

Summary

Recidivism following probation or a community service order Overview of the relapse into crime of adult offenders dealt with by the Dutch Probation Services in 2002-2009

In the Netherlands there are three distinct probation organizations: the National Probation Service (Reclassering Nederland), the Addiction Probation Service (Stichting Verslavingsreclassering GGZ, hereafter SVG) and the Salvation Army Youth Care and Probation Service (Leger des Heils Jeugdzorg & Reclassering). Together they are labelled '3RO'. They employ community service orders and supervise individuals serving suspended sentences or other penal measures containing judicial restrictions. Supervision and community service orders are important sanctions to prevent crime and to reduce recidivism. 3RO has requested the WODC to include individuals who have been under supervision or served a community service order (hereafter 'probationers') in the Dutch Recidivism Monitor, an ongoing research project measuring the relapse into crime of known offenders. This report gives an account of the first steps in the development of a system of periodical measurements of both groups. It provides an overview of the available data, describes the trends in the recidivism figures among individuals sentenced to community service or a supervision plan and entails an in-depth analysis of the reconviction rates relating to these sanctions using data from the RiSc (Recidivism Risk Assessment Scales), a diagnostic instrument used by 3RO to assess the backgrounds of the delinquent behaviour of their clients. The measurements performed in this study mark the beginning of ongoing research into the recidivism among these two distinct groups of probationers. This aspect of the outcome of the work done by the probation services will be monitored on a yearly basis. The annual measurements will produce a national database that can be used in numerous ways for further in-depth research. In a way, this research provides the starting point for research into the effectiveness of the sanctions executed by the probation services.

These are the research questions that were answered in this report:

- 1 Which are the characteristics of the population of offenders and suspects who came into the care and attention of the probation organizations as part of a community service order or a supervision plan?
- 2 Which part of the probationers, after completing their supervision or community service order, regained contact with the criminal justice system as a result of committing a (serious or very serious) criminal offence?
- 3 What is the development in the reconviction rates of probationers in the period from 2002 to 2009, taking into account any changes that have occurred in the background characteristics of the two groups of offenders?
- 4 How high are the reconviction rates of the two groups of probationers when differentiated in terms of offender backgrounds, criminal case characteristics and executive aspects?

- 5 In which combination and to what extent do offender backgrounds, penal characteristics and executive aspects of the sanctions predict the occurrence of recidivism following a community service or supervision plan, when the analyses also incorporate information on criminogenic needs taken from the RISc-screening device?

Method

The research set consists of probationers who ended their community service order and/or supervision plan between 2002-2009. Community service orders and supervision plans that did not start were disregarded. In this report the description of recidivism is primarily focused on probationers who ended their probation contact in 2009.

To put the outcome in some kind of perspective, comparisons are made with data from the WODC Recidivism Monitor regarding ex-prisoners who were released from a penitentiary in 2009. The data set for the current research was compiled by linking the executionary data from the Probation organizations to the judicial data derived from the Research and Policy Database Judicial Information ('OBJD'). This is an encrypted version of the Judicial Documentation System (JDS). The OBJD is the principal source for the Dutch Recidivism Monitor.

In this report attention is given to the prevalence of 'general', 'serious' and 'very serious' recidivism of probationers up to two years after their supervision plan or community service order was terminated. As the starting point of observation the first day was used following the day on which the supervision or community service ended. The prevalence of recidivism is calculated using survival analysis. This technique is the standard method used within the Recidivism Monitor to assess the relapse into crime of a specific offender group.

To shed light on the relation between offender backgrounds, penal characteristics and executive aspects on the one hand, and the prevalence of recidivism on the other, univariate Cox regression analyses were employed. This concerns static and unchangeable characteristics that previous studies have demonstrated to be related to recidivism among offenders. To disembarass the trends in the recidivism figures from the influence of yearly influx variations in the background characteristics of the probationers, the figures are adjusted by means of parametric survival models. The adjusted figures indicate the degree of recidivism under the assumption that all cohorts were composed in a identical manner in terms of their static background characteristics.

In addition to the univariate relations between offender backgrounds, penal characteristics and executive aspects of the sanctions and recidivism, the multivariate relations are also tested among the segment of the population

for which RISC-data were available as well. An examination of the interrelations among factors makes it possible to determine how they affect each other. Previous research has shown that many of the dynamic and thus changeable risk factors that are estimated in the RISC influence the recidivism of probationers. The analysis of the RISC data offers an indication of the unique influence of execution characteristics on recidivism (such as the degree of completion of the supervision plan or community service), when many of the factors that could muddle this influence are controlled for.

Results

In 2009, nearly 33,000 adults completed a community service order, and over 12,000 persons were released from supervision. These figures include both prematurely terminated and completed community services and supervision periods. The probationers and ex-prisoners are comparable in terms of age and sex: on average they are 34 years old (with similar statistical variation) and primarily male. Differences between the groups emerge when the country of birth and the magnitude of the individuals' criminal careers are considered. For instance, the proportion of individuals in the community service and supervision groups who were born in the Netherlands is larger than in the group of ex-prisoners. Also, persons with a community service order are more often first offender, on average have fewer previous convictions and usually began their criminal careers at a slightly later age than persons under supervision. In comparison with ex-prisoners, in general probationers under supervision have slightly less extensive criminal careers.

Community service orders are predominantly given in cases of non-violent property offences. Supervision is most commonly ordered for violent offences. For those with a community service order, the community service itself is often the most severe component of the court's settlement. Supervision is most often ordered as a sequel to a non-suspended prison sentence or in combination with a community service order, but also in the context of a suspended sentence. The majority of the community services and supervision plans were carried out in the court districts of Amsterdam, Rotterdam, and The Hague.

The majority of community service and supervision orders are dealt with by the National Probation Service, followed by the Addiction Probation Service and the Salvation Army Youth Care and Probation. On average, a supervision period has a duration of 15 months. In just over half of supervision cases, supervision was ordered to oversee the (special) conditions of a suspended sentence, and in one-fourth of cases it served a conditional suspension of the remand in custody, a conditional dismissal, or a conditional settlement. The average length of community service orders that ended in 2009 was 70 hours.

Over 40% of these were performed at an organization in the non-profit sector (such as health care institutions), and one out of three as part of an internal group project performed at the Dutch Probation Service. For the remaining community service orders this information was missing. The majority of all community service orders and supervision orders were successfully completed. In this respect the image of community service orders is somewhat more favorable than the image of supervisions.

The recidivism research shows first of all that persons sentenced to community service reoffend less frequently and less severely than persons placed under supervision, who in turn are less likely to reoffend than ex-prisoners. Two years after completion of a community service order in 2009, 31% of the community service group again came into contact with the law as a result of a criminal offence; among the supervision group, this percentage was 39, and among ex-prisoners nearly 48. Focusing on 'serious' recidivism and 'very serious' recidivism, it emerges that 22% of persons with a community service order commit a new offence liable to be punished with a prison term of four years or longer, while 3% commits an offence liable with a prison term of eight years or longer. These percentages are higher yet among supervised persons (32% and 6%, respectively), and highest among ex-prisoners (40% and 8%).

The adjusted prevalence of 'general' recidivism displays a slight decrease over the years 2002 through 2009. Taking the changes in static offender characteristics into account, the percentage of persons in the community service group that had a new judicial contact due to any criminal offence within two years dropped from 36% to 32%. In the supervision group, prevalence of the same type of recidivism decreased from 45% in 2002 to 40% in 2009. The population of ex-prisoners also saw a net decrease however, dropping from 56% in 2002 to 48% in 2009.

The study shows that all measured characteristics are to a significant degree correlated with two-year recidivism among persons with a community service or supervision order in 2009. This also applies to the ex-prisoners of the same year.

Male probationers display a greater rate of recidivism than female offenders – a well-known phenomenon that is often encountered in criminological literature. Age and starting age are negatively correlated with the odds of recidivism – a correlation that is also commonly encountered. The younger a person is at the time of the index offence or his or her first contact with the criminal justice system, the greater the odds of recidivism following the index offence. The extent of a person's criminal record is also a factor. The greater the number of previous offences, the higher the odds of recidivism. Offenders born in the Netherlands Antilles or Aruba, Morocco or Surinam displayed a higher recidivism rate than offenders born in the Netherlands. This applies to all offender groups under examination in this report.

In each of the three groups, the lowest recidivism rate was found among sexual offenders. Among persons under supervision and ex-prisoners, the recidivism rate was highest among individuals who had committed a property offence (violent or non-violent). Persons with a community service order also displayed the greatest chance of recidivism if they had committed a property crime, but especially so when done violently. Regarding punitive measures, the highest percentage of recidivists was found among the group of persons who had been given a community service order in combination with a long-term prison sentence. For persons under supervision and ex-prisoners, by contrast, recidivism was at its highest among those who had (additionally) been sentenced to short-term imprisonment (less than six months).

The executive aspects included in this study all display a correlation with recidivism that occurs within a period of two years. Thus, there are differences between the three national probation organizations with regard to both the community service and supervision groups of 2009. These differences are probably due to a large extent to the nature of the offender groups that they handle. Measures carried out by the SVG are commonly concerned with addicts. The National Probation Service deals with a more heterogeneous selection of probationers. The Salvation Army focuses on homeless individuals.

The duration of a supervision period displays a negative correlation with recidivism: the longer the duration, the lower the rate of recidivism. There is a number of possible explanations for this. Prematurely terminated supervisions that show a greater extent of recidivism are often shorter. However, it is also possible that a longer supervision period offers better opportunities to focus on behavioral change, which might decrease recidivism. Among community service probationers, the number of hours also displays a slight negative correlation with the degree of recidivism. Longer community services are associated with lower recidivism odds.

Community services carried out externally were correlated with a lower rate of recidivism than community services carried out in internal group projects. This is not surprising, as probationers with a high risk of recidivism are more likely to be assigned to internal group projects. As expected, among both the community service and supervision groups there was a large difference in recidivism rates between those who finished the sanction given and those who did not. Individuals who completed their punitive measure according to plan recidivated less frequently than persons who quit prematurely. However, this correlation does not necessarily prove the effectiveness of such measures; it may be that the 'quitters' had been more likely to recidivate in the first place.

The multivariate analysis, which takes into account the mutual correlations of predictive factors, indicated that for persons under community service and for persons under supervision, conviction density (i.e. the annual average of previous convictions in the probationer's criminal career) displays the strong-

est positive correlation with recidivism. Moreover, it became clear that in each group, in addition to static factors, three dynamic factors from the RISC-instrument have an added, predictive value. These were the factors of 'offense characteristics' 'relationships with friends and acquaintances' and 'alcohol usage'. For persons under supervision the dynamics factors 'housing and accommodation' and 'patterns of thought, behavior and skills' were of influence as well. These two factors indicate whether the probationer experiences problems with housing and whether there are cognitive needs. These dynamic criminogenic factors revealed expected correlations: larger problems in these areas occur in tandem with significantly increased odds of recidivism.

The multivariate analysis also indicated that for both probationers with a community service order as well as supervision, the correlation between recidivism and successful completion or failure to complete community service or supervision remained visible. This could indicate effectiveness on the part of these measures, since this analysis corrected for a variety of statistical and dynamic backgrounds. Even after the elimination of significant influx variations, there still exists a significantly reduced risk of recidivism if a community service or supervision period is completed according to plan. The analyses also indicated that variables relating to one's criminal history overwhelm the influence of other, dynamic and measure implementation factors. The omission of factors relating to the criminal history of individuals sentenced to community service or supervision allows other factors to display a stronger correlation with recidivism and permits the emergence of dynamic factors that previously seemed unimportant, such as 'education, employment and learning' for both groups, and for instance 'patterns of thought, behavior, and skills' for probationers with a community service order. In contrast to a historical factor such as conviction density, dynamic factors offer more clues to undertake specific interventions with offenders.

Concluding remarks

The observed decline in recidivism between 2002 and 2009 among persons under supervision or with a community service order can not be attributed to changes measured in the background characteristics of probationers. After all, adjustments were made for this. The decline may indicate that the probation organizations have improved their performance. In other areas of the criminal justice system a similar decline can be observed in criminal recidivism. Based on data from the WODC Recidivism Monitor the two-year recidivism of offenders from Judicial Youth Penitentiaries fell with almost 3%. In the total population of offenders a decline was observed as well. It might be that criminal policy is being effective in more than one area of criminal justice. One cannot be sure of this however, because only the confounding influ-

ence of the characteristics measured in the current research could be controlled for. It is possible that other, non-measured influx variations might explain the current measurement results.

The current research controlled for many influx variations, in the description of the development of recidivism over time, as well as in the multivariate analyses on the complementary RISC data. The use of statistical methods makes it possible to reject a large number of alternative explanations for the differences found in the reconviction rates of various subgroups of probationers. This may be a step in the right direction, but it does not offer 'hard' evidence of the effects of the community service orders and supervision plans the Dutch Probation Services execute. To give a definite answer to the question of whether a causal relation exists between judicial interventions and the degree of recidivism, experiments are needed with random allocation of offenders. From experience however it is clear that such studies are difficult to undertake in a judicial setting. As long as this is the case, we will have to settle with more pragmatic research designs, such as the one used in this research.

The database that has been built in the probation domain renders many possibilities for future research. This study shows the current level of recidivism among offenders sentenced to community service or supervision. From now on the WODC will provide 3RO with an annual feedback report on the development and background of recidivism in these two major groups of probationers. This will not only clarify whether (adjusted) recidivism levels among offenders under community service or supervision continue to drop over the years to come (or, for instance, stabilizes instead), but also to what extent this development corresponds to or diverges from recidivism developments in other areas of criminal justice application, such as ex-prisoners, juvenile offenders or ex-forensic patients.