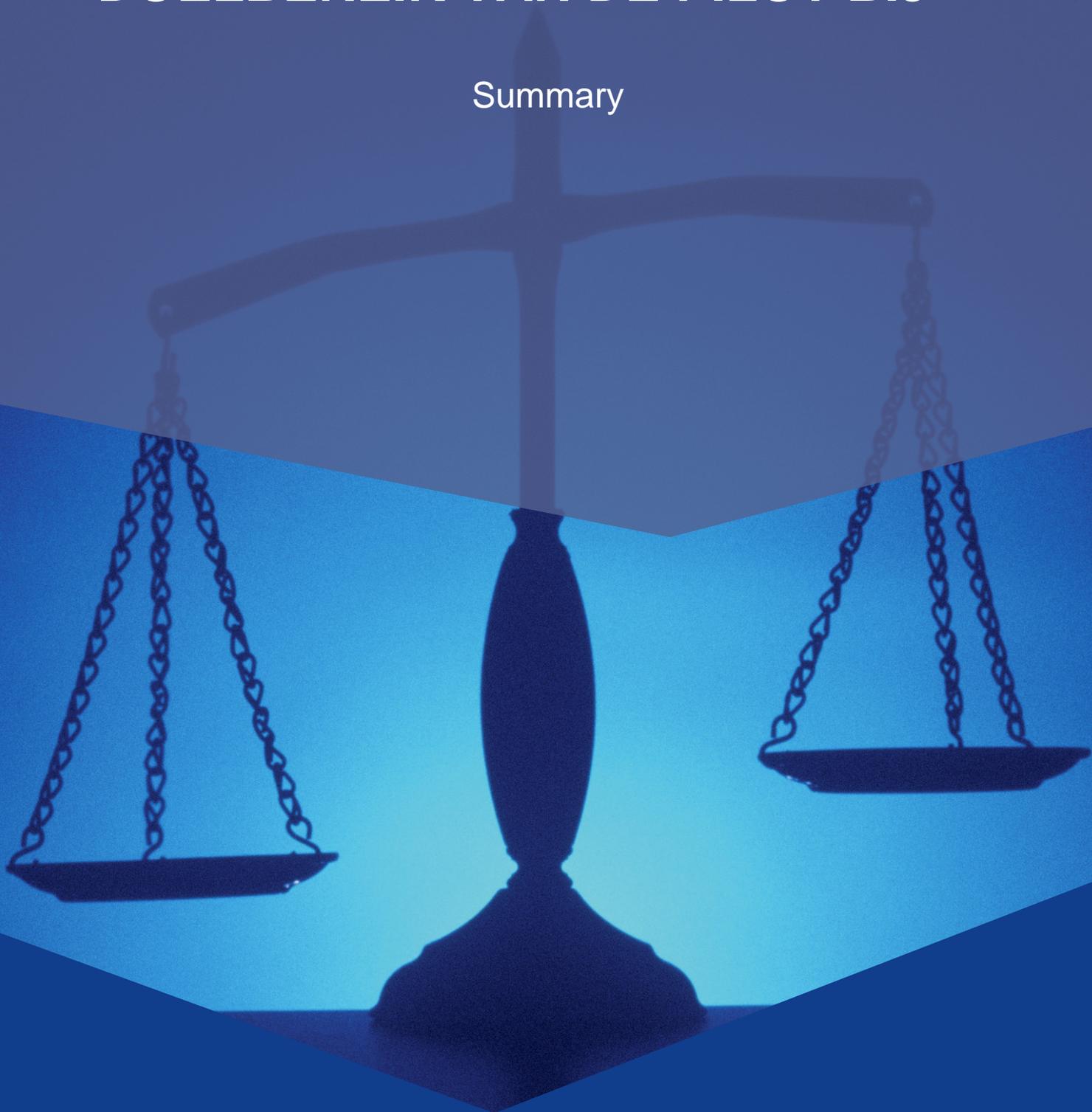


DOELBEREIK VAN DE PILOT BIJ

Summary



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- summary -

mr. drs. A. Schreijenberg
drs. J. C. M. van den Tillaart
drs. G.H.J. Homburg

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Regioplan Beleidsonderzoek
Nieuwezijds Voorburgwal 35
1012 RD Amsterdam
Tel.: +31 (0)20 – 531 53 15
Fax : +31 (0)20 – 626 51 99

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SUMMARY

Data flows Pilot+ BIJ¹

The BIJ project ensures that the administrative organ mayor is timely informed of the expected return of (certain categories of) former prisoners to the municipality. On the basis of this information an assessment can be made of imminent violations of public order as a result of this return and measures can be taken to prevent such violations. In addition to protecting the interests of society (the municipality, district or neighbourhood to which the former prisoner returns), the BIJ also serves to prevent problems for the former prisoners themselves.

After a period of judicial and logistical preparations, the BIJ information flows to the administrative organ mayor started in 2009. This took place in the form of the BIVGEG Pilot² in which a limited number of municipalities were involved. Only one type of information was concerned in the pilot (termination of regular detention). In September 2010, it was decided that the pilot would be continued by involving a larger number of municipalities, by expanding on the types of information flows (besides termination of regular detention, leaves of absence regular detention, TBS and PIJ were also added)³ and by restricting the offence description (Pilot+). The final decision regarding the nationwide implementation of the information flows will be taken later on.

The BIJ project distinguishes four information flows and four different target groups of (former) prisoners and/or persons who have been detained in Dutch institutions under a TBS- or PIJ-order and are about to return to society. JustID (Judicial Information Service) sends the information to the authorised person of the municipality. The information is also sent to the KLPD (National Police Services Agency), which then consults the national files and on the basis of these files sends an advice report to the authorised person. Subsequently, the authorised person can gather information to determine whether there are public order risks. On the basis of this, he will formulate an advice for the mayor.

Judicial framework

Three legal regimes are involved in the information flows within the framework of the pilot. The WBP (Personal Data Protection Act) is the general Dutch 'privacy act'. This act applies to mayors, DJI, the correctional institutions and, except for judicial documentation and personal files, to JustID. In addition, the WJSG (Dutch Judicial Data and Criminal Records Act) is in force. This act

¹ BIJ refers to the administrative information flows concerning former prisoners.

² BIVGEG is the precursor of the BIJ: the administrative information flows to municipalities concerning former prisoners.

³ TBS: Dutch penal law procedure for detention under hospital order of mentally disturbed violent offenders. PIJ: placement in a juvenile institution. This measure is comparable to TBS.

applies to the handling of criminal records by the Public Prosecutor; the WBP applies to all other data. The WPG (Police Data Act) applies to the police.

An important part of the entry conditions that participating municipalities must additionally sign is that information can only be shared with chain partners *after* it has been determined that there are risks to public order.

Evaluation study

The aim of the Pilot+ BIJ study is to provide insight in the achievement of objectives regarding the four information flows of the BIJ project's Pilot+. On the basis of the results of the study, the DSP (Department for Sanction and Prevention Policy) of the Ministry of Security and Justice will decide whether or not to continue the BIJ project and, whether to possibly nationally implement the information flows.

The key questions of the study are:

- To what extent have the BIJ information flows lead to actions by mayors regarding public order and security?
- To what extent do the information flows contribute to increasing the action perspective of mayors?

Methods

The evaluation of the BIJ Pilot+ has been divided into two phases:

- In phase one (preliminary study) a picture was formed of the new elements of the Pilot+ by means of a questionnaire (compared to the previous pilot), and information was collected on the extent to which municipalities determine public order risks as a result of the return of the former prisoner and the extent to which they take measures to decrease these risks.
- The second phase (main study) consisted of field work in a random sample of approximately 25 municipalities with experience in determining risks and/or taking measures.

Results preliminary study

By means of a questionnaire among the 87 pilot municipalities it was determined that in at least 35 of these municipalities at least once a risk had been identified as a result of the return of the former prisoner or person on leave of absence from prison. From these 35 municipalities a random sample of 25 municipalities was taken on behalf of the main study.

Main study

Eventually, an in-depth study was conducted among a sample of 23 municipalities.

In each municipality the following research activities were carried out:

- a study of the BIJ registration (n=23);
- a study of files containing reports (n=109);
- an interview with the authorised person (n=23);
- an interview with the mayor (n=15).

A total of 109 files were studied in the municipalities. We collected data on the perpetrator's personal characteristics, the crime, the duration and type of detention, the relationship between perpetrator and victim (in particular: is the victim a resident of the return municipality?), any possible commotion at the time of the offence or arrest of the perpetrator, the advice and the grounds on which it was based, the systematic use of a decision support system and/or analysis tool and the actions that have been undertaken.

In the municipalities with the largest numbers of reports we selected six files, in municipalities with the smallest number of reports two files and in the remaining category four files. Our aim was that half of the files under study should relate to cases with a high risk in which actions had been undertaken. The other files were selected at random.

Information use at municipality

At the reference date, 1 November 2011, the 63 municipalities, which filled in the questionnaire of the preliminary study, had received more than 500 reports concerning returning former prisoners. The largest part of these reports related to former prisoners whose regular detention was terminated. This information flow was the first to become operational. There are only few reports concerning returning TBS prisoners.

All municipalities under study enrich JustID-/KLPD-information (hereafter: reports) with information from local chain partners. Two of the 23 municipalities under study (both within the category of 25,000 to 50,000 inhabitants) only consult the local police for further information on the former prisoner. One of these municipalities indicates they strongly rely on the 'risk assessment' the KLPD implicitly makes by mentioning in the information report whether, according to them, there may be a risk to public order when the (former) prisoner returns after having been discharged from prison or on leave of absence. In addition, one municipality (category 25,000 to 50,000 inhabitants) indicates they only consult the police, or in case this is possible Reclassering Nederland (the after-care organisation). Other municipalities (20 of the 23) consult three or more chain partners.

The contents of the files vary among municipalities. Files containing reports in which risks have been identified and measures have been advised are extensive and provide good insight into the information gathered. However, there is insufficient feedback to JustID concerning the received reports; and this also applies to reporting back to the KLPD about risks and measures. In none of the municipalities under study an audit has occurred with regard to preserving data, which is in fact one of the required entry conditions.

Advice and measures

In 63 of the 109 files under study (58%) an authorised person writes an advice for the mayor. With regard to 34 files (divided over 17 municipalities) an advice was written because social commotion was expected. An advice often

describes in broad outline several mutually additional measures or options from which the mayor may choose. In the remaining 29 cases the mayor was advised solely because in these municipalities it was agreed that every report should lead to the formulation of an advice.

As a result of 23 of the 34 issued advice reports one or more measures were taken. In addition to measures based on advice reports, in five cases measures were taken without them having been preceded by a specific advice by the authorised person.

In 11 of the cases under study the advice was not translated into public order measures. There is more than one reason for this. In four cases the returning former prisoner was already being followed by a chain partner (outside the context of the BIJ Pilot). In three cases the former prisoner moved to a location where he would be under supervision. In two cases no measures were taken, due to the fact that the former prisoner eventually moved to a different municipality. In conclusion, in two cases the municipality applied a strict separation between public order risks and re-offending risks. Because there was no evident public order risk, no measures were taken.

Conclusion

Summarising, we conclude that the BIJ information flow has developed well. The information implies an improvement of the consultation with chain partners and the information position of mayors. This means that mayors are (better) able to prepare for possible problems and, in case this is necessary, to take measures to prevent them. Not all mayors consider their competences sufficient to be able to take measures. Improvements can possibly be made by closer consultation with the Public Prosecutor about stipulating conditions with regard to discharge and leave of absence. An important side effect of the BIJ is that mayors are in danger of becoming responsible for the occurrence of re-offending by returning former prisoners, which is not the aim of the BIJ, but is hard to prevent in practice. In conclusion, it turns out from the evaluation of the pilot that the entry conditions are minimally observed by many of the municipalities: municipalities do not always report back to the KLPD, in none of the municipalities an audit has occurred, and special personal data are shared more broadly in practice than is allowed by the rules.

Regioplan Beleidsonderzoek

Nieuwezijds Voorburgwal 35

1012 RD Amsterdam

T 020 531 531 5

F 020 626 519 9

E info@regioplan.nl

I www.regioplan.nl