

# Recidivism among Dutch juveniles with a penal treatment sanction

In 1995, the Dutch juvenile criminal justice system has been reformed. The reform introduced one common penal treatment sanction ordering the placement of a juvenile offender in a judicial juvenile facility (*PIJ: plaatsing in een inrichting voor jeugdigen*). This treatment sanction can be imposed for a maximum of two years. However, if the offence committed was a violent one the period can be prolonged. The PIJ replaced two former sanctions: placement in a treatment facility (*BB: plaatsing in een inrichting voor buitengewone behandeling*) and the so-called juvenile *TBR* (*jeugd-terbeschikkingstelling*). The *BB* was meant for juvenile offenders with diminished criminal responsibility, the juvenile *TBR* for offenders with serious behavioural problems.

This study investigates whether significant differences exist between juveniles with a *PIJ*, a *BB* or a *TBR* sanction. In addition, the recidivism rate of the three groups is compared. In this study recidivism is defined as every single judicial contact after release not leading to a dismissal on technical grounds or an acquittal. The comparison of the recidivism rates is based on instruments developed in the framework of the Recidivism Monitor; an ongoing research project. Measurement within the Recidivism Monitor not only involves the question whether there is a new contact with the criminal justice authorities, it also concerns the timing of this event, the frequency of reoffending and the seriousness of the new offences.

The research group consists of 382 juveniles. Their treatment sanctions ended in the period 1995 and 1999. Three quarters of all juveniles had a criminal record prior to the ordering of the three sanctions. Among the group of 382 juveniles, 239 had a *BB*, 33 had a *TBR* and 110 juveniles had a *PIJ* sanction. Characteristics of the juveniles that were included are age, gender, ethnicity, seriousness of the committed offence, duration of the sanction, and criminal history. The group placed under *PIJ* differs from the other two groups. This group contains more ethnic juveniles, the committed offences were less frequently violent and, in general, less serious. In addition, the duration of the *PIJ* sanction was much shorter than the periode of the joined *BB* and *TBR* orders (25 months versus 36 months).

Survival analyses was used to measure the recidivism rate. This technique corrects the effects of differences in the observation period. Overall recidivism rates are similar in all groups. Recidivism amounts to 26% in the first year after termination of the sanction. After two years, the recidivism rate rose to 51% and after three years to 65%. If the recidivism rate is restricted to the more serious offences these percentages decrease. Within three years after the treatment sanction, 34% was convicted to a (new) unconditional prison term. On average all juveniles acquired 1,3 new contacts with the criminal justice authorities per year. There were no significant differences between the three studied groups. Furthermore, the seriousness of the offences committed was similar.

The main factors contributing to the chance of recidivism are the existence of a previous criminal record and the (high) number of previous contacts with the authorities, as well

as the male gender of the juvenile offenders. The same factors also relate to the number of new contacts with the criminal justice authorities. The type of treatment sanction and the duration of the treatment proved to be insignificant to the recidivism rate and the number of new contacts.

The results of this research show that the group of juveniles who were sentenced to the new *PIJ* sanction differs from the other two groups, *i.e.* those sentenced to a *BB* or a juvenile *TBR*. To a certain extent, these differences can be contributed to the fact that this study contains few juveniles whose *PIJ* order had been extended by the court. This factor may also explain why the mean duration of this new penal sanction is much shorter than the former two treatment sanctions and why the offences committed were generally of a less serious nature. The criminal history and the recidivism rate of the offenders in the three groups were comparable. Further research is needed to study whether these findings remain valid if juveniles with an extended *PIJ* sanction can be included in the analyses

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### **Recidive na een strafrechtelijke maatregel**

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