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RESEARCH

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Recidivism in community sanctions and measures 2015

(EXECUTIVE SUMMARY)

Authors

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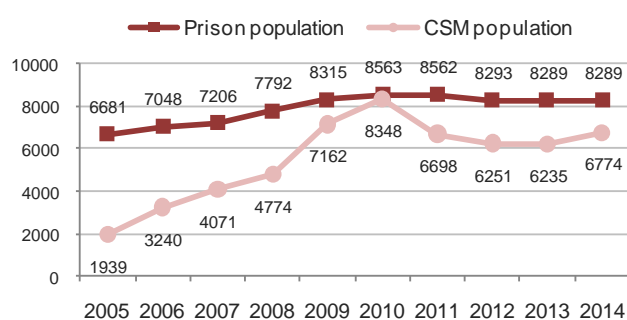
Recidivism in community sanctions and measures 2015

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1. Historical evolution of the CSM

The application of community sanctions and measures (CSM) has increased considerably in Catalonia over the last decade, especially in the period leading up to 2010, when the number of people subject to a CSM quadrupled. This figure, which we can largely relate to the inclusion in the Spanish Penal Code of new offences (*traffic offences* and *gender violence*), has not entailed a fall in the prison population.

Diagram 1. Number of people subject to a CSM and number serving prison sentences



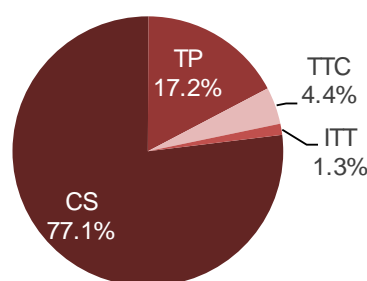
Source: Statistical data from the Department of Justice website (population on the last day of the year) - justicia.gencat.cat

Before these penal reforms were introduced offences *against property* were the most frequent in demands for CSM (Justidata 36, 2003 and Villacampa et al., 2006). And so we should see if the penal profile of the offenders has changed after these reforms.

2. The research

In total, **8,839 people** finished a CSM in 2010. Most of them through the imposition of a *community service* (77.1%) and, at a great distance, the obligation of attending to *training programmes* (17.2%). In proportion, the other measures are residual: *therapeutic treatment in the community* (4.4%) or *institutional therapeutic treatment* (1.3%).

Diagram 2. Distribution of the CSM population according to the measure imposed



For this research, the measures have been classified on the basis of the intervention and not according to the form of imposition. When it comes to interpreting the differences between each measure, we should bear in mind the following forms in which judges can impose the CSM:

Form of imposition	Measures			
	CS	TP	TTC	ITT
Direct sentence	✓			
SPR (non-payment of fine)	✓			
Substitution of a prison sentence	✓	✓	✓	✓
Suspension of a prison sentence	✓	✓	✓	✓
Security measure		✓	✓	✓

TECHNICAL FILE OF THE RESEARCH

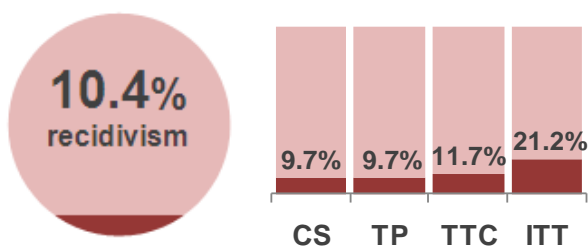
Territorial scope	Catalonia
Population object of study	People who finished a CSM in 2010 (N = 8,839) and people who came out of prison for <i>traffic offences</i> (N=227) or <i>gender violence</i> (N=156) in 2010. Monitoring until 31/12/2014, with 4.5 years on average.
Concept of recidivism	Recidivism in penal execution (new offence with new sentence to an CSM or new entry into prison)
Source of the data	SIJJ/CSM (Juvenile Justice and CSM Information System) SIPC (Penitentiary Information System of Catalonia)
Statistical exploitation	Statistical package IBM SPSS Statistics 17.0

3. Recidivism

One out of ten people to whom a CSM was applied returned to the penal execution system (new CSM or new entry into prison) for a new offence. The remainder, nine out of ten people, didn't return to the system during the monitoring, an average of 4.5 years.

These data cannot be compared with other studies done in Catalonia, since there are very few of them and there are important methodological differences in the time of monitoring, the kind of CSM studied or the concept of recidivism itself. The results show very broad intervals according to the object of study: from 14.1% to 44.8% (Bonfill et al., 2013; Cid, 2007b; Villacampa, 2006; Villacampa et al., 2006).

Diagram 3. General rates of recidivism 2015



3.1. Sociodemographic profile of the people serving sentences

Most of the people who finish a CSM are men (91.9%) and with Spanish nationality (70.4%). Of the foreigners, more than half come from Central and South America. In smaller proportions those from the Maghreb and the European Union stand out.

8%
women
30%
foreigners

Concerning these sociodemographic variables we find some difference in the people who, also in 2010, were released from prison in Catalonia (Capdevila et al., 2015). In the group of people who finish a CSM we find a very similar percentage of women (8.1% against 8.3% in the prison population), but a smaller proportion of foreigners (29.6% against 43.2% in the prison population).

Regarding the age of the offender, the offence for which a CSM is applied is committed in average at 34 (32.5 in the prison sentences).

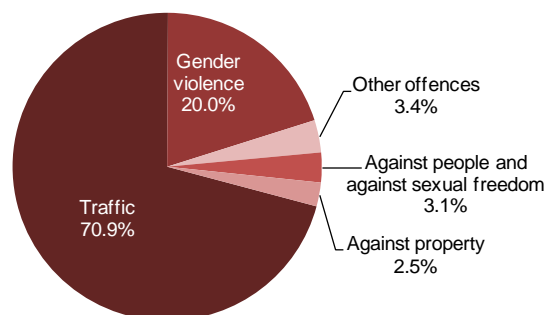
3.2. Penal profile of the people serving sentences

Of the people to whom a CSM is applied, one quarter have previous criminal records. And of that group, half have previously been in a prison.

24%
with record

The most frequent type of offence (70.9%) is related to *traffic offences* (against road safety), followed by 20% for *gender violence* offences.

Diagram 4. Distribution of the CSM population according to the offence committed



According to the offence committed, the judge applies more frequently one CSM or another. Most community services (CS) are imposed for *traffic* offences (84.9%) and most obligations to attend training programmes (TP) are applied to *gender violence* offences (64.8%).

3.3. Execution and serving sentence

In absolute terms and in proportion to its population, Barcelona accounts for 3 of each 4 CSM, but the city that has the highest number of CSM carried out for each 100,000 inhabitants is Lleida (203.6), and the one with the lowest is Girona (79.6).

In 31.8% of the measures there was some incident during the execution. Nevertheless, most of the people sentenced finished the measure by serving it through

89%
serving

Some of the factors that influence the incidents are: having criminal records, the geographical area of origin, the time imposed or the violence in the type of offence.

There are great differences in the length of the process, the time imposed and the time of execution, according to the measure applied and the offence committed. That is the reason why these variables are analysed in the following sections.

4. Community services (CS)

6,807
people
finished a
CS in 2010

9%
women

30%
foreigners

24%
with
criminal
records

89%
comply

9.7%
recidivism

Community services are mostly imposed for traffic offences (84.9%).

The time imposed mostly ranges from 1 to 22 days and the average execution is 8.3 months. The execution begins 1.3 years after the offence was committed. The total time, from the offence to the close of the execution, is 23.7 months, almost 2 years.

Although in 32.7% of the cases there has been some incident during the execution, most of the people complies with the CS (88.6%).

Recidivism

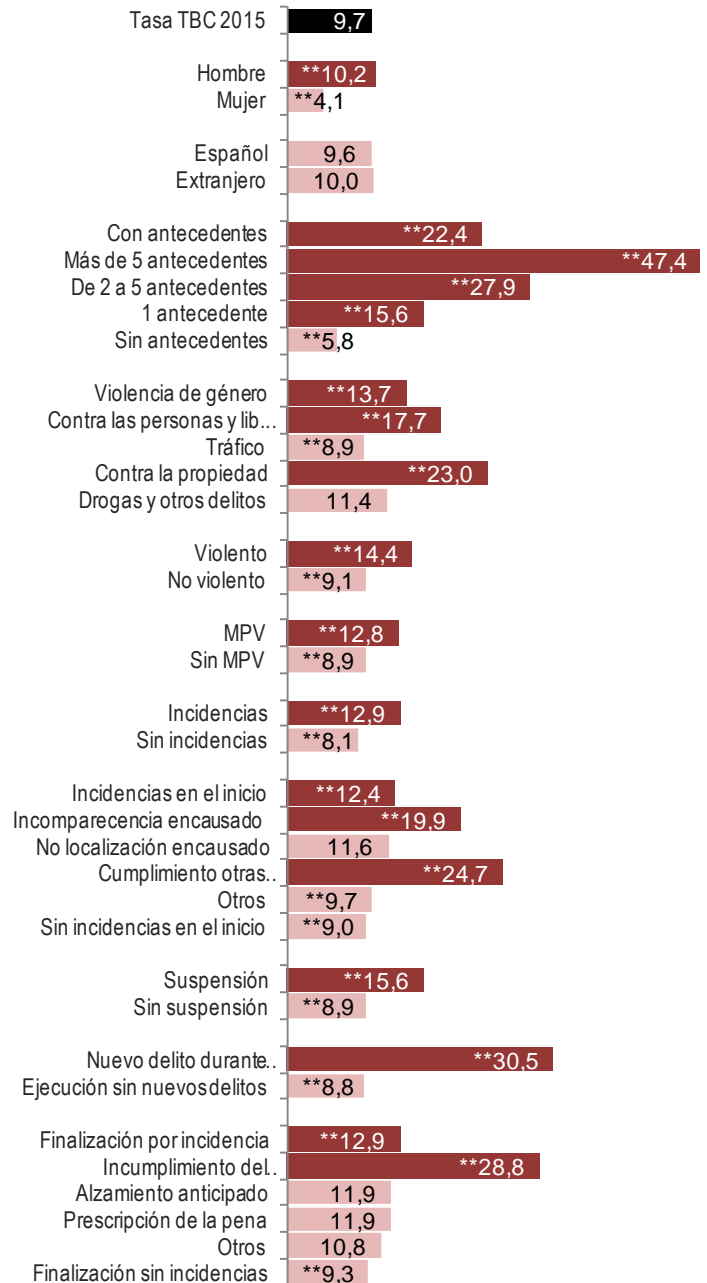
The rate of recidivism is 9.7%. 9 out of 10 people serving sentences who finish a CS didn't reoffend in the 5 years after the end of the measure.

Having a record is the variable that most explains both the incidents during the execution of the measure and later recidivism.

On average, it takes 503.26 days to reoffend (1.4 years). Most of the CS recidivists will commit a new *traffic* offence (52.6%) and receive as a penal response another CSM (70.5%), specifically a CS (62.6%).

Despite the statistical significance, the difference between the rates of recidivism according to the number of days of CS is minimal (8.8% with up to 30 days against 10.5% with more than 30 days). In general, the person sentenced to a CS up to 30 days is someone with no previous history of crime and who committed a slight traffic offence.

Diagram 5. Rate of CS recidivism and specific rates



** Statistical significance with regard to the general rate; $p \leq 0.01$

* Statistical significance with regard to the general rate; $p \leq 0.05$

5. Training programmes (TP)

1,522
people
finished a
TP in 2010

5%
women

33%
foreigners

29%
with
criminal
records

93%
comply

9.7%
recidivism

The obligation of attending to training programmes are mostly imposed for offences related to *gender violence* (64.8%) and -to a lesser degree- for *traffic offences* (27.7%).

A training programme usually lasts between 26 and 30 hours. The time from the first contact by the probation officer until completion of the execution is 9.4 months on average. In total, the time that passes from the commission of the offence to the close of the execution is 38.9 months (3.2 years).

Although in a quarter of the cases there has been some incident during the execution (25.7%), most of the people sentenced to a training programme finished the measure satisfactorily (93.0%).

Recidivism

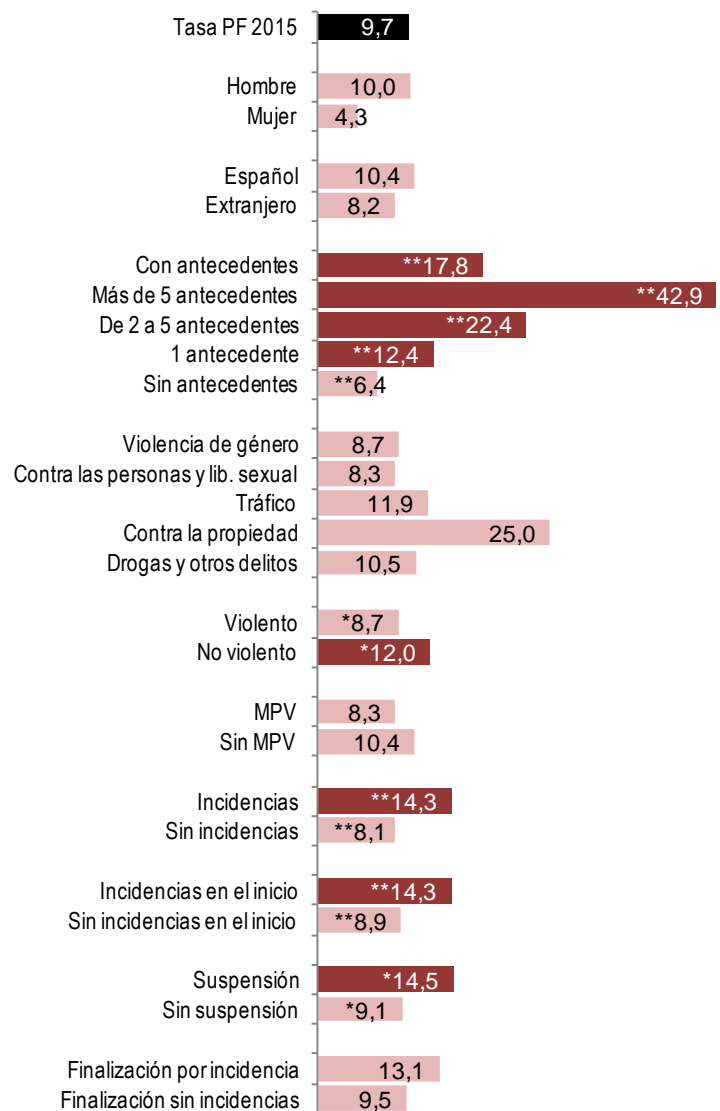
The rate of recidivism is identical to the community services: 9.7%. 9 out of 10 people carrying out a TP didn't reoffend in the 5 years following comply.

Having a penal record is also the variable that best explains both the incidents in the execution of the measure and subsequent recidivism.

On average, it takes 550.59 days to reoffend (1.5 years). When a new offence is committed, another CSM is mostly imposed (62.2% of the cases) but the measure is changed for a community service (56.1%). The offences committed most frequently in the recidivism are related to *traffic* (38.5%) and *against persons* (27.7%).

Diagram 6. Rate of recidivism of the TP and specific rates

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** Statistical significance with regard to the general rate; $p \leq 0.01$

* Statistical significance with regard to the general rate; $p \leq 0.05$

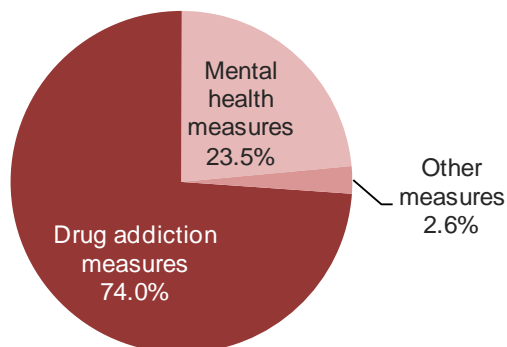
6. Therapeutic treatment in the community (TTC)

392 people finished a TTC in 2010
13% women
15% foreigners

62% with criminal records
78% comply

11.7% recidivism

Diagram 7. Therapeutic treatments by type of treatment



Most people in this group have criminal records (62.2%) and the majority of them were penitentiary records (77.5%).

With regard to the offence for which a TTC has been imposed no specific typology stands out. 55.4% of offences are non violent. The duration of the TTC programme is 2.1 years.

The time from the commission of the offence to the start of the measure is 3 years, a period we consider excessive in terms of efficiency.

Incidents occurred in 39.8% of the cases. Nevertheless, most people finished the measure (78.1%).

Recidivism

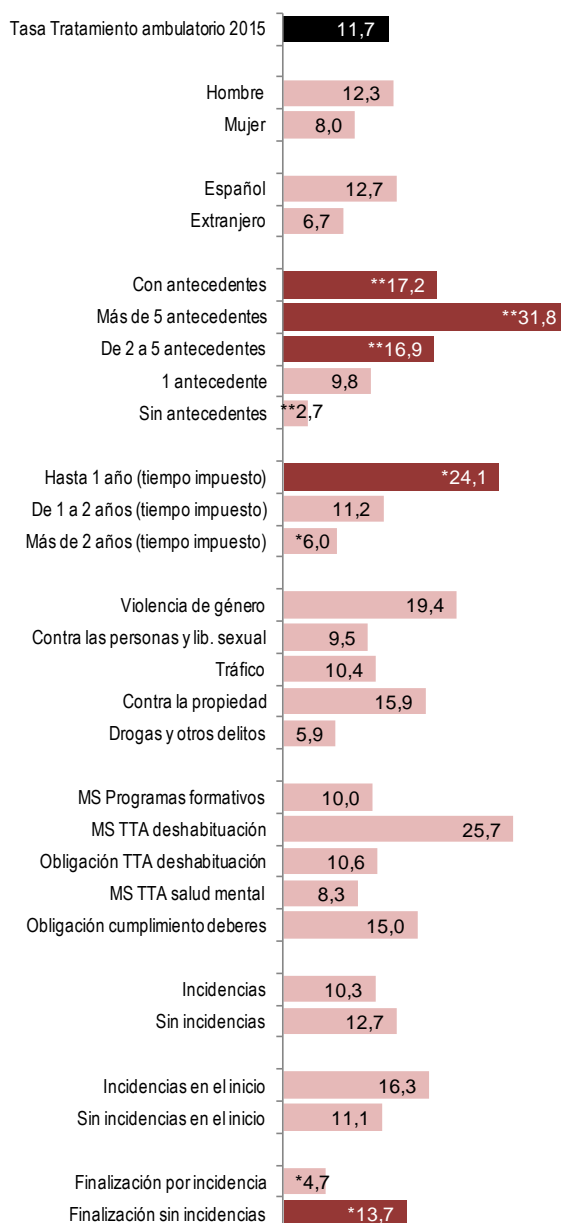
The rate of recidivism is 11.7%.

The new offence is committed 490.93 days on average after the end of the TTC (1.3 years).

The fact of analysing a small population (46 reoffenders) and having few variables does not allow us to extract results that best explain the recidivism, except the fact of having a record, as in the other measures.

Diagram 8. Rate of recidivism of the TTC and specific rates

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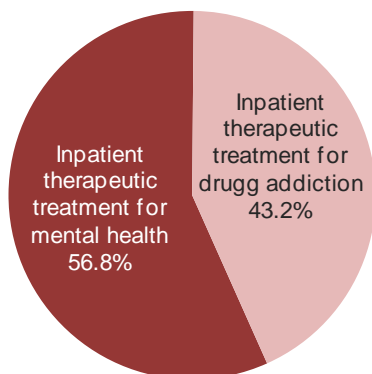
** Statistical significance with regard to the general rate; $p \leq 0.01$

* Statistical significance with regard to the general rate; $p \leq 0.05$

7. Institutional therapeutic treatment (ITT)

118 people finished an ITT in 2010
8% women
8% foreigners

Diagram 9. Inpatient measures by type of treatment



This group of people are the ones who have the highest number of criminal records (83.1%) and most of them are penitentiary records (86.7%).

The most frequent offence for which inpatient treatment is imposed is *against property* (40.7%), although it is usual for these offenders to commit heterogeneous offences. Moreover, 61.9% are offences with violence. The length of time of the treatment is 1.6 years on average.

The time from the commission of the offence until the start of the measure is 2.3 years, a period we consider excessive in terms of efficiency.

The measure is finished in most cases (87.3%), although in one third there has been some incident during the execution.

Recidivism

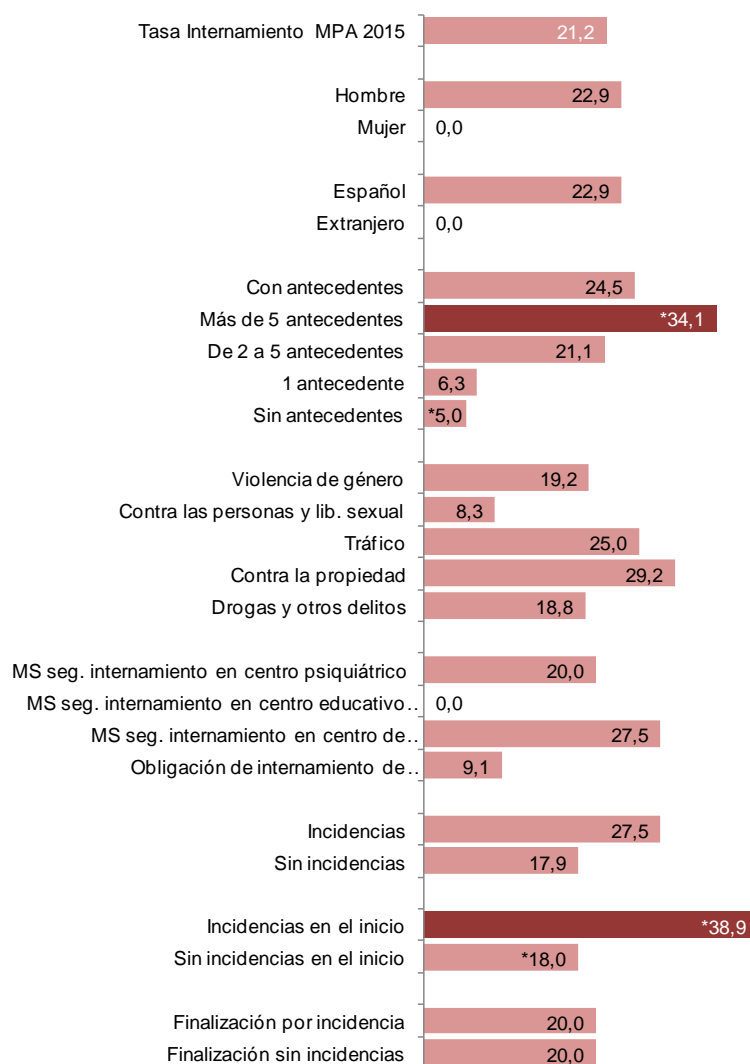
The rate of recidivism is 21.2% and it is the measure in which recidivism occurs most rapidly on average (318.52 days). In more than half of the cases, the new offence has led to a prison sentence (56.0%).

The fact of analysing a small population (25 reoffenders) and having few variables does not allow us to extract results that best explain the recidivism.

83% with criminal records
87% comply
21.2% recidivism

Diagram 10. Rate of recidivism of inpatient treatment and specific rates

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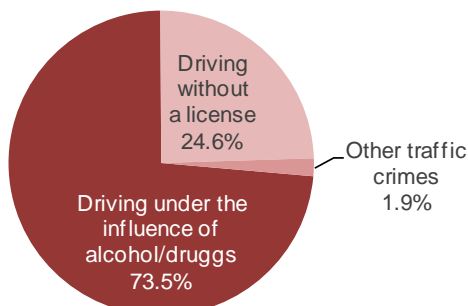
** Statistical significance with regard to the general rate; $p \leq 0.01$

* Statistical significance with regard to the general rate; $p \leq 0.05$

8. Profile and recidivism according to the offence committed

8.1. Traffic

Diagram 11. Type of *Traffic* offence committed in the *current file*



The category *Other* includes: Speeding (N=68), Dangerous driving (N=46) and Refusal to take a breathalyser test (N=4)

The data referring to traffic offences are very similar to those of the CS, since they are applied in 92.2% of those cases.

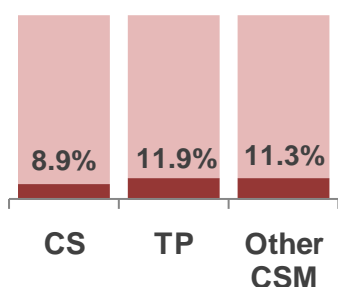
Differences according to the CSM imposed

In the cases in which a CS is applied there are a significantly higher proportion of people without a record, with few events in the *current file* and without incidents during the execution. The offence *driving without a license* receives the CS measure in greater proportion than the other measures.

The training programme group and other CSM contain, in proportion, more people of the opposite profile to the one we have just described.

Nevertheless, no statistically significant differences are observed with regard to the rate of recidivism in the different CSM imposed for *traffic* offences.

Diagram 12. Rates of recidivism of the people sentenced for *traffic* offences according to the CSM imposed



6,268
people

8% 29%
women foreigners

21% 90%
a record comply



Recidivism

Recidivism is 9.1%. 9 of every 10 people who served CSM sentences for traffic offences did not reoffend.

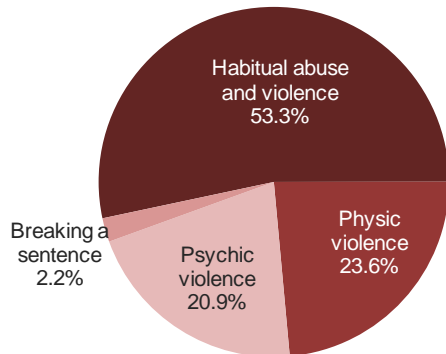
Compared with the recidivism of the people sentenced to prison for the same type of offence, the CSM rate is far lower (17.8 points of difference), but we also observe a more restricted profile, with fewer records and more specialisation in offences in case of reoffending.

Having a record and incidents during the execution of the measure are negative indicators for possible recidivism.

People who were sentenced for *driving without a licence* have a statistically higher rate of recidivism (14.3%). That certainly has to do with the profile of the people who commit this kind of offence: higher proportion of foreigners, also with criminal records, more incidents at the start of the measure and, in recidivism, more entries into prison for the new offence committed.

8.2. Gender violence

Diagram 13. Type of gender violence (GV) offence committed in the current file



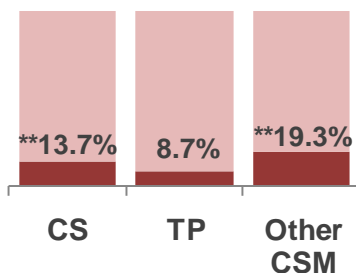
The CSM most often imposed for *gender violence* offences is the TP (55.7%) followed by the CS (39.3%).

Differences according to CSM imposed

The type of offence influences the type of measure imposed. The people carrying out sentences for *mistreatment and habitual violence* are overrepresented in *Other* CSM (TTC and ITT). A greater proportion of the ones who have committed a gender violence offence *with physical violence* have to attend a TP, and a greater proportion of the ones who have committed a *psychological violence* offence receive a CS.

It is also notable that a smaller proportion of the people sentenced to a TP reoffend in comparison with the ones who complied a CS or a therapeutic measure (TTC or ITT). That means that either the profile of the *gender violence* aggressor to whom the TP is applied is different and more restricted than the others or that the measure has less impact in terms of efficacy.

Diagram 14. Rates of recidivism of the people sentenced for gender violence according to the CSM imposed



** Statistical significance with regard to the total; $p \leq 0.01$

1,769
people

6% 38%
women foreigners

34% 90%
a record comply

11.2%
recidivism

Recidivism

Recidivism of the people serving sentences for GV offences is 11.2%.

That rate is 15.1 points lower than that of the people sentenced to prison for the same type of offence. And so in prison we find a far higher proportion of people with a record and who have breached victim protection orders. That indicates that also with regard to gender violence the prison profile is different to the CSM profile.

8.3. Offences against people and against sexual freedom

253 + 25

Against + Ag. sexual
people freedom

9% 19%

women foreigners

50% 83%

a record comply

11.9%
recidivism

Injuries and *threats* are the main offences committed in this grouped category.

The imposition of the different measures is distributed between community services (34.5%), training programmes (30.2%), therapeutic treatment in the community (26.6%) and institutional therapeutic treatment (8.6%).

Although differences are observed with regard to the ones with criminal records (higher proportion in the case of therapeutic measures) and incidents (higher proportion in CS), the rates of recidivism according to the measure applied are not statistically different.

Recidivism

Recidivism is 11.9%, mostly for non violent offences (66.7%) and with the imposition of a CS (69.7%).

The fact of analysing a small population (33 reoffenders) and having few variables does not allow us to extract results that best explain the recidivism.

8.4. Offences against property

222

people

10% 13%

women foreigners

83% 73%

a record comply

21.6%
recidivism

Most of the offences *against property* are without violence (67.6%), and the rest are robberies with violence and/or intimidation.

Therapeutic measures as a whole are the most often applied: TTC (39.6%) and institutional treatment (21.6%). The CS are also imposed on a third of the people serving sentences (33.3%) and the TP on a minority (5.4%).

There are no significant differences in the rate of recidivism with regard to the type of measure applied, although the TTC shows the lowest (15.9%) and inpatient treatment the highest (29.2%).

Recidivism

Recidivism of the people serving sentences for these offences is 21.6%, consistent with the fact that this is the group with the highest proportion of records and incidents during the execution.

For the same type of offence, prison recidivism is double, 43.8% (Capdevila et al., 2015).

8.5. Other offences

302
people

15% **23%**
women foreigners

57% **78%**
a record comply



This group contains a heterogeneous set of types of offence. Half of these people committed an offence *against public health* (31.5%) or *breach of sentence* (22.2%), but it also includes *socioeconomic offences*, *against public order*, *against family relations*, *against honour and moral integrity* or *against the public administration*.

The measures most applied are the CS (55.0%), followed by the TTC (33.4%) and less frequently the TP (6.3%) and the ITT (5.3%). Therapeutic measures are mostly imposed for offences *against public health*, and CS and TP for the remainder.

No significant differences are observed with regard to the rate of recidivism.

Recidivism

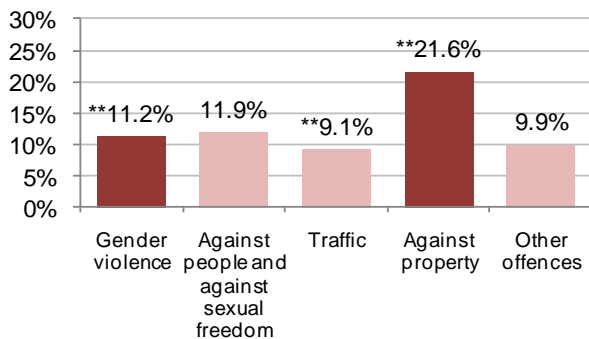
Recidivism is 9.9%.

The new offence is mostly non violent (72.4%), but also quite heterogeneous.

9. Comparative recidivism according to the offence

Traffic offences are the only ones that show a rate of recidivism below the average statistically (9.1%). On the other hand, offences *against property* and *gender violence* show a higher rate of recidivism (21.6% and 11.2% respectively).

Diagram 15. Rate of recidivism according to the offence



** Statistical significance with regard to the general rate; $p \leq 0.01$

On average, the people sentenced for traffic offences are the ones who reoffend later and less frequently. And the people who have committed offences *against property* are the ones that reoffend most rapidly and commit a larger number of new offences.

However, it is very difficult to draw crosschecked conclusions from the results obtained, fundamentally because of two important weaknesses of the research. The first is that we have few data collected concerning the offending subjects and so it is very difficult to explain the differences. The second is that we intuit a very important *hidden figure* in certain types of offence, especially *traffic*: the person sentenced may have committed a new offence with many possibilities of not being detected, or be subject to an administrative sanction without going to court. And so we should use great prudence in the interpretation of these data.

10. Conclusions

1. The CSM are more complementary than alternative penalties.

Over these first years of the 21st century the application of community sanctions and measures has increased in Catalonia and the rest of Spain, but so has the number of people who have entered prison. Since these increases have not been linked to an increase in the rate of criminality (on the contrary, it continues to fall), the first major conclusion we can reach is that the CSM are more complementary than alternative to prison. They are applied to people and situations that were not previously subject to penal intervention. However, if they did not exist the prison sentence might have to be increased to respond to new offences (GV and traffic offences).

2. When we speak of CSM we are mostly speaking of the community sentence, which accounts for 77.1% of all the measures studied.

In second place, and at a great distance, we find the training programmes (17.2%). Therapeutic treatment in the community (4.4%) and institutional therapeutic treatment (1.3%) are residual measures in the set provided for by the law.

3. The CSM is applied mainly according to the offence committed, basically related to *traffic* (70.9%) and *gender violence* (20.0%). Little account is taken of the criminological characteristics of the individual.

4. Most of the CS (84.9%) are imposed for the set of offences related to *traffic*. On the other hand, the GV offences receive a TP (55.7%) more frequently, although the CS are also an important measure (39.3%).

5. We consider excessive the time it takes to start a CSM in Catalonia.

The time taken by the judicial system to hand down a sentence is 348 days on average (11.6 months). After that it takes 220 days on average (7.33 months) to assign the appeal from the date of the sentence. Those times seem excessive to us in comparison with the length of time served, which is not even one year in 82.1% of cases. The people who have not reoffended show an average duration in all the periods of serving that is lower than the ones who have eventually reoffended.

6. There is a lack of the basic personal information about the people sentenced to CSM which would allow us to make analyses and proposals better adapted to their criminological needs.

In the data base we have used for the research few personal and sociodemographic data are recorded. Therefore we have not been able to collect the necessary information to identify profiles of offenders and thus analyse the differences between them, especially with regard to recidivism.

Nevertheless, what we can affirm is that the people sentenced to a CSM have an average age of 34 at the time of the offence, that one quarter have a record and, within that group, half have previously been in prison.

7. There are significant differences between the offenders who are serving a CSM for a *traffic* or *gender violence* offence and the ones who are serving a prison sentence for those offences.

When we compare the profile of the offender who is serving an CSM with that of one serving a prison sentence we find significant differences in both the number of previous offences and the number of new ones (in prison we find higher figures in both cases). However, we cannot know whether the *record* variable is sufficient to explain the differences in recidivism or if we should consider other personal, social and penal indicators that also have an effect on the imposition of a CSM or a prison sentence.

8. The general rate of CSM recidivism (2015) is low

9 out of every 10 people who have been sentenced have not reoffended in the 5 years following the serving of their sentence. That rate has fallen 5.7 points with regard to the previous measurement done by Villacampa (2006), although the profile of the population to whom the CSM are applied and the type of offence have changed a great deal in those years and we must therefore be cautious with the comparisons.

9. The CSM most frequently applied, the CS and the TP, show the same rate of recidivism, 9.7%.

The recidivism of the people following a TTC is 11.7% and of the ones serving an ITT is 21.2%.

- 10. By offences, the lowest rate of recidivism and the one most statistically different from the average rate corresponds to the people who have committed a traffic offence (9.1%). The highest and most different from the average is for the ones who have committed an offence *against property* (21.6%).**

The people who have committed a *traffic* offence have a rate of recidivism which is statistically lower than the remainder (9.1%), even though the research done into this type of offence indicates that the *hidden figure* is very high (many offences are committed but not detected). On the other hand, the ones who have committed a *gender violence* offence (11.2%) and an offence *against property* (21.6%) show a higher rate.

The other criminal categories do not show a different rate of recidivism from the general one.

- 11. With regard to traffic offences we find significant differences in recidivism between the offenders who have committed an offence of *driving without a licence* (a rate of 14.3%), and the ones sentenced for *driving under the influence of drink* (7.4%).**
- 12. The variables collected that are most indicative of recidivism are: having criminal records and having incidents during the serving of the CSM.**
- 13. The measure most imposed in the recidivism is once again a CSM, except for offences *against property*, for which a prison sentence is imposed in a higher proportion (54.2%).**

11. Proposals

- The results of the research in relation to the recidivism of the people who have finished an CSM allow us to make two affirmations:
 - That the application of CSM could be extended to sectors that currently receive deprivation of freedom measures.
 - That at least until the next general assessment of recidivism there is no need to propose legislative reforms designed to make the conditions of access harsher or to extend the duration of the existing measures.
- The CSM are far wider and more diverse than just CS. It would be good to develop the use of the other measures.
- It would be positive to link the application of the CSM more to the criminological needs of the offenders in order to improve the effectiveness of the measures. The ones that take more account of the deficits in working with the subject to achieve cessation of the offence should be applied more personally. It would be interesting to carry out some kind of triage or detection of the offender's needs/risks which would optimise the measure to be applied and the form of applying it in relation to the stated aim of preventing recidivism.

Two possible practical examples would be, first, the traffic offences related to driving *under the influence of alcohol or drugs*: we should consider whether the problem is basically to do with an active drug addiction and therefore apply more TTC or ITT measures. And secondly, gender violence offences: we should foster the training programmes more, focusing the work on the offenders' criminological risks and deficits in offences involving mistreatment and habitual violence, physical violence and psychological violence (instead of the CS).

- The scientific literature consulted notes the importance of studying the psychosocial and personal variables in order to make a good analysis of recidivism and of its causes. Also of the procedures followed in the application of the measure. In order to assess to what extent the measure is effective in reducing recidivism the offenders' files must include those variables. Therefore the need to collect relevant data systematically must be installed in the professional organisation and the data base (JOVO) must be improved to assist with that task.

References

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