



## When are entries removed from the Register of Criminal Records information system?

Judgments<sup>1</sup> disclosed in the Register of Criminal Records VOSTRA information system are automatically and officially deleted after a certain period of time. The periods during which recorded judgments must be disclosed have been fixed by law (see Art. 30 Criminal Records Register Act (CRRA)) and cannot be changed. They are intended to strike a balance between society's interest in enforcing the law and protecting its citizens on the one hand, and the successful rehabilitation and reintegration of offenders on the other.

The disclosure period is determined by the following two factors:

### 1. The sanctions imposed:

Normally the most severe sanction<sup>2</sup> imposed for the conviction determines the length of the disclosure period. The tables below provide a simple explanation of the order in which the rules for calculating the disclosure period are applied under the system. When a specific calculation rule is triggered, the rules subordinate to it no longer apply. The only exception is the minimum period pertaining to activity prohibition, contact prohibition and exclusion orders which is always taken into account. However, this minimum period is only relevant if it extends beyond the period resulting from the general calculation rule.

### 2. The existence of any other judgments:

All of a person's judgments remain recorded in VOSTRA until the end of the longest disclosure period is reached. The longest period thus determines the date on which all judgments are removed from the database.

The CRRA sets out the period that must elapse before judgments are removed from the VOSTRA system in the rules relating to Official Extract 1 (E1). The rules on official extracts 2-4 govern how long entries may be shown in each of these official extracts.

## General calculation rules for E1

Priority and trigger for the calculation rule	Method of calculation E1
<b>Priority 1:</b> (Art. 30 para. 2 let. c and n CRRA)  Do any of the following apply? <ul style="list-style-type: none"><li>• Conviction for an offence listed in Art. 30 para. 2 let. c CRRA</li><li>• Lifelong custodial sentence</li><li>• Judicial expulsion</li></ul>	Lifelong disclosure
<b>Priority 2:</b> (Art. 30 para. 2 let. g + h CRRA)  Was an in-patient measure (I-PM) ordered?	<u>End date for the measure</u> <u>+ additional period:</u> <ul style="list-style-type: none"><li>• adult I-PM: 20 years</li><li>• juvenile I-PM in a secure facility: 12 years</li><li>• juvenile I-PM in an open facility: 10 years</li></ul> <u>+ remainder of the penalty</u>  If there is no end date in the system, the judgment remains in VOSTRA.

<sup>1</sup> The rules refer to 'judgments' rather than 'convictions', as a criminal record may disclose decisions to order certain measures, e.g. in-patient treatment, without convicting the person concerned of an offence.

<sup>2</sup> The term 'sanction' covers not only criminal penalties but also measures ordered in the absence of a conviction.

<p>Priority 3: (Art. 30 para. 2 lets a + b CRRA)</p> <p>Was an in-patient penalty imposed?</p>	<p><u>Date on which the underlying judgment became legally binding</u>  <u>+ duration of the penalty</u>  <u>+ additional period:</u></p> <ul style="list-style-type: none"> <li>• custodial sentence for juveniles: 12 years</li> <li>• duration of custodial sentence for adults &lt;1 year: 15 years</li> <li>• duration of custodial sentence for adults from 1 to &lt;5 years: 20 years</li> <li>• duration of custodial sentence for adults at least 5 years: 25 years</li> </ul> <p><u>+ duration of all in-patient penalties already recorded</u></p>
<p>Priority 4: (Art. 30 para. 2 lets d + e CRRA)</p> <p>Was a penalty imposed that is not mentioned in Priorities 1-3?</p>	<p><u>Date on which the underlying judgment became legally binding</u>  <u>+ additional period:</u></p> <ul style="list-style-type: none"> <li>• custodial sentence for juveniles: 10 years</li> <li>• other penalties: 15 years</li> </ul>
<p>Priority 5: (Art. 30 para. 2 let. f CRRA)</p> <p>Was there a conviction, but no sentence was imposed?</p>	<p><u>Date on which the underlying judgment became legally binding</u>  <u>+ additional period of 15 years</u></p>
<p>Priority 6: (Art. 30 para. 2 let. i + j CRRA)</p> <p>Was out-patient treatment (O-PT) ordered?</p>	<p><u>End date of the measure</u>  <u>+ additional period:</u></p> <ul style="list-style-type: none"> <li>• adults O-PT: 15 years</li> <li>• juveniles O-PT: 8 years</li> </ul> <p>If there is still no end date in the system, the judgment remains in VOSTRA.</p>
<p>Priority 7: (Art. 30 para. 2 let. k CRRA)</p> <p>Were any of the following measures ordered?</p> <ul style="list-style-type: none"> <li>• Good behaviour bond</li> <li>• Activity prohibition order under Art. 67 para. 1 SCC or Art. 50 para. 1 MCC</li> <li>• Disqualification from driving</li> <li>• Discharge from the armed forces under Art. 48 MCC</li> </ul>	<p><u>Date on which the underlying judgment became legally binding</u>  <u>+ additional period of 15 years</u></p>
<p>Priority 8: (Art. 38 Criminal Records Register Ordinance (CRRO))</p> <p>Was there no penalty in the judgment, but simply a note stating 'no supplementary penalty'?</p>	<p><u>Date on which the underlying judgment (UJ) became legally binding</u>  <u>+ Additional period:</u></p> <ul style="list-style-type: none"> <li>• UJ for adults: 15 years</li> <li>• UJ for juveniles: 8 years</li> </ul>

### Calculation of minimum period for activity prohibition, contact prohibition and exclusion orders

Trigger for the calculation rule	Method of calculation
<p>Minimum period: (Art. 30 para. 2 let. m CRRA)</p> <p>Is there a relevant activity prohibition or contact prohibition and exclusion order (ACEO)?</p> <p>Applies to all ACEOs except those under Art. 67 para. 1 SCC and Art. 50 para. 1 MCC.</p>	<p><u>End date for the order</u>  <u>+ additional period of years</u></p>

## What underlying judgments are disclosed in private extracts?

The following underlying judgments and related subsequent decisions appear in a private extract (Art. 40 para. 1 CRRA):

- Swiss judgments involving adults, provided a sanction was imposed for a felony or misdemeanour.
  - Judgments that involve contraventions only are not disclosed in a private extract.
  - Judgments for which no sentence imposed are also not disclosed in a private extract.
- All foreign judgments relating to adults.
- Judgments relating to juveniles if these persons have been convicted as adults of further offences that must be included in the private extract. This also applies if a person has been convicted of adult and juvenile offences in the same underlying judgment.

## How long is a judgment disclosed in a private extract?

The periods during which judgments are disclosed in a private extract are the same as those in an Official Extract 4 (see Art. 41 and Art. 40 para. 3 CRRA). The law deliberately makes these periods shorter than those for which judgments are disclosed in the Register of Criminal Records VOSTRA information system (see above). This is intended to help offenders to reintegrate into society.

The period for which judgments are disclosed in a private extract depends on the following three factors:

### 1. The sanctions imposed:

Generally the most severe sanction in the judgment determines the base disclosure period in the private extract. The following remarks provide a simplified explanation of the order in which the calculation rules are applied in the system. If there is a (higher-priority) trigger for a certain calculation rule, the subsequent rules no longer apply.

In addition to the base disclosure period, minimum periods are calculated for activity prohibition, contact prohibition and exclusion orders and in relation to judicial expulsion. Thereafter, the base disclosure period and the minimum periods are compared with each other to find the 'interim disclosure period', the longest of these periods. The longest minimum period is therefore only of relevance if it extends beyond the base disclosure period as determined by the general calculation rules.

Provided no other judgment (that is relevant for a private extract) has been recorded, this interim disclosure period determines the end date for disclosure in a private extract (for information on how an extension is calculated, see the remarks in Section 3).

### 2. The calculation of the base disclosure period for disclosure in an Official Extract 2 (E2 base disclosure period):

Individual general calculation rules depend on the result of the calculation of the base disclosure periods in an Official Extract 2 (Art. 38 para. 3 lets a–l and paras 4–5 CRRA). How the corresponding B2 base disclosure periods are calculated is also shown in the table below.

### 3. The existence of another judgment:

If there are several judgments (that are to be included in the private extract), the 'interim disclosure period' does not determine the end of the disclosure period of a judgment in a private extract. In order to make a long history of offending more visible, individual interim disclosure periods are extended.

For example, if the interim disclosure period for judgment X ends on a date that is later than for judgment Y, the disclosure period for judgment Y will be extended, potentially to the end of the disclosure period for judgment X. However, the end date for judgment X does not always determine the end date for judgment Y, as a certain maximum period also applies to any judgment, beyond which an extension is no longer possible. This 'maximum extension period' is therefore also important in determining the end date in practice (See 'How the extension is calculated' in the table below).

### General calculation rules (Base end date for a private extract (PE))

Priority and calculation trigger	Method of calculation
<p>Priority 1: (Art. 40 para. 3 let. a CRRA)</p> <p>Was an in-patient measure (I-PM) ordered?</p>	<p><b>Step 1:</b> Calculation of the base disclosure period for Extract 2 (Art. 38 para. 3 let. g + h CRRA)</p> <p><u>End date</u> of the measure according to the subsequent decision  <u>+ additional period:</u></p> <ul style="list-style-type: none"> <li>• adults I-PM: 15 years</li> <li>• juvenile I-PM in a secure facility: 10 years</li> <li>• juvenile I-PM in a open facility: 7 years</li> </ul> <p><u>+ duration of the remainder of the penalty</u></p> <p>If there is still no end date in the system, the judgment remains in VOSTRA.</p> <p><b>Step 2:</b> Calculation of the base disclosure period for a PE</p> <p><u>Two thirds</u> of the length of time between the date on which the judgment became legally binding and the base disclosure period for Extract 2.</p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the 'base disclosure period for Extract 2' (Step 1) represents the <u>maximum extension period</u> for this judgment.</p>
<p>Priority 2: (Art. 40 para. 3 let. a CRRA)</p> <p>Was an in-patient penalty imposed?</p>	<p><b>Step 1:</b> Calculation of the base disclosure period for Extract 2 (Art. 38 para. 3 let. a, b + c CRRA)</p> <p><u>Date when the underlying judgment became legally binding</u>  <u>+ duration of the penalty</u>  <u>+ additional period:</u></p> <ul style="list-style-type: none"> <li>• custodial sentence for juveniles: 10 years</li> <li>• duration of custodial sentence for adults &lt;1 year: 10 years</li> <li>• duration of custodial sentence for adults from 1 to &lt;5 years: 15 years</li> <li>• duration of custodial sentence for adults at least 5 years: 20 years</li> </ul> <p><u>+ duration</u> of all in-patient penalties already recorded</p> <p>In the case of a lifelong custodial sentence, the judgment is disclosed for the remainder of the offender's life.</p> <p><b>Step 2:</b> Calculation of the base disclosure period for a PE</p> <p><u>Two thirds</u> of the length of time between the date on which the judgment became legally binding and the base disclosure period for Extract 2.</p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the 'base disclosure period for Extract 2' (Step 1) represents the <u>maximum extension period</u> for this judgment.</p>

<p><b>Priority 3:</b> (Art. 40 para. 3 let. a CRRA)</p> <p>Were any of the following penalties ordered?</p> <ul style="list-style-type: none"> <li>• An immediate monetary penalty</li> <li>• Immediate community service</li> <li>• A suspended penalty, but the offender failed to comply with the terms of probation</li> </ul> <p>(A breach of probation is indicated by a corresponding subsequent decision)</p>	<p><b>Step 1:</b> Calculation of the base disclosure period for Extract 2 (Art. 38 para. 3 let. d + e CRRA)</p> <p><u>Date on which the underlying judgment became legally binding</u> <u>+ additional period:</u></p> <ul style="list-style-type: none"> <li>• custodial sentence for juveniles: 7 years</li> <li>• other penalties: 10 years</li> </ul> <p><b>Step 2:</b> Calculation of the base disclosure period for a PE</p> <p><u>Two thirds of the length of time between the date on which the judgment became legally binding and the base disclosure period for Extract 2.</u></p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the 'base disclosure period for Extract 2' (Step 1) represents the maximum <u>extension period</u> for this judgment.</p>
<p><b>Priority 4:</b> (Art. 40 para. 3 let. b CRRA)</p> <p>Was a suspended penalty imposed and did the offender comply with the terms of probation?</p>	<p>Direct calculation of the base disclosure period for a PE:</p> <p><u>Date on which the judgment was issued</u> <u>+ duration of the probationary period</u></p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the maximum extension period for this judgment is calculated on the basis of the base disclosure period for Extract 2 (Art. 38 para. 2 let. d + e CRRA) as follows: Date on which the underlying judgment became legally binding + additional period:</p> <ul style="list-style-type: none"> <li>• custodial sentence for juveniles: 7 years</li> <li>• other penalties: 10 years</li> </ul>
<p><b>Priority 5:</b> (Art. 40 para. 3 let. a CRRA)</p> <p>Was a fine imposed on an adult offender and did the offender fail to comply with the terms of probation?</p> <p>(Breach of probation in accordance with Art. 40 para. 3 let. c CRRA means commission of a felony or misdemeanour during the 2-year probationary period)</p>	<p><b>Step 1:</b> Calculation of the base disclosure period for Extract 2 (Art. 38 para. 3 let. d CRRA)</p> <p><u>Date on which the underlying judgment became legally binding</u> <u>+ additional period of 10 years:</u></p> <p><b>Step 2:</b> Calculation of the base disclosure period for a PE</p> <p><u>Two thirds of the length of time between the date on which the judgment became legally binding and the base disclosure period for Extract 2.</u></p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the 'base disclosure period for Extract 2' (Step 1) represents the maximum <u>extension period</u> for this judgment.</p>
<p><b>Priority 6:</b> (Art. 40 para. 3 let. a CRRA)</p> <p>Was there a conviction, but no sentence was imposed?</p>	<p><b>Step 1:</b> Calculation of the base disclosure period for Extract 2 (Art. 38 para. 3 let. f CRRA)</p> <p><u>Date on which the underlying judgment became legally binding</u> <u>+ additional period of 10 years</u></p> <p><b>Step 2:</b> Calculation of the base disclosure period for a PE</p> <p><u>Two thirds of the length of time between the date on which the judgment became legally binding and the base disclosure period for Extract 2.</u></p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the 'base disclosure period for Extract 2' (Step 1) represents the maximum <u>extension period</u> for this judgment.</p>

<p><b>Priority 7:</b> (Art. 40 para. 3 let. a CRRA)</p> <p>Was out-patient treatment (O-PT) ordered?</p>	<p><b>Step 1:</b> Calculation of the base disclosure period for Extract 2 (Art. 38 para. 3 let. i + j CRRA)</p> <p><u>End date for the measure according to the subsequent decision</u> <u>+ additional period:</u></p> <ul style="list-style-type: none"> <li>• adults O-PT: 10 years</li> <li>• juveniles O-PT: 5 years</li> </ul> <p>If there is still no end date in the system, the judgment remains in VOSTRA.</p> <p><b>Step 2:</b> Calculation of the base disclosure period for a PE</p> <p><u>Two thirds of the length of time between the date on which the judgment became legally binding and the base disclosure period for Extract 2.</u></p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the 'base disclosure period for Extract 2' (Step 1) represents the maximum <u>extension period</u> for this judgment.</p>
<p><b>Priority 8:</b> (Art. 40 para. 3 let. a CRRA)</p> <p>Were any of the following additional measures ordered?</p> <ul style="list-style-type: none"> <li>• Good behaviour bond</li> <li>• Activity prohibition order under Art. 67 para. 1 SCC or Art. 50 para. 1 MCC</li> <li>• Disqualification from driving</li> <li>• Discharge from the armed forces under Art. 48 MCC</li> </ul>	<p><b>Step 1:</b> Calculation of the base disclosure period for Extract 2 (Art. 38 para. 3 let. k CRRA)</p> <p><u>Date on which the underlying judgment became legally binding</u> <u>+ additional period of 10 years</u></p> <p><b>Step 2:</b> Calculation of the base disclosure period for a PE</p> <p><u>Two thirds of the length of time between the date on which the judgment became legally binding and the base disclosure period for Extract 2.</u></p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the 'base disclosure period for Extract 2' (Step 1) represents the maximum <u>extension period</u> for this judgment.</p>
<p><b>Priority 9:</b> (Art. 40 para. 3 let. c CRRA)</p> <p>Was a fine imposed on an adult offender and has the offender complied with the terms of probation?</p> <p>(Successful completion of probation in accordance with Art. 40 para. 3 let. c CRRA: no felonies or misdemeanours committed during the 2-year probationary period)</p>	<p>Direct calculation of the base disclosure period for a PE:</p> <p><u>Date on which the underlying judgment was issued</u> <u>+ duration of the probationary period</u></p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the maximum extension period for this judgment is calculated on the basis of the base disclosure period for Extract 2 (Art. 38 para. 3 let. d CRRA) as follows: Date on which the underlying judgment became legally binding + additional period of 10 years</p>
<p><b>Priority 10:</b> (Art. 40 para. 3 let. d CRRA)</p> <p>Was an activity prohibition or contact prohibition and exclusion order in terms of Art. 40 para. 3 let. d CRRA imposed?</p>	<p>Direct calculation of the base disclosure period for a PE:</p> <p><u>Date on which the underlying judgment became legally binding</u> <u>+ additional period of 7 years</u></p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the <u>maximum extension period</u> for this judgment (in accordance with Art. 40 para. 3 let. f CRRA) is calculated as follows: Date on which the underlying judgment became legally binding + additional period of 10 years</p>

<p>Priority 11: (Art. 40 para. 3 let. e CRRA)</p> <p>Was the only sanction a contact prohibition and exclusion order for juveniles under Art. 16a para. 2 JCLA that was not ordered for the purpose of protecting minors and particularly vulnerable persons?</p>	<p>Direct calculation of the base disclosure period for a PE:</p> <p><u>End date</u> of the order</p> <p><u>How the extension is calculated:</u> If there are several relevant judgments, the <u>maximum extension period</u> for this judgment (in accordance with Art. 40 para. 3 let. f CRRA) is calculated as follows: End date for the order + additional period of 5 years</p>
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### Calculation of the minimum periods for a private extract (PE)

<p>Minimum period for a specific activity prohibition order (APO): (Art. 40 para. 3 CRRA)</p> <p>Was an APO under Art. 67 para. 1 SCC or Art. 50 para. 1 MCC imposed?</p>	<p>Direct calculation of the APO minimum period for a PE:</p> <p><u>End date</u> for the activity prohibition order</p>
<p>Minimum period for judicial expulsion (JE): (Art. 40 para. 3 CRRA)</p> <p>Did the court impose a judicial expulsion order (JE)?</p>	<p>Direct calculation of the JE minimum period in a PE:</p> <p><u>End date</u> in the JE order</p>

The longest minimum period determines the 'interim disclosure period' provided this period extends beyond the base disclosure period already calculated for the judgment concerned (see above).

### Where there is more than one judgment: how an extension is calculated for a private extract (PE)

The 'interim disclosure period' calculated from the base disclosure period and the minimum period only becomes the end date for disclosure in a private extract if there are no other judgments.

However, if there are other judgments, the following rules apply:

1. The judgment whose interim disclosure period ends on the latest date is disclosed in the private extract until that date (see the remarks above).
2. The interim disclosure period is extended for each the other judgments (whose interim disclosure periods end on earlier dates) either:
  - to the end of the interim disclosure period for the judgment whose interim disclosure period ends on the latest date (see Point 1 above); or
  - to the end of the 'maximum extension period' for the judgment in question, if this is earlier than the end date in Point 1. This maximum period is indicated in the table above.

## **What appears in a special private extract?**

A special private extract only discloses underlying judgments and related subsequent decisions that involve an activity prohibition order, or a contact prohibition and exclusion order to protect minors, particularly vulnerable persons or patients in the health sector (Art. 42 CRRA).

## **How long does an underlying judgment appear in the special private extract?**

Underlying judgments that involve an activity prohibition order or a contact prohibition and exclusion order to protect minors, particularly vulnerable persons or patients in the health sector appear in the special private extract for as long as the prohibition order remains in force (Art. 42 para. 3 CRRA). The effective end date of the order is indicated in the extract. The exact calculation depends on various factors. These include the fact that duration of the order is extended if the offender concerned is serving a custodial sentence or subject to a custodial measure while the order is in force.