Recidivism after a conviction.
National statistics based on the Central Criminal Registry.

Summary

Problem: the absence of a national view on recidivism in Belgium

Nearly a decade ago, researchers of the Dutch Scientific Research and Documentation Centre (WODC) published the results of a European survey on large scale or national recidivism research (Wartna & Nijssen, 2006). One of the striking conclusions was that Belgium, apart from the Grand Duchess of Luxembourg, was the only Western-European country where no national or large-scale recidivism studies exist and where a representative view on recidivism is absent. Since its publication, countries in Northern, Southern and Eastern Europe have made strong progress, thus pushing Belgium further in its exceptional situation. In Belgium, the lack of a firm base of national recidivism data has been problematised repeatedly. Policy makers and practitioners are often forced to turn towards international studies or to research based on relatively small samples of delinquents. This is problematic, among other things, because of the limited representativeness of studies from other countries, or because local studies are not representative or their representativeness even cannot be established.

Applications of recidivism research

Recidivism research has multiple possible applications (e.g. Maltz, 1984; Wartna, 1999; 2009). Information about the recidivism of known delinquents enable the construction of a profile of offenders or groups of offenders. National or large scale (representative) studies about recidivism provide base rates (e.g. of the recidivism of a specific group of offenders, such as drug offenders or sex offenders) and provide policy makers and practitioners a reference point. Recidivism information can also serve as an evaluation criterion in evaluation or effect studies. When studying the impact of a specific penal intervention (e.g. a type of sentence, such as electronic monitoring, see more specifically also Marklund & Holmberg, 2009; Blokland et al., 2015), recidivism is an outcome criterion that allows us to learn something about the effectiveness of an intervention. Recidivism data are part of the information about the criminal careers of offenders, which includes attention for the frequency, severity and celerity of recidivism and other dimensions such as the onset, duration and intensity of a criminal career and the degree of specialization (e.g. Blumstein & Cohen, 1987; MacLeod et al., 2012). Recidivism research also has helps in etiological questions, particularly why certain persons commit penal offences (again). Recidivism data thus are of use for a range of questions.

Methodology

Increasingly, recidivism research is based on large numbers. This is a result of more data that are being registered in data bases. In this research, use is made of data of the Central Criminal Registry (conviction data), a digitalized data base since 1992. The Central Criminal Registry contains information about all natural persons subjected to a definitive decision by a Belgian or foreign jurisdiction that has been communicated to and registered in the Central Criminal Registry (e.g. suspension, conviction, internment). The definition of recidivism is related to the type of data registered in the data base. The starting point is the reference decision: the first or only judicial decision by a Belgian jurisdiction that has been registered in the Central Criminal Registry for natural persons in 1995. Recidivism thus is defined as each new conviction bulletin registered in the Central Criminal Registry.

Conviction data are checked for all persons who (at least once) in 1995 have been subjected to a judicial decision. Next to some social-demographic variables, data have been gathered about their judicial past (prior convictions) and whether they have been subjected to a new judicial decision after their reference judgment in 1995, such until November 2013. The study is limited to more detailed information about the reference decision and (the first or only) recidivism (with data about the nature of the offence, the court, the measure or sentence handed out).

Descriptive results

The research group consists of 136.530 persons. The mean age at the time of the reference decision is 32 years. In total, the cohort is composed of 113.995 men and 21.717 women. For 818 persons, information about sex is lacking.
After the reference decision, 78.691 persons (57,6%) had at least one new judicial decision during the follow-up period of the study (prevalence of recidivism).

742 days after the reference decision, 50% of all the recidivists has received a (first) new judicial decision (celerity of recidivism). After at most 5 years, 72,5% of all recidivists has received a (first) new judicial decision. 11,3% of all recidivists is given a (first) new judicial decision after more than 10 years.

After the reference decision, the group of recidivists has received a total of 405.781 new judicial decisions. 29,6% has 1 recidivism, 16,8% has recidivated 2 times and 11% 3 times (frequency of recidivism). 20% of all recidivists has more than 7 new judicial decisions, approximately 10% has more than 12 and 5% has more than 17 new judicial decisions. A group of 170 persons each has at least 50 new judicial decisions. In total, they have 9110 new registrations in the Central Criminal Registry.

Almost half of all persons in the cohort (49,3%) had no prior convictions or measures. These are 'primary offenders'. The other half of the cohort had prior judicial decisions. Of all those with a judicial antecedent, 32,7% had 1 antecedent, 17,7% had 2 antecedents and 10,8% had 3 antecedents. One in four of them has over 5 antecedents, 10% has over 10 antecedents and a minor 5% has 17 or more antecedents. The median age at the first judicial decision (including the reference decision) is 25 years.

Based on 24 categories, the type of offence is looked at in association with recidivism. The type of offences with the highest recidivism percentage is theft with violence. 75,1% of all persons subjected to a measure or sentence imposed by a court for theft with violence in 1995 has at least one new conviction. 69% of all persons with a reference judgment related to infractions against drug legislation or an infraction for public drunkenness, have recidivated.

The relation between the type of primary sentence or measure at the time of the reference decision and recidivism has also been studied. The proportion of recidivism is highest with persons who received a youth measure in 1995 (83,2%), followed by persons with a prison sentence in combination with a (penal) fine and another additional sentence (73,2%) and persons with a stand-alone prison sentence (70,3%).

Variables related to recidivism

Using a survival analysis (Cox regression), the influence on recidivism of characteristics such as age, sex, number of antecedents, type of offence (reference decision), type of measure or sentence, type of court has been assessed. This test includes the passage of time and allows a correction for persons deceased prior to the end of the follow-up period. That point is of importance, since 16.716 (12,2%) have passed away before the end of the follow-up period. The median age at death is 56, relatively

young. Deceased persons are included, either until the moment of their first (or only) recidivism, or until the date of death. The test is calculated for 134.343 persons. The results are expressed in an odds ratio (a type of relative 'chance' that a specific category recidivates in comparison with a reference category that has a chance of 1).

The results have an explorative nature. They provide a first and preliminary assessment of predictors for recidivism. The most notable characteristics related to recidivism are sex, age, a decision with (partial or full) suspension of the sentence and the number of prior judicial decisions. Men have 1,757 times as much chance to recidivate than do women. The younger offenders are at the reference decision in 1995, the more risk they have to recidivate and the older, the less risk they have to receive a new judicial decision. An offender convicted in 1995 to a (partial or full) suspension of the measure or the sentence, recidivates less than an offender with a judicial decision without a suspension. Previous judicial decisions also matter. Per prior judicial decision, the relative odds to recidivate increase by a factor of 1,056. For an offender with 10 antecedents, this implies a 10,56 times increase in the relative odds to recidivate compared to an offender without antecedents. The more antecedents, the higher the chance to recidivate in comparison to a primary offender.

Limitations

In this research, based on the Central Criminal Registry, the first national recidivism statistics are produced. One important limitation of the study concerns the use of the data base. What is not included in the data base, is not taken into consideration. This has important consequences for the results. Prior to being handed out a judicial decision to a measure or a sentence, an entire process has already taken place. Only a fraction of all actually committed offences end up in a judicial decisions. Also, the data base lacks information about the application of sentences. The Central Criminal Registry only contains few person-related variables. Additionally, the analysis is limited by the quality of data in the Central Criminal Registry. Some variables (e.g. nationality) cannot be used. Due to problems in the reliability in the registration of the offence date, recidivism in this study is based on the date of the judicial decision, followed by a new conviction. A downside to this choice is that some judgments that take place after the reference judgment are based on offences committed prior to the reference judgment. Some of these limitations can only be addressed by linking data bases and possibly even by consulting records.
The first brick.

Whereto from here?

This study focuses on the prevalence of recidivism of all natural persons subjected to a judicial decision (conviction) to a measure or a sentence. This lays the first brick for large scale or national research about recidivism. Provided further elaboration, the study can serve as a starting point for more refined descriptions of subpopulations of offenders, as a starting point for criminal career research, it can provide a reference point for effect studies and may become a source for etiological questions about recidivism.