

Summary

Criminal recidivism in domestic violence offenders Relapse development and long-term effects of the Temporary Domestic Exclusion Order Act

Domestic violence is a major social problem. Self-reporting surveys show that 45% of the Dutch population has been a victim of this offence. The *Privé Geweld – Publieke Zaak* (Private Violence – Public Issue) interdepartmental policy programme was implemented between 2002 and 2008 in order to deal with this phenomena. The programme was extended to 2011 (Ministry of Justice, 2002, 2008²⁴). The most important goal was to reduce the seriousness and extent of domestic violence. In 2013, the Research and Documentation Centre (WODC) started to monitor recidivism among domestic violence offenders. In the first wave the research focussed on persons who were prosecuted during the period between 2007 and 2009. For some years now, mayors may, if there are any incidents, place persons who are suspected of domestic violence out of home for a maximum of 28 days. This is done to prevent further escalation and to start offering assistance to the suspect and victim. Regioplan Agency conducted research into the effects of out-of-home placements within the framework of the *Temporary Domestic Exclusion Order Act* and found indications that recidivism during the months after the incident was lower in persons who were placed out of home than in a control group of domestic violence offenders without a domestic exclusion order (De Vaan et al., 2013²⁵). This report discusses the results of a follow-up to the research conducted by De Vaan and colleagues, but also gives an update of recidivism figures in the population of prosecuted domestic violence offenders. Regioplan applied a relatively short follow-up period and used police data in order to measure recidivism. The measurements in this research are based on data included in judicial documentation and all domestic violence offenders are followed for at least two years.

Method

The research was conducted in accordance with the guidelines of the WODC Recidivism Monitorand focused on relapse of persons who committed the offence between 2007 and 2011. The data came from the Research and Policy Database for Judicial Documentation (OBJD), a pseudonymised version of the judicial documentation. This implies that only those crimes are charted that were handled by the Public Prosecutions Service. Recidivism is calculated on the basis of four criteria: general recidivism (each new crime), serious recidivism (crimes that carry a custodial sentence of four years or more), very serious recidivism (crimes that carry a custodial sentence of eight years or more) and special recidivism, which is defined

²⁴ Ministerie van Justitie (2002). *Privé geweld – Publieke zaak: Een nota over de gezamenlijke aanpak van huiselijk geweld*. Den Haag: Ministerie van Justitie. Ministerie van Justitie (2008). Plan van aanpak Huiselijk Geweld tot 2011: 'De volgende fase'. Den Haag: Ministerie van Justitie.

²⁵ Vaan, K.B.M. de, Timmermans, M., & Homburg, G.H.J. (2013). *Effectief uit huis geplaatst? Effectevaluatie van de Wet tijdelijk huisverbod*. Amsterdam: Regioplan.

here as a new criminal case following domestic violence. Just as before, the offender group was selected on the basis of the OBJD field 'social classification'. Previous research showed that around 80% of prosecuted domestic violence offenders can be identified through this field.

The OBJD data and the data collected by De Vaan et al. (2013) were used to measure the effects of the Temporary Domestic Exclusion Order Act. The measurement includes a random check of around 100 persons who were placed out of home and the same number of domestic violence offenders who, for various reasons, were not placed out of home (i.e. the 'control group'). A quasi-experimental design was used to measure the effect of the out-of-home placements. In this case, this means that the comparison of recidivism in both groups will take into account mutual differences in background characteristics known to be related to the odds of recidivism.

Key results

Each year, 6,000 to 8,000 persons are prosecuted for domestic violence. Most criminal cases pertained to simple assaults (68%-73%), followed by threats (17%-19%). The judicial documentation showed very few cases of psychological violence (2%) and the prevalence of sexual violence also seems to be low. More than 90% of the offenders are male. Their average age is 35. Over 70% of the offenders have already had a brush with the law before the initial case. On average, they have had five earlier contacts with the judiciary,, the first of which took place around the age of 25. A disproportionately high number of cases were handled in the districts of The Hague, Amsterdam and Rotterdam. Community service was the most common settlement.

The current research group forms a select part of the total population of domestic violence offenders. Not all incidents are brought to the attention of the Public Prosecution Service; this usually depends on the seriousness and provability of the offence committed. For these reasons, psychological forms of domestic violence are under-represented and the research population includes relatively many male offenders (they inflict serious physical injuries more often) of Dutch origin (there is less willingness to report among non-Western population groups). The documentation shows few sexual offences and cases of child abuse. These are often registered in the judicial systems under a classification other than 'domestic violence'.

Looking at criminal recidivism of prosecuted domestic violence offenders, the percentage of 2-year general recidivism appeared to have decreased during the research period from 37.2% in 2007 to 33.2% in 2011. Only the final year of the research, 2011, showed a slight increase in prevalence of recidivism. The figures were corrected for shifts in the background characteristics of the offenders. In other words, they show the net relapse development of the research population.

In addition to measuring recidivism among the prosecuted domestic violence offenders, this report measures the effects of the Temporary Domestic Exclusion Order Act. The results show that the group that was placed out of home showed no lower recidivism in the next few years compared to the control group of domestic violence offenders without a domestic exclusion order. This comparison has taken account of mutual differences in a number of background characteristics. Earlier research conducted among the same groups showed a difference in favour of the domestic exclusion order, but this could therefore not be replicated in the current research.

Conclusion and discussion

It is difficult to determine the exact cause of the observed decrease in recidivism in prosecuted domestic violence offenders. It could be that the composition of the offender population changed in several respects and we were unable to correct for this. Another possibility is that the offender-focused policy in the area of domestic violence proved fruitful. Major efforts were made in the past few years with measures such as the development of standard screening instruments, the increased supply of behavioural intervention and assistance programmes, the improved aftercare and the Temporary Domestic Exclusion Order Act. At the same time, the identical judicial policy served to improve the detection of cases of domestic violence; this offence is given much more attention now. This makes it all the more remarkable that recidivism figures in this population have decreased. On the other hand, almost all sectors of criminal justice have shown a decrease in recidivism over the past few years (Wartna et al., 2014²⁶). It could therefore also be that there are more general causes for the research results.

Based on a quasi-experimental design, additional research was conducted as to whether out-of-home placements within the framework of the Temporary Domestic Exclusion Order Act have had effects on subsequent recidivism of persons suspected of domestic violence. This effect could not be established; there was no significant difference with a control group during the two-year period following the incident. The primary goal of an out-of-home placement is to create peace in a crisis situation. In practice, this often marks the starting point of a care programme in which the suspect and the victim are offered assistance. Our data show that the domestic violence offenders who were issued with a temporary domestic exclusion order joined an assistance programme much more often than the domestic violence offenders in the control group. However, we also see that the persons who were placed out of home were still prosecuted in most cases. It could be that the prosecution impeded the care programme and assistance and that there was therefore no effect on subsequent recidivism.

According to our research data, another aspect is that domestic exclusion orders were usually imposed on offenders with a serious criminal record. This may not be the group that is expected to show an effect on subsequent recidivism. A temporary domestic exclusion order is an appropriate means to interfere in a crisis situation, averting the immediate threat of further domestic violence. In order to reduce the risk of recidivism in the long term as well, domestic exclusion orders may perhaps better be imposed on persons who have not had prior contacts with the public prosecution service. Further research among a larger and more diverse group of persons placed out of home could show this. Candidates for a domestic exclusion order may be screened using validated risk assessment tools such as the RiHG (Domestic Violence Risk Assessment Tool), B-Safer or the 'safe at home' triage tool in order for a distinction to be made between persons issued with a domestic exclusion order only as an emergency measure and the group for which a targeted change in behaviour is pursued as well.

²⁶ Wartna, B.S.J., Tollenaar, N., Verweij, S., Timmermans, M., Witvliet, M., & Homburg, G.H.J. (2014). *Terugval in recidive: Exploratie van de daling in de recidivecijfers van jeugdigen en ex-gedetineerden bestraft in de periode 2002-2010*. Den Haag: WODC. Cahier 2014-16.