



Summary

Assessment of the pilot of the National Toolset
for the Juvenile Criminal Law Chain

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Summary

Introduction

The period from October 2009 to April 2010 saw the launch of the pilot for the National Toolset for Juvenile Criminal Law Chain (*Landelijk Instrumentarium Jeugdstrafrechtketen*; referred to below as 'LIJ') in District 10 of the Rotterdam-Rijnmond police region and the Heuvelrug district in the Province of Utrecht. The LIJ is mainly designed to reduce the number of repeat offences among youths and to improve the conditions in which they are raised and develop. These objectives are achieved within the LIJ by systematically incorporating the 'What Works' principles in the procedures of the entire chain and by implementing selection, screening and diagnostic tools that allow the chain partners to build on the information previously collected in the chain.

In brief, as part of the LIJ the chain partners involved select, screen and diagnose the youngster during the various stages of the criminal proceedings and inform the judiciary of the outcome in order to enable it to make a decision.

At the start of the criminal proceedings, law enforcement officers complete the 'pre-selection' section (referred to in Dutch as a *kerndeel*, i.e. a core component) of the tool for each young offender who has been arrested. This tool, which is based on static information from a variety of sources, including the youngster's background and previous convictions, then calculates the probability of a repeat offence. If the youngster meets the Halt criteria, he/she is referred to Bureau Halt (*agency dedicated to preventing youth crime*), where the Halt identification test is administered. If the young offender is prosecuted, the Child Care and Protection Board [*Raad voor de Kinderbescherming*], depending on the type of criminal proceedings involved (e.g. ambulatory or intramural) and the risk of repeat offending calculated by the police, uses a selection tool. This may be selection tool 2A if the youngster is receiving pre-trial assistance or there is a medium risk, or tool 2B if there is a high risk or if in-camera proceedings are scheduled for the demand for custody. The purpose of the tool 2A is to examine the group of youngsters with a medium risk of reoffending (according to the pre-selection tool) more closely on the basis of a number of highly predictive, dynamic criminogenic factors. The purpose of the 2B selection tool is to describe all criminogenic factors and to determine the level of criminogenic need. Both of these selection tools are designed to also identify any alerts or issues for concern relating to the youngster. The Youth Care Agency (engaged in juvenile rehabilitation) and youth custodial institutions are both authorised to administer and/or update the 2B tools, although their actual role had not yet been determined at the time the pilot was conducted.

On behalf of the Scientific Research and Documentation Centre (*Wetenschappelijk Onderzoek en Documentatie Centrum*), DSP-groep conducted a process assessment designed to determine how the formal structure of the LIJ is being implemented in practice and what changes (both organisational and substantive) are recommended before the pilot can be extended.

A variety of research methods were used for the assessment. For example, a total of 42 interviews were conducted with representatives of chain partners involved in the LIJ, and a time-recording study was conducted at law enforcement agencies, the Child Care and Protection Board and Bureau Halt. In addition, an analysis was performed on a registration system (LIJ monitor) of the project team of the pilot in which the various data for all pilot cases are recorded. Furthermore, the assessment involved an examination of various documents.

Limitations of the study

The pilots had a dual purpose: 1) to determine the performance and use of the LIJ in practice and 2) to further develop the tools. This latter process had an impact on the process assessment: generally, the programme integrity of a project is assessed by comparing the practical situation with the formal description of the programme's structure. However, in the case of the LIJ pilots the formal structure had not yet been established at the start of the pilot. In order to still be able to determine the programme integrity in a systematic manner for the process assessment, it was decided to base the description of the formal structure of the LIJ on manuals published in September 2009. However, differences between the practice and the formal structure could not be automatically attributed to low programme identity, since it was also possible that procedures had simply changed since September 2009.

This problem was resolved in part by using an assessment framework. This framework was used to determine for each deviation in practice from the formal structure to what extent this change adversely affected timeliness, effectiveness and/or equality before the law. To the extent that the deviation did affect any of these three principles, the deviation was regarded as an omission of the LIJ. However, it was not possible to determine for every deviation whether it undermined the formal structure, since an impact assessment was necessary in order to answer that question. An impact assessment of the LIJ is scheduled for a later date.

Research findings

Programme integrity

The process assessment shows that the guidelines of the LIJ are not followed consistently by all the parties involved. Some of the deviations are in accordance with the assessment framework in the sense that they do not negatively affect effectiveness, equality before the law and/or timeliness. For example, it is justifiable that, in cases where the Public Prosecution Service decides to prosecute a young offender who, according to the police pre-selection assessment, constitutes a low risk, a child welfare investigation (2A) will nevertheless be conducted despite the original guidelines. Likewise, the decision not to conduct a follow-up investigation in dismissed cases, while in fact the police assessment indicated a high risk, is reasonable from the perspective of efficiency.

However, the process assessment also reveals a number of situations where there were no valid reasons not to comply with the guidelines. The

timeframe within which the Rotterdam-Rijnmond law enforcement authorities complete the section on pre-selection is a particular cause for concern, and has raised issues regarding the validity and reliability of the consecutive risk assessment conducted by the Board in this particular pilot region.

The assessment shows that the parties administering the various modules match those specified in the formal structure of the LIJ; in the case of law enforcement officials, however, the section on pre-selection is not completed by the quality controller but rather by other officers. However, this change does not appear to be contrary to the fundamentals of the LIJ, since other officers are also perfectly able to implement the LIJ.

It should be noted, finally, that a number of work processes were still being developed at the time of the pilot: since the roles of juvenile rehabilitation and of youth custodial institutions were still being discussed in mid-May 2010, the programme integrity of these chain partners was consequently not tested.

Reaching the target group

The vast majority of the intended target group was reached through the pilots, which is to say that the tools were used for virtually all the youngsters who lived in and were arrested in the districts and who participated in the pilot. There were a limited number of exceptions to these rules. In the Rotterdam pilot, no pre-selection was made for arrested youths for whom the police decided, after consulting with the public prosecutor's office, to dismiss the charges (the public prosecutor's office is always consulted in these cases). The Rotterdam Board also did not conduct an LIJ among pupils who were also in the juvenile rehabilitation division in Westblaak, since employees at this youth care facility had not been trained to work with the tools. The Board did not examine pupils of William Schrikkergroep with the LIJ in this pilot region (conducting a basic child welfare investigation [BARO] instead), since their intellectual disabilities made it difficult to conduct the LIJ survey. In Utrecht, where this target group was initially presented the LIJ survey, it was also believed that the tools are less suitable for young people with intellectual disabilities.

The assessment also showed that the Board was unable during weekends to administer the LIJ among young people to whom they were providing pre-trial assistance as part of a pre-trial assistance programme, as not all the members of the weekend on-call service were trained in the use of the new diagnostic tools. In addition, youngsters remanded in custody during the pilot were not surveyed in appropriate situations by the youth custodial institutions. This was because there were only a very limited number of pilot cases in these institutions and the information provided by the Board to the young offenders' institution was incomplete.

The chain partners did manage to involve the other categories of young people who participated in the pilot (in numbers, this is the vast majority of cases) through the LIJ.

For the youngsters involved in the LIJ, in approximately one-third of the cases the module administered differs from the results of the risk assessment prescribed by law enforcement. However, there is usually a good reason for these discrepancies, and in addition they facilitate the efficient administration of the LIJ.

Cooperation

One of the purposes of the LIJ is to make the information-gathering process between the chain partners more efficient and effective. However, the process assessment shows that the cooperation between the chain partners was already satisfactory in recent years and that the LIJ has barely had an impact on this cooperation. In terms of sharing information, the LIJ has clearly resulted in some improvements: for example, the consistency of the tools used and the technical infrastructure of the LIJ ensure that diagnostic information is communicated effectively across the chain during the pilot. This allows chain partners to use data previously gathered in the chain more easily than used to be the case. An exception to this situation is Bureau Halt (see above), which has no access to the LIJ's electronic infrastructure.

Investment of time

The investment of time varies depending on the chain partner and the module. A time-recording study revealed that law enforcement officers required approximately 26 minutes to complete the pre-selection section (i.e. the 'core component'). Surveying the various information systems was particularly time-consuming.

Since the intention is to automate all or a portion of these surveys, the investment of time is expected to be reduced substantially. However, the time investment remains the net result, as the pre-selection section does not replace any other police activity and as such should be considered additional work.

The time-recording study conducted by the Child Care and Protection Board shows that the investment of time varies depending on the module. Module 2A was calculated to require approximately six and a half hours, while module 2B takes almost 11 hours to complete. Based on the results of the time-recording study, module 2A does not result in any improvement in time investment compared to the BARO (*a screening tool for juvenile crime cases developed by the Child Care and Protection Board*); in fact, the investment of time appears to increase slightly. Based on the experiences of the child welfare investigators (assesses in interviews), the administration of module 2A does not take more time than the BARO (see above), and in some cases the LIJ even allows participants to save time. The difference for module 2A between the time-recording study and personal experience may be due to the relatively small number of observations on which the time-recording study is based. This relatively small number results in a certain degree of inaccuracy.

For module 2B, it is not possible to determine on the basis of time recording whether the investment of time has changed, as there were no time-recording registrations for the extended version of the BARO [USO], which can be seen as the alternative for module 2B. However, the majority of the child welfare investigators surveyed believe that the time required for 2B is comparable to the time required for the USO.

Nevertheless, the process assessment shows that 2B is now used to prepare for in-camera proceedings, while in the past it was sufficient to conduct a regular BARO. In this situation, the investment of time has clearly increased significantly.

The investment of time made by Bureau Halt in conducting the Halt identification test is approximately 30 minutes; Halt employees do not consider this investment a significant burden.

In this assessment, the investment of time by juvenile rehabilitation agencies was not determined by means of a time-recording study due to the limited number of cases involved; however, the youth probation officers stated in the interviews that they expected the 2B module to require a substantial investment of time, particularly compared to the former situation, where they were administering the Washington Pre-screen Risk Assessment.

The youth custodial institutions did not have the opportunity to try out the LIJ during the period of the assessment.

Overlap between the modules of the tool set

The LIJ has different modules for the various stages of the criminal proceedings (i.e. the pre-selection section and modules 2A and 2B). The information collected by the police during the pre-selection stage is largely derived from the police registration systems (the National Law Enforcement Database (*Basisvoorziening handhaving*) and Identification Service System (*Herkenningdienstsysteem*)) and the Municipal Personal Records Database (*Gemeentelijke Basisadministratie*). Note that these facts are not open to multiple interpretations. During the selection stage, new information about the youth's personal circumstances is gathered, in addition to the information about his/her previous convictions. This process draws on a number of different informers (e.g. children, parents, the school), questionnaires/surveys and information from existing files in which the youngster is included.

There is officially an overlap between the modules: both the pre-selection section and the selection modules (2A and 2B) include the personal details of the youngster, along with the results of the risk assessment included in the pre-selection section. However, note that this overlap of information is very limited, and in addition the information does not need to be collected again for the modules during the selection stage, being instead copied from the pre-selection stage and then incorporated into these selection modules.

There is also overlap between modules 2A and 2B, since the 2B module is a more detailed version of the 2A module, which means it contains the same information as 2A, along with additional data. However, effectively there is no overlap, as the information from 2A need not be collected and/or requested again if the module is administered again. If module 2A has not been administered prior to the administration of module 2B, all information will nevertheless be collected.

In addition to overlap between the LIJ modules, there may be overlap with other risk assessment tools used within the criminal law chain – this appears to be the case with 2B and SAVRY. This latter assessment (an acronym for **Structured Assessment for Violent Risk in Youths**) is administered as part of the YOUTURN project and designed to enable professional assessors to estimate and decide on the risk of violence among youths. The risk assessment test is generally conducted if a youngster remains in a youth custodial institution for more than 6 weeks. However, according to the formal structure of the LIJ, upon discharge of the youngster from the youth custodial institution after more than six weeks, the institution also updates the 2B module. Since both tools focus on largely the same issues, have a similar purpose

and are not necessarily on a full-term basis, there appears to be an actual overlap.

User assessment

During the process assessment, the chain partners were asked to describe their experiences with the LIJ and to provide their opinion of the tools compared with the previous situation. The study reveals that experience varies depending on the chain partner and sometimes there are differences between the chain partners based on the pilot region. Overall, however, the study showed that the police did not consider the LIJ a source of support in its primary process, although it did acknowledge its added value for cooperation within the chain. The Board's assessment of the LIJ was largely positive, while the opinions of youth probation officers differed widely. Bureau Halt was mostly positive about the Halt identification tool. The youth custodial institutions had not yet formed an opinion of the LIJ, as they did not handle any cases during the pilot period. The Netherlands Institute of Forensic Psychiatry and Psychology has only had very limited experience with the LIJ.

The assessment of the public prosecution service differed from region to region, with the opinion of the Rotterdam division being markedly more positive than that of its Utrecht counterpart. One of the respondents from the public prosecutor's office felt that the overall objective of the LIJ (i.e. reducing repeated offences) was 'too ambitious'.

Juvenile courts were only surveyed on the LIJ in the pilot region of Rotterdam (although pilot cases were brought before the court in Utrecht, the Utrecht District Court has not identified them, which is why it is unable to comment at this stage). The court believed that the reports produced by the LIJ can be used as a basis for completion. The judges surveyed believe that an impact assessment will show whether or not the LIJ was an actual improvement on the previous situation.

Changes to the structure of LIJ

As part of the process assessment, it was investigated whether or not the LIJ currently needs to be changed before the pilot is expanded and, if so, what these changes should be. This assessment resulted in a list of technical and process-based flaws, which were presented to the LIJ project team. In Annex 1, the project manager for the pilot indicates for each problem identified whether or not action should be taken and, if so, how.