

Summary

Recidivism during and after GBM Comparative recidivism research GBM 2008-2013

Since 2008 the Social Conduct Order (in Dutch: 'Gedragsbeïnvloedende Maatregel' or GBM) can be administered to juvenile offenders who have committed a serious crime or repeated criminal offences and who have psychological problems that require outpatient treatment. This custodial measure offers a legal basis for obligatory participation in a program with various judicial interventions, such as (intensive) probation, treatment by a psychologist or psychiatrist, or a judicial behavioral intervention. The measure has been added to the Dutch juvenile criminal law in order to create a more gradual build up of light to heavy penalties. For example, a GBM should be administered when the placement in institution for juvenile offenders (PIJ-measure) is deemed too severe and a conditional juvenile detention not strict enough. The current study examines the effectiveness of GBM by comparing the reconviction rates of GBM-participants to offenders who were not sentenced with a GBM.

The specific content of each GBM-trajectory is determined by each juvenile's problems. The Child Care Protection Board and the juvenile probation work together to make a plan of action. In this plan the goals and content of the measure are formulated. Goals of a GBM include school/education, constructive leisure activities or an improved relationship with the parents. In order to reach these goals the juvenile has to complete several judicial interventions. The content of the GBM-trajectory is laid down in detail in the judgement.

The GBM has been applied far less frequently than was originally expected. Various studies showed that there were obstacles to imposing the measure. For instance, the possibilities of the measure and its target group were unclear. Other reasons for why the GBM was not imposed were the long advisory procedure and the lack of judicial interventions aimed at juveniles with multiple problems. Moreover, not everyone within the criminal justice chain considered the measure as valuable and many had objections to the substitute juvenile detention.

The legislator prescribed an evaluation three years after the measure was put into effect. Despite this, by 2015 little was known about the accomplishments of the measure or the subsequent recidivism. For that reason Plaisier et al. (2016) conducted a file study into the execution of the measure in the period 2008 until 2013. This research showed that, in general, the GBM was executed as was intended. The current research focuses on the recidivism rates of the juveniles from this research by Plaisier et al. (2016). Furthermore, the results of the GBM-participants were compared to two groups of juvenile offenders who were not sentenced with a GBM (the control groups). The so called 'historical' control group consists of juvenile offenders who were sentenced from 2005 until 2007 with a conditional detention or PIJ-measure. Besides the historical control group, a 'simultaneous' control group was compiled. This group consists of juvenile offenders who were sentenced from 2008 until 2013 with a conditional detention or PIJ-measure. Both control groups were composed using a propensity score matching technique. As a consequence, in

both groups the distribution of backgrounds in the wider group of GBM-participants is taken into account.

The research questions of the current study were:

- 1 What are the characteristics of the offenders who participated in GBM in the period 2008-2013 and to what extent are they comparable to offenders in the historical and simultaneous control group?
- 2 What is the effect of the GBM on recidivism during the measure in comparison with a standard conditional detention or PIJ-measure?
- 3 What is the effect of the GBM on recidivism after the measure in comparison with a standard conditional detention or PIJ-measure?
- 4 Which execution aspects and progress indicators predict recidivism following GBM, when correcting for offender backgrounds, penal characteristics and information about problems?

Method

This study combines data from different sources. The main data source is a database with coded files from the Child Care Protection Board, which is compiled by Plaisier et al. (2016). This database contains information about the execution of the GBM, individual scores of participants on problem areas, offender characteristics, and information about the achievement of goals. We merged these data on an individual level with data from the Correctional Institution (DJI) in order to find out about periods of incarceration. Data on the criminal justice careers of juvenile offenders for the measurement of reconvictions, originate from the Research and Policy Database Judicial Information (OBJD). Furthermore, the OBJD was used for the selection of the control groups.

This study examined all juvenile offenders who had participated in a GBM-trajectory between 2008 and 2013. The results of the participants were compared to two control groups (historical and simultaneous). Both control groups were composed using a propensity matching procedure with 12 background characteristics: gender, age at start of measure or standard penalty, country of birth, offense type, arrondissement, age at first judicial contact, number of previous judicial contacts, number of previous unconditional prison sentences, number of previous criminal measures, criminal case density, mean recidivism frequency in the past four years, and mean seriousness offenses in the past four years.

Reconviction rates were measured by using the procedures of the Dutch Recidivism Monitor (Wartna et al., 2011). In this study we examined both the prevalence during and after the measure. Prevalence is defined as the percentage of known repeat offenders in the group. In addition to the prevalence, we also report on the frequency and impact of recidivism. The definition of frequency in this study is: the annual average of new cases over the period that a person was not detained. The impact of recidivism is a combination of the frequency and the seriousness of the persecuted offenses.

Results

The study explored the reconviction rates of 254 juvenile offenders, who finished a GBM-trajectory between 2008 and 2013. The attrition rate was 25%.

After matching there were no differences in background characteristics found between the GBM-participants and either control groups.

The recidivism analyses show that the recidivism prevalence of the GBM-participants during the measure was slightly lower than that of the control groups, while after the measure the recidivism prevalence of the GBM-participants was slightly higher than that of the control groups. However, none of these differences are statistically significant.

During the first six months of the measure, almost one third of the GBM-participants (29%) had been reconvicted. This percentage increased to 45% during the first year of the measure. The reconviction rates of the control groups during the first six months and first year probation were higher, but the differences are not statistically significant. However, the groups are small, which makes it difficult to find statistically significant differences.

One year after the GBM, 52% of the GBM-participants had been reconvicted. This percentage had risen to 65% and 71% after two and three years, respectively. The reconviction prevalence of the GBM-participants was slightly higher than the reconviction prevalence of the control groups in the period after probation. However, the differences are very small and not statistically significant.

We found similar results regarding the reconviction frequency and impact. Although the GBM-participants had a higher reconviction frequency and the total impact of their repeated offenses was higher, the differences are not statistically significant. In other words, the comparative analyses did not show consistent proof for the effectiveness of the GBM.

The in-depth analyses regarding the execution of the measure (n=195), in which we controlled for several important static and dynamic background characteristics, show that there is a significant relation between duration of the GBM-trajectory and reconviction. Juvenile offenders who participated in a GBM-trajectory for a longer time showed lower reconviction prevalence rates. Also, a longer duration of participation in a GBM-trajectory correlated with a lower reconviction frequency. The in-depth analyses did not detect a specific intervention that correlated with lower or higher recidivism rates.

The second group of in-depth analyses was aimed at the effects of achieved goals on reconviction (n=147). These analyses showed that participants who improved their attitude and skills, had a significantly lower reconviction prevalence. So, on this point, the GBM seems to have worked as expected: tackling issues in the domain 'attitude and skills' led to lower reconviction rates.

Conclusion

This study is the first to examine the effectiveness of the GBM in terms of recidivism. The comparison of the reconviction rates of participants and members of the two control groups did not lead to indications of the effectiveness of the GBM. However, additional in-depth analyses showed that juvenile offenders who participated for a longer time in a GBM-trajectory recidivated less. Furthermore, an improvement in the problem area 'attitude and skills' correlated significantly with a lower reconviction prevalence. However, these indications are not conclusive: it may be that other, non-measured factors account for these results. Therefore, our conclusion is that it remains to be proven that the GBM substantially reduces reconviction rates among juvenile offenders in the target group. For the time being, because the GBM

has been imposed so infrequently in recent years, further recidivism research is of little use.