

## Summary

### Recidivism following treatment

#### **A statistical overview of criminal recidivism of former offenders under an entrustment order in the Netherlands**

This study explores recidivism in offenders placed under an entrustment order. Placement under an entrustment order is a sanction that aims to protect Dutch society from offenders of serious crimes who are suffering from a psychiatric or personality disorder. Offenders under an entrustment order are placed in designated custodial centres and undergo treatment to help reduce the risk of recidivism.

Since the mid nineteen nineties the number of placements under an entrustment hospital order has increased dramatically. Every year courts in the Netherlands make about 200 placements under hospital orders, while some 80 orders are terminated each year. The intramural capacity needed in 2008 is expected to increase to 1,700 places.

This report explores criminal recidivism rates in former offenders under an entrustment order and maps out the results for the entire sector. In order to provide a background to the study results, some results are compared with results from a similar measurement held amongst adult offenders in general (refer to Wartna, Tollenaar and Blom, 2005) and amongst former inmates (refer to Wartna, Tollenaar and Essers, 2005). Since these groups cannot be compared in all aspects, this study should not be regarded as a means to establish an order's effectiveness, but rather as an exploration of the outflow results in the placement under hospital order sector.

#### *Study group*

The study group comprises all offenders under an entrustment order whose placement was formally terminated in the period 1974-1998. This involved 1,798 unique persons divided into five groups, each covering a five-year outflow period. Previous reports on recidivism rates in the first four cohorts have been published by Van Emmerik in 1985 and 1989 and Leuw in 1995 and 1999. This study adds a fifth cohort to the study: former offenders under an entrustment order who left the institution in the period 1994-1998.

*Table a* sets out the data for the five cohorts and a number of background characteristics for the former offenders under an entrustment order.

There are substantial differences in the backgrounds of the former offenders under an entrustment order in the five cohorts. The main shifts were concentrated in the duration of the entrustment order, the initial offence and the percentage of 'frequent offenders'. While the number of former offenders placed under an entrustment order who were prosecuted three times or more in the 5-year period preceding the placement in the institution order had been increasing in recent years, it dropped sharply in the last cohort. The percentage of offenders on whom the order was imposed following violent

**Table a** Study data and some backgrounds for former offenders under an entrustment order who left the institution between 1974-1998

Cohort	Number	Male %	Average age	Born in the Netherlands %	Violence/sex offences %	Termination to the contrary %	Frequent offender %	Median term entrustment order in days
1974-1978	497	91,75	36,09	92,29	61,57	19,14	52,08	1.520
1979-1983	394	95,94	32,96	89,31	80,34	40,05	60,85	1.461
1984-1988	371	94,61	33,76	86,14	93,53	48,86	65,67	1.826
1989-1993	312	96,47	34,93	75,81	96,47	63,92	70,19	1.842
1994-1998	275	94,55	34,77	75,36	97,83	58,65	56,16	2.131
Totaal	1.849*	94,43	35,42	85,11	82,94	42,82	60,90	1.808

\* 1,798 unique persons

or sex offences has increased considerably. The same applies to the term of the entrustment order and the number of orders which were terminated contrary to the advice of treatment personnel. In interpreting the recidivism measurement results these differences need to be taken into account.

### Method

The study is part of the *WODC Recidivism Monitor*, an ongoing project in which standardised measurements are being carried out amongst a wide range of offender groups. The measurements are based on data from the Justice Documentation research and policy database (OBJD). The OBJD is an anonymous version of the justice documentation system (JDS) and contains information about crimes prosecuted by the Public Prosecutors Office. The Recidivism Monitor applies fixed criteria to assess the rate of recidivism.

**Table b** Recidivism criteria within the WODC Recidivism Monitor

Criterion	Description
General recidivism	New criminal cases, regardless of the nature and seriousness of the crimes committed, with the exception of criminal cases that result in acquittal, dismissal by reason of likelihood of non-conviction, or another technical verdict or disposal
Serious recidivism	Reconviction* following a crime punishable by 4 years or more
Very serious recidivism	Reconviction* following a crime punishable by 8 years or more
Special recidivism	Reconviction* following a crime similar to the initial crime

\* Including discretionary dismissals and settlements by the Public Prosecutors Office

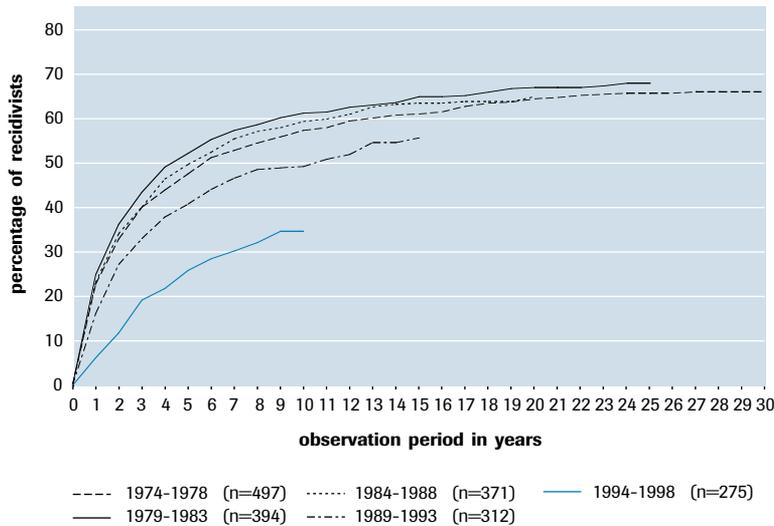
Recidivism rates in the various study groups are defined based on these criteria. The respondents from the first cohort could be followed for 25 to 30 years and the former offenders under an entrustment order from the last cohort for 5 to 10 years. Since the data available are limited, the report offers no explanation as to the occurrence or absence of recidivism. It does not deal with the backgrounds and causes of reoffending but merely sets out the figures, dealing with the following aspects:

- the *prevalence* of recidivism; which part of the (sub)group has reoffended?
- the *speed* with which the person reoffended; when did he or she reoffend?
- the *frequency* of recidivism; how many times was the reoffender arrested or reconvicted following the initial case?
- the *nature* and *seriousness* of the recidivism crimes; which type of crime was committed and how was the new criminal case dealt with?
- the *magnitude* of the recidivism; what are the overall recidivism rates in the (sub)group?

*Recidivism amongst former offenders under an entrustment order*

*Figure a* shows the prevalence of serious recidivism in the five cohorts of former offenders under an entrustment order. Serious recidivism comprised some 80 to 90 percent of the general recidivism prevalence. Both forms of recidivism have decreased over the years. 34 Percent of former offenders under an entrustment order in the last cohort were reconvicted for serious to very serious offences after 10 years. In the three older cohorts this percentage was between 57 and 61 percent. Serious recidivism in former offenders under an entrustment order who left the institution between 1994 and 1998 was lower than in former inmates. After 6 years, 57 percent of the former inmates were prosecuted for a crime punishable by 4 years or more. After 6 years, serious recidivism was 28 percent amongst former offenders under an entrustment order in the last cohort, which compares to 24 percent amongst adult offenders in general.

**Figure a** Prevalence of serious recidivism in five cohorts of former offenders under an entrustment order who left the institution in the period 1974-1998



*Figure b* sets out the developments for each form of recidivism for offenders of sex or violent crimes. Together, these two groups account for 98 percent of all former offenders under an entrustment order who left the institution in the 1994-1998 period. In addition to general, serious and very serious recidivism, special recidivism percentages have also been included. Special recidivism amongst violent offenders accounts for a much higher percentage in the overall recidivism rates. After 10 years 27 percent has been prosecuted for new violent offences. Special recidivism rates in sex offenders are lower with an eleven percent reconviction rate for sex offences.

#### *Other aspects of recidivism*

Former offenders under an entrustment order from the last cohort were reconvicted 3.8 times on average 5 years after the order ended, 2.5 of which following offences subject to a penalty of 4 years or more. Recidivism cases were settled relatively often by means of a prison sentence of 6 months or more. The recidivism frequency amongst former offenders under an entrustment order, too, has dropped over the past few decades and is now comparable to the recidivism frequency in the overall offender population, but was much higher in the earlier cohorts. *Figure c* sets out for each of the five cohorts which number of recidivism cases followed in the period after the entrustment order ended. The cases are

distributed as to seriousness of the offences committed.<sup>18</sup> The data are expressed per group of 100 offenders under an entrustment order.

**Figure b** Prevalence of various forms of recidivism of former offenders under an entrustment order sentenced for a violent or sex offence and who left the institution in the 1994-1998 period

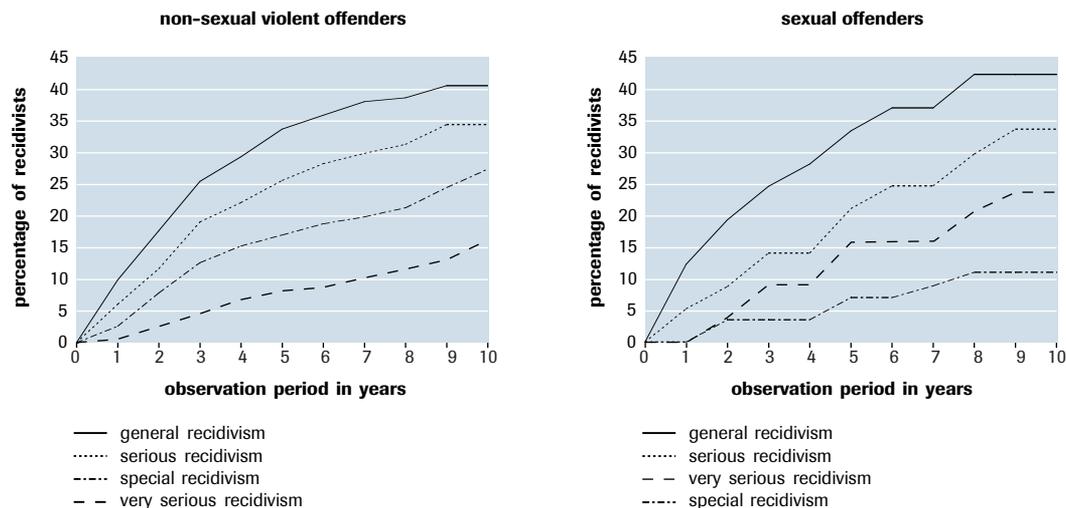
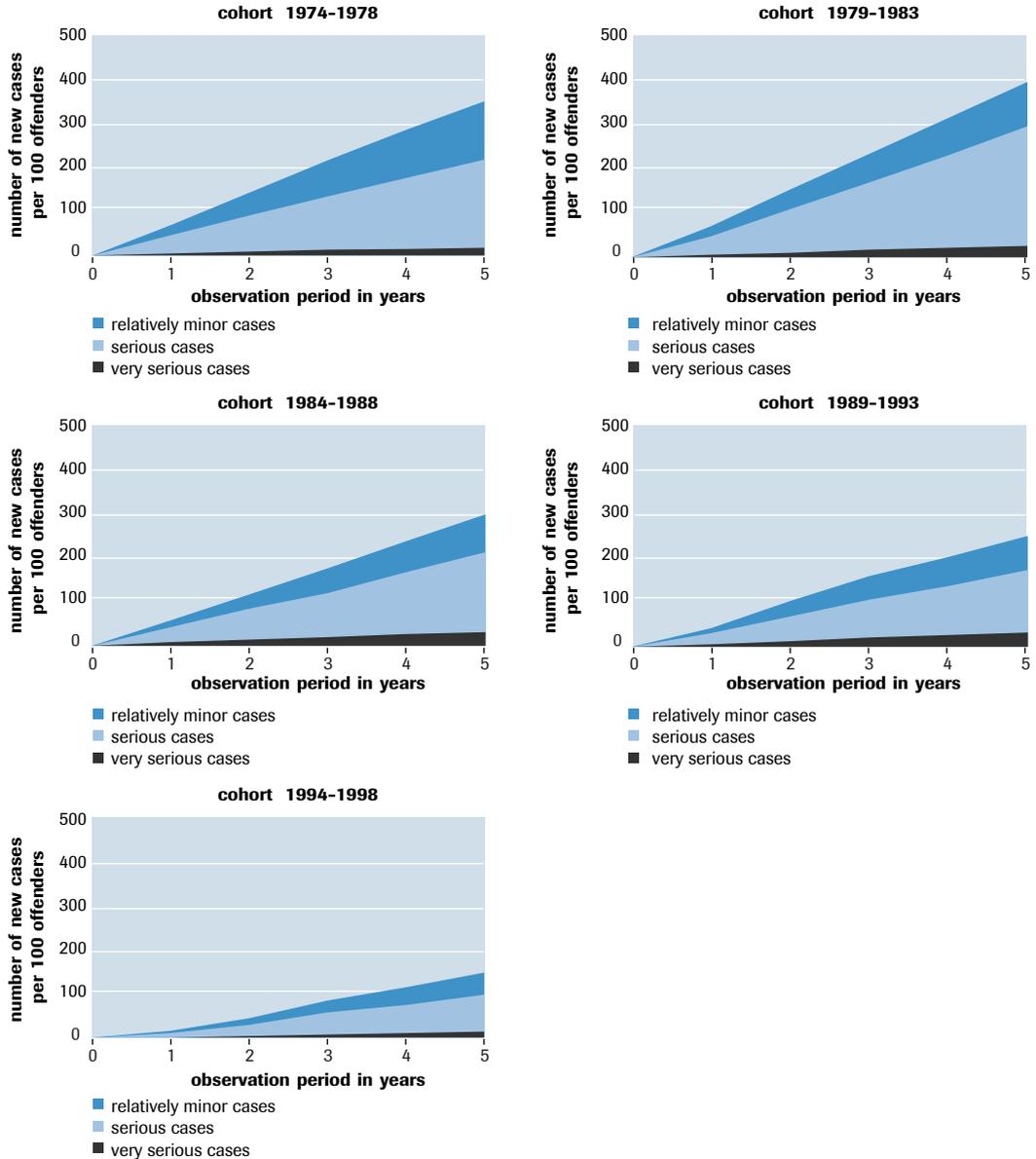


Figure c shows how the magnitude of the recidivism amongst former offenders under an entrustment order has dropped over time. While recidivism rates increased slightly after 1978, the level has been falling steadily since 1983. In the first cohort 100 former offenders under an entrustment order accounted for 344 new criminal cases over a 5-year period. For the former offenders under an entrustment order from 1994 to 1998 the comparable number of cases is 125. The drop in cases of very serious recidivism is less spectacular. In the last cohort there were 12 criminal cases per 100 former offenders under an entrustment order for crimes punishable by 8 years or more in the first 5 years following dismissal, compared with 17 in the first cohort. The magnitude of recidivism amongst the last group of former offenders under an entrustment order is much smaller than amongst adult former inmates. Over the 5-year period the total number of recidivism cases was 3.5 times smaller.

18 This distinction is based on the maximum penalty for the offences, see table b.

**Figure c** Magnitude of recidivism amongst former offenders under an entrustment order who left the institution in the period 1974-1998, set out as to seriousness of the offences committed



#### *Factors that relate to the prevalence of recidivism*

The risk of recidivism amongst former offenders under an entrustment order depends on a number of factors. The best indicator for serious recidivism is the number of previous (serious) convictions: the greater the number of

previous convictions, the higher the risk that people will reoffend after the order is terminated. Other factors that play a role are: gender (male former offender under an entrustment order will reoffend more often than female), country of birth (the risk of recidivism is higher under people born in the Netherlands) and age (the younger a person is when leaving the institution, the greater the risk of reconviction).

Some characteristics shown during the length of stay under the entrustment order have been proven to be an indicator for the risk of recidivism. If at any moment during the length of stay in the institution the offender was absent without authorisation, there is a greater risk of recidivism after the order ended. If the order ended in a period of trial leave, the prospects are better. The term of the entrustment order does not appear to make a difference, nor does the manner in which the order was terminated. In the event of equal scores in the other characteristics measured, it makes no difference if the order was terminated in contradiction to or in conformance with the advice of the institution. What does play a role is the type of initial offence. The best results were achieved by former offenders under an entrustment order who were sentenced for violent or sex offences. It is not clear what influences these results. The lower rates of recidivism amongst former offenders under an entrustment order could be explained by demographical changes; very few habitual reoffenders charged with offences against property are being placed under an entrustment order nowadays. Alternatively, it could be the effect of better treatments or a more selective policy in terminating the entrustment order: only offenders with favourable prospects are released. This could also serve as an explanation for the increasing term of placement under these orders.

### *In conclusion*

This report maps out the outflow results of the entrustment order. Recidivism rates amongst the most recent group of former offenders under an entrustment order are comparable to those of an average group of adult offenders and much lower than the group of former inmates. Comparison with other offender populations is possible in view of the fact that measurements within the framework of the WODC Recidivism Monitor are always carried out in the same manner. This study is the first in a new series. Developments in the level of recidivism of former offenders under an entrustment order will be traced by means of annual measurements. This set-up will be carried out in other correctional institutions for juvenile and adult offenders as well. The Recidivism Monitor gives the Ministry of Justice an insight into the effect and outcome of all of its interventions.