

## Summary

### **Conditional discretionary dismissal among perpetrators of domestic violence**

#### **A study into the imposition practice and the effectiveness in terms of recidivism**

The proportion of conditional discretionary dismissals in criminal cases involving domestic violence is high and has increased over time in the Netherlands. From 2012 through 2015, a quarter of all criminal cases of domestic violence prosecuted by the Public Prosecution Service ended in a conditional discretionary dismissal. In a discretionary dismissal, there is enough evidence to prosecute, but the Public Prosecutor decides that prosecution is undesirable. In a conditional discretionary dismissal, a criminal case is dismissed only if the offender agrees to certain conditions for a given period of time. If the offender does not comply with these conditions, his or her case will still be prosecuted. There is a distinction between general and special conditions. Conditional discretionary dismissals are always subject to the general condition that the offender must not take part in any criminal activity during his or her probation period. It is the Public Prosecutor's discretion to determine whether one or more special conditions accompany the general condition. Special conditions are, for instance, a curfew order, restraining order, outpatient treatment or behavioral skills training.

The current study examined how the imposition of conditional discretionary dismissals among perpetrators of domestic violence takes shape in practice and to what extent conditional discretionary dismissals are effective in reducing (domestic violence) recidivism among perpetrators of domestic violence. The research group consisted of 5,374 perpetrators of domestic violence with a conditional discretionary dismissal in 2014 to 2016. The control group consisted of 2,929 perpetrators of domestic violence with an unconditional discretionary dismissal in the same period. This study is part of a five-year research program into recidivism among perpetrators of domestic violence.

To examine how the imposition of conditional discretionary dismissals among perpetrators of domestic violence takes shape in practice, the following research questions were answered:

- 1 For how many perpetrators of domestic violence with a conditional discretionary dismissal did the Probation Service provide advice on how to settle the case and what was the advice?
- 2 What are the characteristics of conditional discretionary dismissals among perpetrators of domestic violence?
  - a What are the dismissal grounds?
  - b For which proportion of the perpetrators have special conditions been imposed and which special conditions have been imposed?
- 3 What considerations do probation officers and Public Prosecutors make in criminal cases of domestic violence when respectively advising and imposing a conditional discretionary dismissal and the attached conditions?

To examine to what extent conditional discretionary dismissals are effective in reducing (domestic violence) recidivism among perpetrators of domestic violence, the following research questions were answered:

- 4 How does the (domestic violence) recidivism of perpetrators of domestic violence with a conditional discretionary dismissal (research group) compare to the recidivism of comparable perpetrators of domestic violence with an unconditional discretionary dismissal (control group)?
- 5 How does the (domestic violence) recidivism of perpetrators of domestic violence with a conditional discretionary dismissal with special conditions (research group A) compare to the recidivism of comparable perpetrators of domestic violence with a conditional discretionary dismissal without special conditions (research group B)?

## Method

The study used three quantitative data sources. First, data from the Research and Policy Database Judicial Documentation (OBJD) were used. The OBJD is a pseudonymous version of the Judicial Documentation System (JDS), the legal registration system for criminal cases in the Netherlands. For each criminal case it is registered, for instance, when the case was submitted to the Public Prosecution Service, which offenses were involved, and how the case was settled. The present study used data from the OBJD up to and including June 2019. Second, data from the Probation Service were used, namely probation advices directed to the Public Prosecutor and judge on how to settle the case. The Probation Service registers, amongst other things, what type of advice has been issued, the content of the advice, which risk assessment tool was used to formulate the advice and an estimate of the risk of recidivism. In the current study, the probation advices of the persons in the research group, perpetrators of domestic violence with a conditional discretionary dismissal in 2014 to 2016, were requested. Third, data on special conditions were used. The Central Judicial Collection Agency (CJIB) is responsible for registering special conditions in the Netherlands. Special conditions can be imposed in various legal modalities, for example as part of a conditional discretionary dismissal like in the current study. Special conditions of the persons in the research group were requested.

In addition to the quantitative data, the current study also used qualitative data. Two focus groups were held: one with probation officers and one with domestic violence Public Prosecutors who are engaged in respectively advising and imposing conditional discretionary dismissals in cases of domestic violence. A topic list was drawn up prior to the focus groups. The topics and questions focused in particular on the considerations for advising or imposing a conditional discretionary dismissals and possible special conditions. In addition, some of the topics and questions were prompted by the quantitative analyzes that had already been carried out. Furthermore, there was room during the focus groups for the experts to introduce and discuss other topics they found relevant.

The research group consisted of 5,374 perpetrators of domestic violence with a conditional discretionary dismissal in 2014 to 2016. The control group consisted of 2,929 perpetrators of domestic violence with an unconditional discretionary

dismissal in the same period. These groups represent respectively 24% and 13% of the total group of convicted perpetrators of domestic violence in 2014 to 2016 ( $N=22,083$ ). For the last research question, the research group was divided into two sub-research groups: research group A consisting of 1,006 perpetrators of domestic violence with special conditions attached to the conditional discretionary dismissal and research group B consisting of 4,368 perpetrators of domestic violence with no special conditions attached to the conditional discretionary dismissal.

To examine how the imposition of conditional discretionary dismissals among perpetrators of domestic violence takes shape in practice, first, descriptive statistics were provided on probation advices, grounds for dismissal and the special conditions for perpetrators of domestic violence with a conditional discretionary dismissal. In addition, transcripts of the focus groups have been coded to gain more insight into the considerations that probation officers and public prosecutors make in criminal cases of domestic violence when respectively advising and imposing a conditional discretionary dismissal and possible special conditions.

To examine to what extent conditional discretionary dismissals are effective in reducing (domestic violence) recidivism among perpetrators of domestic violence, recidivism was calculated according to the method of the recidivism monitor of the Research and Documentation Centre (WODC) of the Dutch Ministry of Justice and Security. Recidivism was operationalized as a new criminal case. A criminal case refers to a case that has irrevocably ended in a court order or has been settled by the Public Prosecution Service (including policy dismissals, but excluding acquittal, dismissal from legal proceedings, technical dismissals and other technical decisions), as well as cases that have not yet been (irrevocably) ended or settled. The recidivism measurement started from the moment the domestic violence criminal case was registered at the Public Prosecution Service and the recidivism measurement ended on June 30, 2019. Survival analysis was used to calculate the one to four year recidivism prevalence. Three forms of recidivism were considered: domestic violent recidivism (new criminal case for domestic violence), violent recidivism (new criminal case for violent crime) and general recidivism (new criminal case for any offense). This study compared the recidivism rates of perpetrators of domestic violence with a *conditional* and an *unconditional* discretionary dismissal (research and control group), and perpetrators of domestic violence with a conditional discretionary dismissal *with* and *without* special conditions (research groups A and B). Perpetrators with these different settlements can be expected to differ in aspects other than the settlements too, because settlements are not imposed arbitrarily. To make the groups more comparable, the groups were matched on various characteristics by means of Propensity Score Matching (PSM). After matching, the groups were comparable on the several perpetrator characteristics (like gender and age), criminal case characteristics (like type of domestic violence) and criminal career characteristics (like age during first criminal case and number of previous criminal cases), and a better comparison of the recidivism rates was possible.

## Results

### *Research group in perspective*

Prior to answering the research questions, the background characteristics of the research group (perpetrators of domestic violence with a conditional discretionary dismissal) were compared to the background characteristics of the total group of

convicted perpetrators of domestic violence, in order to put the research group into perspective. This comparison showed that the research group is a relatively mild group of perpetrators of domestic violence. The research group committed less serious offenses, such as a sex offense, serious assault or a crime against life, on average had fewer previous (domestic violence) criminal cases and the current criminal case was more often the first criminal case. Probation advice also indicated that the estimated risk of recidivism was relatively low for the research group. This is not surprising since conditional discretionary dismissals are specifically intended for cases of relatively minor severity.

#### *Imposition practice of conditional discretionary dismissal among perpetrators of domestic violence: quantitative findings*

The advice data from the Probation Service showed that the Probation Service advised on how to settle the case for 44% of the 5,374 perpetrators of domestic violence with a conditional discretionary dismissal in 2014 to 2016 ( $N=2,370$ ). Thus, for 56% of the research group there was no probation advice. Furthermore, it appeared that in 63% of the 2,370 advices, the Probation Service recommended a conditional discretionary dismissal and, therefore, the advice corresponded with the settlement decision of the Public Prosecution Service ( $N=1,500$ ). Of the 1,500 perpetrators for whom the Probation Service advised to proceed to a conditional discretionary dismissal, special conditions were recommended in 51% of the cases.

The OBJD data showed that in the majority of the research group (59%) the domestic violence criminal case was conditionally dismissed due to personal characteristics and circumstances of the offender. The two most common dismissal grounds within this category were "probation interest" (28%) and "changed circumstances" (27%). The dismissal ground "probation interest" means that a criminal prosecution would interfere with the guidance, counseling or treatment provided by the Probation Service, Child Protection Service or another institution. The dismissal ground "changed circumstances" applies if the offender has improved his behavior, or the circumstances that led to the offense or that could lead to recidivism no longer exist or have changed significantly. Furthermore, a substantial proportion of domestic violence criminal cases was conditionally dismissed due to reasons related to the relationship between the offender and the injured party (25%). This includes dismissal grounds like "offense within a limited circle" (14%), "co-fault of the injured party" (6%) and "relationship to the injured party settled" (5%).

The CJIB data showed that for 81% of the research group only the general condition applied: the offender must not take part in any criminal activity during his or her probation period. In 19% of the research group, special conditions accompanied the general condition. Where special conditions were attached to the conditional discretionary dismissal, in most cases this concerned one (42%) or two (47%) special conditions. The most common special condition was "other condition". Almost the entire research group with special conditions has this condition (94%). However, there are strong indications that this registration with the CJIB is incorrect and a significant part of these conditions actually fall under one of the "regular" special conditions. More than 57% of the special conditions (belonging to 52% of the research group with a conditional discretionary dismissal with special conditions) is aimed at offender guidance, counseling or treatment. In particular, the special conditions "outpatient treatment obligation" (42%) and "participation in a behavioral skills training" (14%) are common.

Findings showed that the advice of the Probation Service and the decision of the Public Prosecution Service do not always align among perpetrators of domestic violence with a conditional discretionary dismissal. In the research group with probation advice ( $N=2,370$ ), the Probation Service recommended another settlement in 25% of cases, such as a community service order (10%) or (partial) suspended prison sentence (7%), while the Public Prosecution Service decided to dismiss the case conditionally. Furthermore, in cases where the Probation Service did recommend a conditional discretionary dismissal ( $N=1,500$ ), the conditions do not always match. In 25% of the cases, the Probation Service recommended special conditions, while the Public Prosecution Service decided to limit the conditions to the general condition. The conclusion can be drawn that the Probation Service recommended a more punitive form of settlement for a significant part of the research group than the Public Prosecution Service subsequently imposed. These findings are in line with the results from the study by Bijlsma (2019) into conditional discretionary dismissals in general. In addition, these differences are recognized by the professionals in the focus groups. The most important explanation is that the Probation Service has a different lens and task than the Public Prosecution Service. The Probation Service focuses more on what is needed and looks at the behavior and problems of the offender, while the Public Prosecution Service looks at the legal side, such as what is possible and proportional from a legal point of view. This difference in vantage point may lead to different conclusions.

*Imposition practice of conditional discretionary dismissal among perpetrators of domestic violence: qualitative findings*

The focus groups with probation officers and domestic violence Public Prosecutors provided insight into which considerations are made in criminal cases of domestic violence when respectively advising and imposing a conditional discretionary dismissal and possible special conditions. A conditional discretionary dismissal is only considered if two basic conditions are met: the offense is not so serious and the perpetrator has no or a limited criminal past. Various considerations were mentioned for opting for a conditional discretionary dismissal: 1) a conditional discretionary dismissal aims at behavioral change through offender guidance, counseling or treatment, 2) a conditional discretionary dismissal can be a big stick and a finger on the pulse, both to prevent recidivism and to continue the counseling or treatment, 3) criminal prosecution and punishment can be undesirable, because it does more harm than good or because the victim wants counseling and treatment for the perpetrator instead of a criminal prosecution, 4) the offense is too minor to prosecute, but there is a risk of recidivism and something is needed to prevent a recurrence.

The domestic violence Public Prosecutors reported that in the case of domestic violence, they rarely opt for an unconditional discretionary dismissal or a conditional discretionary dismissal with only the general condition. In general, domestic violence does not stop by itself; it has an underlying reason that should be addressed through counseling or treatment. An exception is if the case has been running for some time and you see that voluntary counseling or treatment, whether or not in combination with a restraining order, is going well. The probation officers also indicated that they would advise a conditional discretionary dismissal without special conditions if the risk of recidivism is considered low, for example, because it was an incident or the circumstances have changed in such a way that the risk of recurrence is nil. It is striking that both unconditional discretionary dismissals and

conditional discretionary dismissals without special conditions are seen as undesirable settlements in cases of domestic violence by the domestic violence Public Prosecutors, while the quantitative data showed that both settlements are common practice in the Netherlands (respectively 13% and 19% of all 22,083 convicted perpetrators of domestic violence in 2014 to 2016). In addition to the possibility that in some of these cases voluntary counseling or treatment was already running well, the domestic violence Public Prosecutors gave two more possible explanations. First, not all cases of domestic violence in the Netherlands are settled by domestic violence Public Prosecutors. General Public Prosecutors are less familiar with domestic violence and may more often opt for an unconditional discretionary dismissal or a conditional discretionary dismissal without special conditions. Second, in 2020, the numbers may look different than in 2014 to 2016, because knowledge about domestic violence is now more widespread within the Public Prosecution Service.

When special conditions are imposed there is generally a higher risk of recidivism than when the conditions are limited to the general condition. The most important consideration for opting for special conditions is that behavioral change is desirable to prevent recidivism. In both focus groups, the participants most often opt for special conditions like an outpatient treatment obligation, participation in a behavioral skills training or supervision by the Probation Service, in order to achieve a behavioral change. Limiting the risk of recidivism and protecting the victim by restricting the perpetrator's freedom of movement can also be a consideration, but in practice special conditions such as a contact ban or restraining order are not often linked to a conditional discretionary dismissal. In the Netherlands, such conditions are more likely to be applied within other legal modalities.

A number of topics were also introduced by the participants in the focus groups. A topic that was very much alive and that was discussed in both focus groups was the forthcoming modification of the regulation of conditional discretionary dismissals. This modification is currently (in 2020) still work in progress, but it seems that in the future no special conditions can be attached to conditional discretionary dismissals and that special conditions can only be imposed through court or via a punishment order by the Public Prosecutor Service in the form of directions (Bijlsma, 2019). The participants in both focus groups are critical of the upcoming modification. They think it will limit them in their possibilities of how to deal with a (domestic violence) criminal case (such as combining criminal law and health care), they expect it to lead to an undesirable aggravated punishment, they fear that it will have negative consequences for the relationship between the organizations in the criminal justice system and health care institutions, and they are concerned about the long waiting times at the court. It is striking that the participants in the focus groups are so critical of the forthcoming modification, while in practice (at least in the period 2014 to 2016) relatively little use was made of the option to attach special conditions to conditional discretionary dismissals among perpetrators of domestic violence. In 2014 to 2016, only 19% of the conditional discretionary dismissals included special conditions. However, the percentages could be different in 2020. Furthermore, according to the domestic violence Public Prosecutors the percentages should be different: in their view, special conditions should be attached much more often to conditional discretionary dismissals among perpetrators of domestic violence. Finally, 19% is not a negligible group. For these reasons, the critical notes should be taken seriously. The question is how widely supported these worries are, given that the focus groups were held with a small number of professionals. In addition, the modification is still work in progress. Nevertheless, the

critical notes can be seen as a signal that there are concerns among the domestic violence Public Prosecutors and probation officers about the upcoming modification. Finally, the focus groups highlighted a number of bottlenecks with regard to the settlement of domestic violence cases. First, according to the probation officers there are insufficient multicultural interventions at the Probation Service and in the forensic mental health care. As a result, perpetrators of domestic violence who do not speak Dutch or English (like Eastern Europeans and asylum seekers) are deprived of guidance, counseling and treatment. Second, probation officers experience (financial) barriers because domestic violence falls within both the criminal justice and health care domain. Third, the domestic violence Public Prosecutors pointed out that their registration system limits and insufficiently supports them. Again, it remains the question how widely supported these bottlenecks are.

*Effectiveness of conditional discretionary dismissals among perpetrators of domestic violence in terms of recidivism*

First, one to four years recidivism rates of perpetrators of domestic violence with a conditional discretionary dismissal (research group;  $N=5,374$ ) were compared with one to four years recidivism rates of perpetrators of domestic violence with an unconditional discretionary dismissal (control group;  $N=2,929$ ). Using PSM with replacement, 5,295 perpetrators from the research group were matched to 1,674 perpetrators from the control group. The results showed that perpetrators of domestic violence with a conditional discretionary dismissal (research group) were statistically significantly less likely to reoffend within the first two years with domestic violence, a violent crime or any offense than perpetrators of domestic violence with an unconditional discretionary dismissal (control group). However, these differences were small (Cohen's  $h=0.08-0.12$ ) and after two years the differences in recidivism were negligible. To illustrate, within two years, 3.5% of the research group committed another domestic violence crime that led to a new criminal case, compared to 5.8% in the control group. The results seem to indicate that the conditional discretionary dismissal slightly reduces recidivism during the probation period of the conditional discretionary dismissal, but there is no lasting effect on recidivism.

Second, recidivism rates of perpetrators of domestic violence with a conditional discretionary dismissal with special conditions (research group A;  $N=1,006$ ) were compared with recidivism rates of perpetrators of domestic violence with a conditional discretionary dismissal without special conditions (research group B;  $N=4,368$ ). Using PSM without replacement, 971 perpetrators from research group A were matched with 971 perpetrators from research group B. The results showed that, within the four year observation period, perpetrators of domestic violence with a conditional discretionary dismissal with special conditions (research group A) were statistically significantly more likely to reoffend with domestic violence than perpetrators of domestic violence with a conditional discretionary dismissal without special conditions (research group B). Here too, however, the effects are small (Cohen's  $h=0.10-0.14$ ). The two groups do not differ in terms of violence recidivism and general recidivism. It seems that making the groups comparable through matching has not been successful due to the lack of dynamic criminogenic characteristics, like psychological issues, addiction problems, and motivation for perpetrator counseling or treatment. Such factors seem to be important in the choice of whether or not to impose special conditions and for the risk of domestic violence recidivism. The group of perpetrators with special conditions probably had a higher risk of recidivism in advance and it is possible that the recidivism would have been

even higher if no special conditions had been attached to the conditional discretionary dismissal.

## Limitations

The current study has some limitations. A first limitation is that the present study used judicial data from the OBJD. This means that only crime that comes to the attention of the Public Prosecution Service is included in the current study, while by no means all crimes committed are traced and prosecuted. As a result, there is a systematic underestimation of recidivism. This underestimation applies in particular to domestic violence recidivism, because domestic violence often remains hidden from the outside world. A second limitation is that the matching of the perpetrator group with conditional discretionary dismissals with special conditions and the perpetrator group with conditional discretionary dismissals without special conditions appeared to be unsuccessful. The groups probably differed on unmeasured dynamic criminogenic characteristics that are important in the choice of whether or not to impose special conditions and on the risk of domestic violence recidivism, such as psychological issues, addiction problems, and motivation for perpetrator counseling or treatment. A third limitation is that the present study could not provide a complete overview of the special conditions attached to the conditional discretionary dismissals of perpetrators of domestic violence, because not all conditions are properly registered at the CJIB. In practice, many special conditions appear to be registered under "other condition", while they actually fall under one of the "regular" special conditions. A final limitation relates to the focus groups. First, the results of the focus groups may not be generalizable because they are held with a small number of professionals, each bringing their own background and experiences. A second point is that an earlier period (2014 to 2016) was central in the focus groups and the question is how well people can separate considerations and processes then and now.

## Conclusion and recommendations

Several conclusions can be drawn from the present study, which also lead to a number of recommendations for policy and practice, and for future research. The first conclusion is that the imposition practice of conditional discretionary dismissals in cases of domestic violence in 2014 to 2016 was not always in line with the "Instruction of Domestic Violence" for the police and Public Prosecutor Service in force at that time. In less than half of the research group the Probation Service advised on how to settle the case, the intended dismissal ground 'changed circumstances' occurred in only a quarter of the research group, only 19% of the research group had special conditions attached to the conditional discretionary dismissal, and the percentage of special conditions aimed at perpetrator counseling or treatment was even lower, although the exact percentage remained uncertain due to a registration error at the CJIB. Nevertheless, the guidelines in the "Instruction of Domestic Violence" have been applied more often to conditional discretionary dismissals in cases of domestic violence than in other types of criminal cases. Compared to previous research into conditional discretionary dismissals in general in 2016, advice by the Probation Service is more often issued in cases of domestic violence, cases of domestic violence were more often dismissed with the dismissal grounds "changed circumstances" and "probation interest", and although special conditions were not more often attached to conditional discretionary dismissals in cases of domestic

violence, the special conditions were more frequently aimed at offender guidance, counseling or treatment. A first recommendation based on this conclusion is to pay extra attention to bringing this "Instruction of Domestic Violence" to the attention of all Public Prosecutors when issuing a new instruction, so that Public Prosecutors in cases of domestic violence act more in correspondence with the guidelines. Secondly, it is recommended to improve the registration of the special conditions attached to conditional discretionary dismissals at the CJIB. At present, a complete picture of the type of special conditions can only be obtained through file research at the Public Prosecution Service.

A second conclusion is that the main punishment objective of the conditional discretionary dismissal, crime prevention, was frequently mentioned in the focus groups with probation officers and domestic violence Public Prosecutors. By aiming for behavioral change in the perpetrator through a special condition aimed at perpetrator guidance, counseling or treatment (rehabilitation) and by using the conditional nature as a big stick (deterrence), an attempt is made to stop domestic violence. However, the quantitative data showed that in practice, the focus is mainly on deterrence, since for 81% of the research group no special conditions were attached to the conditional discretionary dismissal.

A third conclusion is that the Public Prosecution Service currently (in 2020) works on a modification of the regulation of conditional discretionary dismissals, about which the participants in the focus groups spoke critically. It seems that in the future no special conditions can be attached to conditional discretionary dismissals. Far-reaching special conditions can only be imposed through court and less invasive special conditions can be imposed via a punishment order by the Public Prosecutor Service in the form of directions. This is a significant modification, especially for criminal cases of domestic violence. In criminal cases of domestic violence, a quarter is settled with a conditional discretionary dismissal, criminal prosecution is not always desirable, but counseling or treatment with the conditional nature as a big stick is, and long waiting times at the court are very unfortunate. Currently, the Public Prosecutor Service also works on a new "Instruction of Domestic Violence", in which the modification of the regulation of conditional discretionary dismissals, of course, will be incorporated. Based on this conclusion, it is first recommended to monitor this modification and to study its effects for cases of domestic violence. Second, it is recommended that the Public Prosecution Service investigates whether the critical notes articulated in the focus groups resonate within its own organization and among other criminal justice agencies like the Probation Service. If this turns out to be the case, it is important while implementing the new regulation to enter into discussions with employees of the Public Prosecutor Service and other criminal justice agencies, and to explain the considerations in order to gain commitment for the new regulation.

A fourth conclusion is that conditional discretionary dismissals during the probation period were slightly more effective in reducing (domestic violence) recidivism among perpetrators of domestic violence than unconditional discretionary dismissals. Based on the recidivism outcomes, a conditional discretionary dismissal is therefore preferable to an unconditional discretionary dismissal for perpetrators of domestic violence. However, it is important to note that the differences in recidivism were small and disappeared after the probation period ended. The results seem to indicate that there is predominantly a deterrent effect during the probation period of the conditional discretionary dismissal, but there is no resocialisation effect and lasting behavioral change, because then the recidivism rate would also differ

between the groups after the probation period has ended. This is not entirely surprising since for 81% of the research group only the general condition applied, which only assumes a deterrent effect. A recommendation for future research is to study recidivism based on police data or data from the organisation "Safe at Home", because the domestic violence recidivism is strongly underestimated in the current study (based on the OBJD and thus judicial data).

A final conclusion is that the effectiveness of special conditions attached to a conditional discretionary dismissal among perpetrators of domestic violence remains unclear, because the current study seemed insufficiently successful in matching the perpetrator group with special conditions to the perpetrator group without special conditions. For the matching procedure, static characteristics were used. However, the groups probably differ on unmeasured dynamic criminogenic characteristics, such as psychological issues, addiction problems, and motivation for perpetrator counseling and treatment. Such factors appear to be important in deciding whether or not to impose special conditions and for the risk of domestic violence recidivism. Future research in which these characteristics can be included is therefore needed. Perhaps information on such characteristics can be obtained through file research at the Public Prosecution Service. However, the best method for drawing conclusions on the effectiveness of an intervention remains a randomized controlled experiment (RCT), in which people are randomly assigned to the research and control group. In light of the forthcoming modification in the regulation of conditional discretionary dismissals, it is possible that in the near future special conditions can no longer be attached to conditional discretionary dismissals. However, special conditions can be attached to various criminal justice interventions and, in general, it would be useful to gain more insight into the effectiveness of certain special conditions (for example those aimed at perpetrator counseling or treatment) in terms of recidivism.