

Summary

Adolescent criminal law

The effects of adolescent criminal law on resocialisation and recidivism among young adults

Adolescent criminal law came into force on 1 April 2014, aiming at the flexible use of juvenile and adult criminal law for criminals aged 16 through 22 years old. It is not a separate type of criminal law, but concerns amendments to the Criminal Code and the Code of Criminal Procedure. The emphasis is on juvenile criminal law for ages 18 through 22 (Section 77c of the Criminal Code) and advisory procedures by, amongst others, clinical experts during criminal procedure. The overrepresentation of young people in crime statistics is the reason for focusing on this age group.

The principle behind adolescent criminal law is that some young adults benefit more from juvenile criminal law sanctions, compared to adult criminal law. More specifically, young adults may suffer from immature emotional, social, moral and intellectual development. Such sanctions, with a focus on education, treatment and resocialisation, may be more appropriate for these young adults, leading to positive behavioural changes in terms of resocialisation and recidivism. While recidivism is the most common outcome variable in criminological effect studies, less studied are non-recidivism resocialisation outcomes, even though studies suggest that successful resocialisation is important for recidivism reduction. For instance, having a job and an adequate place to live correlate with reduced recidivism. Furthermore, policy theory of adolescent criminal law addresses the relationship between resocialisation and recidivism.

Aim and research questions

The current study examines the effectiveness of juvenile criminal law for young adults (i.e., 18 through 22 years old) on both resocialisation and recidivism outcomes. This study is both descriptive and evaluative, and concerns the following research questions:

- 1 Descriptive
 - a What are the education, income and living accommodation characteristics of young adults tried via juvenile criminal law?
 - b What changes in education, income and living accommodations occur for young adults tried via juvenile criminal law, when comparing their pre-prosecution situation with the situation after sanctioning?
 - c What are the recidivism rates of young adults tried via juvenile criminal law?
 - d What is the relationship between changes in education, income and living accommodations and recidivism rates of young adults tried via juvenile criminal law?
 - e What is the relationship between sanction types (unconditional and conditional detention, and community service) and recidivism rates of young adults tried via juvenile criminal law?
- 2 Evaluative
 - a What is the effect of juvenile criminal law on the two-year post-sanction recidivism prevalence rates of young adults?

- b What is the effect of juvenile criminal law on education, income and living accommodation characteristics (as indicators of resocialisation) of young adults?

Furthermore, the current study is part of the multi-year research programme 'Monitoring and Evaluation of Adolescent Criminal Law' of the Research and Documentation Centre (WODC). Moreover, a parallel-published overview report on this research programme contains a multi-criteria evaluation of adolescent criminal law, utilizing the results of all the separate studies, including the current study.

Method

While juvenile criminal law consists of many facets, such as pre-trial check-ups, different types of sanctions, and post-sanction interventions and probation, the study primarily examines juvenile criminal law in its entirety. One exception to this are in-depth analyses of unconditional juvenile detention. Besides recidivism (i.e., new crimes leading to prosecution or conviction), several characteristics of resocialisation are studied (i.e., education, income and living accommodations). These resocialisation characteristics represent prosocial bonds and human agency (or lack thereof), which are theoretically and empirically correlated with recidivism reduction in young adults.

The study uses longitudinal registration data from throughout the criminal procedure chain, including public prosecution services, the courts and the custodial institutions agency, as well as data from Statistics Netherlands. The data (initially) concerns all young adults tried in the first two calendar years following the implementation of adolescent criminal law (i.e., April 2014 through December 2015), distinguishing between young adults tried via juvenile criminal law (i.e., the experimental group) and adult criminal law (i.e., the [potential] control group). As certain aspects of resocialisation are not directly measurable, the study uses registrations on education/income and living accommodations as proxy measures.

Moreover, the study uses a quasi-experimental design to investigate any effects on changes in resocialisation and recidivism, by comparing young adults tried via juvenile criminal law with those tried via adult criminal law, through propensity score matching. The propensity score matching concerns 16 different characteristics, such as social-demographics, current convicted criminal behaviour and prior criminal career. Changes in resocialisation after sanctioning, compared to the pre-prosecution situation, are investigated via logistic regression, whereas the two-year recidivism prevalence rates are investigated via survival analyses (taking into account not only the prevalence, but also the time to recidivism).

Descriptive results

Young adults tried via juvenile and adult criminal law differ, but show similar resocialisation developments over time

Young adults tried via juvenile criminal law are more likely to receive government benefits, to have an incomplete or lower form of education, and are more likely to live with parents, compared to those tried via adult criminal law. This may suggest developmental lag in those tried via juvenile criminal law. Despite initial differences, changes over time are comparable for both types of criminal law. Two years after a completed sanction, most of those initially working or studying are still, or again, working or studying. Young adults initially receiving government benefits seem to have a hard time acquiring an active income. Overall, those living with parents or on

their own (in a non-institutional setting) exhibit the fewest changes in living accommodations. Contrastingly, those living in institutional settings are more likely to have different living accommodations two years after a completed sanction.

Acquiring social bonds and independence correlate with lower recidivism rates, regardless of criminal law type; unconditional detentions correlate with higher recidivism rates

Acquiring situations of income/education and living accommodations that promote social bonds and independence correlate with lower recidivism rates, compared to losing these situations, in young adults tried via juvenile or adult criminal law. Also, independent living accommodations correlate with lower recidivism rates. Furthermore, young adults sanctioned with unconditional detentions show the highest rates of recidivism, compared to conditional detentions and community service, regardless of criminal law type. Between types of criminal law recidivism rates are comparable following unconditional detentions, but for other sanctions recidivism rates are generally higher in young adults tried via juvenile criminal law. That said, these results concern bivariate analyses, without controlling for background differences, and are not indications of any effects, which are discussed below.

Evaluative results

Young adults tried via juvenile criminal law exhibit higher rates of (serious) recidivism

Compared to young adults tried via adult criminal law, those tried via juvenile criminal law exhibit significantly higher rates of recidivism for both general and serious offenses over a two-year period, but not for very serious offenses. Serious offenses have a maximum penalty of at least four years in prison and very serious offenses at least eight years.

Comparable recidivism rates between young adults in juvenile or adult detention, though juvenile detention possibly buffers against crime indirectly through income/education

Recidivism rates do not significantly correlate with juvenile or adult criminal law following an unconditional custodial sentence. However, juvenile detention does correlate with active income (e.g., a job) or education one month after detention, which in itself correlates with lower recidivism rates. This possible indirect effect supports the policy theory that the pedagogical nature of juvenile criminal law promotes resocialisation, which in itself leads to lower recidivism.

Juvenile criminal law linked with active income or education two years after sanctioning only for young adults having such an income or education pre-prosecution. Living accommodations not linked to criminal law type.

Young adults who had an active income or who were following education pre-prosecution are more likely to have an active income or education two years after sanctioning, when tried via juvenile criminal law. For young adults receiving government benefits or with no income, juvenile criminal law correlates with lower chances of obtaining an active income or education two years after sanctioning. Juvenile criminal law does not correlate with living accommodations.

Discussion

The results only partly support the policy theory of adolescent criminal law that juvenile criminal law buffers against recidivism. Overall, juvenile criminal for young

adults, compared to adult criminal law, correlates with *higher* recidivism rates, suggesting a counterintuitive effect. However, when specifically examining juvenile detentions compared to adult detentions, the results suggest a null effect. Both of these findings do not support the policy theory. However, the possible indirect effect of juvenile detention through income/education one month after detention on two-year recidivism does, if only in a small way. Furthermore, juvenile criminal law favourably correlates with income/education, if only for those who already had a favourable situation prior to prosecution.

Inadequate implementation of juvenile criminal law for young adults in practice might explain the counterintuitive and null effects. For example, the theoretically intended target group might not be the same as the young adults actually tried via juvenile criminal law. Moreover, information on the provision and quality of interventions in both types of criminal law is lacking, making statistical comparison potentially biased. Furthermore, it is likely that young adults tried via juvenile criminal law do not receive adequate support after sanctioning, partly due to issues whether young adults can benefit from municipal funding meant for minors. Using the right tools for the right audience is crucial for success, and that may not have been the case for all young adults here. Lastly, even given the null effect for juvenile detentions, young adults might still be better off with juvenile detention, given that adult detentions frequently correlate with other adverse (non-recidivism) effects.

Limitations, strengths and (possible) future study

The study uses a quasi-experimental design with propensity score matching. However, differences between the experimental and control group on unobserved characteristics may still exist, and such differences can bias the currently found results. In addition, registration data is primarily used, which generally provides limited in-depth details, such as the quality of income situations or living accommodations, or the exact end date of community service and detentions. Furthermore, a new study suggests that recidivism rates of young adults tried via juvenile and adult criminal law become more comparable over time. This suggests that the current results concerning 2014 and 2015 may not hold up for young adults tried in 2016 and onwards, requiring further study. One of the strengths of the current study is that most of the young adults tried via juvenile criminal law in 2014 and 2015 were included, making the results concern as much of the target population as is possible.

Conclusion

The current study suggests that, overall, juvenile criminal law for young adults may have adverse or null effects on recidivism. Furthermore, the results suggest only null effects for recidivism rates when comparing juvenile and adult detentions. However, juvenile detentions may indirectly correlate with lower recidivism rates through post-detention income/education, even though there is no direct relationship. Moreover, young adults who had an active income or who were following education pre-prosecution are more likely to have an active income or education two years after sanctioning, when tried via juvenile criminal law. The results of the current study concern young adults tried in the first seven quarters after adolescent criminal law came into force. As recidivism rates of young adults tried via juvenile and adult criminal become more comparable in recent years, the current results are not generalizable to recent years.