Summary

Background characteristics and recidivism among offenders of domestic violence convicted between 2008 and 2017

For the last 20 years, domestic violence (abbreviated DV) has been recognized as a major social problem and is high on the political agenda in the Netherlands. Various policy programs have tried to address this health and safety problem. The main goal of these programs is to reduce the extent and severity of domestic violence.

In the current study, we examined the background characteristics and recidivism of DV offenders convicted between 2008 and 2017. This study is part of a five-year research program on recidivism among DV offenders, which started mid-2016 and will end mid-2021. The current study is the third and last recidivism follow-up study among all convicted DV offenders in the Netherlands, with previous studies reporting on DV offenders in the Netherlands between 2008 and 2013, and between 2008 and 2015. In addition to these previous studies, the current study also investigated specific groups of DV offenders and their recidivism rates (i.e., offenders convicted of partner abuse, child abuse and parental abuse). The following research questions were answered:

1 What are the background characteristics of convicted DV offenders in 2017 in the Netherlands, and how do the characteristics of these DV offenders compare to the characteristics of the total group of convicted offenders in 2017 in the Netherlands?
2 What percentage of the DV offenders came back into contact with the criminal justice system within two years of their DV criminal case (prevalence of recidivism)?
3 How do recidivism rates among convicted DV offenders develop between 2008 and 2017, taking into account shifts in the background characteristics of offenders over time?

Method

The research was carried out according to the WODC Recidivism Monitor procedures, using data from the Research and Policy Database for Judicial Information (OBJD). The OBJD is a pseudonymous version of the Justice Documentation System (JDS), the Dutch legal registration system for criminal cases. The use of the OBJD implies that only crime that comes to the attention of the Public Prosecution Service is included in this research. Therefore, offences and offenders that are not detected by the police and are not prosecuted by the Public Prosecution Service are not taken into consideration.

The research group examined in the current study includes DV offenders who were prosecuted by the Public Prosecution Service between 2008 and 2017, and where a DV offence was proven. More specifically, these are offenders for whom the DV offence was settled with a transaction, punishment order or discretionary dismissal by the Public Prosecution Service, or a sentence or measure ordered by the court. In this report the research group is referred to as 'convicted offenders'.

Since this study uses judicial data, the Public Prosecution Service's definition of domestic violence is used. During the research period, the definition used by the Public Prosecution Service was subject to change. For several years, domestic violence was defined as 'violence committed by a person within the domestic circle of the victim', in which the domestic circle referred to partners, ex-partners, immediate and extended family members, and close (family) friends. Violence included physical violence, sexual violence, stalking, and criminal threat. From 2015/2016 onwards, a broader definition of domestic violence is used: 'violence committed by someone from the direct personal surroundings of the victim in which the victim has a dependent relationship with the perpetrator'. This definition includes a broader circle of perpetrators, including, for example, employees of healthcare institutions or trainers of sports clubs. Moreover, violence now explicitly includes 'harm to health', 'emotional/psychological neglect', and 'financial exploitation' as forms of domestic violence.

To put the background characteristics and recidivism percentages of the convicted DV offenders in perspective, these data are compared to the characteristics and recidivism rates of a reference group: all convicted offenders in the Netherlands. This reference group includes all perpetrators of a criminal offence in which the criminal case was terminated in a court order or was settled by the Public Prosecution Service. It is important to note that a direct comparison between the DV offenders and the reference group is not possible. The purpose of the data of the reference group is solely to put the data of the DV offenders in perspective.

In line with the procedures of the WODC Recidivism Monitor, recidivism is defined as a new criminal case. A criminal case refers to a case settled with a transaction, punishment order or discretionary dismissal by the Public Prosecution Service, or a sentence or measure ordered by the court. This study examined the two-year recidivism prevalence. This is the percentage of people from the research group that committed a new offence within two years which led to a new criminal case. In the current study we first calculated the offenders' general recidivism: a new criminal case for any new offence. Besides the general recidivism, three more specific recidivism rates were calculated: violent recidivism (a new case for a violent offence), DV recidivism (a new case for a DV offence), and special recidivism (a new case for the same specific DV offence, that is child abuse, partner abuse or parental abuse). Recidivism rates have been calculated using survival analysis and adjusted for incapacitation time (i.e., the time that offenders were in detention and reoffending was not possible).

To examine how the two-year general and DV recidivism prevalence among the DV offenders developed between 2008 and 2017, adjusted recidivism rates have been calculated taking into account shifts in the background characteristics of offenders over time. The reason for this correction is that fluctuations in the level of recidivism may be the result of shifts in the composition of research groups over time. Indeed, the risk profile of offenders can also change as their background characteristics change. Actual recidivism percentages are adjusted using a statistical prediction model. For general recidivism as well as DV recidivism we were able to develop prediction models and calculate the adjusted recidivism rates.

Key findings

Total number of convictions
- The results do not show a clear trend in the number of convicted DV perpetrators between 2008 and 2017. The number of convicted DV perpetrators fluctuates between 2008 and 2014, reaching a maximum of 8,210 in 2014. From 2014 to 2017 the number of DV perpetrators steadily declines to 6,300, the lowest number of DV perpetrators since 2008.

Background characteristics
- The overrepresentation of males in 2017 is greater among convicted DV offenders (90%) than among the total group of convicted offenders (82%).
- The criminal history data show that most DV offenders have had previous contact with the law and do not limit themselves to DV offences. Of the DV perpetrators convicted in 2017, 73% has one or more previous criminal cases, 48% has one or more previous criminal cases relating to a violent crime, and 22% has one or more previous criminal cases relating to a DV offence.
- In almost 80% of the DV criminal cases in 2017, domestic violence consisted of physical violence, of which the majority was simple assault (78%).
- The majority of the DV criminal cases in 2017 consisted of partner abuse (49,8%), followed by other domestic violence (36,6%), parental abuse (7,6%), and child abuse (6%).
- The DV perpetrators convicted in 2017 were mostly punished with community service (34%) or a (conditional or unconditional) discretionary dismissal (32%). Two thirds of the discretionary dismissals were conditional dismissals.
- Slightly more than half (51%) of all DV criminal cases in 2017 were settled in court districts in the Randstad area. Comparing the number of DV criminal cases per court district with the number of residents per court district, the results show that DV criminal cases are overrepresented in Rotterdam's court district (21% of DV criminal cases compared to 10% of residents).
- No significant changes were found in the background characteristics of DV offenders between 2008 and 2017. However, this was not the case for punishments of DV offenders: the share of discretionary dismissals in DV criminal cases increased significantly between 2008 and 2017.

Recidivism rates
- The recidivism analysis shows that 29% of the convicted DV perpetrators in 2015 had a new criminal case for any offence within two years of their DV criminal case (general recidivism), 14% had a new criminal case due to a violent crime (violent recidivism), and 8% of the group had a new criminal case for a DV offence (DV recidivism). With regard to the special recidivism rates, 5% of DV perpetrators convicted for partner abuse had a new criminal case due to partner abuse, 0,7% of DV perpetrators convicted for parental abuse had a new criminal case due to parental abuse, and 0,3% of DV perpetrators convicted for child abuse had a new criminal case due to child abuse.
- The general recidivism among all convicted offenders in 2017 was approximately the same: 27% had a new criminal case for any offence within two years. The rate of violent recidivism was substantially lower for this group (8%).

Recidivism rates over time
- Looking at the development of recidivism over time, it appears that the two-year general recidivism among convicted DV offenders fluctuated but slightly decreased over time, from 34% in 2008 to 29% in 2017. The adjusted two-year

general recidivism, taking into account shifts in the background characteristics of offenders over time, also slightly decreased in this period from 34% to 29%.

• The two-year DV recidivism remains relatively stable between 2008 and 2017, with small fluctuations between 9% in 2008 and 8% in 2017. During this period, the adjusted two-year DV recidivism remained relatively stable as well: 10% in 2008 and 8% in 2017.

Limitations

The current study has some limitations. A first limitation is that the present study uses data from the judicial documentation system. This means that only offences and offenders that are detected by the police and are prosecuted by the Public Prosecution Service are included in this study. This is particularly troublesome, as it is well known that domestic violence often remains hidden from the police and judiciary. A second limitation is that domestic violence is probably underreported, not only because of offences which remain undetected but also as a result of registration errors. This is especially true for sexual domestic violence: the way in which domestic violence was registered by the Public Prosecution Service till 2015/2016 means that it is possible that sexual domestic violence was registered as a sexual offence, and not as a domestic violence offence. Moreover, in 5% of the cases the specific form of domestic violence was not registered, leading to an underrepresentation of child abuse, partner abuse and parental abuse, consequently leading to an underrepresentation of special recidivism rates in the current report.

To conclude

This third and last follow-up study among convicted DV offenders, as part of a five-year research program on recidivism among DV offenders – which ends mid-2021 – shows that the number of convicted DV offenders fluctuated between 2008 and 2014, and decreased since 2014. Moreover, the two-year general recidivism among DV offenders slightly decreased between 2008 and 2017, while the two-year DV recidivism remained relatively stable.

Reflecting on the results of the current and the two previous recidivism studies, we can state that the background characteristics of DV offenders in the Netherlands are relatively stable between 2008-2017. Convicted DV offenders are mostly men who have had previous contacts with the law and for whom the domestic violence mostly consisted of physical violence, especially simple assault. It has to be noted that the share of (conditional or unconditional) discretionary dismissals in DV criminal cases increased significantly between 2008 and 2017, from an average of 23% in 2008-2010 to 37% in 2012-2014. New in this third and last recidivism study is the breakdown by specific types of domestic violence, from which we conclude that almost half of all DV criminal cases in 2017 consisted of partner abuse, and to a lesser extent parental abuse (8%) and child abuse (6%).

With regard to the recidivism of DV offenders, we can state that the trend break observed in 2013, with an increase of the adjusted general recidivism, did not persist in the years after 2013. Both the second and the current third recidivism study reported on a fluctuating but slightly downward trend. With regard to the adjusted DV recidivism, we conclude that – as was the case in 2008-2015 – the adjusted DV recidivism remained relatively stable between 2008 and 2017.

Based on the current study, we cannot conclude on the extent to which domestic violence policy contributed to the number of DV offenders and fluctuating recidivism rates. Although the analyses account for a number of background characteristics such as sex, age and criminal career characteristics, other characteristics such as addiction and psychosocial problems can also be of influence on the development of recidivism rates over time. Moreover, the analyses did not account for macro factors such as general developments in crime rates and registration effects, while these might also influence the development of recidivism rates. Evaluating approaches for reducing DV offenders' recidivism rates can contribute to a better understanding of the effectiveness of domestic violence policy.