

# Review

## Study on the effects on criminal recidivism

### *Sub-evaluation of the Youth Crime Board*

In 2018, the then Danish government (the Liberal Party, the Conservative People's Party and the Liberal Alliance), the Social Democrats and the Danish People's Party entered into the 'Agreement on a reform of the measures taken to combat youth crime – all actions have consequences'. The reform measures included the introduction of the Act on Combatting Youth Crime (*lov om bekæmpelse af ungdomskriminalitet*), which came into force on 1 January 2019, and the establishment of the Danish Youth Crime Board (*Ungdomskriminalitetsnævnet*). The purpose of the Act is to prevent youth crime through a Youth Crime Board which is to appoint targeted individual preventive measures for children and young people aged 10-17. The objective of the Youth Crime Board is to make decisions in cases involving children and young people aged 10-17 who are suspected<sup>1</sup> or have been convicted of offences against the person or other serious criminal offences.

The Research Division of the Ministry of Justice has outlined an evaluation plan consisting of six sub-evaluations. Five sub-evaluations have been published earlier.<sup>2</sup> This report deals with the sixth sub-evaluation.

The purpose of the present sub-evaluation is to illustrate the crime prevention effect of having a case considered by the Youth Crime Board. In order to get a better insight into the recidivism in children and young people whose cases have been considered by the Youth Crime Board, the report also contains descriptive analyses of the nature and extent of the recidivism.

This study is the first of two studies examining the effects of the Youth Crime Board on criminal recidivism. The second study on the effects on criminal recidivism is expected to be published in 2024. The upcoming evaluation will investigate not only new criminal offences but also the effect of the Youth Crime Board in respect of the children/young people's school affiliation.

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<sup>1</sup> The concept of 'suspected' is used about children and young people below the age of criminal responsibility in situations where, based on an investigation, the police is satisfied that there is sufficient evidence that the relevant person is in fact the offender.

<sup>2</sup> The report *The Youth Crime Board hearing – sub-evaluation of the Youth Crime Board* was published in May 2021, and the reports *Screening and referral – sub-evaluation of the Youth Crime Board* and *Youth protection examinations and recommendations – sub-evaluation of the Youth Crime Board* were published in December 2021. The report *Implementation of decisions, supervision and the re-hearing of cases – sub-evaluation of the Youth Crime Board* was published in June 2022 and, finally, the report *Number of cases considered by the Youth Crime Board and the subject matter of decisions made by the Board – sub-evaluation of the Youth Crime Board* was published in April 2023.

The present study is conducted at this point due to an interest in an investigation of the crime prevention effect of the Youth Crime Board being conducted as soon as possible. It should be observed that a study on effects takes time as the measure of which the effect is to be assessed must be completed first. This is followed by a period during which the effectiveness can be assessed (observation period). As a study on effects takes time – combined with the fact that this first study on the effects on criminal recidivism was to be made as soon as possible – delimitations have been made in respect of the present study, including that not all children and young people whose cases have been considered by the Youth Crime Board are included in the study and that the observation period is fairly short. This means that the results of the study are subject to some uncertainty.

The analyses of the study are based on various data sources, including data retrieved from the secretariat of the Youth Crime Board, the Supervision Unit for Juveniles (*ungekriminalforsorgen*), the Danish National Police (*Rigspolitiet*), the Central Criminal Register (*Det Centrale Kriminalregister*) and statistical data from Statistics Denmark.

### **Recidivism – a study on effects**

The children and young people included in the study on effects in the present study (also called the ‘experimental group’) (1) had been referred to the Youth Crime Board due to offences against the person,<sup>3</sup> (2) had their case considered by the Youth Crime Board in 2019, and (3) had completed any improvement plan and/or immediate response no later than 2020. For the children and young people who received a decision that neither involved an improvement plan nor an immediate response, any new criminal offences committed by the children/young people are measured for one year *after* the Board hearing. The recidivism in the other children/young people is measured for one year *after* they have completed an improvement plan.<sup>4</sup> In the present study, two delimitations of recidivism are used: (1) suspicion/provisional charges of violation of the Danish Criminal Code (*straffeloven*), the Danish Act on Controlled Substances (*lov om euforiserende stoffer*), the Danish Act on Knives and Bladed and Pointed Articles (*knivloven*) and/or the Danish Act on Weapons and Explosives (*lov om våben og eksplosivstoffer m.v.*) and (2) suspicion/provisional charges of offences against the person. The delimitations imply both that only a proportion of the children and young people whose cases have been considered by the Youth Crime Board are included in the investigation and that they might have committed new criminal offences that are not included in the study. The latter applies, *inter alia*, if the new criminal offences have been committed outside the observation period.

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<sup>3</sup> The experimental group does not include children and young people who have been referred to the Board due to other serious criminal offences as it is not possible to establish a control group that matches these children and young people. The reason is that children/young people who are suspected/convicted of other serious criminal offences are referred to the Youth Crime Board only if the child/young person is characterised by risk factors that make the relevant person particularly exposed to commit new criminal offences and that this evaluation is made specifically for each child/young person. It is not possible to make an equivalent evaluation based on the information recorded.

<sup>4</sup> This means that criminal offences committed by children/young people while they are subject to improvement plans are not included in the study.

The study on the effects of the Youth Crime Board on criminal recidivism examines whether the risk of recidivism in children and young people whose cases have been considered by the Youth Crime Board (the ‘experimental group’) is lower than that of children and young people who have committed similar criminal offences and are in the same age bracket, but whose cases have not been considered by the Youth Crime Board because the relevant criminal offences were committed prior to the establishment of the Youth Crime Board (the ‘control group’). By using logistic regression analysis, the evaluation takes into account any differences between the groups as regards other factors that may be of significance to the risk of recidivism. Only selected factors that have been recorded are included. The existence of other factors that may be of significance, including factors recorded as well as factors that are not recorded, such as the social competences of the children/young people or the position of their parents, cannot be ruled out.

A comparison shows that the proportion of children and young people who commit new criminal offences is higher in the control group than in the experimental group, but the difference is only statistically significant for the 10-14-year olds:

		Proportion who relapse into criminal offences and/or offences under special acts	Proportion who relapse into offences against the person
10-14-year olds	Experimental group	23%	13%
	Control group	35%	20%
15-17-year olds	Experimental group	32%	19%
	Control group	37%	23%

The study on the effects on criminal recidivism is made based on age group (10-14-year olds and 15-17-year olds) and on criteria for recidivism (relapse into criminal offences and/or offences under special acts and offences against the person, respectively). In any case, the observation period for new criminal offences is one year, and two different starting times are used to measure new criminal offences in the control group.<sup>5</sup> Overall, four analyses are made for each age group.

<sup>5</sup> Two different starting times for the observation period are used for the children/young people in the control group: (1) The date on which the Board hearing of the case of the child/young person could be expected to have been held if their cases were to have been considered by the Youth Crime Board (‘estimated Board hearing date’), and (2) the date on which the observation period starts on average for the experimental group reckoned from the date of the offence (‘average start of observation period for experimental group’). The reason for the two different starting times for the observation period is that it is not possible to initiate the observation period at the exact same time as that of the experimental group. The two estimated starting times are an attempt to accommodate this challenge. The two estimated starting times are also an attempt to accommodate the fact that the risk of recidivism varies over time (reckoned from the most recent offence) and based on the age of the person and may also depend on an ongoing measure.

The results of the regression analyses show:

When (selected) differences between the experimental group and the control group *have not been* taken into account:

- that the 10-14-year olds whose cases have been considered by the Youth Crime Board have a statistically significantly lower risk of relapse into *criminal offences and/or offences under special acts* and into *offences against the person* than the 10-14-year olds whose cases have not been considered by the Board. However, one of the four analyses only shows a tendency towards a statistically significant difference.
- that there are no statistically significant differences in the risk of recidivism for the 15-17-year olds.

When (selected) differences between the experimental group and the control group *have been* taken into account:

- that the 10-14-year olds whose cases have been considered by the Youth Crime Board have a statistically significantly lower risk of relapse into *criminal offences and/or offences under special acts* than the 10-14-year olds whose cases have not been considered by the Board. However, one of the two analyses only shows a tendency towards a statistically significant difference.
- that no other statistically significant differences were found, neither for the 10-14-year olds as regards relapse into offences against the person, nor for the 15-17-year olds as regards relapse into criminal offences and/or offences under special acts and into offences against the person. These results are seen irrespective of the starting time of the observation period for the control group.

Overall, based on the above, it is difficult to make any firm conclusions as to the crime prevention effect of the Youth Crime Board. The results suggest a positive crime prevention effect for the 10-14-year olds and no effect for the 15-17-year olds. However, the results are subject to several reservations:

- The recidivism is only measured for a period of one year. This applies to both the experimental group and the control group, but it is a short period for measuring new criminal offences, and the results may differ when the recidivism is measured for a longer period.
- Not all the improvement plans and/or immediate responses for the children and young people whose cases were decided by the Youth Crime Board in 2019 had been completed no later than in 2020. Accordingly, these children and young people are not included in the experimental group of this study on the effects on criminal recidivism. As the proportion of this group who reoffend is higher than the proportion of the experimental group who reoffend, the overall results may differ in a study on the effects on criminal recidivism that includes more of the children and young people whose cases were considered by the Youth Crime Board.
- Several results show that the reoffending rate is lower in the experimental group than in the control group, but not statistically significantly lower. As a significant

result depends both on the magnitude of the differences in the results and on the number of observations on which the calculations are based, a measurement that includes more children and young people could provide other results.

- The analysis examines the effect of having a case considered by the Youth Crime Board in 2019, that is, the year that the Board was established. By including children and young people whose cases have been considered by the Youth Crime Board across several and more recent years, more sound results would be obtained as the implementation of a new measure in the start-up phase could be subject to challenges or the like, which could be of significance to the effectiveness of the measure.
- Other studies have shown that the level of crime was generally lower during the periods of lockdowns due to the COVID-19 pandemic. Accordingly, it is worth noting that the observation period for the recidivism in the children/young people in the experimental group coincided with the periods of lockdown due to the COVID-19 pandemic while this was not the case for the control group. In that connection, the Research Division of the Ministry of Justice has conducted an analysis of the recidivism in juvenile offenders in general. The analysis shows that 42 per cent of the 10-17-year olds who were recorded as having committed a criminal offence in 2019 relapsed into criminal offences during the next two years, while the corresponding proportion was 43 per cent for 2017 and 2018 respectively. Accordingly, the reoffending rate for juvenile offenders *does not* appear to have differed markedly before and during the COVID-19 pandemic.
- During some periods of the COVID-19 lockdowns in Denmark, the Supervision Unit for Juveniles was not allowed to conduct supervisory interviews in person with children/young people. During those periods, supervisory interviews were conducted on the telephone instead. This may have had an impact on the formation of relationships between the youth justice workers and the children/young people and, in consequence, could imply that the intensity of the measure may have been reduced for a period of time during the COVID-19 pandemic. However, the frequency of the supervisory interviews was unchanged.

The upcoming study examining the effects of the Youth Crime Board on criminal recidivism, which is due for release in 2024, will span a longer time period and is therefore expected to accommodate several of these problems. Accordingly, the results of the evaluation will be subject to fewer of these reservations.

### **Recidivism – selected results of descriptive analyses**

**(I)** Analyses based on *all* children and young people whose cases were considered by the Youth Crime Board in 2019, and where the recidivism is measured for the entire period from the case of the individual child/young person was considered at a Board hearing and until 31 December 2021, show that:

- the rate of relapse into criminal offences and/or offences under special acts as well as criminal offences against the person was highest among children/young people who had been referred to the Youth Crime Board for *other serious criminal offences* (where 77 per cent relapsed into criminal offences and/or offences under

special acts and 52 per cent relapsed into offences against the person) and lowest among the children/young people who had been referred to the Youth Crime Board for *offences against the person and where the decision did not involve an improvement plan and/or an immediate response* (where 36 per cent relapsed into criminal offences and/or offences under special acts and 20 per cent relapsed into offences against the person).

- of the children/young people who relapsed into criminal offences and/or offences under special acts during the period, 75 per cent relapsed more than once. The corresponding proportion of children and young people who relapsed into offences against the person was 60 per cent.
- of the children/young people who committed new criminal offences during the period, about one fourth relapsed within three months after the start of the observation period.

**(II)** Analyses in which only a limited proportion of the children and young people whose cases have been considered by the Youth Crime Board is included<sup>6</sup> and in which the recidivism is also measured for a limited period<sup>7</sup> show that the proportion who reoffends:

- is higher among the 15-17-year olds than among the 10-14-year olds.<sup>8</sup>
- is higher among boys than girls (only as regards relapse into criminal offences and/or offences under special acts).
- is not statistically significantly different when a breakdown is made on the origin of the children/young people.
- is higher among children and young people who *had been* placed in out of-home care prior to the Board hearing than among children and young people who *had not been* placed in out of-home care.
- is higher among children and young people registered with more than one previous criminal offence than among children and young people registered with one previous criminal offence.
- is higher among children and young people who committed their first offence at the age of 10-12 than among those who committed their first offence at the age of 13-17 (only as regards relapse into criminal offences and/or offences under special acts).
- is higher among children and young people who *had* previously been in contact with the psychiatric system than children and young people who *had not* previously been in contact with the psychiatric system.

<sup>6</sup> Only children and young people whose cases were considered by the Youth Crime Board in 2019 and for whom any improvement plans and/or immediate responses had been completed are included.

<sup>7</sup> The recidivism is measured for a period of one year after the Board hearing attended by a child/young person who received a decision that neither involved an improvement plan nor an immediate response, and for the other children/young people the recidivism is measured for one year after any improvement plan and/or immediate response had been completed.

<sup>8</sup> This is the age at the time of the offence that resulted in the referral to the Youth Crime Board.

A number of the analyses only concern children/young people who have been referred due to offences against the person and for whom decisions involving improvement plans and/or immediate responses have been made. These analyses show, inter alia, that the proportion who reoffends:

- is higher among children and young people who have received a decision by the Youth Crime Board involving a placement in out of-home care than among children and young people who had not received such decision (only applicable to relapse into offences against the person).
- is higher among children and young people who are subject to a high frequency of supervision than among those who are subject to a low frequency of supervision (only applicable to relapse into criminal offences and/or offences under special acts).
- is not statistically significantly different when a breakdown is made into (1) whether the children/young people have submitted to supervision or not, (2) whether the children/young people have failed to submit to supervision or not, or (3) the length of the supervision of the children/young people.

It is important to observe that there is not necessarily any causal relationship in the above results. For example, based on the above, it cannot be concluded that placement in out of-home care results in a higher rate of reoffending, but merely that children and young people who have been and possibly still are placed in out of-home care reoffend more often than other children and young people.

