Summary

Background characteristics and recidivism among offenders of domestic violence convicted between 2008 and 2015

For the last 15 to 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 2015. This study is part of a five-year research program into recidivism among DV offenders, which started mid 2016. The current study is a follow-up of the recidivism study among all convicted DV offenders in the Netherlands between 2008 and 2013. The following research questions were answered:

1. What are the background characteristics of convicted DV offenders and how do the characteristics of this group compare to the characteristics of the total group of convicted offenders?
2. What is the recidivism rate among convicted DV offenders: 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)? How does the prevalence of recidivism for this group compare to the prevalence of recidivism for the total group of convicted offenders?
3. How do recidivism rates among convicted DV offenders develop over time, 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 Public Prosecution Service’s attention 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 2015 and where a DV offence was proven. More specifically, these are perpetrators for whom the DV offence has irrevocably ended in a court order or has been settled by the Public Prosecution Service (including discretionary dismissals, but excluding acquittals, technical dismissals and other technical decisions). 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 Public Prosecution Service defined domestic violence as ‘violence committed by a person within the domestic circle of the victim’. The domestic circle refers to partners, ex-partners, immediate and extended family members, and close (family) friends. Violence includes physical violence, sexual violence, stalking, and criminal threat.

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, namely all convicted offenders in the Netherlands. This reference group includes all perpetrators of a criminal offence in which the criminal case was terminated irrevocably 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 that has irrevocably ended in a court order or has been settled by the Public Prosecution Service, as well as cases that have not yet been (irrevocably) ended or settled. 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 that led to a new criminal case. In this study three forms of recidivism are examined: general recidivism, violent recidivism, and DV recidivism. General recidivism refers to when a person has a new criminal case for any new offence. Violent recidivism refers to when a person has a new criminal case for a violent offence. DV recidivism refers to when a person has a new criminal case for a DV offence. Recidivism rates have been calculated using survival analysis. This is adjusted for incapacitation time, in other words, for the time that offenders were in detention and reoffending was not possible.

To see how the two-year general and DV recidivism prevalence among the DV offenders developed between 2008 and 2015, besides actual recidivism rates, 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**

The most important findings of the study are described below.

**Total annual convictions**

- The results do not show any clear increasing or decreasing trend in the number of convicted DV-perpetrators in the period between 2008 and 2015. The number of convicted DV-perpetrators fluctuates, dropping to a minimum of 6,550 in 2010 and reaching a maximum of 8,210 in 2014.
Background characteristics

- The overrepresentation of males is greater among convicted DV offenders (91% in 2015) than among the total group of convicted offenders (82% in 2015).
- 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 2015, 70% has one or more previous criminal cases, 39% has previous criminal cases relating to a violent crime, and only 5% has previous criminal cases relating to a DV offence.
- In almost 80% of the DV criminal cases in 2015, domestic violence consisted of physical violence, of which the majority was simple assault (78%). In 14% of the criminal cases the offence consisted of criminal threat.
- The DV-perpetrators convicted in 2015 were mostly punished with a discretionary dismissal (37%) or community service (33%). In the period between 2008 and 2015 there was a shift in the punishments handed down in DV criminal cases. The share of discretionary dismissals increased significantly over time, from approximately 10% in 2010 to an average of 36% between 2012 and 2015. The share of community service orders has declined over time, from 52% in 2009 to 33% in 2015.
- Almost half (49%) of the DV criminal cases in 2015 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 (18% of DV criminal cases compared to 10% of residents).

Recidivism rates

- The recidivism analysis shows that 30% 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 7% of the group had a new criminal case for a DV offence (DV recidivism).
- The general recidivism among all convicted offenders in 2015 was approximately the same: 28% had a new criminal case for any offence within two years. The rate of violent recidivism was, however, substantially lower for this group (8%).
- Although these percentages relate exclusively to the first recidivism case, they seem to support the earlier conclusion that convicted DV-perpetrators do not limit their offending to domestic violence, but commit a variety of crimes and, in particular, violent crimes.

Recidivism rates over time

- Looking at the development of recidivism over time, it appears that the two-year general recidivism (new criminal case for any offence) slightly decreased, from 34% in 2008 to 30% in 2015. 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 32% to 29%. This is a relative decrease of 9%.
- The two-year DV recidivism (new criminal case for a DV offence) decreased from 9.2% in 2008 to 7.4% in 2015. The adjusted two-year DV recidivism, corrected for shifts in the background characteristics of offenders, shows a more limited decrease, from 8.3% to 7.5%. This is a relative decrease of 9%.
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 sexual domestic violence is possibly underreported as such. The manner in which domestic violence was registered by the Public Prosecution Service till 2015/2016, means it is possible that sexual domestic violence was registered as a sexual offence, and not as a domestic violence offence. A third limitation is that the current study is descriptive in nature. As a result, a conclusive explanation is lacking for the development of recidivism over time. Although the current study adjusted the recidivism rates for shifts in the background characteristics of the DV perpetrators, background characteristics not included in this study, as well as macro factors such as registration effects or general developments in crime and crime control, can also have an effect on recidivism. Further research is needed to determine which factors are responsible for the recidivism trends. The current findings merely have a signaling function.

To conclude

The current study shows that two-year recidivism among DV offenders in the period 2008 to 2015 decreased slightly. This is true for both general recidivism (any new offence) and DV recidivism (new DV offence). The coming years will reveal whether or not these decreasing trends will continue. Based on the current study, it is unclear to what extent domestic violence policy contributed to the decreasing recidivism trends. To enhance insight in the influence of the domestic violence policy, in the coming years the WODC will evaluate the effectiveness of several approaches for DV offenders in terms of recidivism.