

Summary

Recidivism among offenders in the Netherlands: Report on the period 2008-2020

The WODC regularly reports reconviction rates for a number of different offender groups, where reconviction refers to new offenses committed in the Netherlands that result in a conviction by the court or a settlement by the Public Prosecution Service (*OM*). The focus of this report is trends in reconviction rates amongst the following offender groups. First, we describe the reconviction rates of all adult and juvenile offenders against whom a criminal case was settled with a valid settlement in the period 2008 up to and including 2017. Adult offenders are defined as those who have been convicted under the adult criminal law whereas juvenile offenders are those who have been convicted under the juvenile criminal law. A new feature of this report is that it zooms in on the reconviction of a subgroup of the adult offenders, namely those who have been imposed a financial sanction by the OM or the judge. Next, we examine the reconviction statistics of persons released from an adult or a juvenile detention center from 2008 to 2017. Finally, we present the reconviction statistics of offenders who came into contact with the probation service in the period 2012 to 2017 for the purpose of carrying out community service, or who were under the supervision of the probation service for a period of time.

The following research questions are the focus of this report:

- 1 What are the personal characteristics of persons sentenced in the period 2008-2017, released from an adult or juvenile detention center in 2008-2017, have performed community service or were supervised by the probation service in 2012-2017?
- 2 What are the reconviction rates of the different research groups over time:
 - what portion came into contact with the law again within two years (incidence)?
 - what is the average number of new judicial contacts per repeat offender per year (frequency)?
 - what is the average number of new judicial contacts per 100 offenders per year (volume)?
 - what types of reconviction offenses were committed within two years (offense type)?
- 3 How does reconviction develop over time among the different offender groups after adjusting for differences in personal characteristics and criminal history characteristics?
- 4 Which financial sanctions were imposed on adult offenders in 2017:
 - what proportion of the offenders were faced with financial sanctions and what types of financial sanctions were involved?
 - with what other types of sanctions were these financial sanctions combined?
- 5 What are the reconviction rates after fines (imposed by the OM or the judge) or the transaction financial settlement for adult offenders:
 - which part came into contact with the law again (incidence) and to what extent does this correspond with the expected reconviction rate based on background characteristics and characteristics of the judicial history?
 - how does reconviction develop over time, controlled for differences in background characteristics and characteristics of the judicial history?

Method

Reconviction was calculated according to the standardized method of the WODC's recidivism monitor. Data from the Research and Policy Database for Judicial Information (*OBJD*) was used. The use of the *OBJD* implies that only offenses that come to the attention of the OM are counted. All persons included in the study were followed for a minimum period of 2.5 years, i.e. from the end of 2017 to July 2020, to minimize the impact of registration backlogs.

Reconviction is defined as committing a new offense that leads to a conviction by the court or a settlement by the OM. More specifically, we looked at the two-year reconviction incidence: the percentage of people in the research group who committed an offense within two years that led to a new criminal case. Additionally, for ex-prisoners and ex-juvenile prisoners, the two-year custodial reconviction rate was examined. Custodial reconviction is defined as a newly committed offense for which a (partially) unconditional custodial sentence is imposed. In addition to reconviction incidence, we also looked at reconviction frequency and reconviction volume. These outcome measures describe all criminal cases within a four-year research period per year. The frequency is calculated as the average number of criminal cases per repeat offender per year without detention. The volume is defined as the total number of new criminal cases per 100 persons from the study group (i.e., not necessarily repeat offenders) per year without detention. Since both the reconviction frequency and the reconviction volume have been calculated over a period of four years instead of two years, the trend for these outcome measures can only be measured up to cohort 2015. Furthermore, in the current study we look more extensively at the offense categories of the criminal cases that are committed within two years. Although one criminal case can consist of several offences, we limit the description to the most serious offense category of a criminal case. The trends in *adjusted* reconviction are presented for the interpretation of the reconviction trends of incidence, frequency and volume over time. Fluctuations in the observed reconviction level over time can be caused by shifts in the characteristics of the study populations. The adjusted reconviction statistics can show how reconviction has developed independently of changes in background characteristics. The reconviction frequency and volume take into account the periods that people spent in detention.

The analyses with regard to financial sanctions are more explorative in nature. A data mining algorithm was used to find frequent occurrences of combinations of (financial) sanctions. After applying the sanction hierarchy of the recidivism monitor, we obtain the unique sanction combinations that contain at least one financial penalty. A correction model is applied on the most frequent financial sanctions of this list to compare the observed reconviction incidence with the expected reconviction incidence based on background characteristics. Furthermore, as with the other research groups, a statistical model was used to examine how the adjusted general reconviction incidence develops over the study period (2008-2017).

Key findings per research group

Adult offenders

- The number of adult offenders who were convicted by a judge or whose criminal case was settled by the OM has decreased strongly; from 155.941 in 2008 to 107.705 in 2017.
- The background characteristics of adult offenders are almost unchanged over time. However, there is a remarkable increase in the number of discretionary dismissals.
- The reconviction rates of adult offenders hardly changed during the research period. The adjusted incidence, frequency and volume all remained stable.
- The most frequent offense categories of the reconviction cases of adult offenders are: property crimes, violent crimes, traffic offenses and offenses in the category destruction, light aggression and public order. The proportion of non-violent property crimes dropped in the period from 2012 to 2017. The decrease also applies to violent crimes and offenses in the category destruction, slight aggression and public order. The proportion of traffic crimes showed a relative increase.

Adult offenders with a financial sanction

- Over 51.000 adult offenders were convicted for a (partly) financial sanction in 2017. That is 48% of all adult offenders convicted in 2017.
- The penal order fine imposed by the OM is the financial sanction part that is most imposed in 2017. A (un)conditional fine imposed by the judge and a financial settlement by the OM are also common financial sanctions.
- The imposition of financial settlements has strongly decreased as most severe sanction, which is most likely due to the introduction of the OM Disposal Act in 2008. The imposition of a penal order fine as the most severe sanction strongly increased. Furthermore, the unconditional fine has decreased while the conditional fine remained unchanged (per 1.000 offenders).
- The reconviction incidence of the of the main financial sanctions (the most severe sanction is: an unconditional or conditional fine imposed by the judge, or a penal order fine or financial settlement imposed by the OM) varies strongly over time. This is mainly due to changes in the background characteristics of the offenders. The adjusted reconviction incidence, however, also shows some changes over time; reconviction following a penal order fine or a financial settlement (imposed by the OM) decreases during the research period, and reconviction increases after a conditional fine (imposed by the OM) from cohort 2012 onwards.

Juvenile offenders

- The number of juvenile offenders who were convicted under juvenile criminal law by a judge or whose criminal case was settled by the OM has greatly decreased from 24.654 in 2008 to 8.918 in 2017.
- The background characteristics of juvenile offenders are virtually unchanged over time. Yet, more often offenders over 18 years old were convicted under juvenile criminal law due to the introduction of the adolescence criminal law in 2014/2015. Furthermore, the amount of discretionary dismissals increased.
- The observed reconviction rates vary over time and peak in 2015. The adjusted reconviction rates, however, remain stable during the research period.
- The most frequent offense categories of reconviction cases of juvenile offenders are: non-violent property crimes, violent crimes, offenses in the category destruction, light aggression and public order. The proportion of traffic offenses slightly increased over time.

Ex-prisoners

- The number of ex-prisoners decreased from 32.093 in 2008 to 23.302 in 2017.
- The background characteristics of ex-prisoners are almost unchanged over time. The type of prison regime before release changed; a relatively greater part of the ex-prisoners was released from a closed prison.
- The reconviction rates hardly changed during the research period. The adjusted incidence and frequency are more or less stable during the research period. The adjusted volume shows a slight decrease from cohort 2012 to 2015. The adjusted reconviction volume in 2015 is slightly higher than in the two previous years.
- The most frequent offense categories of reconviction cases of ex-prisoners are: non-violent property crimes, offenses in the category destruction, slight aggression and public order and violent crimes. The proportion of violent crimes decreased in cohort 2012 to 2017. The proportion of traffic offenses shows an increase from cohort 2014 after a previous decrease.

Ex-juvenile prisoners

- The number of ex-juveniles who were released from a juvenile detention center has decreased strongly from 2.130 in 2008 to 1.086 in 2017.
- The background characteristics of ex-juvenile prisoners detention detainees are almost unchanged over time. However, the type of regime upon release changed, and more over 18 years olds were released. The increase of ex-juvenile prisoners over 18 years old can probably be attributed to the introduction of the adolescence criminal law in 2014/2015.
- The reconviction rates of ex-juvenile prisoners vary over time. The adjusted reconviction incidence, the frequency and the volume of cohort 2014 and 2015 are high compared to previous years. However, the adjusted incidence of cohort 2016 and 2017 decreased, and is back on the same level as before cohort 2014. The reconviction frequency and volume can only be reviewed until cohort 2015, so it is yet unclear whether the increase in these rates also is temporary.
- The most frequent offense categories of reconviction cases of ex-juvenile detention detainees are: non-violent property crimes, violent crimes, offenses in the category destruction, light aggression and public order and violent property crimes. The proportion of these different offense types does not vary over time.

Ex-community service offenders

- The number of people who have done time on community service is more or less stable over time with 26.176 people in 2012 and 25.900 people in 2017.
- The background characteristics of ex-community service offenders remained very constant over time.
- The reconviction rates also hardly changed since cohort 2012. The adjusted incidence, frequency and volume remained stable over time.
- The most frequent offense categories of reconviction cases of ex-community service offenders are: non-violent property crimes, traffic offenses and violent crimes. The proportion of non-violent property crimes decreased in cohort 2012 to 2017. The proportion of traffic offenses increased.

Ex-probation clients

- The number of people previously under supervision by the probation services remains more or less stable over time with 9.657 people in 2012 and 10.195 people in 2017.
- The background characteristics of ex-probation clients remained very constant over time.

- The reconviction rates also hardly changed since cohort 2012. The adjusted incidence, frequency and volume remained stable over time.
- The most frequent offense categories of reconviction cases of ex-probation clients are: non-violent property crimes, violent crimes and traffic offenses. The proportion of traffic offenses increased slightly over time.

Limitations

A first limitation of this study is that only crime is included that comes to the attention of the OM and leads to a conviction in a criminal case. Not all crime is detected and acted upon by the police. Moreover, not all offenses known to the police lead to a criminal case. A second limitation is that official registration data, such as the OBJD, can contain errors. For instance, sanction components sometimes appear to be missing in criminal case records. This may result in an underestimation of the number of financial sanctions and sanction combinations imposed on adult offenders. Thirdly, we could not account for all events that influence the time-at-risk (the period in which people have the opportunity to reoffend). Stays in a residential institution like a psychiatric hospital or moving abroad are events that we cannot take into account. The presented statistics are aggregates of individual reconviction probabilities or frequencies. Therefore, on a research group level the actual reconviction probability and frequencies will be biased downwards because of people with little or no opportunity to commit (a) reconviction offense(s) within the Netherlands. Finally, there are limitations to the calculation of the adjusted reconviction rates. Although we adjusted reconviction for several background characteristics that are known to be strong predictors of reconviction in general (such as gender, country of birth, age and criminal career), there may also be other factors that influence reconviction but have not been adjusted for. For example, macro factors such as the case clearance percentage or the willingness to report crime.

Future research

The current report comprises the most recent edition of the biennial study of the development of reconviction rates among various offender groups. Based on the current study, we cannot make any statements about the effectiveness of different sanctions, nor is it possible to compare the level of reconviction between the study groups. This is partly due to the overlap between the research groups. For example, a person in the ex-community service order sentence research group may have been given a custodial sentence in addition to the community service and therefore also be part of the ex-prisoners' research group. A second reason is that the research groups differ widely with regard to background characteristics and these background characteristics at their turn influence the probability of reconviction. Furthermore, it is difficult to interpret the reconviction trends solely based on the current study. It is unknown why the reconviction trends of the various research groups have remained largely stable in recent years. Are, for example, registration effects, the socio-economic climate or certain policy measures an explanation for the reconviction trends? A previous Dutch study has shown that attribution of factors that explain reconviction trends is daunting (Wartna et al., 2014). One way to enhance interpretation of a reconviction trend is to see whether specific parts of the research group deviate from the overall trend. Such research may lead to clues about the possible explanations for the reconviction trends found.

Although it may prove to be very difficult to explain (national) reconviction trends of the various research groups in future research, it may be possible to obtain (more) insight into the effects of the sanctions imposed. More insight into the effectiveness of sanctions is important because this can provide important information for policymakers, executive organizations, the OM and judges. Therefore, we recommend that, in addition to periodically monitoring the reconviction rates of the research groups, future research should focus (more) on the effectiveness of penalties, penal measures and judicial interventions. For example, this can be accomplished by comparing the effects of alternative sanctions. This can be in the form of replication studies of sanctions where the effectiveness has already been studied, or research into sanctions that have hardly been researched before, such as financial sanctions. However, research into the effectiveness of sanctions and measures should not solely focus on the comparison of alternative sanctions, but can also relate to the actual content of a sanction or judicial intervention. Such research could determine whether there are indications that a particular component of a judicial intervention appears to be more or less effective. Moreover, it is also relevant to examine the differential effect of a sanction across certain groups of offenders. It is possible that a certain sanction or measure is not equally effective for offenders with different types of background characteristics (e.g. gender, age, type of offence). Since the OBJD contains demographic data and longitudinal information about the criminal history (both with regard to previous convictions and with regard to previous sentences), various subgroups in research into sanction effectiveness can be distinguished. Finally, we recommend that effect studies concerning penalties, penal measures and judicial interventions do not exclusively include new criminal cases as an outcome measure. Future research could more often include other outcome measures, such as police recidivism (rearrests), changes in the frequency of separate offenses, desistance, (various characteristics of) labor participation, the income situation, housing, et cetera. In this way, it is easier to characterize a research group. For example, it is interesting for a group of frequent offending offenders to observe the decrease or increase in the number of offenses committed over a longer period of time. Additionally, including more outcome measures than just recidivism may create more insight into the direct effects of a punishment (e.g., is one better able to retain a job with one sanction rather than the other sanction). In addition, additional outcome measures may also provide insight into unintended consequences of a punishment (for example, do certain sanctions cause an increased probability of (re)-imprisonment).

Conclusion

In the current study, the reconviction of adult offenders, juvenile offenders, ex-prisoners, ex-juvenile prisoners, ex-community service offenders and ex-probation service clients are described. The cohorts 2008 to 2017 were the focus of this study, and with regard to reconviction, penal cases with offenses committed up to July 2020 were examined. In general, the amount of reconviction has changed only slightly in the period studied. In the adult research groups (adult offenders, ex-prisoners, ex-community serve offenders and ex-probation service clients) no clear decrease or increase in reconviction over time is observed. The observed reconviction rates of juvenile offenders and the ex-juvenile prisoners display a small peak in the 2014 and 2015 cohorts, but this is diminished in the adjusted reconviction outcomes (which take temporal shifts in background features into account). For the ex-juvenile prisoners, the adjusted reconviction incidence, reconviction frequency and reconviction volume of the 2014 and 2015 cohorts are high relative to previous

cohort years. However, the adjusted reconviction incidence of the 2016 and 2017 cohorts is again approximately at the same level as the reconviction incidence of the cohorts before 2014. In the next iteration of this study of reconviction among the various research groups, we will see how the trends develop further.