

Summary

Law on long-term supervision Research program on the applications of the law on long-term supervision in 2017-2022

Background

There is a new law in the Netherlands, in which long-term supervision, treatment and monitoring of ex-delinquents and former forensic psychiatric patients is arranged, the Law on long-term supervision (LLTS; *Wet Langdurig Toezicht*). The first part of the LLTS was implemented on 1st of January 2017 and the other two parts on the 1st of January 2018. The goal of the LLTS is to provide more adequate supervision on possible recidivists among sex offenders, on a specific group of violent offenders and on patients who have been imposed a tbs-order (*maatregel terbeschikkingstelling*). This measure entails disposal to be treated on behalf of the state (Article 37a.1 Dutch Criminal Code [DCC]) and is a court-ordered sentence for people who have committed violent crimes and who have been declared partially or completely unaccountable (*ontoerekeningsvatbaar*) for these crimes due to severe mental disorders. Violent crimes are considered those crimes that carry a minimum sentence of 4 years. The TBS order either involves mandatory treatment in a closed forensic psychiatric hospital (Art. 37b.2 DCC) or is served in the community while abiding by certain conditions (Art. 38.1 DCC). Tbs-orders are executed in a specific part of the prison system (and not in the health system as in many other countries). The LLTS has to be evaluated, as is common for new laws in the Netherlands. Further, annual monitoring and updates of the applications of the LLTS have been promised to the Dutch parliament. This report encompasses the research program that has been set up for this evaluation.

Content of the LLTS

The LLTS consists three parts. In the first part, the possible perpetual prolongation of the conditional release of tbs-orders with a disposal to be treated on behalf of the state is arranged. The second part involves prisoners in the prison system who are conditionally released. Conditional release in the Netherlands is possible for prison sentences of more than 1 year. For these offenders, a minimum of 1 year in conditional release is now obligatory. Also, possibilities of prolongation of conditional release have been set up. The third part of the LLTS is the possibility to impose an independent supervision order, which can be imposed on prisoners as well as on persons with a tbs-order, the Measure on behavioral influence and limitation of freedom (*Gedagsbeïnvloedende en vrijheidsbeperkende maatregel*; GVM).

Goal of the present report and research questions

The goal of the present report was to write a research plan consisting of five years of monitoring the LLTS and of an effect evaluation after five years, in 2023.

The main research questions are:

- 1 Which main and secondary research questions on the application and effects of the LLTS should be part of the research program?
- 2 Which research methods can be used to answer the main and secondary research questions on the monitoring and effects of the LLTS?
- 3 Which main and secondary questions are answered in the monitoring rounds and what is the most suitable term of the monitoring?
- 4 Which main and secondary research questions on the application and effects of the LLTS will be answered after five years? Is there additional value in the evaluation of the applications of the LLTS after this five year term of monitoring is reached? If so, what term(s) is (are) this (these)?
- 5 Which organizations and which databases are used for the registration of the application of the three parts of the LLTS?
- 6 Which data is already recorded and which data structures need to be set up to enable annual monitoring and the evaluation after five years?

Methods

As input for the research program, an analysis of the policy strategy behind the new law was conducted. This analysis resulted in a number of research questions with which the expectations and assumptions of the LLTS can be examined. The other research questions come from an expert meeting with experts from the organizations that are involved in the LLTS and from the promises that were made to Dutch parliament.

Results

The research program is divided into monitor rounds on the applications of the LLTS in 2017-2022 and in a final report on the first five years of the LLTS. The program consists of 13 studies and 11 research questions on recidivism rates. Overall, this program provides insights on the short-term applications and the longer-term effects of the law, over the first five years.

Answers on research questions

Questions 1 and 3 are combined.

- 1 *Which main and secondary research questions on the application and effects of the LLTS should be part of the research program?*
- 3 *Which main and secondary questions are answered in the monitoring rounds and what is the most suitable term of the monitoring?*

In the research program we chose to annually monitor the applications of the three parts of the LLTS. The research questions that were set up are mainly composed of questions on the number and duration of started and prolonged conditional releases of the tbs-order, conditionally released prisoners, and those with a Measure on behavioral influence and limitation of freedom. We have also set up questions on the background of persons who are under supervision due to this new law. Further, the research questions that were comprised, involve all stages of the law: the im-

sition, the execution, the prolongation and the possible violation of any of the requirements set by the law.

The main questions in the annual monitoring are:

- 1 How many applications of each of the three parts of the LLTS are there?
- 2 How long do these applications last?
- 3 What is involved in the imposition, execution, violation and prolongation of the LLTS?
- 4 What changes have been implemented on supervision under the new law as compared to the situation beforehand?

All sub questions that these main questions have been divided into can be found in the supplementary tables in this report.

Also, six studies that center more in depth on one topic will be set up. These topics and their main research question are:

- 1 Evaluation of the process: how was the implementation of the LLTS set up and what are the experiences of the execution in the first two years?
- 2 Long-term restrictions on certain areas: how can the situation be prevented that a victim of a crime is confronted with the perpetrator of this crime within his/her own living environment?
- 3 Quality of supervision: how do the probation services execute supervision under the LLTS?
- 4 Wishes of victims: what wishes do victims of crimes have on the execution of supervision and were their wishes granted?
- 5 Consultation of mayors: can mayors be involved in the execution of supervision of ex-delinquents and how can this be done?
- 6 Jihads: can the LLTS be applied with to jihads? If so, how?

All sub questions that these main questions have been divided into can be found in the supplementary tables in this report.

- 2 *Which research methods can be used to answer the main and secondary research questions on the monitoring and effects of the LLTS?*

A number of different research methods will be used: first, data collection through other associated parties, such as probation services (3RO), the central organization for the execution of conditional release (CVv.i.), the custodial institutions agency (DJI), the central judicial collection agency (CJIB) and the judicial information services (Justid). Other methods are interviews, an analysis of jurisprudence, recidivism measurements through our own standardized methods (*WODC-Recidivemonitor*), file studies and through an analysis of the literature. The application of these methods per study will be described further at the start of the separate projects, in so-called WODC-research plans (*startnotities*).

- 4 *Which main and secondary research questions on the application and effects of the LLTS will be answered after five years? Is there additional value in the evaluation of the application of the LLTS after this five year term of monitoring is reached? If so, what term(s) is (are) this (these)?*

For the evaluation after five years, additional research questions will be answered. These are:

- 1 How did the expectations about the effects of the LLTS turn out? Which expectations were met and which were not?
- 2 What are the reasons behind the outcomes in question 1?
- 3 Has any leading jurisprudence been published? If so, how has this influenced the way the LLTS is used in practice?
- 4 Are alterations to the LLTS necessary and if so, which ones and why?
- 5 Are victims, surviving relatives and witnesses better protected with the LLTS? If so, in what way? If not, in what way not?
- 6 How is the balance between the costs and the benefits of the LLTS?

Also, a final report will be written in which the main findings of the prior reports are summarized. The research question that has been formulated for this purpose is:

- 7 What are the main findings from prior WODC-reports written on the LLTS?

For the recidivism outcomes it is of additional value to conduct further studies on the LLTS after this research program on the first five years ends. The recidivism outcomes for the first part of the LLTS (VB) and for the last part of the LLTS are not possible prior to 2030 (recidivism after being in conditional release for tbs-patients). The recidivism rates for the Measure on behavioral influence and limitation of freedom can first be studied in 2025 (recidivism during GVM) and 2028 (recidivism after GVM). This is due to data demands and restrictions and due to the minimum duration of the measures itself. Further, an evaluation of effects of the LLTS after 15 years has been promised to the Dutch parliament, this would mean a new evaluation in 2033. Besides these studies, it can also be of additional value to prolong (part of) the annual monitoring, if these effects are of interest to the ministry or other interested parties. The six more in-depth research projects that have been mentioned are not suitable for repetition.

5 Which organizations and which databases are used for the registration of the application of the three parts of the LLTS?

In all parts of the LLTS, it is mainly the probation services who supervise the ex-delinquents. Their information is collected in a system called the integral probation information system (Integraal Reclassering Informatie Systeem; IRIS). With the forensic psychiatric patients on possible lifelong conditional release, the custodial institutions agency is the manager of different data, with their systems called CDD+ and MITS. With the conditional release of prisoners the central organization for the execution of conditional release is mainly responsible, with Robein as their database. The CJIB with their department called AICE manages the execution of punishments. The Measure on behavioral influence and limitation of freedom is not managed on a national level, rather, the 10 different regions of the public prosecutor's office are responsible themselves to coordinate the execution of this measure.

6 Which data is already recorded and which data structures need to be set up to enable annual monitoring and the evaluation after five years?

Most of the data needed for answering the research questions that are part of the monitoring of the LLTS are already collected by the different agencies involved with the LLTS. The research questions that need to be answered in the six separate studies usually do not have a data structure set up yet.

Conclusion

In the LLTS-research program, information is gathered on the first five years of the application of the LLTS, 2017/2018-2022. By means of annual monitoring of the applications of the LLTS and more in-depth studies, insights on the way the LLTS is applied in daily practice are collected. In a final report in 2023, the main conclusions of the first five years of this new law will be summarized. The research program is a dynamic program, in which alterations and/or priorities may take place.