

Justitiële verkenningen

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Recidivism

Summaries

'You're first a criminal and then a citizen'

J.F. Nijboer

Recently the former Dutch minister of justice introduced a bill proposing to uplevel the maximum penalties for a number of crimes, such as (involuntary) manslaughter. By means of amendment later on, he also added a proposal to introduce a general provision according to which all maximum penalties increase in case of recidivism. The Dutch criminal code so far includes only a few specific paragraphs on recidivism concerning some particular crimes. In this article it is argued that the Dutch legislation is built upon a principle of legality, of which specificity is a major feature. This principle will be abandoned if the provision is adopted by parliament. Moreover the proposal will appear to have only symbolic meaning, since in practice the penalties imposed usually do not exceed the 'regular' maximum penalty, even if the court takes into account recidivism. If the Dutch legislator takes the suppression of recidivism seriously, he should adopt legislation on strict surveillance within the framework of probation and parole. The Canadian and British examples show that this can be successful.

Offender assessment and treatment; current knowledge and future directions

J. Bonta

It has been only in the last decade that correctional practitioners and researchers have recognized that the treatment of offenders is more likely to reduce their recidivism than imposing harsh and tough sentences. Furthermore, considerable progress has been made in identifying the principles associated with effective treatment. The reliable assessment of offender risk and the matching of risk to the intensity of treatment characterize effective treatment programs. Effective programs also target the criminogenic needs of offenders. Finally, programs that reduce recidivism tend to be programs that are delivered using cognitive-behavioral modes of intervention. Applying the principles into real world settings is achievable and these same principles can be used to guide program development.

Evidence based practice and evidence based policy; modernising probation in England & Wales

D. Perry

Many people are aware that over the last few years substantial changes have been taking place in the probation service for England & Wales. This article looks at the background to the reforms and examines how the aspirations of probation leaders and the government led to the *what works* initiative and a new vision for the service at the start of the new millennium. The author, who has responsibility for the national programme, goes on to explore the cost benefit analysis that lead the government to substantially increase investment in probation, and some of the management issues involved in implementing change on a national scale. The article concludes with a summary of some of the very encouraging early results, and a review of the challenge of maintaining political support for *what works* in a rapidly changing world.

What works and what does not work in The Netherlands

M. Boone and R. Poort

The programmes offered by the Dutch probation service do not yet fulfil the requirements of What Works. The authors wonder if this strategy should be exactly copied to the Dutch situation. In this article they discuss two major criticisms. First, the authors oppose the idea that What Works is the

right answer to repressive tendencies towards offenders. Repression is challenged by accepting justice and humanity as basic assumptions of a sanction system. Also more effective programmes leave the question open what should happen to an offender in case a programme does not work. Second, What Works could even lead to more repression, due to the scientific expectations it arouses. It seems that it can only be the offender who is responsible for the failure of a programme. The author wonders if that's true, paying more attention as usual to responsibility and the implementation of a programme as indicators for success. Finally, the authors discuss some practical problems the probation service will face if What Works is carried out in the Dutch situation just like that, due to for example the smaller scale and different portrayal of offenders.

The WODC-recidivism monitor; gaining more insight in the results of penal interventions

B.S.J. Wartna

The ministry of Justice in the Netherlands is working on plans to improve the effectiveness of penal interventions. The WODC, the research bureau of the ministry, will help to evaluate these plans by measuring the levels of recidivism among several groups of offenders. For this research, a database holding information on all penal cases which are handled by the prosecutor's office has been developed. In the years to come this database will be the starting point of many studies on criminal careers. In this article some of the methods used to measure recidivism are discussed and some preliminary findings of two research projects are presented. Analyses show that the group of most active, chronic offenders is not responsible for as much crime as often is assumed and that 70 percent of all short term prisoners are being prosecuted for a new offence within a period of five years after release.

Risk assessment in Dutch forensic psychiatry

M. Philipse, T. van Erven and J. Peters

Risk assessment in Dutch forensic psychiatry (tbs) is still dominated by an unstructured clinical approach. Researchers have argued in favour of a standardised approach because international research reports limited predictive validity of clinical approaches. The Dutch version of the clinical-actuarial debate is briefly summarised in this article. Next, a study is presented that evaluates the validity of an international risk assessment tool, the HCR-20 in tbs. This shows that using the HCR-20 may improve risk assessment under certain conditions, although unstructured clinical judgement performs quite well too. Also, it is shown that clinically adjusted HCR-scores are slightly better than actuarial scores. However, in the final analysis historical predictors outperform all other measures. It is concluded that the HCR-20 may constitute a meaningful addition to Dutch risk assessment practice, though it is imperative that all persons dealing with this and similar instruments have a clear view of their limitations.

Risk assessment: over- and undervalued

P.J.A. van Panhuis

In the Netherlands 'security' is as 'hot' a topic in politics as is risk assessment in forensic psychiatry. This contribution focuses firstly on the limitations of risk assessment instruments used in the examination of the individual related as they are to research concerning groups of forensic psychiatric patients. Contrarily, as a second focus of attention, the contribution shows that the same body of scientific knowledge, which is at the basis of these instruments, has a lot to offer for risk management in the group of forensic psychiatric patients as a whole. In this context is referred to the recently published book "Violence and mental disorder" by Blumenthal and Lavender (2000). Recommendations are formulated about risk management of both psychotic patients as a group and about the group of patients with a personality disorder. Limitations are stated. Legislative consequences are outlined with special regard to the in the eyes of the author hopelessly obsolete Dutch TBS legislation in which nineteenth-century incarceration is emphasised instead of twenty-first century (possibilities of) treatment.