

Summary

The *Erkenningscommissie Gedragsinterventies Justitie* (Ministry of Justice Accreditation Committee for Behavioural Interventions, hereinafter called the Accreditation Committee or the Committee) has been given a significant role in the creation of a limited range of judicial behavioural interventions which, if implemented and executed correctly, should help to reduce reoffending. This summary starts with a brief introduction, followed by the statement of the problem and research questions, the research design and the concluding answers to the research questions.

Introduction

Seventy percent of former prisoners come into contact with the law again within five years. Levels of recidivism are also high for other groups of offenders. Preventing perpetrators from relapsing into criminal behaviour is an important policy objective for the Ministry of Justice. The *Terugdringen Recidive* programme (recidivism reduction programme, abbreviated to TR in Dutch) was started in order to achieve this objective. One of the aims of the TR programme is to cut reoffending by (former) prisoners by developing a standard diagnostic instrument and effective behavioural interventions.

A similar objective and approach were formulated for young criminals in the *Jeugd terecht* programme (youth on trial programme, abbreviated to Jt in Dutch) and subsequently in the *Aanpak jeugdcriminaliteit* programme (tackling youth crime programme). When the Jt programme started in 2003, one of the measures specified was the introduction of a test of effectiveness (emulating the example of other countries) for programmes carried out for judicial purposes, a standard procedure for accreditation and the installation of a national accreditation committee.

The course taken by the above-mentioned programmes is based on the 'what works' approach, which has been used for some time in England and Canada. In this approach, workable principles for behavioural interventions are developed using academic research based on impact assessments. A behavioural intervention² should match the risk, needs and responsivity of the offender.

² A judicial behavioural intervention is a programmatic and structured set of methodical treatments aimed at influencing an individual's behaviour or circumstances in order to prevent the individual reoffending.

The better the match, the greater the impact the behavioural intervention can be expected to have. The interventions working group within the TR programme was then given the task of operationalising this approach for the Dutch situation and describing how to obtain a limited, focused range of available behavioural interventions that can be shown to be effective. The working group compiled a list of quality criteria based on criteria used in other countries, and assessed the interventions then available against those criteria. It also gathered information about behavioural intervention requirements for adults.

One element of the approach is an accreditation committee that assesses behavioural interventions against quality criteria that are relevant for determining the expected effectiveness. On 30 August 2005 the Minister for Justice set up the Ministry of Justice Accreditation Committee for Behavioural Interventions, promising that it would be evaluated after a period of three years. This research report contains the results of that process evaluation.

Statement of the problem and research questions

The main research question for this process evaluation is as follows:

To what extent has the Accreditation Committee functioned as intended in the three years that have passed since its inception, to what extent are there problem areas and to what extent are changes required in the way it works?

In addition to this, the study also considered the possibility of extending the tasks of the Accreditation Committee and of harmonising the tasks of the Ministry of Justice Accreditation Committee for Behavioural Interventions and the *Erkenningscommissie Jeugdinterventies* (Accreditation Committee for Youth Interventions), both on the request of the policy departments.

Approach and research method

The research method used for the evaluation consisted of a document study, in-depth interviews and group sessions.

The document study covered both publicly available documents (primarily available through the Committee's website) and documents drawn up for internal use within the Accreditation Committee and/or for official communication between the parties in the accreditation process, including assessment letters, assessment files, assessment standards and recommendations made. The document study served as preparation for the in-depth interviews, in addition to being a primary research source.

A substantial proportion of the research data was collected using around thirty in-depth interviews with the bureau and members of the Accreditation Committee, policy departments, applicants and an intervention developer. Interviews were also held with the Research and Documentation Centre (WODC in Dutch) and a few individuals involved with the work of the Accreditation Committee for Youth Interventions.

Finally, two group sessions were held: one with the bureau and the members of the Accreditation Committee and one with the respondents representing the policy departments and the applicants. These sessions were used on the one hand to give feedback at the group level on the results of the interviews and to check those results with the respondents. At the same time, the session with the Accreditation Committee members was used to reflect on the findings of other parties in the accreditation process, and similarly for the other session.

How it is intended the Committee and other parties in the accreditation process should function

How it is intended that the Committee and other parties should function is laid down in the so-called reference document for the Ministry of Justice Accreditation Committee for Behavioural Interventions. The examination in this study of how the accreditation process works was carried out in the light of that document. The Accreditation Committee's work should make a contribution towards the objective of making a limited range of effective behavioural interventions available. The Committee's tasks are assessing submitted behavioural interventions, advising the Minister for Justice on matters connected with its primary task of evaluation and disseminating information about the fully or provisionally accredited behavioural interventions among a wider public.

Assessments are made using quality criteria determined by the Ministry of Justice, which the Committee may work out in more detail if that turns out to be necessary for practical application. Assessments may or may not result in accreditation. The content of the assessments and the manner in which the applicants are informed of the evaluation results are supposed to contribute to the improvement of the programme descriptions of the behavioural interventions. The submission process should be set up in such a way that the objective of selecting behavioural objectives that are (theoretically) effective is achieved. The extra work involved should not be disproportionate to the advantages of the 'accreditation system'. Excessive bureaucracy should be avoided wherever possible.

The Committee's second task is to make recommendations to the Minister for Justice, both on request and as it sees fit. This advisory task is specified in detail. The task does not include making recommendations on improving the development of individual interventions.

The third task involves making public those behavioural interventions that receive a positive assessment. The reference document states that due care, expertise and independence should be key elements governing the Committee's role. Due care involves making clear what the Committee's procedures are, plus a proper and consistent assessment process - not just in theory but in practice too. Expertise means that the composition of the Committee should be such that both the relevant academic backgrounds and knowledge of practical implementation are sufficiently represented. Independence concerns the process of coming to a judgement, which should be made without regard to political interests or practical implementation.

The task of the policy departments is to encourage the use of accredited behavioural interventions and to safeguard monitoring of the implementation of the behavioural interventions. In doing so, they function as the (delegated) commissioning party for both the Accreditation Committee and the implementing bodies. The task of the applicants (the limited list of parties who intend to carry out or purchase the behavioural interventions) is to submit programme descriptions of behavioural interventions that meet the requirements of the Committee.

How the Accreditation Committee functions

The conclusions to be drawn from this evaluation study are given below. First, the conclusions are presented regarding how the Accreditation Committee and other parties in the accreditation process are functioning. Then the conclusions are given regarding the options of extending the tasks of the Committee and of harmonising the Ministry of Justice Accreditation Committee and the Accreditation Committee for Youth Interventions.

How the accreditation process performs

This evaluation study shows that on the whole the Ministry of Justice Accreditation Committee for Behavioural Interventions is performing as intended. To a large extent, the desired range of available behavioural interventions for both adults and young offenders has been realised. A number of behavioural interventions with provisional accreditation do still need to obtain full accreditation and there are also some behavioural interventions still under development.

All those involved agree that the installation and work of the Accreditation Committee, combined with the fact that in future funding will only be available for accredited behavioural interventions, has made a major contribution to the change in attitudes required for evidence-based working methods. It is a difficult process, and is felt to be so in particular by the applicants, but it is considered to be both essential and valuable.

Evaluation process

In the period up to and including June 2009, the Accreditation Committee passed judgement 55 times on 32 behavioural interventions in all. The result of more than three years of assessment is that 11 behavioural interventions have received accreditation, 11 behavioural interventions have received provisional accreditation and 10 behavioural interventions have not been accredited. The applicants see the Committee's judgements as 'strict but fair', and the assessment letters help improve the interventions.

The Committee attaches considerable importance to its independence when making assessments, but the exercise of due care is also a key value for the Committee. An internal procedure has been set up containing safeguards for careful, consistent assessments. There is a disqualification procedure, which has been used regularly and by nearly all the members. Members who could have an interest in the outcome of an assessment in whatever way refrain from passing judgement. In addition, the bureau plays a significant role in ensuring the consistency of judgements during the preparation of assessments and the actual sessions. The bureau keeps records for this purpose of legal precedents in earlier assessments.

It seems that both the Committee and the applicants generally consider the criteria used for the assessments to be workable and exhaustive. As they have been worked out in considerable detail, the applicants can use that to compile an appropriate description of their intervention. However, the weighting and standardisation of the subcriteria (which the Committee does not make public) are not clear to the applicants. Poor scores are achieved in particular for criterion 2 (selection of offenders) and criterion 4 (use of proven effective methods). Poor scores were achieved in the past for criterion 10 (evaluation) but there have been improvements in the past couple of years, in part due to the support the WODC offers applicants.

Implementation of the evaluation process and independence

However, there are problem areas. Many applicants are not entirely satisfied with the way in which the assessment process has been set up. A problem that is frequently cited is the unapproachable attitude of the Accreditation Committee. The reason applicants want more direct contact is that they feel this would enable them to produce better programmes more quickly. In other words, it would increase the efficiency of the process. That would fit better with the idea that all parties in the accreditation process are working towards the same goal of creating a limited available range of effective behavioural interventions.

The independence of the Committee and the policy departments is an important choice, given the interests at stake in the assessment results. At the moment the assessment process has been set up primarily with a view to safeguarding independence.

That is why there is no direct contact between the applicants and the Committee. It is possible to satisfy the applicants' need for more direct contact with the Committee to some extent without compromising that independence. The researchers feel, in the light of the Accreditation Committee's objective of encouraging the development of effective behavioural interventions, that there is room for the Committee to behave less like a closed institute and to enter into a dialogue with the applicants. After all, the obligation to withdraw from judgement acts as a safeguard for the independence of the members. What is more, applicants say that such a modification of the procedure would reduce their administrative burden.

Implementation and application of behavioural interventions

There are a number of worries regarding implementation. The Committee, the policy departments and the applicants themselves are concerned about the ability to implement the behavioural interventions properly and in good time as well as the ability to carry out the process and impact evaluations in good time. However, it is crucial for the effectiveness of behavioural interventions that they are carried out with due care. The proven effectiveness of a behavioural intervention has to be demonstrated five years after it has received accreditation.

Some applicants and the policy departments feel the Accreditation Committee pays too little attention to the feasibility of implementation and application. It is the experience of applicants that the implementation process proceeds step by step, with the change of attitudes that is required at the implementing bodies costing a considerable amount of time. A number of applicants and the interviewees at the policy departments feel that the period of validity for provisional accreditation (two years) and full accreditation (five years) is relatively short, given that both a process evaluation and an impact assessment need to be carried out during that period. The feasibility of implementation appears as only one of several aspects of quality criterion 8 (continuity). The applicants think the lack of interest in the feasibility of implementation is due to the fact that the Committee members are overwhelmingly academic experts.

The Committee and the respondents in the policy departments see a risk in the fact that accreditation tends to be seen as the final destination (an end in itself) rather than as the starting point. There is also the risk that the programme descriptions are written to fit with what the Accreditation Committee wants to hear. After all, as time passes the applicants learn what the Committee does and does not accept in a programme description. An additional risk is that it is not always the applicants themselves who are acquiring expertise in developing programme descriptions of behavioural interventions; rather it is external developers who draw up a proposal for an applicant, with the proposal then being submitted by the applicant.

Tasks of giving advice and communicating

Up to now, the Committee's advisory task has not been developed very far. Two recommendations were made on request and one because the Committee saw fit.

The Ministry of Justice is not entirely positive in its opinion of the advisory task. The policy departments are satisfied with the content of the (requested) recommendations. The considerable length of time it takes for a recommendation to be drawn up is seen as a particular problem as it reduces the relevance of the advice to the policy process. In the Accreditation Committee itself there are people who are keen to extend the advisory task. The policy departments too feel that the expertise of the Committee members in the field of behavioural interventions could be deployed more widely.

The Committee carries out its task of disseminating information about effective behavioural interventions as intended. Information about the Committee's work is released in various ways (the website, the newsletter, the annual reports and a report of the international conference).

Finally

The positive experiences with the assessment process are no guarantee that the interventions themselves will achieve their objective. It is true that the number of behavioural interventions available has been substantially reduced (from several hundred to a few dozen) and their quality improved. However more is required if the TR and Jt programmes are to achieve their objectives. All of the different components of the programmes are vital in providing an effective approach focusing on the individual. They can only be expected to have an effect on levels of reoffending once all the policy instruments (and not just the Accreditation Committee) are working as intended. There is currently not enough insight into the way these other policy components function, so it is still not certain whether the policy will be successful.

The possibility of extending the Committee's tasks

Now that the task of assessing behavioural interventions is taking up less time - taking into account the numbers of behavioural interventions it is anticipated will be submitted - and the Ministry of Justice has had good experience with the Accreditation Committee, the option of extending its tasks to behavioural interventions in other judicial settings is being considered. The Accreditation Committee itself is also in favour of extending the scope of its work, in particular to include the assessment of behavioural interventions applied in forensic care (including in high-security psychiatric hospitals). Such an extension would have consequences for the definition of the list of applicants and the details of a number of quality criteria (at the very least the criteria continuity and evaluation).

It turns out that there is no requirement for the assessment of interventions within penal programmes, as only accredited interventions are provided in that context.

The assessment of diagnostic instruments would also mean an extension beyond behavioural interventions. Some Committee members do see this as a desirable extension (but not as the next logical extension to be carried out), because it is closely bound with the work they already do. However, it would mean that the Committee would need to increase its expertise in that area and new quality criteria would need to be developed. An alternative would be for the Committee on Test Affairs Netherlands (COTAN) to develop such a test, making use of the necessary expertise available in the judicial field and the 'what works' approach.

One or two applicants would also like the package of tasks to be widened to include the assessment of interventions that are not directly aimed at reducing recidivism. The Committee does not see the need for this, nor does it feel it would be possible to assess the context, such as supervision, properly in practice as it is not clearly delimited. The respondents in the policy departments also want to keep to the yardstick of 'recidivism', for the time being at least. Interventions not directly aimed at reducing levels of reoffending could perhaps be submitted to the Accreditation Committee for Youth Interventions.

Harmonising the accreditation committees

Seen from a distance, the Accreditation Committee (Justice) and the Accreditation Committee for Youth Interventions seem similar, but closer investigation reveals significant differences. The similarities lie primarily in the committees' assignments and the criteria they use for assessment. Both committees assess the theoretical effectiveness of behavioural interventions. They do so using criteria that are fundamentally similar. The main difference is that the Ministry of Justice Accreditation Committee assesses interventions on how effectively they reduce reoffending, whereas the Accreditation Committee for Youth Interventions has other target variables. The other differences between the two committees are mainly in the way they have organised the accreditation process, and their relationship to policy and how they are managed by the commissioning party. Put briefly, the Ministry of Justice Accreditation Committee is managed directly by its commissioning party, whereas the Accreditation Committee for Youth Interventions operates in the field and is only indirectly managed by its commissioning party.

The exploratory investigation in this study shows that there are opportunities to collaborate more (exchanging experiences and aligning criteria and working methods), but the interviewees think it would be much more difficult to harmonise procedures fully or merge the accreditation committees. On the one hand, both committees wish to retain their own assessment philosophy. On the other hand, their procedures and criteria are not entirely compatible.

The latter obstacle is primarily due to the different functions that the two committees have in government policy (associated with that are the different consequences of assessment by the two committees). This would make it difficult to implement a change in procedures and criteria.

Given that there has not been a real call for harmonisation in the field, the question of whether there should be harmonisation will be determined by the extent to which it is thought important in policy circles to avoid fragmentation. It should be noted here that there seems to be fragmentation mainly when the situation is viewed from a distance. When viewed more closely, the specific area of operations of the Ministry of Justice Accreditation Committee differs substantially from that of the Accreditation Committee for Youth Interventions. This is because the interventions assessed by the Ministry of Justice Accreditation Committee have been developed specifically for offenders while the youth interventions are applied more widely. This is sufficiently clear to the parties in the field.