasons as well as persons of an illegal status are reported. In 2020 and 2021 these so called migrants count for 7.3 % (7.1 %) of the suspects (without the foreigner-specific offences, s. Figure 6a). These 130 000 suspected migrants relate to roughly 2 million persons who entered Germany from 2015 to 2020. These suspects mainly commit bodily injury (41 895) or petty property crimes, like shoplifting (33 475) and fare dodging (24 976). On the other hand, they are involved in the relatively rare sexual offences and homicides above average. It has to borne in mind that most of the migrants are young men whose crime rate is highest also within the German population. Further the proportions indicate that only a small part of the migrants is recorded by police.

### 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 same is true for the investigation by tax, customs and state protection authorities. Some cases are directly reported to the public prosecution office, 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 terminate the proceedings in accordance with § 170 section 2 of the Code of Criminal Procedure (StPO).

The public prosecutor can dispense with prosecution if the offender's guilt is of a minor nature and there is no public interest in prosecution. With court's and defendant's consent dispensing with prosecution 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 dispense with 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 itself. 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 2022, that applied to about one fifth of the total number. Additionally, unlike the police crime statistics, all traffic offences and administrative offences (apart from proceedings for the imposition of administrative fines) are recorded.

In 2022, the public prosecution office at the regional courts dealt with 5 101 069 and at the higher regional courts with 13 298 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	5 754 918	100,0
Public charge	381 383	6,6
Application for a penal order	546 770	9,5
Conditional dispensing with public charge	164 052	2,9
Unconditional dispensing with prosecution	1 330 305	23,1
Termination because of lacking suspicion (§ 170 II StPO)	1 929 976	33,5
Lack of criminal responsibility	13 634	0,2
Other disposal	1 388 798	24,1

\* Only cases dealt with by the public prosecution office at the regional courts; excluding those dealt with by the public prosecution offices at the higher regional courts.

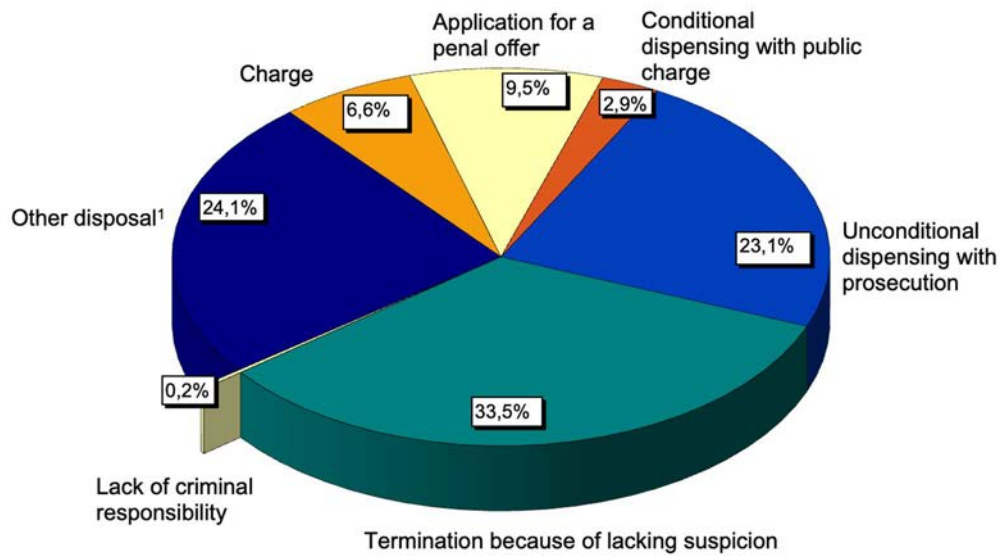
Source: 2022 Public prosecution business statistics, published by the Federal Statistical Office, Wiesbaden, table 24211-13.

It is noticeable that only about one-fifth of the accused persons faces charges, applications for penal orders or conditional dispensing with public charge; 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 6 % of the accused persons in a charge being brought or about 9 % in an application for a penal order or for almost 3 % in conditional dispensing with public charge. 23 % of proceedings result in unconditional dispensing with prosecution; these concern 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 one third (33 %) of the accused persons the proceedings end in a termination 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 (24 % of the accused persons), generally involve passing the proceedings on to another public prosecution office

or - in the case of administrative 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: 5 754 918



\* Other than in previous editions, persons dealt with by the public prosecution office at the Regional Courts and the Local Courts are counted.

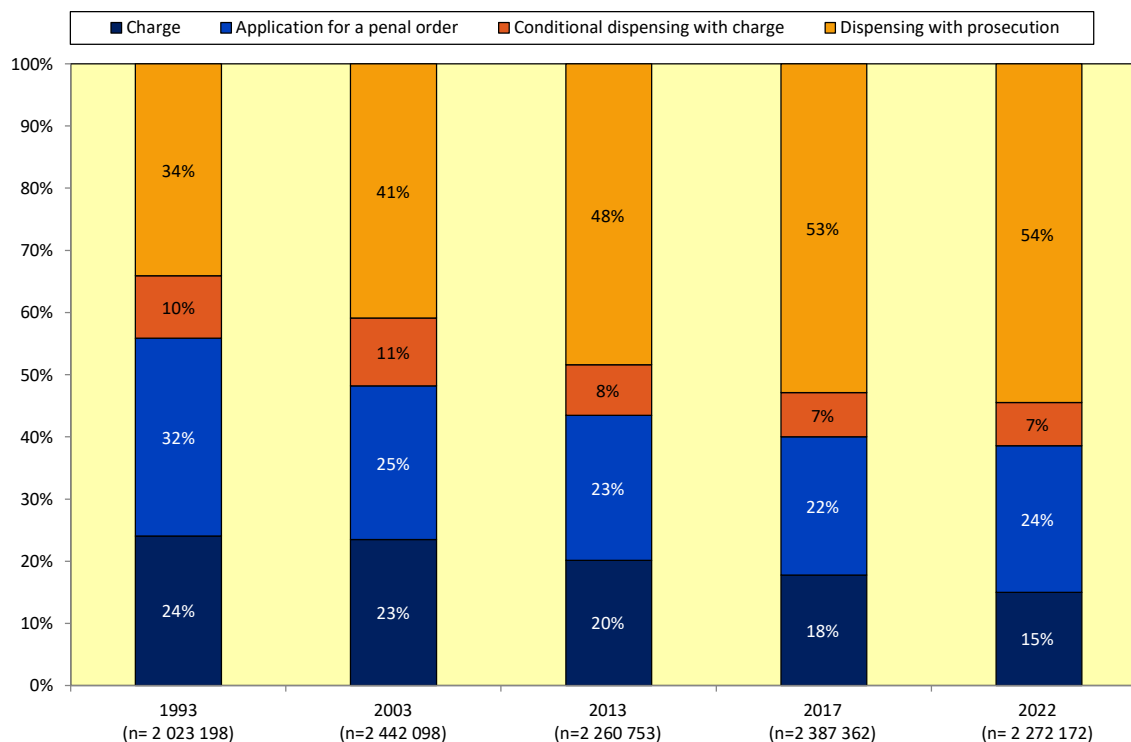
<sup>1</sup> Including proceedings passed on to other public prosecution offices (n=411 770), to an administrative authority (regarding regulatory offences; n=246 140), in connection with another matter (n=442 918), provisional dismissal (n=5 170), recommendation that private proceedings be brought (n=237 762), application for securing proceedings (n=971), applications for simplified juvenile proceedings (n=6 931), applications for summary decisions (n=10 095), other disposal (n=26 987), proceedings passed to the EU public prosecutor's office (n= 54).

Source: 2022 public prosecution business statistics, published by the Federal Statistical Office, Wiesbaden, table 24211-08.

Diagram 8 shows how the structure of prosecutorial disposals has changed during the last three decades. Only “chargeable” cases, i.e. public charges, penal orders, conditional dispensing with public charge and unconditional dispensing with prosecution are included, but not other disposals and terminated proceedings, particularly because of insufficient evidence. Between 1993 and 2017 the percentage of unconditional dispensing with prosecution rose from 34 up to 53 %, since then its proportion remains stable. On the other hand, public charges and penal orders declined from 56 to 39 %. In consequence, the majority of “chargeable” cases ends in unconditional dispensing with prosecution (54 %) or conditional dispensing with public charge (7 %) and only a minority results in public charges (24 %) or penal orders (15 %), in 2022.



Diagram 8 – Type of prosecutorial decisions\* in indictable criminal cases  
1993, 2003, 2013, 2017, 2022\*\*



\* here without termination 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, 2017 and 2022 Germany total.

Source: Public prosecution business statistics for the relevant year, published by the Federal Statistical Office, Wiesbaden, until 2017 table. 2.1.1.1, 2022 table 24211-08; see table 8a 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 or the risk of serious re-offending (§§ 112, 112a of the Code of Criminal Procedure, StPO).

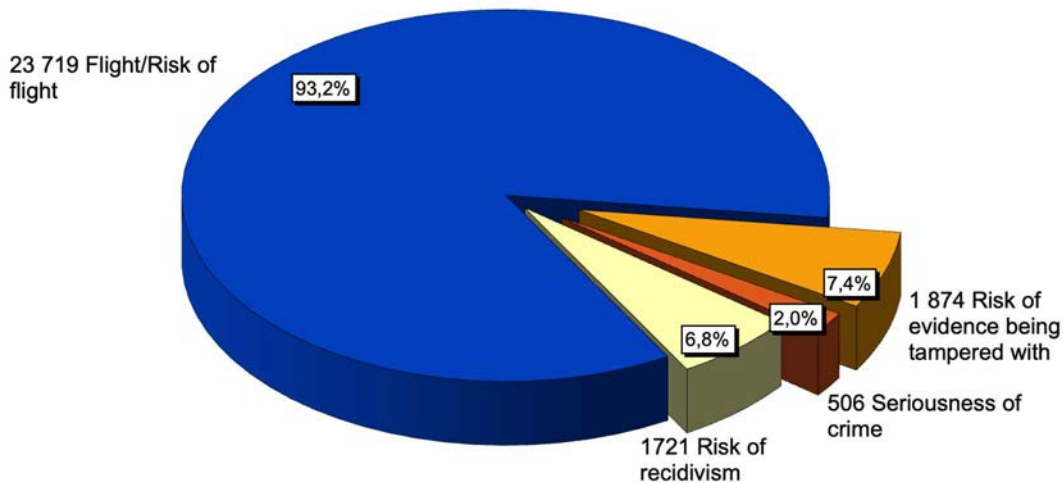
The most important figures are contained in the conviction statistics. These refer to those who have been judged in court, and who were arrested during the prosecution procedure and kept in remand custody; in other words, the small minority of arrested persons whose cases were dropped by the public prosecution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

About 25 500 persons or a bit more than 4 % 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 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: 25 460



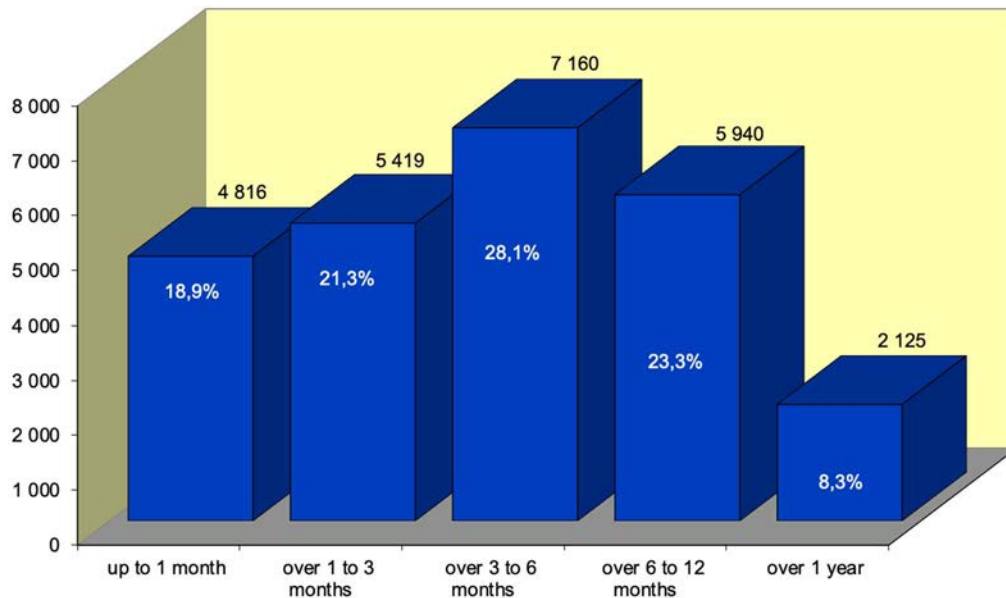
\* Several reasons at once are possible; therefore the total exceeds 100 %.  
 Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 6.1.

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 19 % it is fairly brief, up to one month of detention, for 21 % between one and three months, and 28 % 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 2 125 persons (8.3 %), 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: 2021 conviction statistics, published by the Federal Statistical Office, tab. 6.1.

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, but after a short increase, the numbers have returned to the same level (2021: 25 460). 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 considerably decreased (see Strafverfolgungsstatistik, Tab. 6).

## 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 as first instance.

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 complies 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.).

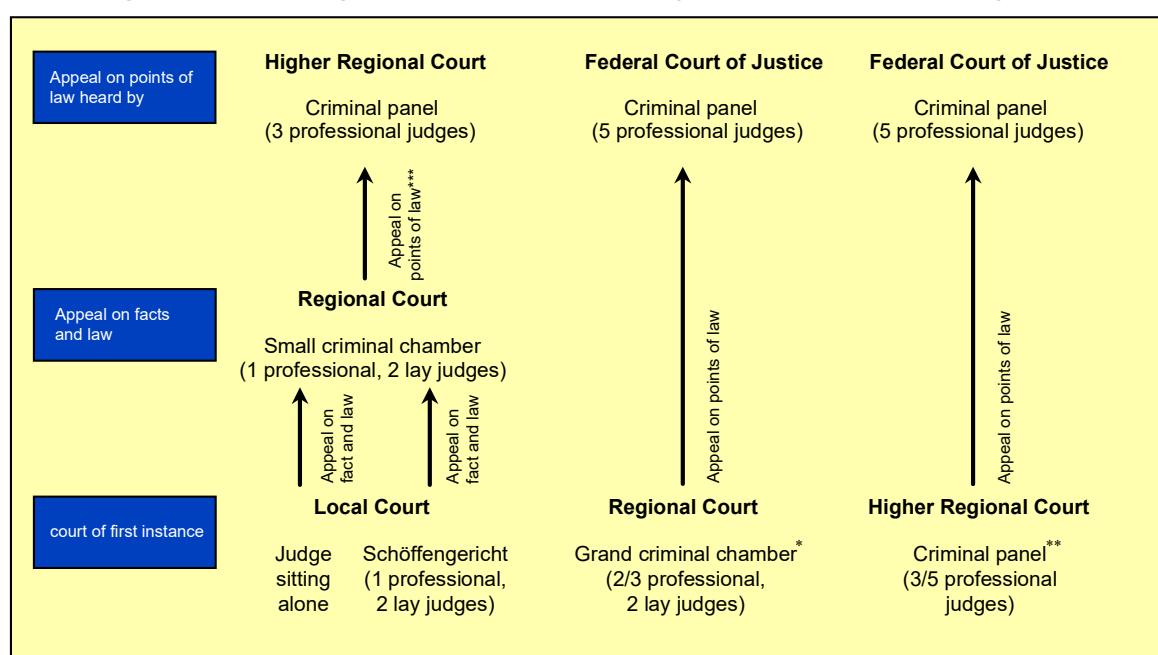
Appeals against judgements by the local court can be made to the Regional Court (Small Criminal Chamber), which will review the facts of the case. Instead of such an appeal (on the facts of the case), it is also possible to lodge an appeal with the Higher Regional Court on points of law regarding the 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. Other cases against juveniles and young adult offenders are 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 2022 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	366 990		
- Schöffengericht	36 663		
- Juvenile court judge	109 173		
- Jugendschöffengericht	29 053		
Regional court			
- Criminal division <sup>1</sup>		33 012	
- Grand criminal division <sup>2</sup>	11 330		
- Juvenile criminal division <sup>3</sup>	2 229	3 637	
Higher regional court	49		4 615
Federal Court of Justice			3 058

<sup>1</sup> Including Wirtschaftsstrafkammer (see diagram 11).

<sup>2</sup> Including Schwurgericht and Wirtschaftsstrafkammer (see diagram 11).

<sup>3</sup> Juvenile criminal division and grand juvenile criminal division.

Source: 2022 court business statistics, published by the Federal Statistical Office, Wiesbaden, tables 24221-01, 24221-11, 24221-24 and overview of the proceedings at the criminal panels of the Federal Court of Justice 2022, 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, in more serious cases together with the imposition of certain conditions.

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.

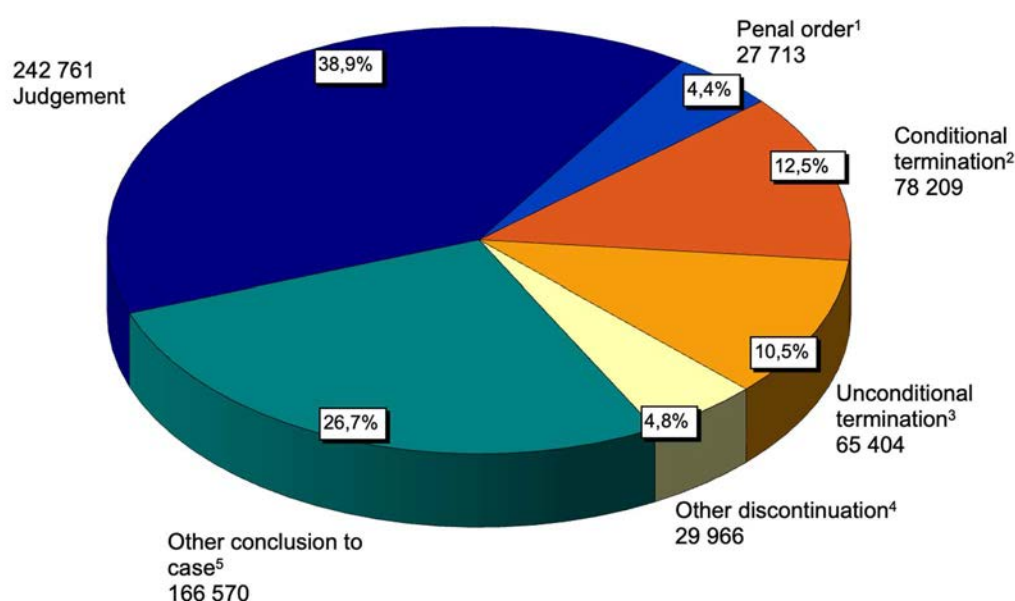
Besides the number of proceedings also the number of persons are counted. In order to create better comparability with the conviction statistics, the figures referring to persons are used here. However, it should be remembered that this means that these figures are then no longer comparable with the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

Cases involving approximately two of five of the accused (39 %) end in judgement after the main proceedings have been completed (diagram 12). 4 % 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 termination without a conviction; among them 10 % unconditionally and 12 % subject to imposition of conditions and directions.

Cases of more than 30 % of the accused end in other ways: for example, because of 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: Cases processed by the courts\*

Total number of accused: 624 666\*\*



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

\*\* Excluding administrative offences.

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

<sup>2</sup> Termination 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).

<sup>3</sup> E. g. termination because of insignificance of offence in accordance with § 153 section 2 StPO (n=29 692), or because it is an insignificant additional offence in accordance with § 154 section 2 StPO (n=27 652 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.

<sup>4</sup> E. g. discontinuation because of extradition, expulsion or absence of the accused; because of impediments to proceedings.

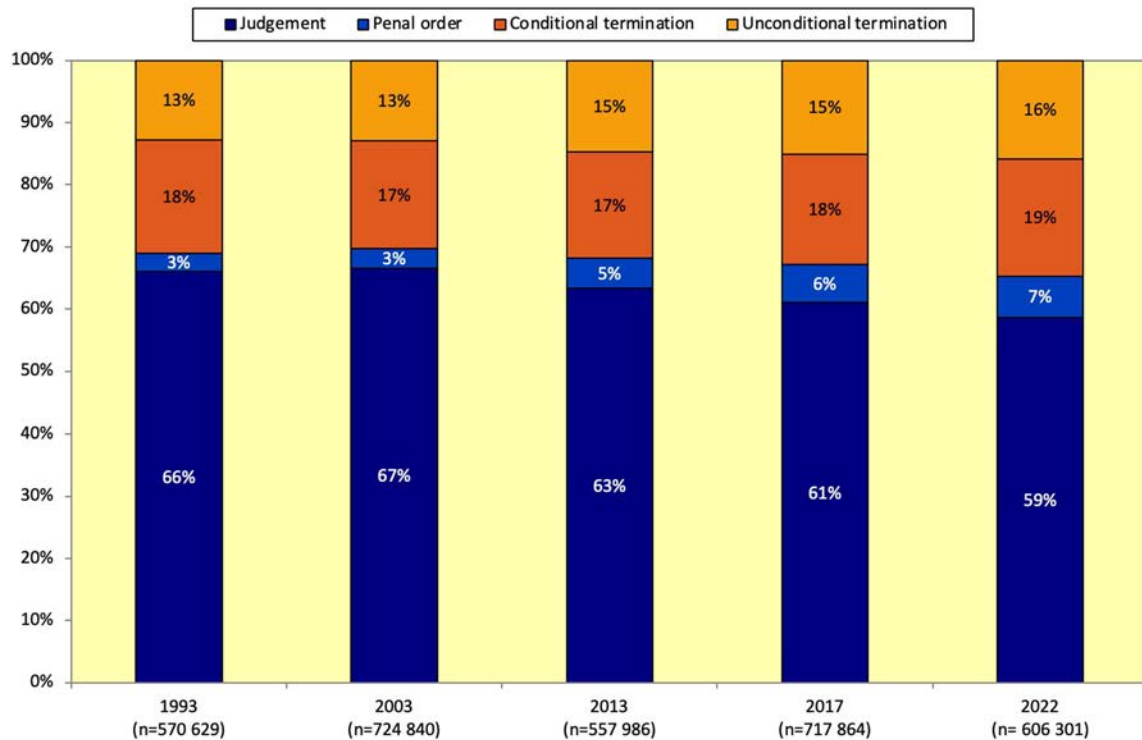
<sup>5</sup> E. g. combination with another case (n=71 749 cases), withdrawal of private charge/appeal (n=49 882 cases), reference to another court (n=3 630 cases), refusal to open main proceedings (n=2 361 cases)

Source: 2022 court business statistics, published by the Federal Statistical Office, Wiesbaden, table 24221-06 and 24221-16.

Diagram 13 shows how the structure of court decisions has changed during the last three 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 termination (but not other discontinuations or conclusion of the case). Whereas at the public prosecution level the proportion of informal ways to conclude proceedings have been increasing between 1993 and 2022 significantly (see above III.1., diagram 8), this occurs at court level only in a moderate way: The importance of court

decisions not ending in a conviction has been slightly growing (from 1993: 31 % to 2021: 35 %) and parallel to this the proportion of judgements has decreased from 67 to 59 %.

Diagram 13 – Type of court decision\*  
1993, 2003, 2013, 2017, 2022\*\*



\* Here only with judgements, penal orders, conditional and unconditional termination; without other conclusions to the case and other discontinuation (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, 2013, 2017 and 2022 Germany total

Source: Court business statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, Tab. 2.3 and 4.3, 2022 table 24221-06 and 24221-16; see table 13a in annex for absolute figures.

### 1.3 Length of proceedings

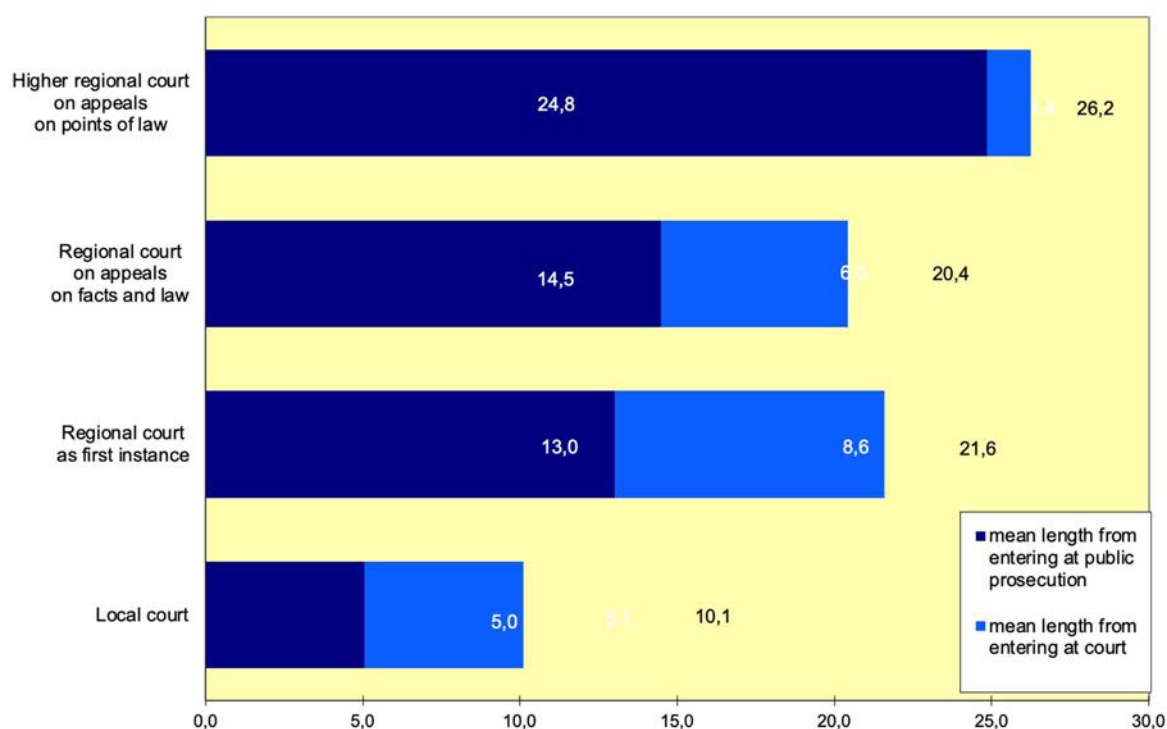
According to article 6 of the European Convention on Human Rights criminal proceedings have to be completed in reasonable time. The accelerated completion of criminal proceedings is necessitated by the interest of the defendant, in order to reduce the pressure on him as far as possible. But it is also 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 termination of proceedings.

Diagram 14: Length of proceedings\*



\* Mean length of proceedings in months: from incoming at the higher regional court 4 615 appeals on points of law were disposed of (without first instance proceedings); at the regional court 36 649 appeals on facts and law and 13 559 first instance proceedings, at the local court 558 208 first instance proceedings were disposed of. The statistics does not record all proceedings from the stage of public prosecution: 4 614 appeals to the higher regional court (without appeals in private charge proceedings); 36 552 appeals to the regional court (without private charge proceedings and without reopening of proceedings); 13 349 first instance proceedings at the regional court (without reopening of proceedings, subsequent and objective proceedings); 553 472 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).

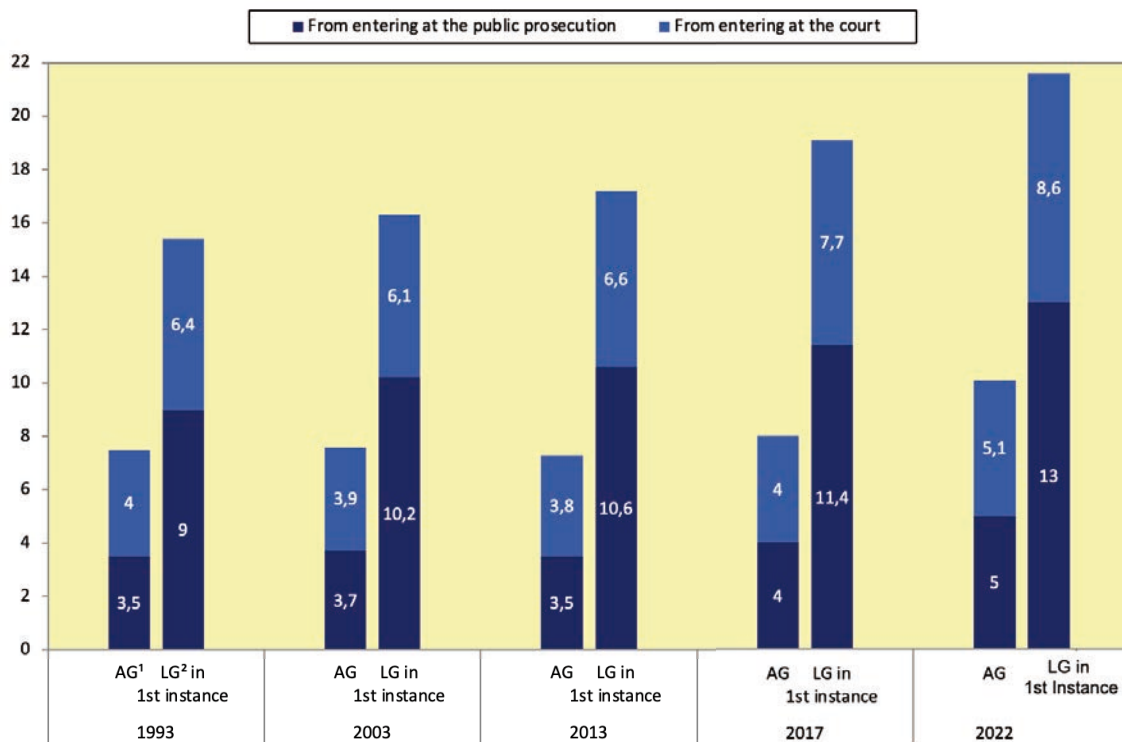
Source: 2022 court business statistics, published by the Federal Statistical Office, Wiesbaden, tables 24221-08, 24221-18, 24221-23 and 24221-35.

Naturally, proceedings before local courts take the shortest period of time: from entering at public prosecution service on average 10 months, at court level 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 21.6 months, at court level 8.6 months. Corresponding differences can be found in terms of appellate proceedings: If the court of appeal is a regional court proceeding take 20 months since entering at prosecution level including the period of time at first instance court, but 6 months at the court of appeal. These figures refer not only to judgements and terminations of proceedings, but also to revocations of the appeal. When the higher regional court acts as a court of appeal on points of law proceedings take 26.2 months from entering at prosecutorial level and thus including the previous court stages. From entering at the level of the higher regional court only 1.4 months are needed before the final court decision; this very short period is connected with the fact

that 88 % 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 three decades. The proportion given in the selected years 1993, 2003, 2013, 2017 and 2022 demonstrates significant changes (see diagram 15): As to criminal cases brought before local courts the length of proceedings has risen from 7.3 to 10.1 months. If the regional court acts as court of first instance a trend of extension can also be observed: The total length of proceedings from entering at prosecutorial level until the final court decision has risen from 15.4 in 1993 to 21.6 months in 2022; the length at court level, however, has only been extended by 2 months up to 8.6 months.

Diagram 15: Length of proceedings in months  
1993, 2003, 2013, 2017, 2022\*



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

<sup>1</sup> Amtsgericht (local court)

<sup>2</sup> Landgericht (regional court)

Source: Court business statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, until 2017 tables 2.5, 4.5, 5.5 and 8.4, 2022 tables 24221-08 and 24221-18; 1993 former (Western) Federal Republic, 2003 Germany total without dismissals according § 154 section 2 of StPO, 2013, 2017 and 2022 Germany total; see table 15a in annex for absolute figures.

## 2. Persons judged and sentenced by category of crime

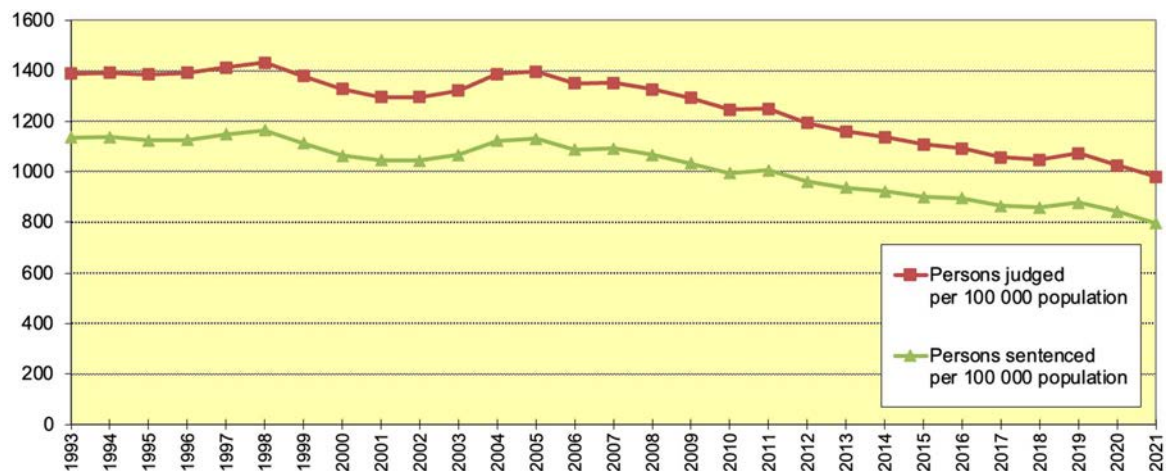
The conviction statistics (Strafverfolgungsstatistik) provide information about the numbers of sentences passed and penal sanctions. They count the number of persons. If several crimes by one person are treated in one set of proceedings, only the crime which can carry the heaviest punishment is counted. 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 termination 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 youth imprisonment, disciplinary measures or educative measures. There, besides court sentences the huge number of penal orders applied for by the public prosecutor and issued by the court are included. 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 1993-2021



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

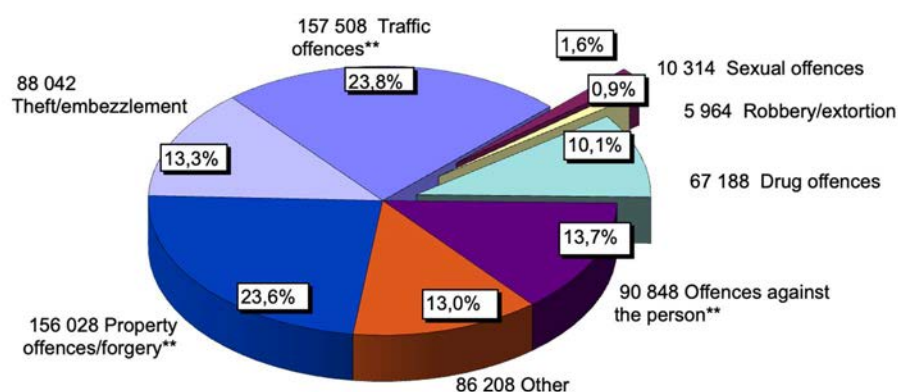
Source: Conviction statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden; see table 16a in annex for absolute figures.

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 years between 2008 and 2021 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 dispensing with prosecution (see above diagram 8). In 2021, the number of judged persons is 815 199; of which 666 559 are male and 148 638 are female (18.2 %). The rates of sentenced persons take a parallel course because their proportion of all persons judged has remained constantly about 80 %. In 2021 the number of sentenced

persons is 662 100, among them 238 665 non-German (29.3 %). This proportion corresponds to their percentage among suspects (see above II.3).

### Diagram 17: Sentences by category of crime\*

Total of persons sentenced: 662 100



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

\*\* Traffic 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/forgery include: §§ 257-261, 263-266b, 267-281, 283-305a StGB.

Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 2.1.

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. 24 % of all sentences in 2021 are for criminal traffic offences; 37 % 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 13 % of the total figure. The proportion of sexual offences is about 1.6 %; that of other offences against the person, e.g. insult, bodily injury or homicide, is 14 %; that of drugs offences is 10 %.

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.

### **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 to impose additional penalties, such as a driving ban as an ancillary penalty and/or a ban from holding public office. The most severe, but rarely imposed 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 reoffended, 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

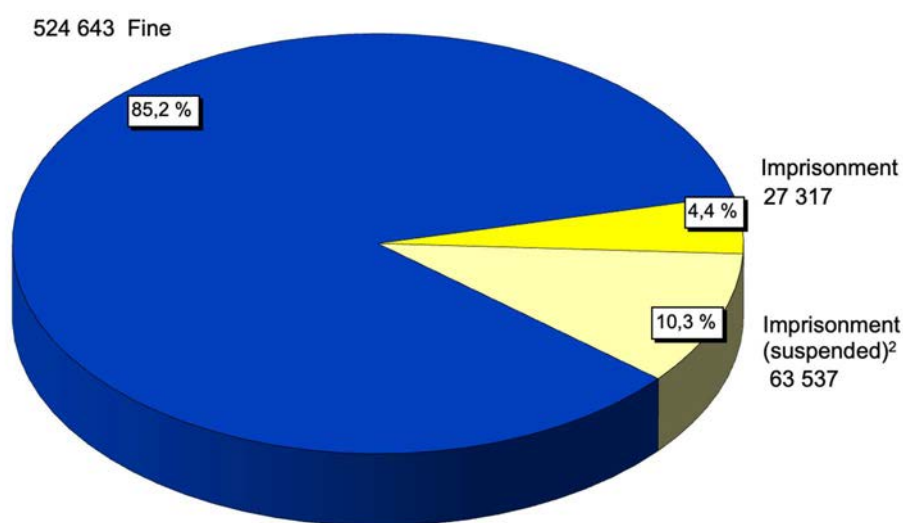
conduct, withdrawal of permission to drive, ban from the pursuit of certain occupations). Even if the person is acquitted due to lack of criminal responsibility, it may be possible for such measures to be imposed, e.g. he can under certain conditions be committed to a psychiatric hospital or an institution 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 615 500 adults are sentenced under general criminal law in 2021, 18 % of them are female. Easily the most frequent sentence imposed on adults is a fine, in 525 000 cases (or 85 % of the total); in the other cases a prison sentence or (veryrarely) military detention is imposed.

Roughly two-thirds of the 90 800 prison sentences or military detention are suspended on probation, i.e. 10 % (63 000) of all sentences result in the person receiving a suspended sentence and being placed on probation, and 4.4 % (27 000) are sent to prison without a suspension (diagram 18).

Diagram 18: Sanctions against adults\*

Total persons sentenced under general criminal law: 615 497



\* Only the most severe punishment in each case.

<sup>1</sup> Military detention included (n=2).

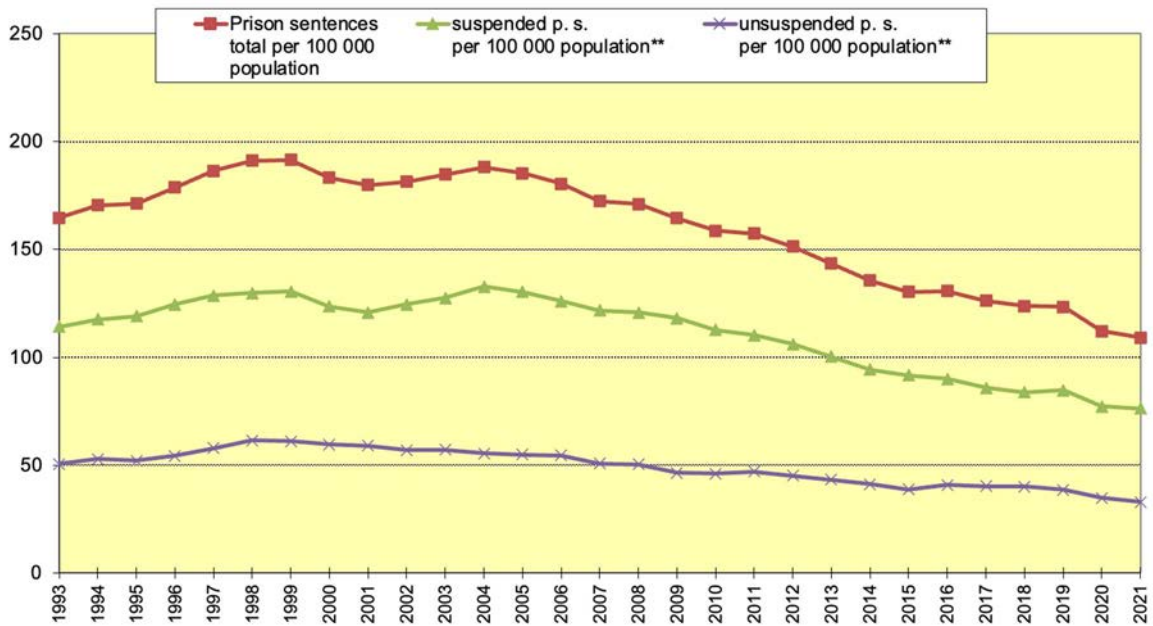
<sup>2</sup> Military detention included (n=10).

Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 2.3 and 3.1.

### 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 three 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 (with the exception of 2016). Suspended prison sentences take a similar course; their proportion of all prison sentences is relatively stable and amounts to two third.

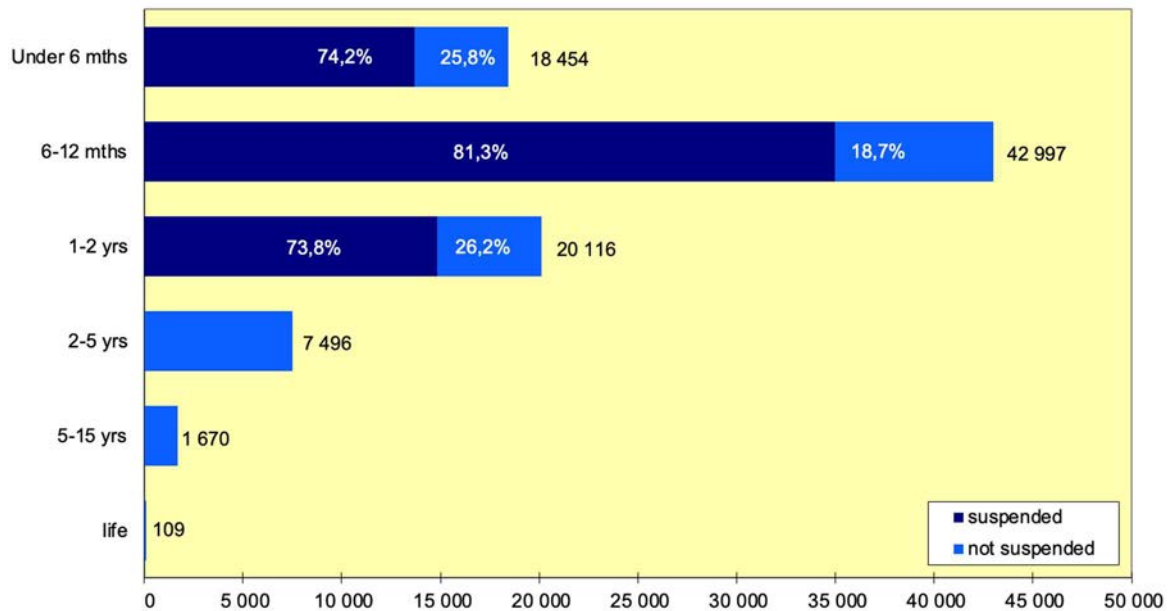
Diagram 19: Prison sentences 1993-2021



\* 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.

Diagram 20: Length of prison sentence (adults)



Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 3.1.

With regard to the length of the prison sentences, most are under 12 months. About 20 % refer to short sentences of under 6 months and about 47 % are between 6 and under 12 months. 22 % 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 (more

than four fifths), but it is still about three quarters (74 %) for terms between 1 and 2 years. Prison sentences for terms of over two years cannot be suspended, they make up 10 %. In 1.8 % the prison term is over five years. 0.1 % of prison sentences are to life imprisonment (diagram 20).

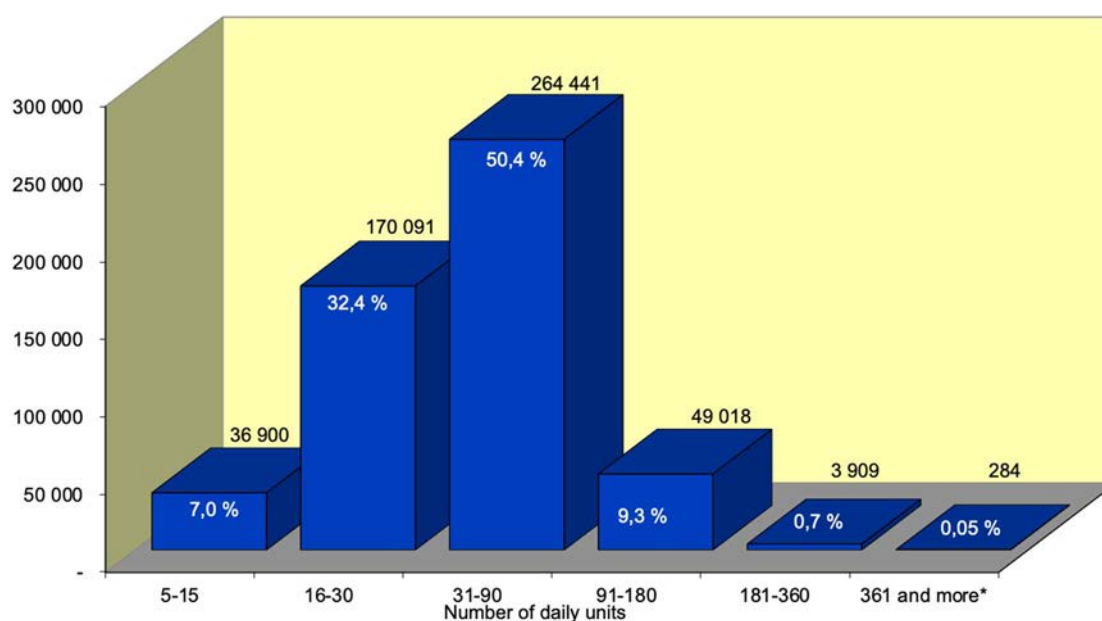
### 3.3 Fines

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.

Diagram 21: Fines - number of daily units

Total number of fines: 524 643



\* Only up to 360 daily units as an independent sanction; higher levels only where it forms part of a package of sanctions. Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 3.3.

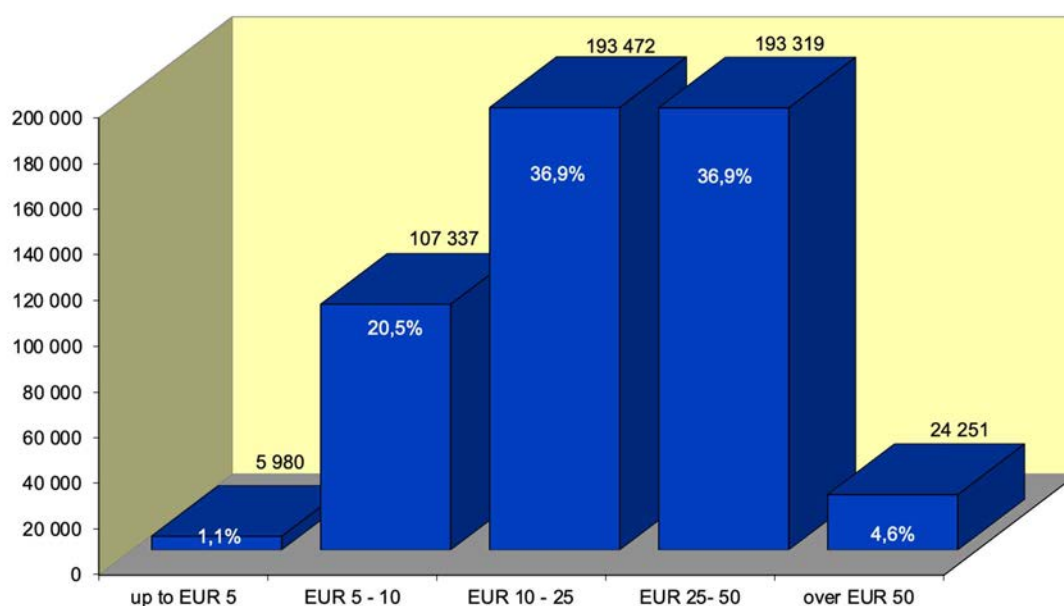


Fines are not suspended. However, in the case of fines of up to 180 daily units a caution can be issued: the court finds the person guilty, cautions him, stipulates a fine and reserves the right to impose the fine during a period of probation. This approach is rarely taken in practice. These 6 133 cases are not included in the figures below. Nor are 138 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.

39 % of the 520 000 fines imposed are of up to 30 daily units and almost half of them are of between 31 and 90 daily units each. In about 10 % of the cases, the number of units exceeded 90, and only 0.7 % of fines were for more than 180 daily units (diagram 21).

Diagram 22: Fines - level of daily units

Total: 524 359\*



\* Excluding the 284 cases with 361 or more daily units.

Source: 2021 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. Only 1 % of fines are at a rate of EUR 5, a bit more than one fifth between EUR 5 and 10, and more than one third between EUR 10 and as well as 25 and 50 and 4 % of those sentenced to a fine pay a daily unit of more than EUR 50 (diagram 22).

### 3.4 Other measures and additional sanctions

The main additional sanctions consist of driving bans and confiscation. A driving ban of from one up to six months can be imposed if the crime for which the person was sentenced was related to the driving of a vehicle. Since 2017 a driving ban as an ancillary penalty (besides a fine or a prison sentence) can also be imposed in terms of other offences which are not traffic-related if the imposition is needed for reasons of general prevention or if it makes the imposition or execution of a prison sentence dispensable. In the case of

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 criminal responsibility 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 disqualification from driving, i.e. withdrawal of permission to drive (86 600 in 2021, see table 7). Unlike a driving ban, which is intended to serve as a short-term warning for 6 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 of 6 months up to 5 years 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.

Table 7: Other measures and additional sanctions

	Total Crimes	Excluding motoring offences
Driving ban	29 572	5 672*
Confiscation	106 517	105 053
Measures to reform offender / protect public		
- Disqualification from driving	86 607	8 828*
- Placement in psychiatric hospital	1 138	1 130
- Placement in addiction treatment facility	3 559	3 493
- Incapacitation order	44	44
- Supervision of conduct <sup>1</sup>	43	43
- Disqualification from exercising profession	165	165

\* 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.

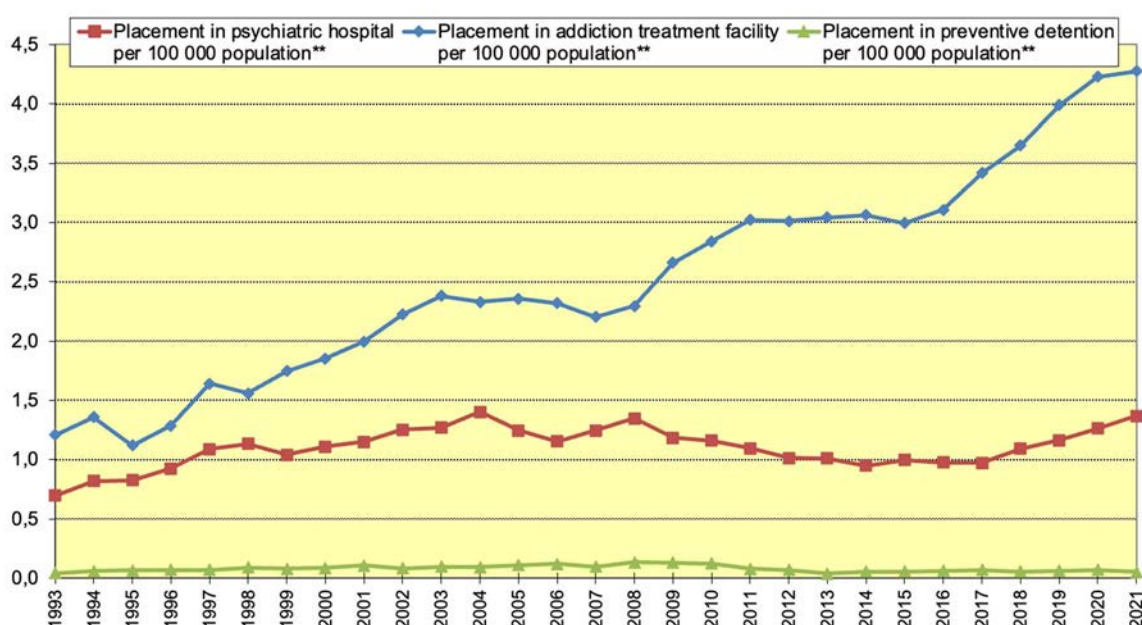
<sup>1</sup> Only supervision of conduct ordered by court; the figure omits supervision of conduct in relation to the suspension of measures to reform offender/protect public or referring to released prisoners.

Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 5.1.

Other measures of rehabilitation and incapacitation, involving a stay in a custodial institution for treatment, are imposed more rarely. The most frequent such measure (3 500 cases) is to place addicted offenders in a facility for addiction treatment; in 1 100 cases, mentally disturbed offenders are placed in psychiatric hospitals. 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 (placement in preventive detention). It is only imposed in 44 cases (table 7). If the sentencing court has deferred this placement together with the imposition of a prison sentence, it can be imposed later during the execution of the prison sentence. A subsequent detention can be imposed on dangerous persons who were committed to a psychiatric hospital and had to be released because they were no longer mentally disturbed.

The present figures of custodial measures of rehabilitation and incapacitation are at the end of a remarkable development during the last three 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 placement in psychiatric hospital and the placement in addiction treatment facility demonstrate an almost continuous rise in the first decade; since then, the development is not uniform: Whereas placements in psychiatric hospital have decreased initially and have been rising again only since 2017, placements in addiction treatment facilities have tremendously increased since 2007; as a consequence, they have more than tripled since 1993.

Diagram 23: Order of custodial measures  
per 100 000 population 1993-2021\*



\* 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.

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.

Placements in preventive detention 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 (2021:  $n=44$ ). The initial rise of the numbers was certainly connected with legal changes in terms of broadening the application of incapacitation order; in contrast, the decrease since 2010 has occurred parallel to a ruling of the Federal Constitutional Court and a legislation which restricted the prerequisites for this measure.

#### 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 youth criminal law the criminal justice system aims to educate the offender and provides for special sanctions: firstly, educative and disciplinary measures

and, secondly, youth penalty, i.e. 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 youth 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 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 penalty, i.e. 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, community service) and detention, which can range from a weekend to up to four weeks. Educative and disciplinary measures can be imposed simultaneously.

Youth penalty is the only real criminal punishment available under the Youth Courts Act (JGG); it means the deprivation of liberty in a facility for its execution (youth imprisonment). 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. As an exception, young adults can be sentenced to max. 15 years of youth imprisonment in case of murder and a particular gravity of guilt. If a young adult commits a crime with the provision of lifelong imprisonment in general criminal law the maximum prison sentence is a 15 year 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 gain 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 1 611 cases in which the decision on whether to impose a sentence of youth imprisonment was suspended in this way (in accordance with § 27 JGG).

With the approval of the court in accordance with § 45 section 3 JGG the public prosecutor can dispense with prosecution and the youth court itself can terminate the proceedings in accordance with § 47 JGG. These decisions taken by the court or with the approval of the court, can 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. Furthermore, in accordance with § 45 sections 1 and 2 JGG, the public prosecution office can itself decide to dispense with prosecution without referring to the court.

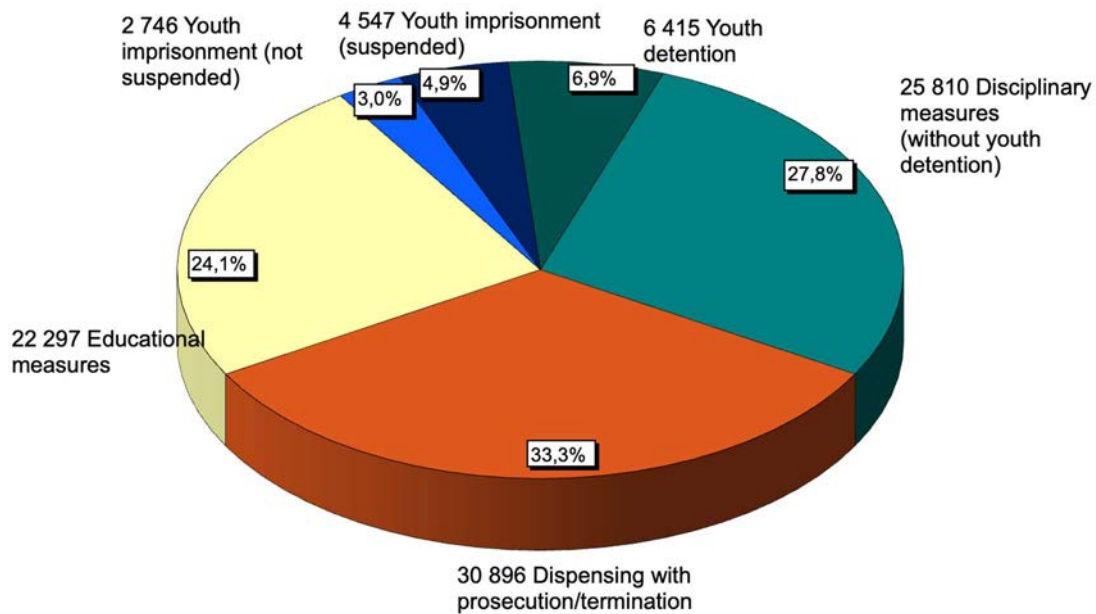
In 2021, 46 603 persons are convicted under youth criminal law (table 24a in annex); among them 25 140 young adults. On the other hand, only 15 915 (39 %) of young adults are convicted according to the general criminal law (Strafverfolgungsstatistik 2021, table 2.1), i.e. the majority of them is dealt with according to youth criminal law. Most of the juvenile and young adult offenders (dealt with under Youth Courts Act) are male (juveniles: 17 952, 83.6 %; young adults: 22 062, 87.8 %); only a small minority is female (Strafverfolgungsstatistik 2021, table 4.2.).

The conviction statistics records sanctions and measures according to youth criminal law in two different ways: On the one hand, it counts persons with their most severe sanction (2021: n=46 603), and on the other, it counts sanctions because especially educational and disciplinary measures can be combined. If one refers to persons and their most severe sanction disciplinary measures are imposed most frequently (31 595 in 2021, see table 25a in annex). The juvenile detention as the hardest form of disciplinary measures affects 6 415 cases, i.e. 13.7 % of the convicted persons. 7 715 persons are affected by educational measures, mostly instructions. 7 293 persons are sentenced to youth imprisonment, with suspension 10 %, without suspension 6 % of the convicted persons. Almost one half (43 %) of the youth prison sentences is between 6 months and 1 year, 41 % between 1 year and 2 years, 15 % between 2 and 5 years and only 0.7 % between 5 and 10 years (see table 24a in annex).

Diagram 24 provides an overview of the sanctions imposed in the juvenile criminal justice system, including cases dealt with in accordance with § 45 section 3 and § 47 of the Act on Juvenile Courts. But it has to be considered that here not only data for the most severe sanction, but all sanctions and measures imposed on one convicted person are counted. It is obvious that disciplinary and educational measures are often combined with each other. Therefore, the number of measures are higher than the number of persons.

In just under 30 000 cases the public prosecution office dispenses with prosecution with the approval of the court in accordance with § 45 section 3 JGG or the youth courts themselves terminate proceedings in accordance with § 47 JGG, without a sentence being passed following main proceedings. However, the conviction statistics do not include the many cases concluded by the public prosecution office without the involvement of the court in accordance with § 45 section 1 or 2 JGG. These decisions amount to 70 227 decisions according to § 45 section 1 JGG and 53 454 decisions according to § 45 section 2 JGG (see table 26a in annex).

Diagram 24: Sanctions under youth criminal law\*



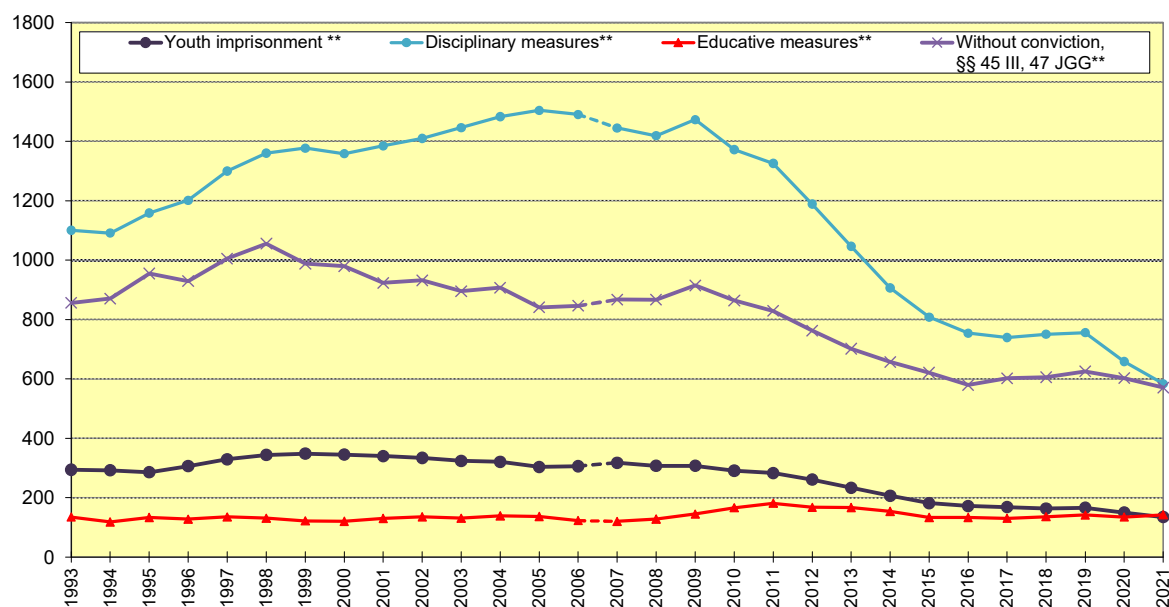
\* Sanctions and measures altogether: 92 711; even if they were combined with other measures. So the sum of measures is bigger than the number of persons concerned.

\*\* According to § 45 section 3 and § 47 of the Youth Courts Acts.

Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden; see table 24a in annex for absolute figures.

Diagram 25 and table 25a (in annex) show the rates per 100 000 of juvenile and young adult population for sanctions under Youth Courts Act; from 1993 to 2021 the development of certain measures was different: Whilst the disciplinary measures were initially growing and remarkably decreasing since 2009, youth imprisonment and dispensing with prosecution or terminating proceedings according to §§ 45 section 3, 47 JGG rose only until the end of the 1990s, but have declined step by step since then. From 2007 on the rates for the whole of Germany are provided; at the same time a remarkable decrease of all youth 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 was 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 2009 to 1 432 in 2021. Thus, considerably less young persons appear before a criminal court meanwhile.

Diagram 25:  
Sanctions under youth criminal law per 100 000 population  
1993-2021\*



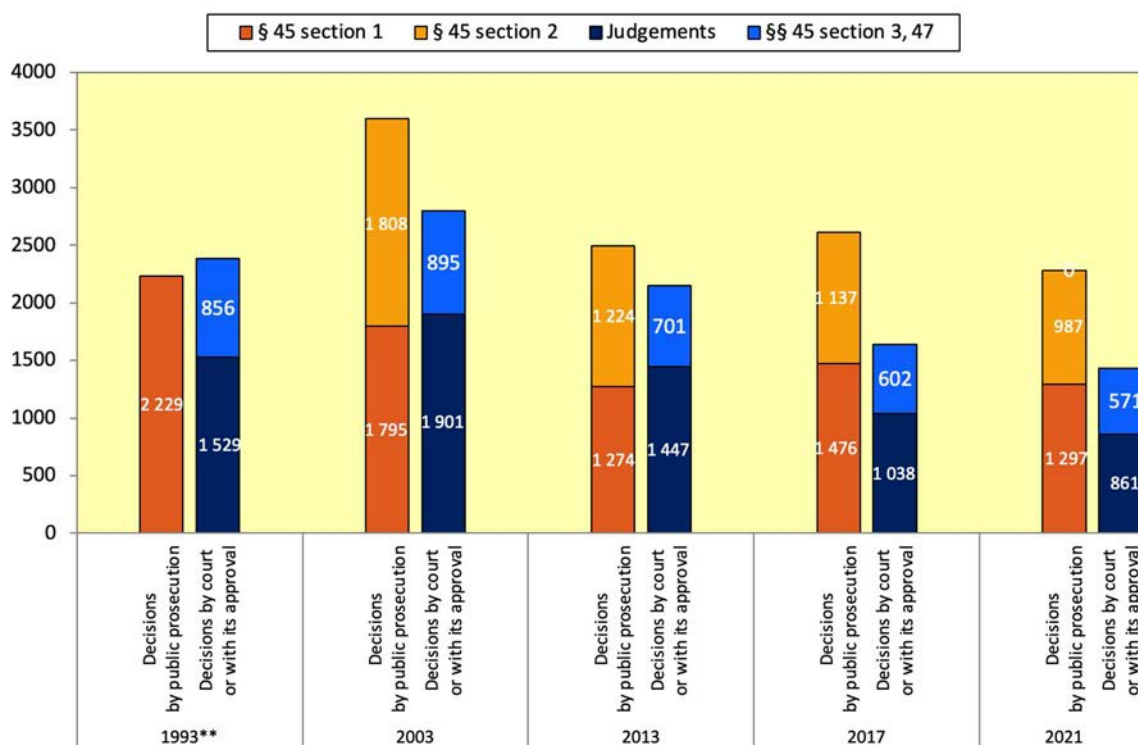
\* Until 1994 former (Western) Federal Republic, from 1995 to 2006 former (Western) Federal Republic and whole of Berlin; from 2007 Germany total; per 100 000 juvenile and young adult population.

\*\* 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.

The public prosecution service has the sole responsibility for dispensing from prosecution 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, 2017 and 2021: The majority of petty offences is answered by prosecutorial diversion, i.e. dispensing from prosecution according to § 45 sections 1 and 2 JGG. Furthermore, their importance has relatively grown during the last three decades: In 2003, 2013, 2017 and 2021 youth criminal proceedings were more frequently ended by the public prosecutor solely than by the court through a judgement or termination of the proceedings. This demonstrates at the same time that youth criminal offences are mainly of minor seriousness.

Diagram 26: Judgements and other concluding decisions according to Youth Courts Act per 100 000 population\*



\* 1993 former (Western) Federal Republic including the whole of Berlin, 2003, 2013, 2017 and 2021 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.

## 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 or mitigate 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 special 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 Hartmann, Schmidt and Kerner, ed. by the Federal Ministry of Justice, Berlin 2021), collected and prepared by a research group, which recently published statistics for 2019 and 2020. 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 68 (resp. 71) reporting *institutions* the majority are independent although the participating youth protection offices and judicial social services are likely to be under-represented. Approximately four fifths of the institutions involved are specialised in TOA; 46 % only dealing with juveniles and young adults, one fifth with adults only and 35 % 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 6 792 in 2020, thus six times multiplied.

TOA is usually initiated in the pre-trial stage (86 % of cases in 2020) with the prosecution service playing the decisive role: In three of four cases they initiate the TOA and they order its execution.

The *offences* affected are mainly bodily injury (54 % in 2020), criminal damage (12 %), insults (17 %), offences against personal freedom (12 %), property crimes, fraud and forgery (in total 17 %) whereas robbery (2 %) plays 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; the proportion of non-Germans is 31 %. As far as data on the type of damage are available bodily harm (43 %) is outweighing material (30 %) and psychological (27 %) damage. Also, the *accused* males are dominant (75 %); the proportion of non-German accused persons is 31 %. As to the age two third of the accused and almost two third of the injured parties are adults with an emphasis on the 21 to 40 years old.

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 (72 %) than on side of the perpetrators (80 %).

The *settlement discussion* between perpetrator and victim is central to the TOA concept; in almost one third of the cases this takes place in the presence of a mediator (2020: 33 %). 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 or between the injured party and the perpetrator (44 %). More rarely the mediation is rejected by one of the parties or there are other obstacles (16 %).

If a compensation attempt is made it usually leads to a positive *result*: In 84 % of cases an agreement is reached which satisfies both parties and is carried out: in a further 3 % of cases a partial settlement agreement is reached. Only in 12 % 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 – 2020

	2019 in %	2020 in %
Apology	63,9	61,7
Agreement on a certain behaviour	31,8	29,7
Damages	25,7	29,4
Compensation for pain and suffering	10,5	10,5
Work for the victim	4,2	3,6
Present	3,3	3,1
Restitution	1,7	2,1
Common activity with the victim	1,0	1,2
Other	7,4	9,7
No action agreed	9,8	9,9

\* It is possible to agree that more than one action be carried; therefore the total exceeds 100 %.  
Source: Hartmann/Schmidt/Kerner, Täter-Opfer-Ausgleich in Deutschland, Berlin 2021, p. 64; 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). The action agreements are mostly fulfilled (2020: 90 %); in 9 % the action has not been completed and in 1 % it was insufficient. If the TOA-institution views the settlement attempt as completed, it will inform the prosecution service or, where relevant, the court of this. As to the judicial responses a completed victim-offender mediation mostly results in a dismissal by the public prosecutor (2020: 84 %) or by the court (8 %); only rarely it comes to a penal order or a court sentence (7 %).

## V. Probation and Supervision of Conduct

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 Youth Courts Act (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 youth 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 ordering placement in a psychiatric hospital or a facility of addiction treatment is suspended or when continuing accommodation there is suspended, when a preventive detention 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.

Until 2011 data on the probation service and – still earlier – on supervision of conduct were kept in probation statistics which ended then. Insofar one has to refer to a different data source, the nationwide reconviction study which is based on data from the Federal Register of Criminal Records (see below VII). The most recent data wave (Jehle et al., *Legalbewährung nach strafrechtlichen Sanktionen. 2016-2019 and 2010-2019*, to be published in spring 2024) refers to persons who were convicted in 2016 or dealt with by a diversionary measure according to youth criminal law or released from prison or an inpatient measure and whose further legal conduct was observed until 2019.

Differently from the former probation statistics the data do not refer to the yearly ended supervision of the probation service. Instead, all persons are counted who were subject to a court decision on the suspension of a prison sentence or the remainder of a prison term both according to general criminal law and juvenile criminal law and on the supervision of conduct by the probation service. Thus, the yearly input to the probation service can be recorded. As the control of the persons concerned usually takes several years the stock of probationers is much higher but cannot be registered.

Concerning prison sentences, it is recorded whether the execution of the sentence has been suspended and, if so, the supervision by the probation service has been ordered. In the data set of the Federal Register, one finds 97 477 persons sentenced to prison sentences up to 2 years of which 73 519 are suspended – a rate of 75.4 %. But the suspension rate varies according to the length: The prison sentences of more than one year are suspended a bit more rarely (see table 9a). On average, 43.5 % of the decisions on suspension are combined with an order of supervision by the probation service. The vast majority of probationers is male (27 450 compared to 4 552 (14.2 %) female) and German (25 977 compared to 5 968 (18.6 %) non-German.

Table 9a: Suspension of prison sentences and supervision by probation service 2016

	(1) prison sentences total	(2) of which suspended	Rate of suspension (2 / 1)	(3) of which supervision	Rate of supervision (3 / 2)
up to 6 months	41 951	31 229	74 %	13 903	45%
6-9 months	18 499	14 558	79 %	6 057	42%
9 months- 1 year	16 006	12 671	79 %	5 050	40%
1-2 years	21 021	15 061	72 %	6 992	46%
Men*	85 528	63 446	74 %	27 450	43%
Women	11 946	10 070	84 %	4 552	45%
German**	68 473	52 093	76 %	25 977	50%
Non-German	28 786	21 266	74 %	5 968	28%

\* 3 cases of unknown sex are missing.

\*\* 1 105 cases of unknown nationality are missing.

Total: 97 477

Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section 8.2.

Table 9b: Suspension of youth prison sentences

	(1) Youth prison sentences total	(2) of which suspended	Rate of suspension (2 / 1)
6 months	1 164	1 046	90 %
over 6-9 months	1 676	1 368	82 %
9 months- 1 year	2 087	1 497	72 %
1-2 years	3 865	2 071	54 %
Men	8 064	5 430	67 %
Women	728	552	76 %
German*	6 152	4 277	70 %
Non-German	2 609	1 684	65 %

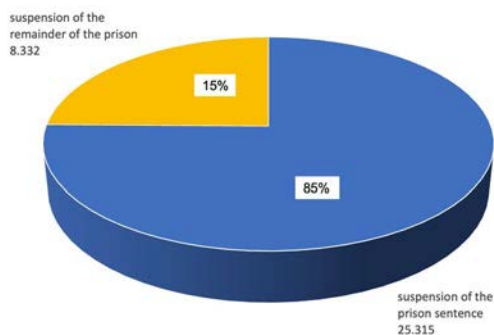
\* 117 cases of unknown nationality are missing.

Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section B 8.2.

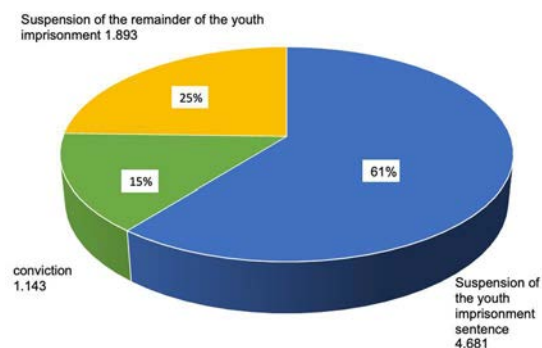
In the Federal Register one finds 8 792 persons sentenced to a youth prison sentence up to two years of which 5 982 are suspended – a rate of 68 %. The suspension rate varies according to the length: The sentences more than one year are suspended more rarely (table 9b). As the supervision by the probation service is obligatory under Youth Courts Act, all persons with suspended sentences become probationers. These are mostly male (5 430 compared to 552 (9.2 %) female) and German 4 277 compared to 1 684 (28.1 %) non-German).

Diagram 27a: Reasons for supervision by probation service – 2016

Probationers under general criminal law



Probationers under youth criminal law

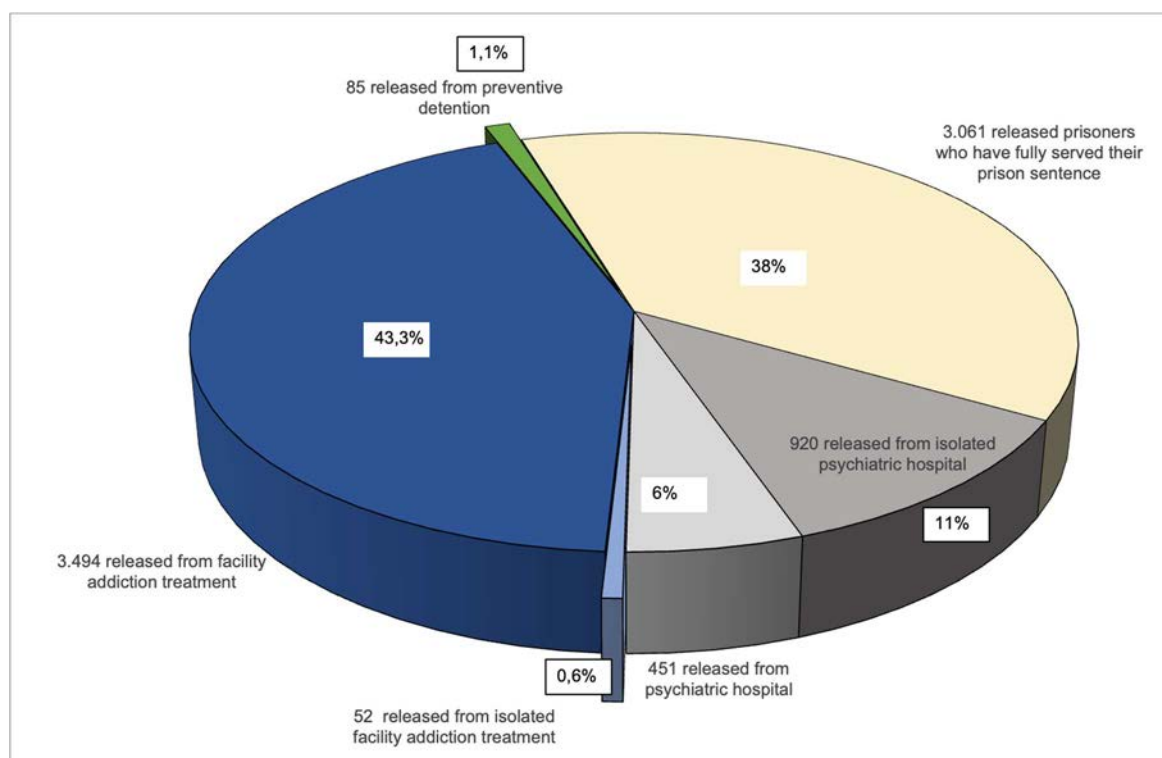


Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section B.8.2.

Besides probationers with suspended (youth) prison sentences there are other probationers whose supervision has been ordered in the context of an early release, i.e. when the execution of the remainder of the prison term has been suspended under general criminal law, §§ 57, 57a StGB, or under youth criminal law, § 88 JGG. In the data set of the Federal Register, they count for 15 % (n=8 332) of the probationers under general criminal law and for 25 % (n=1 893) under youth criminal law. Diagram 27a presents an overview of the probationers and reflects the input to the probation service. In total, probationers under youth criminal law count for a bit more than one fifth of all probationers. Besides the convicted youth and young adults sentenced to a youth imprisonment sentence, there are young probationers who have been only convicted, but a sentence has not been fixed yet. 1 143 (15 %) of the young probationers are concerned by this special form of a verdict combined with the supervision by the probation service (§ 27 JGG).

The probation service is not only responsible for probationers with suspended prison sentences, but also for persons who are subject to a special supervision of conduct (Führungsaufsicht). These are recorded in the Federal Register as well. Figure 27b demonstrates the persons placed under supervision of conduct in 2016; the number presents the yearly input to the probation service. As the ordinary length of supervision is 5 years the stock of supervised is much higher but cannot be recorded.

Diagram 27b: Persons placed under supervision of conduct 2016



Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section B 8.2.

One big group (38 %) consists of prisoners who have fully served their prison sentence of at least two years or – because of sexual offences – of one year. A bit bigger (43.3 %) is the group of persons released from a addiction treatment facility; almost all of them have been sentenced to a prison sentence, in parallel; only very few have undergone an isolated addiction treatment (without a parallel prison sentence because of lacking criminal responsibility). But placement in psychiatric hospital is typically imposed isolated (11 % of the persons placed under supervision), only a minority (6 %) has been sentenced to a prison sentence, in parallel. The group of persons released from preventive detention is very small (1.1 %). There are a few other cases where the court orders a supervision because of special offences, but they are not considered here.

## 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) and - as an exemption - those in custody awaiting deportation (mostly they are not 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 31.03.2022, about 56 000 people were imprisoned (in 180 penal institutions as the most recent figures from 2018), 80 % in single and 20 % in shared rooms respectively (table 10).

Table 10: Penal institutions: capacity and actual population\*

	Number
Capacity	72 273
of which: - Single rooms <sup>1</sup>	53 995
- Shared rooms <sup>1</sup>	18 278
Actual population	55 890
of which: - Single rooms <sup>1</sup>	44 962
- Shared rooms <sup>1</sup>	10 928

\* excluding those temporarily absent (n=1 566) on the 31.03.2022

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

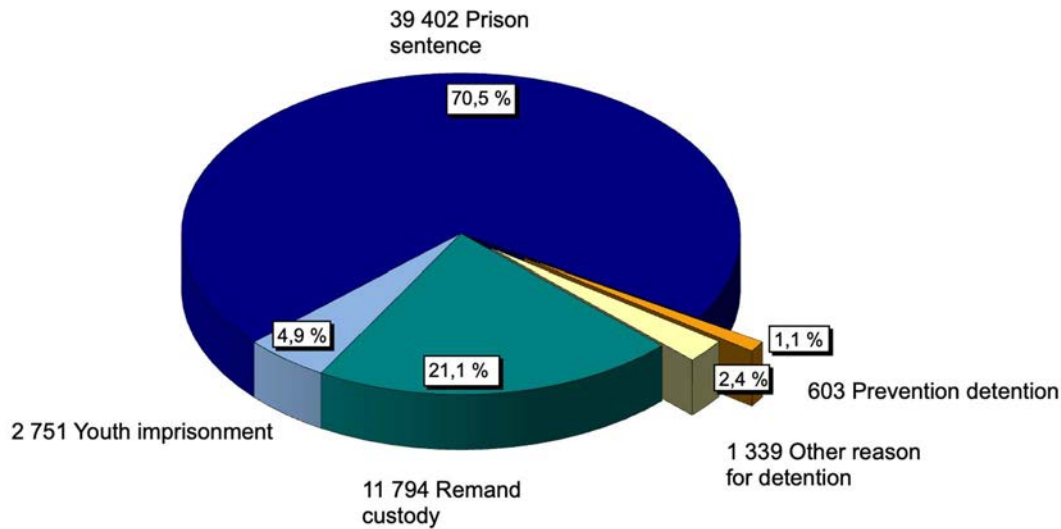
Source: 2022 prison statistics, published by the Federal Statistical Office Wiesbaden, Current Number of Prisoners and Detainees, fixed date 31.03.

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 1 566 persons, i.e. 2.8 % of occupied places on this fixed date.



Diagram 29: Nature of imprisonment

Total prison population: 55 890\*



\* Excluding those temporarily absent (n=1 566) on the 31.03.2022.

Source: 2022 prison statistics, published by the Federal Statistical Office Wiesbaden, Current Number of Prisoners and Detainees, fixed date 31.03.

75 % of the people in prison are serving a prison sentence or a youth imprisonment; approx. 21 % are in remand custody. Prisoners detained for other reasons, e.g. under civil law (diagram 29 and table 11), account for 2 % of the prison population. The number of those placed in preventive detention is small (1.1 %). Women account for a small proportion of the prison population: 94 % of inmates are male.

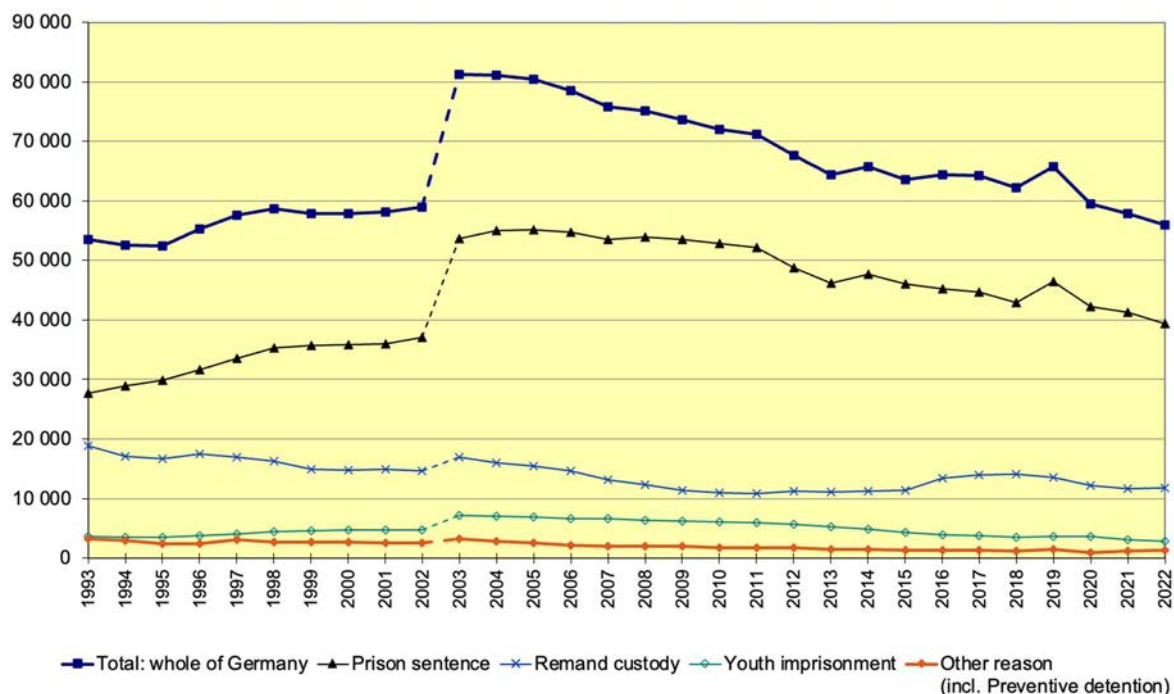
Table 11: Scale and nature of imprisonment\*

Nature of imprisonment	Total	Male	Female
Total	55 890	52 793	3 097
Remand custody	11 794	11 210	584
Youth imprisonment	2 751	2 646	105
Prison sentences	39 402	37 067	2 335
Prevention detention	603	601	2
Other reason	1 339	1 268	71
of which: - Military detention	0	0	0
of which: - Awaiting deportation	94	90	4

\* Excluding those temporarily absent (n=1 566) on the 31.03.2022.

Source: Prison statistics 2022, published by the Federal Statistical Office Wiesbaden, Current Number of Prisoners and Detainees, fixed date 31.03.

Diagram 30: Number of prisoners by nature of imprisonment\* – 1993-2022



\* Counted on the fixed date 31.12.07 until 2002; 31.03. thereafter; excluding those temporarily absent (on the 31.03.22 n=1 566 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 permanently went down since 2003 (with the exception of 2019). This is also true for the subgroups of persons serving prison sentences and youth imprisonment. Figures of remand custody were growing between 2016 and 2019 but have slightly declined since then.

## 2. Prisoners: Age and Nationality

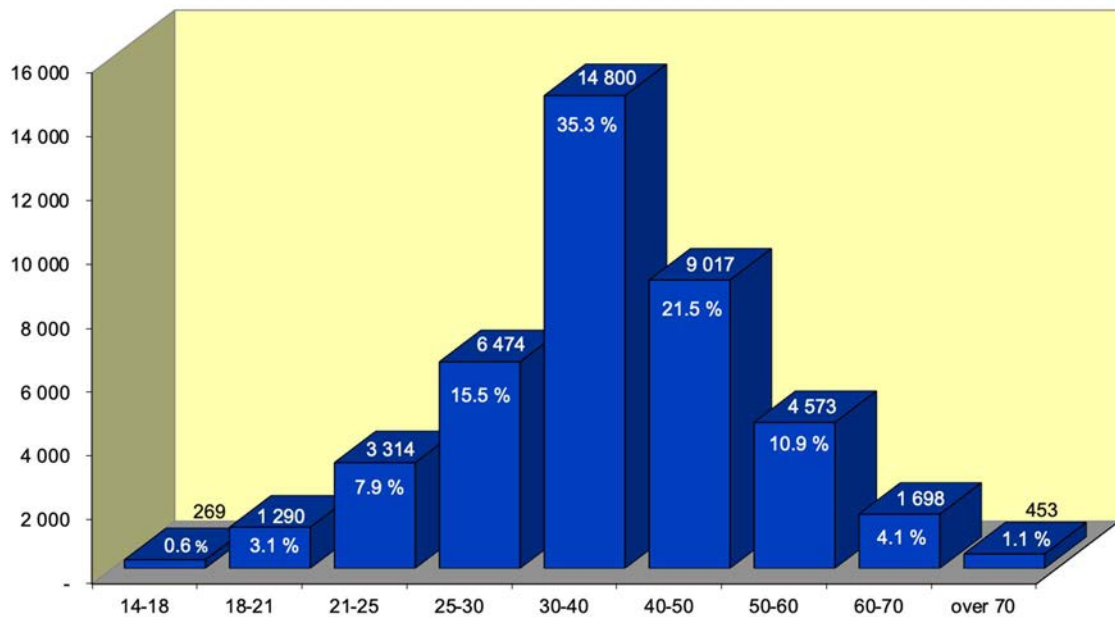
The following figures only refer to persons serving a prison or youth imprisonment sentence and persons detained for incapacitation.

Among the total of 41 888 prisoners 14 497 (34.1 %) do not have the German nationality. This percentage of foreigners roughly corresponds to their proportion among convicted persons (see above IV.2.) and suspects (see above II.3.). About two third of the foreign prisoners come from Europe (4 369 from EU countries and 4 160 from other European countries).

Diagram 31 shows that 59 % of prisoners are aged between 21 and 40. Almost 4 % of prisoners are juveniles and young adults. 16 % of prisoners are over 50, and only 5 % over 60.

Diagram 31: Prisoners by age

Total number of prisoners: 41 888

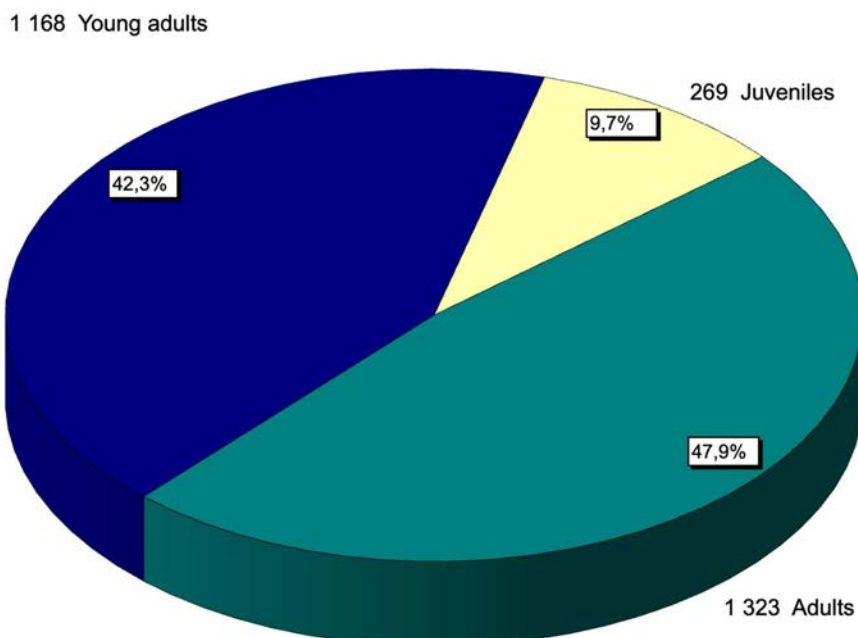


Source: 2022 prison statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 4.1), table 3.1; fixed date 31.03.

With regard to the inmates in youth imprisonment, it is noticeable that only 10 % of inmates are aged under 18, 42 % are young adults, and 48 % adults over 20 (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 the date when the crime was committed is decisive whether the offender is dealt with by the juvenile criminal justice system, people aged over 21 can also be sentenced to youth imprisonment. Only after the prisoner is aged over 24 the youth imprisonment sentence has to be served in an adult prison facility obligatorily.

Diagram 32: Inmates in youth imprisonment\*

Total: 2 760



\* Including adult prisoners housed in a juvenile prison.

Source: 2022 prison statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 4.1), table 3.1; fixed date 31.03.

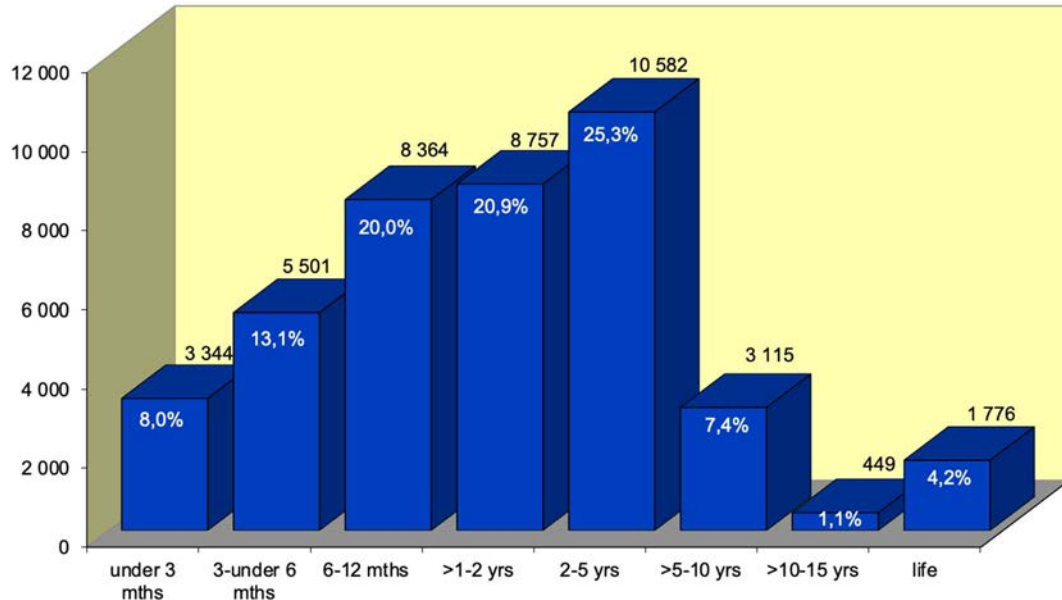
### 3. Prospective length of imprisonment

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 prison sentence minus remand custody. They do not consider early release, e.g. after the remainder of the sentence has been suspended or after a pardon.

According to the statistics, 21 % 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 months is almost just as high, 21 %. 13 % 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: 41 888



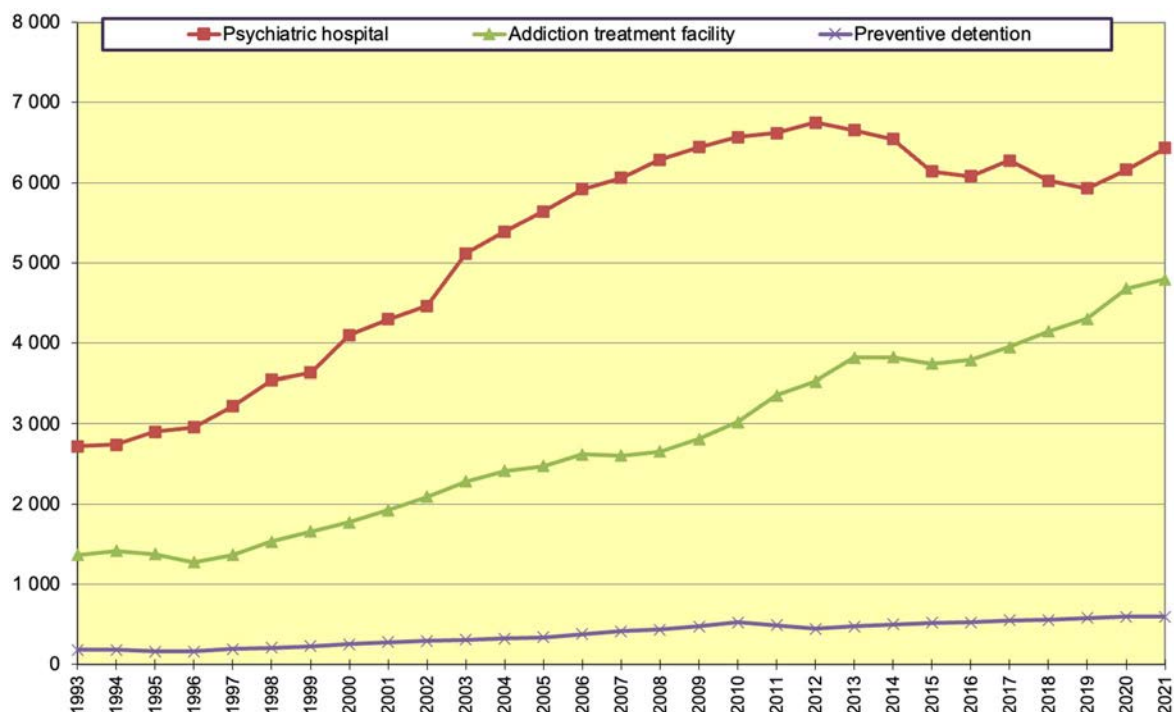
\* Sentence imposed minus deductible remand custody.

Source: 2022 prison statistics, published by the Federal Statistical Office, Wiesbaden (Fachserie 10, Reihe 4.1), table 3.1; fixed date 31.03.

#### 4. 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 preventive detention is executed in facilities attached to prisons following a previous service of a prison sentence. In contrast, the other two custodial measures, placement in psychiatric hospital and in addiction treatment facility, are executed in facilities which belong to the administration of health and social security. Nonetheless, until 2014 the prison statistics provided data on detainees of these measures, but only for the Western, not for the Eastern Länder. Since then a special data collection takes place only in the former Western Länder and meanwhile in some Eastern Länder as well (Statistical Federal Office, Zusammenstellung von Länderlieferungen der Datenerhebung zum Maßregelvollzug im Auftrag des Bundesministeriums der Justiz und für Verbraucherschutz).

Diagram 34: Persons in facilities of custodial measures  
1993-2021\*



\* Concerning the placement in psychiatric hospital and addiction treatment facilities until 1994 former (Western) Federal Republic, since 1995 former (Western) Federal Republic and whole of Berlin; since 2015 Western Bundesländer (but without Rheinland-Pfalz) and whole of Berlin; but with Mecklenburg-Vorpommern; since 2017 including Sachsen  
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); only until 2014 since then collection of Länder data on persons in facilities of custodial measures, by fixed day 31.03.2017, ed. by The Federal Statistical Office Wiesbaden 2017: former (Western) Federal Republic and whole of Berlin (excluding Rheinland-Pfalz and including Mecklenburg-Vorpommern), since 2017 including Sachsen.

Since 2015 diagram 34 represents only data for the former Western Federal Republic including the whole of Berlin. It demonstrates that the number of detainees in facilities of custodial measures has grown constantly and strongly during the years 1990s and 2000s: Thus, the number of detainees in a psychiatric hospital has more than doubled from 2 800 in 1993 up to 6 800 in 2012. 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. After a certain decrease between 2013 and 2019 in the context of the introduction of legislative restrictions the number is rising again since 2020.

Differently from this, the number of detainees in facilities of addiction treatment has almost constantly increased parallel to the court orders (see above IV.3.4.) and more than tripled up to almost 5 000 in 2021. Starting from a low level (1993: 183) the number of detainees in preventive detention grew steadily up to 2010. In the following years the number decreased slightly (n=445) in 2012, 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.) and has then risen again (596 in 2021).

## **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.

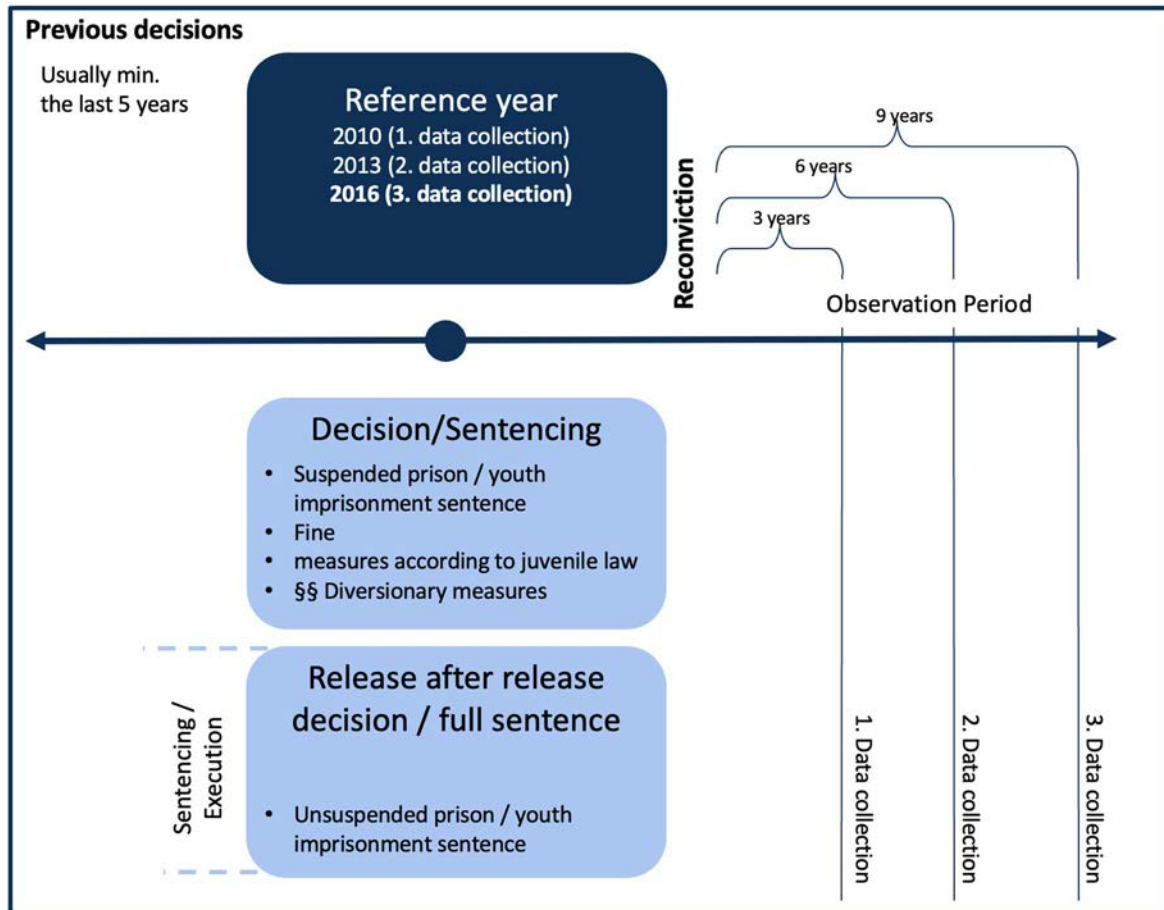
### **1. Concept of the reconviction study**

According to the design of the reconviction study (see Jehle et al. 2020) 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 hitherto collected and evaluated in five waves: for the reference years 2004, 2007, 2010, 2013 and 2016 reconvictions could be observed for a three years period each. Additionally, the data of the different waves could be connected with each other; thus for the reference year 2010 the observation period could be extended to 9 years in the end. Up to now the results of the first four waves were published (see

diagram 35). The fifth wave is being evaluated (Jehle et al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019, 2010-2019; to be published 2024).

Diagram 35: Design of the reconviction study  
2010 – 2019



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).



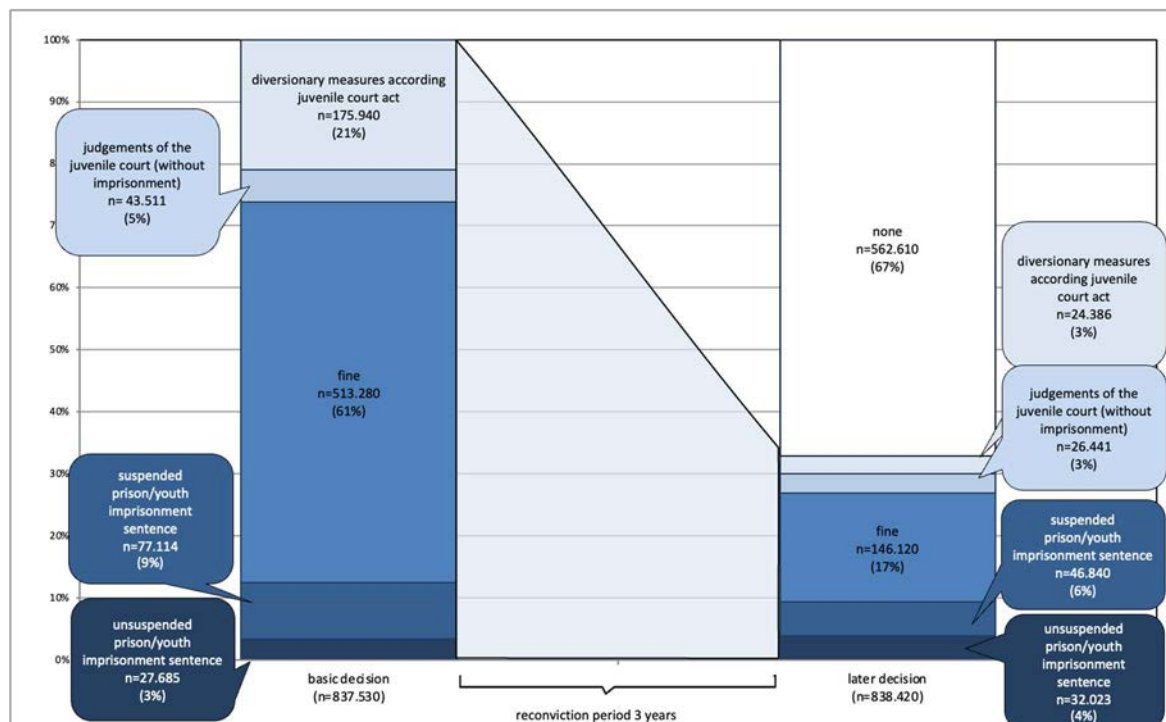
In the following first results of the fifth wave of the reconviction study is presented (Jehle et al. 2024). From data of the Federal Register a complex data set has been produced and meaningful categories established; thus, the reconviction rates related to sanction, offence, previous convictions age and gender of the persons concerned could be described for the reference years 2016 and 2010. Some important results are summarised here.

## 2. Reconviction rates by penal sanctions and measures

For most of the persons recorded in 2016 the criminal sanction or measure remains a single event (during the observation period). Only about each third one (33 %) was reconvicted within a three years period (see diagram 36). That means, of 837 530 persons registered in the reference year 2016 562 610 (67 %) were not registered anew. This result corresponds to the outcome of the previous study for the reference year 2010 and 2013.

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 all convicted persons in 2016 were re-sentenced to an unsuspended prison term; 6 % to a suspended prison sentence, 17 % to a fine and 3 % to a juvenile measure. Even in 3 % of the cases the relapse was responded by dispensing with prosecution according to youth criminal law anew (diagram 36).

Diagram 36: Overall picture  
2016-2019\*



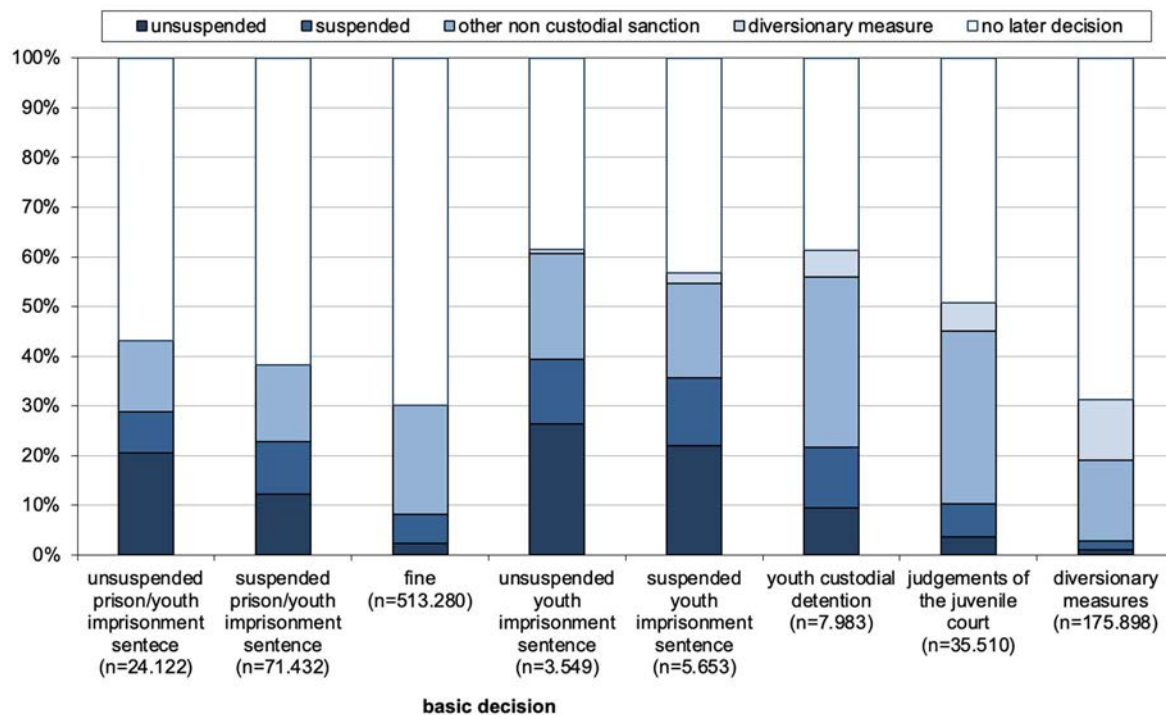
\* As to the basic decisions 1 168 cases with isolated measures are excluded, as to the later decisions 278 cases are excluded.

\*\* Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section B.2.1.

When the observation period has been prolonged up to 9 years (2010 to 2019), 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 a considerable rise of the reconviction rate: At the end of a nine years observation period 48 % of persons from the reference year 2010 were reconvicted at least once.

As expected, age and gender play an important role: Related to the reference year 2016 juveniles have the highest (over 40 %) reconviction rate, the age group of more than 60 years old the lowest (15 %). 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.

Diagram 37: Reconviction type by basic decision type  
2016-2019\*



\* Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section B.4.1.

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 (62 %), immediately followed by juvenile detention (61 %), the lowest one after a sentence to fine (30 %). 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).

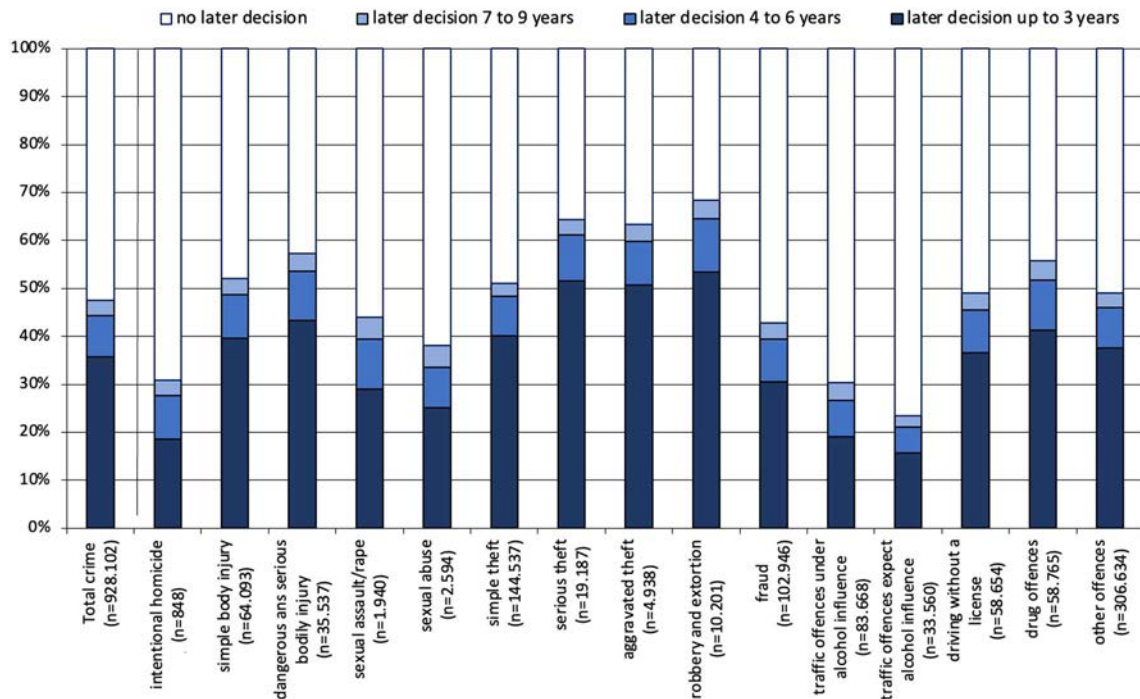
As expected more serious sentences lead to more serious subsequent sentences: Those released from prison or youth imprisonment return to prison in 26 % or 20 % within a period of 3 years whereas of those sentenced to a fine only 2 % were imprisoned in the years to follow. This outcome might be explained by the assumption that persons sentenced to a non-custodial sanction usually show a more favourable prognosis.

Released prisoners are reconvicted more than other convicted persons, but only a minority of them return to prison within a period of 3 years about one fifth of the prisoners released from an adult prison and about one third released from youth imprisonment).

As to the reference year 2010 nine following years can be observed after the release from prison. Here, the rate of a repeat unsuspended prison sentence increases concerning released from adult prisons by 9 percentage points up to 34 % and concerning youth imprisonment by 12 percentage points up to 44 % (Jehle et al. 2024, section C.2.3.). In other words, within a nine years observation period every third one of the released from an adult prison and almost every second one of the released from youth imprisonment return to prison.

### 3. Relapses by offence types

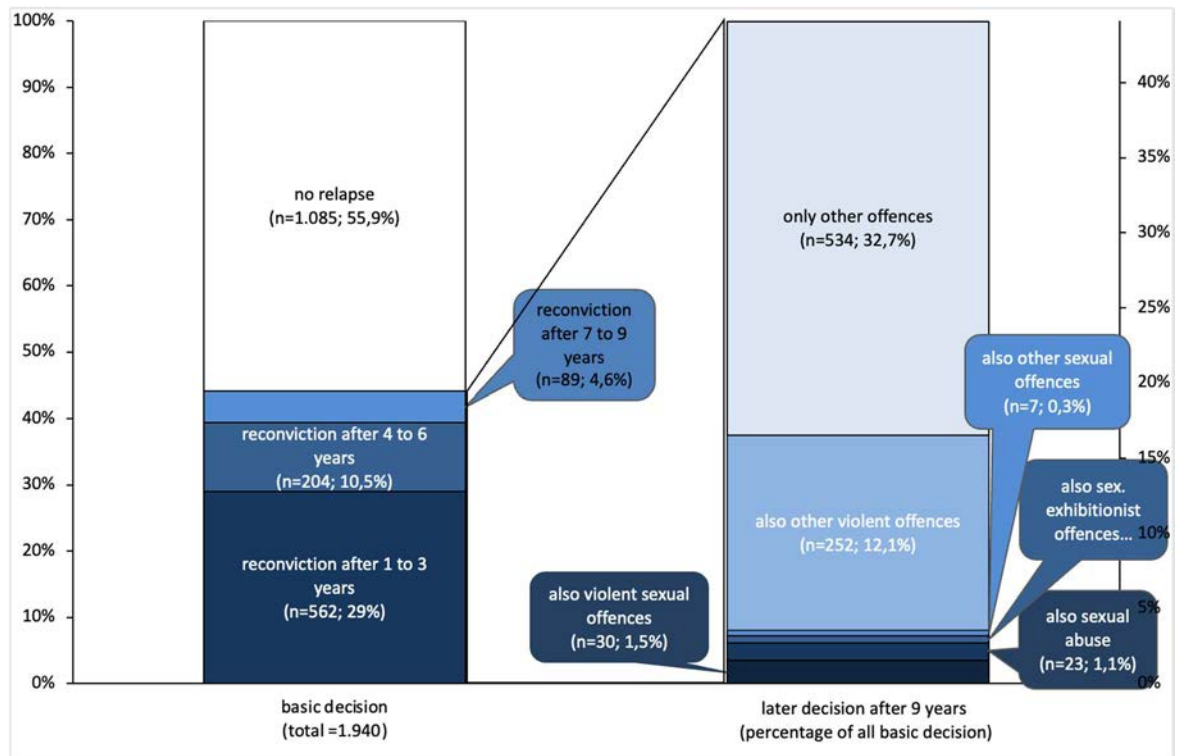
Diagram 38: General reconviction rate during the first, the second and the third three years period by type of offence of the basic decision 2010-2019\*



Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section C 6.1.

Related to various offence groups the general reconviction rate differs strongly: After a three year 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). Within the second three years observation period the additional increase (medium blue) is 9 percentage points on average with small variations between the different offence groups. From the seventh to the ninth year of observation the growth of the reconviction rate (light blue) is still smaller: The additional increase is only 3 percentage points on average. This means, after a nine year observation period about every third one of convicted persons because of homicides or traffic offences and more than two thirds of the convicted persons because of robbery and aggravated theft or burglary have been reconvicted because of any new offence.

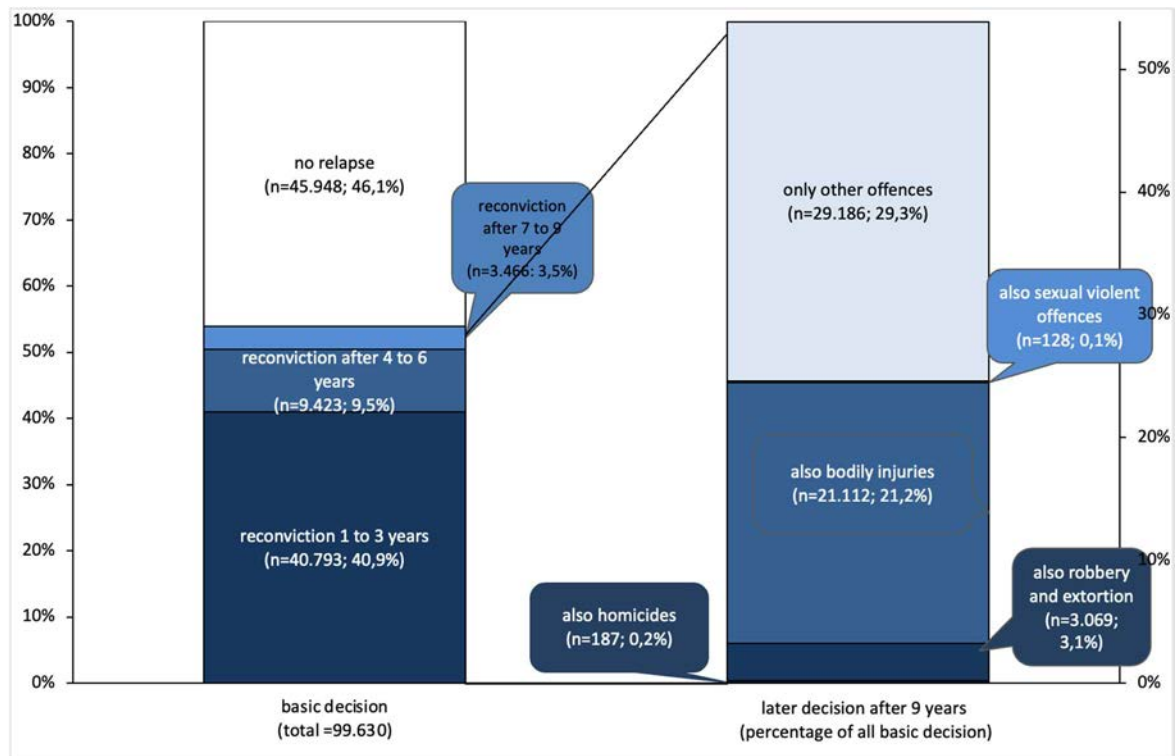
Diagram 39: Offence-related reconviction rate after nine years period – sexual assault and rape 2010-2019\*



Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section C 6.2.2.1.

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 nine years of observation of offenders registered because of rape or serious sexual assault only 1,5 % are reconvicted because of a new violent sexual offence and 16 % because of any form of violent or sexual offence (see diagram 39). Similar relations occur for sexual abuse: Only a very small minority (4 %; see Jehle et al. 2024, section C .6.2) is registered once more for a specific relapse. Differently from that, of persons sentenced because of exhibitionist acts a considerable proportion (12 %) 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  
2010-2019\*

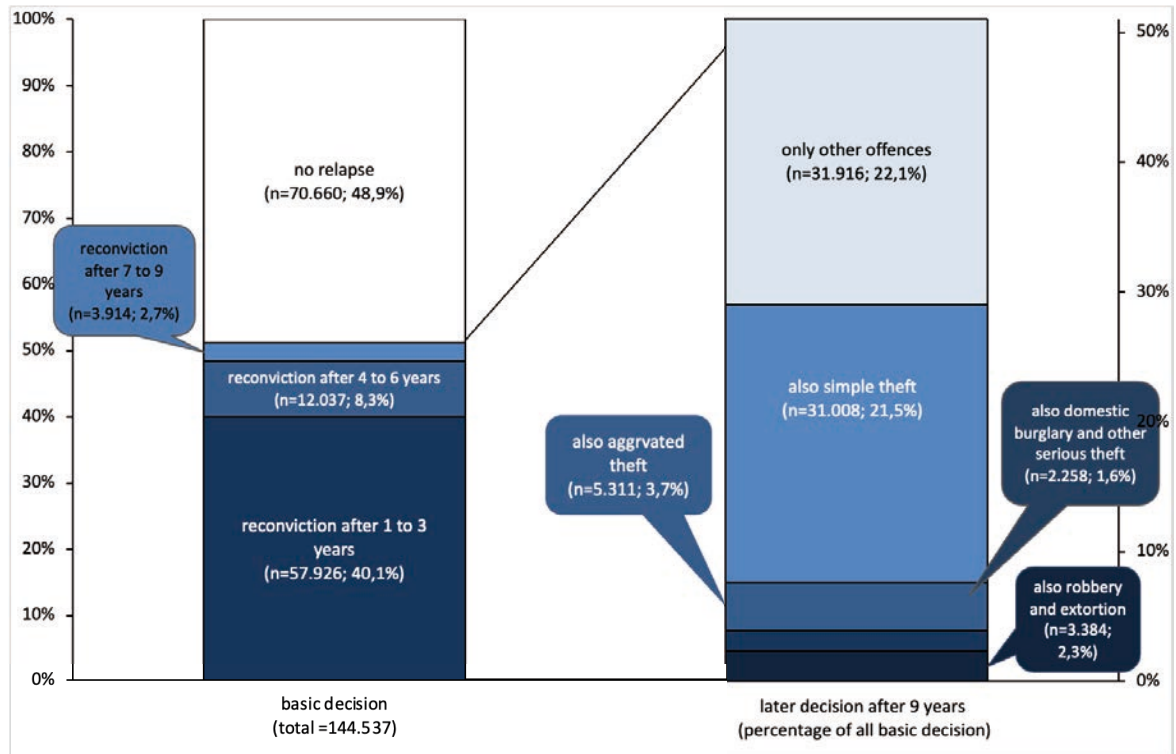


Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section C 6.3.

Among violent offenders the perpetrators of bodily injury show most frequently specific relapses (21 % after nine years of observation; diagram 40). Persons sentenced or released from prison because of robbery or extortion commit new specific offences more rarely (10 %), but often re-offend in other fields: 20 % bodily injury, less than 1 % homicide, 38 % commit other offences.

A totally different picture can be seen in terms of homicides: Those offenders show a relatively moderate general reconviction rate (31 %) after nine years of observation, but usually because of non-violent offences. Only 8 % of them commit a bodily injury and 1 % a robbery. A specific relapse in terms of a repeat homicide is clearly below 1 %.

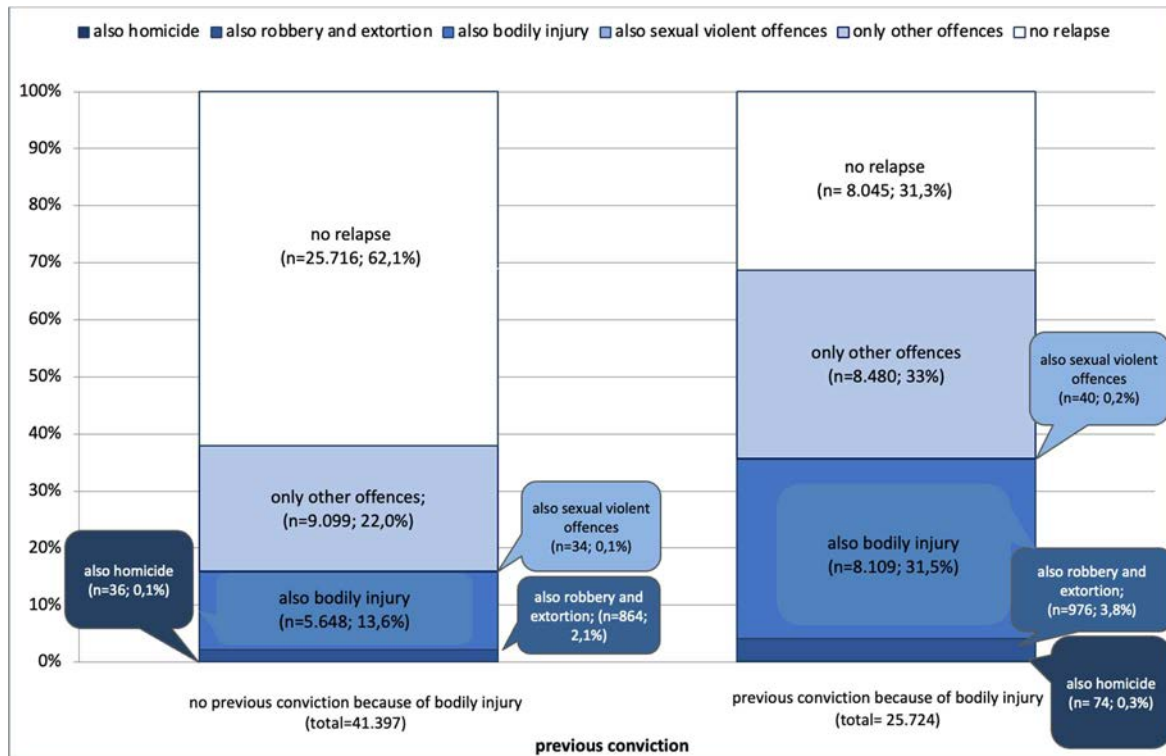
Diagram 41: Offence-related reconviction rate – simple theft  
2010-2019



Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section C 6.4.

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). After nine years observation period, the general reconviction rates of thieves are above average: simple theft 51 % (see diagram 41), serious or qualified theft even 64 % (Jehle et al. 2024, section C 6.4.2). Also, the specific relapses are high: of persons sentenced because of simple theft 29 % are reconvicted because of a repeat theft or robbery (see diagram 41), of those with serious theft already 34 % and with qualified theft, especially domestic burglary, even 27 % (Jehle et al. 2024, section C.6.4.2). However, one has to consider that only a small proportion of 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 2010-2013



Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024), section C 6.3.2.

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 (Jehle et al. 2024, section C 6.4).

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. A good example is bodily injury. 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 (32 %; diagram 42). Also persons who were multiply recorded because of simple theft show often relapses of simple theft (34 %); only a small proportion of them (9.2 %, Jehle et al. 2024, section C. 6.4) commit further serious theft or robbery.



### **VIII. European Comparison**

In the previous chapters the quantitative relations at the various levels of criminal justice in Germany, from police to prisons, have been 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 (European Sourcebook of Crime and Criminal Justice Statistics (ESB), sixth edition 2021). 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 multiple 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 2021, offence definitions, p. 417-474). At present only figures up to the year 2016 are available.

More recent figures are published by the European Statistical Office (Eurostat), currently up to the year 2021. Herewith a comparison of total crime rates is omitted. This is reasonable because the limits of what is defined as criminal acts vary from country to country, especially concerning frequent petty offences. E.g., in the field of traffic offences simple transgressions like speeding are dealt with as criminal acts in some countries whilst in other as administrative offences. Shoplifting is subject to criminal prosecution in most countries, but some countries, like Poland, deal with them outside the criminal justice system.

The figures from Eurostat only refer to a few selected offence groups recorded by police. Offence-related data of convictions by the court are not available at the time being. For the year 2021 complete figures have been released. A key offence for international comparisons is completed intentional homicide. In this respect, the crime rate of Germany (0.76 per 100 000 population) is a bit lower than in Western and Northern countries which can be compared to Germany in social and economic aspects: the neighbouring countries Austria, Switzerland, France, Belgium, the Netherlands, Luxemburg, Ireland as well as the Scandinavian countries (the United Kingdom is no longer considered after the Brexit). There, the average value is 0.81 per 100.000 population (with a significant variation range between 0.47 and 1.7).

Table 12: Comparison of crime rates of Germany and West and North Europe\*

	Intentional homicide		Theft		Robbery		Residential Theft	
	2016	2021	2016	2021	2016	2021	2016	2021
Belgium	1,55	1,26	2 055	1 428	165	99	489	289
Denmark	0,93	0,72	3 951	2 134	38	22	778	394
Finland	1,75	1,70	2 309	2 242	30	35	96	70
France	1,17	1,08	2 251	1 786	131	83	361	
Ireland	0,72	0,44	1 312	891	41	23		
Iceland	0,30	0,54	1 044	1 020	15	16	93	133
Luxembourg	0,87	0,47	1 727	1 717	80	94	368	181
Netherlands	0,64	0,72	1 791	1 052	53	32	334	137
Norway	0,52	0,54	2 005	1 467	15	14		
Austria	0,56	0,66	1 652	819	36	24	149	51
Sweden	1,08	1,09	3 811	2 784	87	70	429	348
Switzerland	0,54	0,48	1 758	1 356	22	20	313	210
United Kingdom								
Mean	0,89	0,81	2 139	1 558	59	44	341	201
Germany	0,91	0,72	1 570	1 004	52	36	184	65

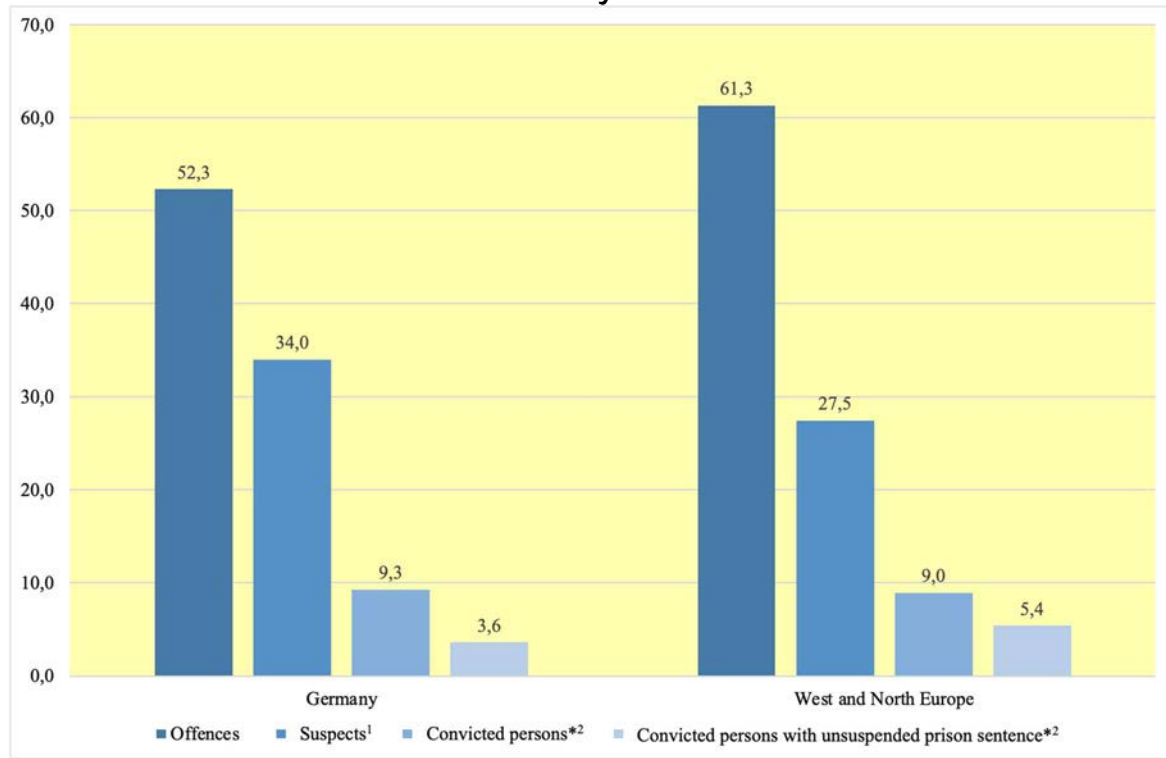
\* Without the United Kingdom, per 100 000 population

Source: Police-recorded offences by offence category, published by Eurostat 2021.

Also referring to the classical mass offence of theft the German crime rate (1 004 per 100 000 population) is lower than the crime rate of Western and Northern European countries (1 558 on average, with a variation range between 851 and 2 784). The same is true for residential thefts: There, the German rate of 65 is remarkably below the average value in West and North Europe (201; with a variation range between 51 and 348). Concerning robbery the German rate of 36 is once again below the average rate in West and North Europe (44, with min. 14 and max. 99). But of course, these police-recorded data have to be interpreted cautiously; for it has to be considered that there could exist large differences in definitions, reporting rates and modalities of statistical recording. In a longitudinal perspective, decreasing rates can be observed in Germany and West and North Europe between 2016 and 2021, concerning all selected offences.

As has been illustrated by Graph 2 (p. 9) the number of cases is strongly shrinking from police level to court level. This is not a special German phenomenon but can be observed in other European countries as well. That may be shown for the example of robbery. Concerning such a comparison Eurostat does not offer data; here are figures from the European Sourcebook (ESB; s. above) available.

Diagram 45: Offences, suspects, convicted persons  
Robbery 2015



\* Numbers from 2015.

<sup>1</sup> for West and North Europe without Denmark, Iceland, Luxembourg, Norway, England & Wales, Northern Ireland and Scotland.

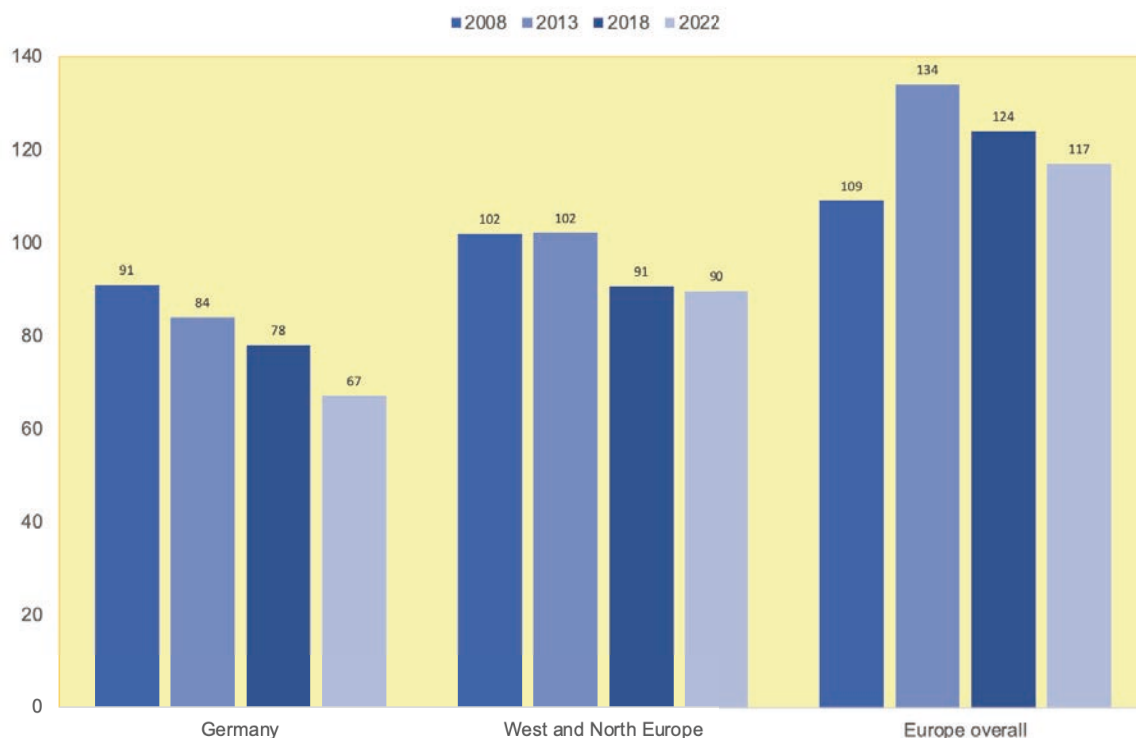
<sup>2</sup> for West and North Europe without Denmark, Ireland, Iceland, Luxembourg, Norway and Northern Ireland.

Source: European Sourcebook 2021, p. 35, 63, 226.

Graph 45 illustrates a similar trend in Western and Northern European countries (here including the United Kingdom) to that in Germany. Particularly, the number of cases strongly decreases between the police and court level and only a part of the convicted persons is sentenced to an unsuspended prison sentence.

A further data source is held by the Council of Europe. It publishes SPACE I: Council of Europe Annual Penal Statistics which presents the figures on prisoners at a fixed day of the year. The total stock of prisoners and detained persons results from the number of suspects sent to pretrial detention and the number of persons sentenced to an unsuspended prison sentence on the one hand and on the other from the length of imprisonment.

Diagram 46: Prison rates\* in Europe  
2008, 2013, 2018, 2022



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

<sup>1</sup> West and North Europe; mean calculated by the author

Source: SPACE I – Council of Europe Annual Penal Statistics for the relevant years, by Aebi et al., p. 31 Tab. 3

In international criminology, prison rates which show the number of prisoners per 100 000 population are taken as an indicator for punitivity in a given country. As diagram 46 demonstrates the rates of Germany are a bit lower than those of West and Northern Europe and have steadily decreased during the period between 2008 and 2022 whereas, on average; in West and Northern Europe (Austria, Switzerland, France, Belgium, the Netherlands, United Kingdom and Ireland and the Scandinavian countries altogether) the prison rates have decreased only during the last ten years. Roughly speaking, in West and Northern Europe one prisoner relates to 1 100 persons of the population, in Germany one to 1 500. In contrast, the rates in whole of Europe are significantly higher; this is because of the considerably higher prison rates in Eastern European countries.

Germany has a low imprisonment rate compared to other European countries. However, it has to be taken into account that a great number of offenders are not placed in prisons, but in psychiatric hospitals and addiction treatment facilities. As there are no European figures on this, it remains to be seen whether the German rate of all forms of deprivation of liberty would still be below the average rate in West and North Europe, if one were to include the more than 10 000 inmates in these treatment facilities (see above VI.4.).

## Annex

Table 4.1a: Recorded crimes 1993-2022

Jahr	Recorded crimes total	Recorded crimes without foreign-specific crime	Frequency rate <sup>1</sup> ; Recorded crimes total*	Property offences etc <sup>2</sup>	Violent offences <sup>2</sup>
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		7 404	3 534 670	596 672
2014	6 082 064	5 925 668	7 530	3 618 348	588 403
2015	6 330 649	5 927 908	7 797	3 653 815	588 925
2016	6 372 526	5 884 815	7 755	3 484 565	634 193
2017	5 761 984	5 582 136	6 982	3 212 698	625 105
2018	5 555 520	5 392 457	6 710	2 991 335	658 427
2019	5 436 401	5 270 782	6 548	2 862 939	655 350
2020	5 310 621	5 163 536	6 386	2 697 922	648 878
2021	5 047 860	4 901 007	6 070	2 488 632	623 464
2022	5 628 584	5 402 755	6 762	2 827 368	731 687

<sup>1</sup> recorded crimes per 100 000 population.

<sup>2</sup> Offences according to the criminal code (StGB): Property offences: 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, 231).

Source: Police crime statistics for the relevant years, published by the Federal Criminal Police Office, Wiesbaden, table 1.1, from 1997 until 2016 section 2.1, 2017 section 3.1, 2018 section 4.1 and 4.2.

Table 4.2a: Selected violent crimes 1993-2022\*

Year	Total violent crimes*	Intentional homicides*	Rape* <sup>1</sup>	Robbery etc*	Serious and dangerous bodily injury* <sup>2</sup>
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
2014	180 955	2 179	7 345	45 475	125 752
2015	181 386	2 116	7 022	44 666	127 395
2016	193 542	2 418	7 919	43 009	140 033
2017	189 755	2 379	11 282	38 849	137 058
2018	185 377	2 471	9 234	36 756	136 727
2019	181 054	2 315	9 426	36 052	133 084
2020	176 672	2 401	9 752	33 872	130 453
2021	164 646	2 111	9 903	30 125	122 341
2022	197 202	2 236	11 896	38 195	144 663

\* Offences according to the criminal code (StGB): "Violent crimes" include the following categories of offence; intentional homicides (§§ 211, 212, 213, 216); rape and sexual assault (§§ 177, 178)<sup>1</sup>; robbery, extortion accompanied by violence, robbery of a motor vehicle driver (§§ 249-252, 255, 316a); bodily injury resulting in death (§ 227); serious and dangerous bodily injury (§§ 224-226)<sup>2</sup>; kidnapping for extortion (§ 239a); hostage-taking (§ 239b); 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, 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.

<sup>1</sup> Until 1997 only rape (§ 177), from 1998 to 2016 rape and especially serious cases of sexual assault (§ 177 section 3 and 4 old); since 2017 rape, sexual assault and sexual assault in especially serious cases including rape causing death (§§ 177, 178).

<sup>2</sup> 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 2.2, from 1997 until 2012 table 1.1, 2013 until 2016 section 2 – T01, 2017 section 3.2 – T01, 2018 section 4.3 – T01 and 2019 section 4.3 – T01, 2020 and 2021 section 4.2 – T01, 2022 section 4.3 – T01.

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	171 793	119 632	52 161	982	338
50 to 59 years	228 665	165 916	62 749	2 083	805
40 to 49 years	318 417	236 184	82 233	3 422	1 295
30 to 39 years	461 791	349 863	111 928	4 315	1 633
25 to 29 years	248 543	194 088	54 455	4 778	1 707
21 to 24 years	221 331	175 186	46 145	5 915	1 998
Young adults (18-21)	160 998	125 633	35 365	7 591	2 457
Juveniles (14-17)	189 149	135 691	53 458	6 910	3 178
Children <sup>1</sup>	93 095	63 047	30 048	2 052	1 018

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

<sup>1</sup> Children over 8.

Source: 2022 police crime statistics, published by the Federal Criminal Police Office, Wiesbaden, table 7.1, p. 40 and standard tables table 40\_TV BZ.

Table 6a: Suspect rate\* of male Germans for serious and dangerous bodily injury by age groups 1993-2022

Year	Juveniles (14-17)	Young adults (18-20)	21 to 24 year olds	25 years and more*
1993	542,9	707,4	401,0	115,9
1994	561,4	757,4	440,9	119,0
1995	685,0	845,9	478,8	126,4
1996	767,0	955,7	518,9	128,6
1997	856,9	1013,4	571,4	131,5
1998	910,2	1086,0	636,8	136,0
1999	997,5	1137,7	685,7	138,1
2000	1096,7	1204,6	725,8	138,1
2001	1104,7	1234,5	739,3	139,2
2002	1113,9	1282,6	789,3	149,1
2003	1091,1	1342,1	825,9	154,0
2004	1169,5	1435,6	884,0	156,6
2005	1198,2	1567,5	982,5	162,8
2006	1265,0	1618,7	1006,2	162,3
2007	1418,1	1633,0	1047,6	164,2
2008	1382,7	1636,8	1054,6	164,4
2009	1295,3	1603,5	1047,9	164,4
2010	1191,6	1477,0	996,2	158,3
2011	1055,9	1375,5	930,3	160,1
2012	877,6	1301,5	927,7	162,8
2013	748,1	1120,4	839,2	157,8
2014	657,7	1001,3	767,3	157,4
2015	594,7	869,8	709,0	153,2
2016	622,7	863,9	718,4	159,3
2017	667,1	826,2	657,7	153,6
2018	675,5	798,3	625,0	150,3
2019	746,3	824,8	569,1	146,5
2020	700,7	768,5	507,7	144,3
2021	660,4	681,1	430,9	130,8
2022	824,8	812,6	527,1	143,8

\* Author's own calculations.

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



Table 8a: Type of prosecutorial decision\* 1993, 2003, 2013, 2017, 2022\*\*

Year	Charge		Application for a penal order		Conditional dispensing with charge		Dispensing with prosecution	
	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%
2017	424 049	18%	531 795	22%	168 801	7%	1 262 717	53%
2022	340 243	15%	536 072	24%	158 269	7%	1 237 588	54%

\* Here without termination 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, 2017 and 2022 Germany total

Source: public prosecution business statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, until 2017 table. 2.1.1.1, 2022 Tab. 24221-08.

Table 9a: Reasons for and length of remand custody

	Offences		
	Total	Male	Female
Persons judged total	823 051	672 380	150 671
of which having served remand custody	25 460	23 766	1 694
Reasons for detention (several possible)			
Flight / risk of flight	23 719	22 149	1 570
Risk of evidence being tampered with	1 874	1 749	125
Crimes against life (Section 112 para. 3 of the CCP <sup>1</sup> )	506	468	38
Risk of repetition:			
- of sexual offences	397	388	9
- of offences under Section 112a para. 1 fig. 2 of CCP <sup>1</sup>	1 324	1 220	104
Length of remand custody:			
up to 1 month	4 816	4 355	461
over 1 to 3 months	5 419	5 050	369
over 3 to 6 months	7 160	6 735	425
over 6 to 12 months	5 940	5 628	312
over 1 year	2 125	1 998	127

<sup>1</sup> Code of Criminal Procedure.

Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden, table 6.1.

Table 13a: Type of court decision\* 1993, 2003, 2013, 2017, 2022\*\*

Year	Judgement		Penal order		Conditional termination		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%
2017	304 267	61%	30 533	6%	88 599	18%	75 295	15%
2022	242 761	59%	27 713	7%	78 209	19%	65 404	16%

\* Here without other conclusions to the case and other discontinuation (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, 2013 and 2017 Germany total

Source: Court business statistics for the relevant years, published by the Federal Statistical Office, Wiesbaden, Tab. 2.3 und 4.3, 2022 tables 24221-06 and 24221-16.

Table 15a: Length of proceedings in months 1993, 2003, 2013, 2017, 2022\*

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
2017	4,0	4,0	8,0	11,4	7,7	19,1
2022	5,0	5,1	10,1	13,0	8,6	21,6

\* 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: Court business statistics for the relevant years s, published by the Federal Statistical Office, Wiesbaden, until 2017 tables 2.5, 4.5, 2022 tables 24221-08 and 24221-18.; 1993 former (Western) Federal Republic, 2003 Germany total without dismissals according § 154 section 2 of the Code of Criminal Proceedings, 2013, 2017 and 2022 Germany total.

Table 16a: Persons judged and sentenced per 100 000 population 1993-2021

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
2014	923 384	748 782	81 %	1 137	922	81 197 537
2015	910 681	739 487	81 %	1 108	900	82 175 684
2016	900 615	737 873	82 %	1 091	894	82 521 653
2017	875 194	716 044	82 %	1 057	865	82 792 351
2018	869 105	712 338	82 %	1 047	858	83 019 213
2019	891 795	728 868	82 %	1 072	876	83 166 711
2020	852 527	699 269	82 %	1 025	841	83 155 031
2021	815 199	662 100	81 %	979	795	83 237 124

\* 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.

Table 19a: Prison sentences 1993-2021

Year	Prison sentences total*	Suspended*	Not suspended*	Prison sentences total per 100 000 population**	Suspended per 100 000 population**	Unsuspected 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
2014	110 046	76 602	33 444	136	94	41
2015	107 089	75 310	31 779	130	92	39
2016	107 829	74 197	33 632	131	90	41
2017	104 417	71 132	33 285	126	86	40
2018	102 746	69 504	33 242	124	84	40
2019	102 539	70 521	32 018	123	85	38
2020	93 178	64 274	28 904	112	77	35
2021	90 842	63 517	27 325	109	76	33

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

\*\* Population figures of persons include until 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, table 3.1.

Table 23a: Order of custodial measures per 100 000 population 1993-2021\*

Year	Placement in psychiatric hospital, § 63 StGB	Placement in addiction treatment facility, § 64 StGB	Placement in preventive detention, § 66 StGB	Placement in psychiatric hospital per 100 000 population**	Placement in addiction treatment facility per 100 000 population**	Placement in preventive detention 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
2014	770	2 486	44	0,95	3,06	0,05
2015	818	2 460	47	1,00	2,99	0,06
2016	805	2 565	51	0,98	3,11	0,06
2017	804	2 829	57	0,97	3,42	0,07
2018	907	3 030	45	1,09	3,65	0,05
2019	969	3 317	53	1,17	3,99	0,06
2020	1 049	3 515	58	1,26	4,23	0,07
2021	1 138	3 559	44	1,37	4,28	0,05

\* 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 of persons include until 2006 former (Western) Federal Republic and whole of Berlin, from 2007 Germany total.

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

Table 24a: Sanctions under youth criminal law

Sanctions under juvenile criminal law (only most severe sanction)	Total offences	Male	Female	Youth	Adolescent
Conditional dismissal*	30 896	26 124	4 772	**	**
Total sentenced	46 603	40 014	6 589	21 463	25 140
of which:				11 158	11 139
Educative measures	22 297	18 757	3 540		
of which: Instructions <sup>1</sup>	22 213	18 696	3 517	11 109	11 104
Educative support <sup>1</sup>	100	78	22	63	37
Residential care <sup>1</sup>	24	16	8	17	7
Disciplinary measures	32 225	27 538	4 687	15 248	16 977
of which: Warning <sup>1</sup>	12 308	10 339	1 969	6 033	6 275
Condition <sup>1</sup>	25 309	21 736	3 573	11 545	13 764
Detention <sup>1</sup>	6 415	5 668	747	3 385	3 030
Youth imprisonment	7 293	6 856	437	2 441	4 852
Suspended	4 547	4 230	317	1 560	2 987
Not suspended	2 746	2 626	120	881	1 865
Length of youth imprisonment					
6 - 12 months	3 108	2 862	246	1 077	2 031
of which: Suspended	2 546	2 350	196	878	1 668
Not suspended	562	512	50	199	363
1 - 2 years	3 008	2 843	165	1 029	1 979
of which: Suspended	2 001	1 880	121	682	1 319
Not suspended	1 007	963	44	347	660
2 - 5 years	1 127	1 103	24	321	806
5 - 10 years	50	48	2	14	36

\* Cases dismissed in accordance with §§ 45 section 3, 47 JGG (Act on Youth Courts); without dismissal by the public prosecutor.

\*\* not shown differentiated.

<sup>1</sup> All sanctions and measures, even if they are combined with other measures. Therefore their sum is bigger than the number of persons concerned. In addition, 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. Therefore the sum of the sub-groups exceeds the figure for the main category.

Source: 2021 conviction statistics, published by the Federal Statistical Office, Wiesbaden, tables 2.2, 2.3, 4.1, 4.2, 4.3 and 4.4.1.

Table 25a: Persons judged under youth criminal law 1993-2021\*

Year	Youth imprisonment	Disciplinary measures	Educative measures	Without conviction, §§ 45 III, 47 JGG	Youth imprisonment **	Disciplinary measures**	Educative measures**	Without conviction, §§ 45 III, 47 JGG**
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
2014	11 772	51 569	8 753	37 363	207	906	154	657
2015	10 550	47 035	7 757	36 152	181	808	133	621
2016	10 033	43 901	7 794	33 758	172	754	134	580
2017	9 685	42 477	7 506	34 595	169	739	131	602
2018	9 232	42 365	7 681	34 207	163	750	136	606
2019	9 218	41 996	7 870	34 776	166	756	142	626
2020	8 174	35 949	7 352	32 892	150	659	135	603
2021	7 293	31 595	7 715	30 896	135	584	143	571

\* 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; only the most severe measure for the person concerned is recorded.

\*\* Population figures of persons from 14 to 20 years include until 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, tables 2.2 and 2.3, table 12411-005.

Table 26a: Judgements and other concluding decisions according Youth Courts Act per 100 000 population 1993-2021\*

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	-***	40 687	72 664	2 229	-***	856	1 529
2003	95 896	96 617	47 853	101 562	1 795	1 808	895	1 901
2013	71 967	69 144	39 628	81 737	1 274	1 224	701	1 447
2017	84 825	65 310	34 595	59 668	1 476	1 137	602	1 038
2021	70 227	53 454	30 896	46 603	1 297	987	571	861

\* 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.

\*\* Population figures of persons from 14 to 20 years include until 2006 former (Western) Federal Republic and whole of Berlin, from 2007 Germany total.

\*\*\* 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 12411-005.

Table 30a: Number of prisoners by nature of imprisonment 1993-2022\*

Year	Total: whole of Germany	Prison sentence	Remand custody	Youth imprisonment	Other reason (incl. Preventive detention)
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
2015	63 628	46 093	11 359	4 331	1 316
2016	64 379	45 230	13 389	3 945	1 309
2017	64 193	44 704	13 895	3 742	1 333
2018	62 194	42 873	14 066	3 490	1 212
2019	65 796	46 477	13 588	3 668	1 436
2020	59 453	42 180	12 245	3 561	871
2021	57 829	41 270	11 616	3 126	1 224
2022	55 890	39 402	11 794	2 751	1 339

\* counted on the fixed date 31.12. until 2002; 31.03. thereafter; excluding those temporarily absent (on the 31.03.2018 this was 3 725 persons for the Federal Republic of Germany in total).

<sup>1</sup> until 2002 only former (Western) Federal Republic and whole of Berlin.

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



Table 34a: Persons in facilities of custodial measures per 100 000 population  
1993-2021\*

Year	Psychiatric hospital	Addiction treatment facility	Preventive detention	Psychiatric hospital per 100 000 population	Addiction treatment facility per 100 000 population	Preventive detention 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
2014	6 540	3 822	498	8,1	4,7	0,6
2015	6 141	3 743	521	7,5	4,6	0,6
2016	6 081	3 789	524	7,4	4,6	0,6
2017	6 275	3 948	549	7,6	4,8	0,7
2018	6 025	4 146	553	7,3	5,0	0,7
2019	5 926	4 300	581	7,1	5,2	0,7
2020	6 161	4 677	593	7,4	5,6	0,7
2021	6 429	4 796	596	7,7	5,8	0,7

\* 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; as of 2003 new publication, Current Number of Prisoners and Detainees, fixed date 31.03); only until 2014 since then collection of Länder data on persons in facilities of custodial measures, by fixed day 31. 03.2017, ed. by The Federal Statistical Office Wiesbaden 2017: former (Western) Federal Republic and whole of Berlin (excluding Rheinland-Pfalz and including Mecklenburg-Vorpommern), since 2017 including Sachsen.

Table 37a: Most serious following decision by sanction group\*

	total	Sanction groups of reference decision							
		PS n.s.	PS s.	Fine	YI n.s.	YI s.	JA	Other AJC	D. a. §§ 45, 47 JGG
Cases total	837.530	24.136	71.461	513.280	3.549	5.653	7.992	35.519	175.940
No FD	561.895	13.722	44.139	358.608	1.369	2.442	3.095	17.482	121.038
FD, including	275.635	10.414	27.322	154.672	2.180	3.211	4.897	18.037	54.902
<b>A. Prison sentence</b>	69.779	6.955	16.311	41.519	1.055	811	442	1.172	1.514
a. 5 yrs.	837	131	145	441	49	17	13	15	26
a. 2 - 5 rs.	5.017	941	1.126	2.465	184	80	31	80	110
a. 1 - 2 yrs. n.s.	5.856	1.228	1.757	2.434	174	79	42	40	102
s.	5.679	248	872	3.933	73	74	56	195	228
6 - 12 m. n.s.	9.446	1.646	3.354	3.921	175	134	34	51	131
s.	20.998	1.091	3.786	14.318	253	209	164	518	659
under 6 m. n.s.	6.356	993	2.364	2.727	64	78	27	40	63
s.	15.590	677	2.907	11.280	83	140	75	233	195
<b>B. Youth imprisonment</b>	9.020	1	12	308	342	1.204	1.291	2.496	3.366
a. 5 yrs.	54	0	0	0	12	5	9	4	24
a. 2 - 5 yrs.	1.637	1	3	64	146	351	194	348	530
a. 1 - 2 yrs. n.s.	1.808	0	4	53	77	363	247	454	610
s.	1.607	0	3	65	23	197	202	427	690
6 - 12 m. n.s.	982	0	1	35	55	137	161	265	328
s.	2.932	0	1	91	29	151	478	998	1.184
<b>C. Fine</b>	146.010	3.456	10.990	112.159	713	873	1.200	5.494	11.125
<b>D. Other AJC</b>	50.824	1	9	686	70	323	1.964	8.875	38.896
Detention	6.886	0	1	136	6	46	606	2.291	3.800
Guilty verdict	1.276	0	2	29	3	1	139	437	665
Measure by JCJ	17.986	0	2	257	32	146	790	4.056	12.703
D. a. §§ 45, 47 JGG	24.385	1	4	264	29	128	425	2.055	21.479

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:

Other AJC:

D. a. §§ 45, 47:

Meas./add.S. u.CC:

Prev. det. (p.i.):

Comm psy. Hosp.:

Comm.withd.treat.:

Supervision o.c.:

Withd/Susp. per d.:

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

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

Decision according to §§ 45, 47 (AJC)

Other measures and additional sanctions according to Criminal Code

Preventive detention (post imprisonment)

Committal to psychiatric hospital

Committal to institution for withdrawal treatment

Supervision of conduct

Withdrawal / Suspension of permission to drive

Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024).

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

	total	Sanction groups of reference decision							
		PS n.s.	PS s.	Fine	YI n.s.	YI s.	JA	Other AJC	D. a. §§ 45, 47 JGG
Cases total	837.530	24.136	71.461	513.280	3.549	5.653	7.992	35.519	175.940
No FD	67,1	56,9	61,8	69,9	38,6	43,2	38,7	49,2	68,8
FD, including	32,9	43,1	38,2	30,1	61,4	56,8	61,3	50,8	31,2
<b>A. Prison sentence</b>	8,3	28,8	22,8	8,1	29,7	14,3	5,5	3,3	0,9
a. 5 yrs.	0,1	0,5	0,2	0,1	1,4	0,3	0,2	0,0	0,0
a. 2 - 5 rs.	0,6	3,9	1,6	0,5	5,2	1,4	0,4	0,2	0,1
a. 1 - 2 yrs. n.s.	0,7	5,1	2,5	0,5	4,9	1,4	0,5	0,1	0,1
s.	0,7	1,0	1,2	0,8	2,1	1,3	0,7	0,5	0,1
6 - 12 m. n.s.	1,1	6,8	4,7	0,8	4,9	2,4	0,4	0,1	0,1
s.	2,5	4,5	5,3	2,8	7,1	3,7	2,1	1,5	0,4
under 6 m. n.s.	0,8	4,1	3,3	0,5	1,8	1,4	0,3	0,1	0,0
s.	1,9	2,8	4,1	2,2	2,3	2,5	0,9	0,7	0,1
<b>B. Youth imprisonment</b>	1,1	0,0	0,0	0,1	9,6	21,3	16,2	7,0	1,9
a. 5 yrs.	0,0	0,0	0,0	0,0	0,3	0,1	0,1	0,0	0,0
a. 2 - 5 yrs.	0,2	0,0	0,0	0,0	4,1	6,2	2,4	1,0	0,3
a. 1 - 2 yrs. n.s.	0,2	0,0	0,0	0,0	2,2	6,4	3,1	1,3	0,3
s.	0,2	0,0	0,0	0,0	0,6	3,5	2,5	1,2	0,4
6 - 12 m. n.s.	0,1	0,0	0,0	0,0	1,5	2,4	2,0	0,7	0,2
s.	0,4	0,0	0,0	0,0	0,8	2,7	6,0	2,8	0,7
<b>C. Fine</b>	17,4	14,3	15,4	21,9	20,1	15,4	15,0	15,5	6,3
<b>D. Other AJC</b>	6,1	0,0	0,0	0,1	2,0	5,7	24,6	25,0	22,1
Detention	0,8	0,0	0,0	0,0	0,2	0,8	7,6	6,5	2,2
Guilty verdict	0,2	0,0	0,0	0,0	0,1	0,0	1,7	1,2	0,4
Measure by JCJ	2,1	0,0	0,0	0,1	0,9	2,6	9,9	11,4	7,2
D. a. §§ 45, 47 JGG	2,9	0,0	0,0	0,1	0,8	2,3	5,3	5,8	12,2

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:

Other AJC:

D. a. §§ 45, 47:  
 Meas./add.S. u.CC:

Prev. det. (p.i.):  
 Comm psy. Hosp.:  
 Comm.withd.treat.:  
 Supervision o.c.:  
 Withd/Susp. per d.:

measure imposed by juvenile court judge (educative measure, disciplinary measure, § 27 JGG)  
 Other Reaction under Act on Juvenile Courts (all, also § 3, second sentence, except youth imprisonment)  
 Decision according to §§ 45, 47 (AJC)  
 Other measures and additional sanctions according to Criminal Code  
 Preventive detention (post imprisonment)  
 Committal to psychiatric hospital  
 Committal to institution for withdrawal treatment  
 Supervision of conduct  
 Withdrawal / Suspension of permission to drive

Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024).

Table 38a: Reconivction during the first, second and third three years period by type of offence of the basic decision 2010-2019 decision 2010-2019

	Total crime (n=928.102)	intentional homicide (n=848)	simple body injury (n=64.093)	dangerous ans serious bodily injury (n=35.537)	sexual assault/rape (n=1.940)	sexual abuse (n=2.594)	simple theft (n=144.537)	serious theft (n=19.187)	aggravated theft (n=4.938)	robbery and extortion (n=10.201)	fraud (n=102.946)	traffic offences under alcohol influence (n=83.668)	traffic offences expect alcohol influence (n=33.560)	driving without a license (n=58.654)	drug offences (n=58.765)	other offences (n=306.634)
no later decision	486.978	586	30.768	15.180	1.085	1.604	70.660	6.849	1.810	3.223	58.938	58.272	25.674	29.884	25.990	156.455
later decision up to 3 years	331.433	158	25.374	15.419	562	653	57.926	9.891	2.501	5.448	31.389	16.029	5.269	21.487	24.295	115.032
later decision 4 to 6 years	79.930	76	5.818	3.605	204	219	12.037	1.842	452	1.137	9.197	6.260	1.827	5.232	6.095	25.929
later decision 7 to 9 years	29.761	28	2.133	1.333	89	118	3.914	605	175	393	3.422	3.107	790	2.051	2.385	9.218
6 bis 9 Jahre																
Total	928.102	848	64.093	35.537	1.940	2.594	144.537	19.187	4.938	10.201	102.946	83.668	33.560	58.654	58.765	306.634

Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024).

Table 38b: Reconivction during the first, second and third three years period by type of offence of the basic decision 2010-2019 decision 2010-2019 (in percent)

	Total crime (n=928.102)	intentional homicide (n=848)	simple body injury (n=64.093)	dangerous ans serious bodily injury (n=35.537)	sexual assault/rape (n=1.940)	sexual abuse (n=2.594)	simple theft (n=144.537)	serious theft (n=19.187)	aggravated theft (n=4.938)	robbery and extortion (n=10.201)	fraud (n=102.946)	traffic offences under alcohol influence (n=83.668)	traffic offences expect alcohol influence (n=33.560)	driving without a license (n=58.654)	drug offences (n=58.765)	other offences (n=306.634)
no later decision	52%	69%	48%	43%	56%	62%	49%	36%	37%	32%	57%	70%	77%	51%	44%	51%
later decision up to 3 years	35,7%	18,6%	39,6%	43,4%	29,0%	25,2%	40,1%	51,6%	50,6%	53,4%	30,5%	19,2%	15,7%	36,6%	41,3%	37,5%
later decision 4 to 6 years	9%	9%	9%	10%	11%	8%	8%	10%	9%	11%	9%	7%	5%	9%	10%	8%
later decision 7 to 9 years	3,2%	3%	3%	4%	5%	5%	3%	3%	4%	4%	3%	4%	2%	3%	4%	3%
6 bis 9 Jahre																
Total	928.102	848	64.093	35.537	1.940	2.594	144.537	19.187	4.938	10.201	102.946	83.668	33.560	58.654	58.765	306.634

Source: Bundeszentralregister data from Jehle et. al., Legalbewährung nach strafrechtlichen Sanktionen 2016-2019 und 2010-2019 (to be published 2024).