

Summary

Recidivism among offenders in the Netherlands: Report on the period 2006-2018

The WODC regularly reports reconviction rates for a number of different offender groups, whereby reconviction refers to new offences that result in a conviction in a criminal court or are settled by the Public Prosecution Service (PPS). The focus of this report is trends in reconviction amongst the following offender groups. First, we look at adult and juvenile offenders for whom criminal proceedings were begun during the period 2006 to 2015. Adult offenders are those convicted under adult criminal law and juvenile offenders are those convicted under juvenile criminal law. Second, we examine the reconviction rates of ex-prisoners and ex-juvenile detention detainees released in the period 2006 to 2015. Finally, we present reconviction rates for offenders who have completed community service orders and those who were supervised by the probation services in the period 2006 to 2015. Reconviction data from all offenders in this report were collected in July 2018 to ensure as many new and relevant judicial contacts as possible were included.

In this report we not only present details of all new judicial contacts, but we also examine the seriousness of the offences committed, as well as the average number of new convictions. Alongside actual reconviction rates we also report adjusted reconviction rates, which take into account changes in the composition of the offender groups over time. By adjusting the rates we can take into account changes in the background characteristics, such as sex, country of birth, age and criminal history, of the different groups.

The following research questions are the focus of this report:

- 1 What are the personal characteristics of those who between the period 2006 and 2015 received a conviction or settlement, were released from prison or a juvenile detention centre, completed community service or were supervised by the probation services?
- 2 What are the reconviction rates for these groups: what proportion of each group is reconvicted and what proportion is reconvicted for a very serious offence (recidivism prevalence)? What is the average number of new criminal cases per year?
- 3 After adjusting for differences in background characteristics and criminal history characteristics, for each offender group, what trends do we see in the reconviction rates?

Method

Reconviction was calculated according to the standard WODC recidivism monitor procedures. Data from the Research and Policy Database for Judicial Information (OBJD) was used. The use of the OBJD implies that only crime that comes to the Public Prosecution Service's attention is included in this research. Therefore,

offences and offenders that are not detected by the police and are not prosecuted by the Public Prosecution Service are not taken into consideration.

In line with the WODC recidivism monitor procedures, recidivism is defined as a new criminal case. A criminal case refers to a case that has irrevocably ended in a court order or has been settled by the Public Prosecution Service. Specifically, this report focusses on the *two-year general recidivism prevalence*. This is the percentage of people from each research group that within a follow-up period of two years committed an offence leading to a new criminal case. Different types of reconviction are distinguished. First, general recidivism is examined, i.e., all new offences regardless of the type or severity of the offence. Second, very serious recidivism is examined, i.e., new offences whereby according to the penal code a custodial sentence of eight years or longer can be imposed. Finally, for ex-prisoners and ex-juvenile detention detainees custodial sentence recidivism is examined, i.e., new offences whereby a (partly) unconditional custodial sentence can be imposed. As well as recidivism prevalence, we also calculate the average number of new criminal cases. For this, all criminal cases within a four year period are examined. We then calculate the average number of criminal cases *per year not in detention*.

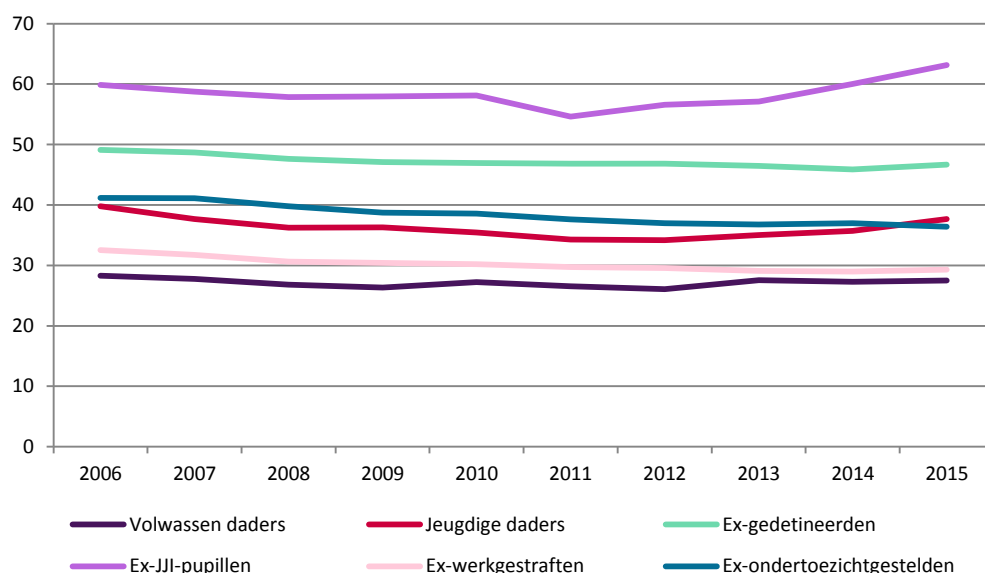
In order to interpret the reconviction trends over time, adjusted reconviction rates are presented. Fluctuations in reconviction rates can be caused by shifts in the characteristics of the group being studied. By adjusting reconviction rates we can show trends in reconviction independently of changes that may have taken place in the background characteristics of the group. Adjusted rates are calculated for general recidivism, very serious recidivism and for the average number of new criminal cases. For the latter we control for time in detention.

Key findings per research group

Adult offenders

- The number of adult offenders who received a conviction or whose criminal case was settled by the PPS has decreased in the period 2006 and 2015. In 2006, there were over 170,000 adult offenders and in 2015, there were around 125,000 adult offenders.
- The percentage of adult offenders receiving a discretionary dismissal has increased dramatically over time, from 5% in 2006 to 18% in 2015. On the one hand, this increase in discretionary dismissals can be explained by an increase in the number of dismissals of old criminal cases. On the other hand, there has been a change in policy at the PPS towards the ZSM model (Dutch: zorgvuldig, snel, en op maat; carefully, quickly and tailor-made), with the aim of taking into account offenders' underlying issues when settling cases. For example, by imposing a conditional discretionary dismissal the PPS can use the threat of criminal prosecution to deter an offender from further offending, whilst encourage them to address their underlying problems.
- The two-year adjusted general recidivism rate fluctuates slightly over time (see figure S1). The rate dropped from 28% in 2006 to 26% in 2012. We then see a slight increase to 28% for offenders convicted in 2015.
- The two-year adjusted very serious recidivism rate remained very low over the entire period studied (around 3%).
- The adjusted average number of new criminal cases per year not in detention remained very constant throughout the research period, at 0.3.

Figure S1 Adjusted two-year general recidivism rates for each offender group per (release) cohort



Juvenile offenders

- The number of juvenile offenders who received a conviction or whose criminal case was settled by the PPS decreased greatly in the period 2006 to 2015. In 2006, there were 24,000 juvenile offenders and in 2015, there were 9,000 juvenile offenders.
- The proportion of juvenile offenders receiving a discretionary dismissal has increased dramatically over time, from 7% in 2006 to nearly 29% in 2015. This increase among juvenile offenders is likely the result of a change in policy at the PPS. When settling criminal cases, the PPS now aims to take into greater account offenders' and/or victims' underlying problems.
- On average in the research period the offender group has become older. The proportion of young offenders aged 17 and older has increased from 30% of those convicted in 2006 to 39% of those convicted in 2015.
- The two-year adjusted general recidivism for juvenile offenders decreased to 2012 before increasing again (see figure S1). Between 2006 and 2012 the prevalence of reconviction dropped from 40% to 34%. Since then the rate has increased to 38% for those convicted in 2015.
- The adjusted average number of new criminal cases per year not in detention remained very constant throughout the research period, at 0.3.

Ex-prisoners

- The number of people released from prison has decreased in the period 2006 to 2015. In 2006, over 35,000 people were released from prison and in 2015, around 29,000 were released from prison.
- In 2014 and 2015 we see a noticeable increase in the number of people released from prison after a stay of less than one month and those who had not received an (un)conditional custodial sentence, but who were detained as a result of failing to pay a fine or not successfully completing a community service order.
- The two-year adjusted general recidivism rate for ex-prisoners dropped slightly over the research period, from 49% for prisoners released in 2006 to 47% for

prisoners released in 2015 (see figure S1). This drop mainly occurs for earlier cohorts. Reconviction rates amongst recent cohorts have remained quite stable.

- The two-year adjusted very serious recidivism rate also dropped slightly, from 7% in 2006 to 6% in 2016.
- The adjusted average number of new criminal cases per year not in detention dropped very slightly from just above 0.6 in 2006 to just under 0.6 in 2015.

Ex-juvenile detention detainees

- The number of juvenile offenders released from a juvenile detention centre decreased greatly in the period 2006 to 2015. In 2006 around 2,700 juvenile offenders were released from juvenile detention centre and in 2015 over 1,000 juvenile offenders were released.
- The number of ex-juvenile detention detainees aged 18 or over at release has increased dramatically over time.
- The two-year adjusted general recidivism rate for ex-juvenile detention detainees dropped before increasing again (see figure S1). From 2006 to 2011 the prevalence of reconviction dropped from 60% to 55%. From 2011 the rate increased up to 63% for juveniles released in 2015.
- The two-year adjusted very serious recidivism rate has increased since 2012, from 14% in 2012 up to 17% in 2015.
- The adjusted average number of new criminal cases per year not in detention remained very stable throughout the research period, at around 0.7.

Ex-community service offenders

- The number of people completing a community service order decreased slightly from over 31,000 in 2006 to 25,000 in 2011. From 2012 we see an increase in the number of community service orders. In 2015 the number of people completing a community service order is, at around 31,000, back at the same level as in 2006.
- The background characteristics of those who have completed a community service order have remained very constant over time.
- The two-year adjusted general recidivism rates for those who have completed community service orders dropped over time, from 33% for those completing community service in 2006 to 29% for those completing community service in 2015 (see figure S1). The largest drop occurs at the beginning of the research period. Reconviction rates amongst recent cohorts have remained quite stable.
- The two-year very serious recidivism rate remained consistently very low throughout the research period, around 3%.
- The adjusted average number of new criminal cases per year not in detention remained very stable throughout the research period, at around 0.3 new cases per person per year not in detention.

Ex-probation clients

- The number of people previously under supervision by the probation services increased from over 8,000 in 2006 to around 10,500 in 2015.
- The background characteristics of ex-probation clients remained very constant over time.
- The two-year adjusted general recidivism rate for ex-probation clients decreased over time, from 41% for those whose probation period ended in 2006 to 36% for those whose probation period ended in 2015 (see figure S1). Here too, we see that the largest drop occurs at the beginning of the research period. Reconviction rates amongst recent cohorts have remained stable.

- The two-year very serious recidivism rate decreased slightly in the research period, from 6% in 2006 to 5% in 2015.
- The adjusted average number of new criminal cases per year not in detention remained very stable throughout the research period, at around 0.4 new cases per person per year not in detention.

Limitations and future research

A limitation of this research is that only crime that came to the attention of the PPS and that resulted to a criminal case is included. A large amount of crime remains unknown to and thus undetected by the police. In addition, not all offences known to the police lead to a conviction or a discretionary dismissal by the PPS. In some cases, receiving care services is deemed more appropriate than prosecution. Using police registration alongside the OBJD would allow us to gain insight into how often people become suspects by the police again. It is possible that recidivism rates based on police registrations would demonstrate a different trend to those based on conviction data. For these reasons, future research should investigate the possibility of examining recidivism based on police data.

A second limitation is that in the current study we have only corrected for the handful of static characteristics available in the OBJD, such as sex, country of birth, age and criminal history. It remains to be seen whether changes in dynamic characteristics, such as substance abuse and psychosocial problems, can explain changes in the recidivism trends over time amongst the different offender groups. For adult offenders the RISc (Dutch: Risico Inschattingsschalen; risk estimation scales) represents a promising source of data for dynamic characteristics. However, the RISc is not completed by all offenders and thus it is questionable whether the offender group is adequately represented in the data. For juveniles, it may be possible in the future to make use of the LIJ (Dutch: Landelijke Instrumentarium Jeugdstrafrechtken; a risk assessment instrument based on the Washington State Juvenile Court Assessment) to gain more insight into risk and protective factors relating to juveniles.

Besides individual factors, factors at the meso and macro level can help explain trends in reconviction over time. For example, registration effects and general developments in crime and the fight against crime likely affect levels of reconviction. In the current study we do not account for possible effects at the meso or macro level. Previous research has demonstrated that the influence of these factors is hard to quantify. One possible solution is to use panel data analysis, splitting the research groups into different regions.

Another way to seek explanations for trends in reconviction is to search for specific subgroups to which the trend does not apply. For instance, amongst juvenile offenders we have seen reconviction rates increase over the last few years, in contrast to the other offender groups. It is possible that this increase is the result of reconviction amongst a certain subgroup within the juvenile offender group.

A final limitation is that little attention has been paid to reconviction which occurs whilst criminal orders are being carried out. To date, recidivism research carried out by the WODC has always focused on reconviction that occurs after a specific criminal order, such as a custodial sentence or probation period, has been completed. Once the custodial sentence or probation period is over the measurement of reconviction begins. Any offending that occurs during the criminal order and whether the criminal order is followed by another criminal order is not taken into

consideration. In order to give a more complete and accurate picture of reconviction, offending which occurs during completion of a criminal order must be included and the fact that criminal orders can result from such reconviction needs to be taken into account.

Conclusion

In this report we examine reconviction of adult offenders, juvenile offenders, ex-prisoners, ex-juvenile detention detainees, ex-community service offenders and ex-probation clients. The (release) cohorts from 2006 to 2015 were the focus of this research and the reconviction examined was committed up to and including July 2018. The most noticeable finding is that reconviction trends amongst adult offenders seem to have stabilised over the last few years, whereas the rate of reconviction by juveniles, after years of decline, seems to now be showing an increasing trend. The next recidivism research carried on these offender groups will show us how these trends amongst adult and juvenile offenders further develop.