

## Management Summary

### Introduction

People with a mild intellectual disability (MID)<sup>1</sup> are an overrepresented group in the criminal justice system.<sup>2</sup> Various characteristics have been identified that are prevalent among people with MID and can affect the likelihood of criminal behaviour or of becoming a victim of crime or violence. People with MID are generally easier to influence and less able to assess the consequences of their actions. What is more, they have less control over their impulses and they find reading social signals difficult. At the same time, people with MID yearn for social acceptance. Combined with low self-confidence, this urge to fit in makes it difficult for them to put up any resistance when encouraged to behave inappropriately.

Some academics have pointed to a risk that law enforcement organizations themselves contribute to people with MID being overrepresented in the criminal justice system. Failure to recognize that people have MID and failure to communicate with them effectively can lead to incorrect interpretation of their behaviour. This in turn can result in escalation or in mistakes in the interrogation of a suspect. Possible consequences are harsher sentences, a reduced likelihood of qualifying for phased detention or an increased likelihood of conditional sentences being converted. An approach within each section of the criminal justice system that is better aligned with the needs of this group will therefore help reduce and prevent repeat offending and victimhood among people with MID.<sup>3</sup>

At the start of 2020, a work agenda was established for the period 2020–2021 by the national working group on MID within the criminal justice system, in which the various sector partners<sup>4</sup> are represented. The directors of the organizations in question in the criminal justice system (the Sector Directors' Council, *Bestuurlijk Ketenberaad*) confirmed this work agenda in May 2020. It states that additional effort needs to be made to ensure that professionals in the criminal justice system systematically pay more attention to MID issues and that they become more skilled in communicating effectively with people with MID and assisting them. The focus in the coming years will be on future-proofing and implementing this. To this end, the Ministry of Justice and Security requires a process evaluation assessing what has been done to date on the topic of MID. Accordingly, the present study aims to provide an understanding of the extent to which the various partners in the criminal justice system have to date implemented the activities that were agreed in the work agenda (and its predecessor, the improvement plan). We formulated the following principal research question:

*How and to what extent do the various sector partners pay attention to people with MID and introduce initiatives aimed at this group in the areas of raising awareness, identification, communication and intervention?*

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<sup>1</sup> This covers people with an IQ of 50 to 70 as well as those with an IQ of 70 to 85 who also have problems with their adaptive functioning.

<sup>2</sup> Kaal, H. L. (2019). 'Het belang van het herkennen van een Ivb in de strafrechtketen'. *Tijdschrift voor Psychiatrie*, 6, 809-813.

<sup>3</sup> Idem.

<sup>4</sup> The Child Care and Protection Agency, the police, the Public Prosecution Service, the courts, Halt, the three probation organizations, the William Schrikker Foundation, the Custodial Institutions Agency, Victim Support Netherlands.



We discuss the topics of raising awareness, identification, communication and intervention in turn regarding the group of people with MID. Finally, we also reflect briefly on the experiences of people with MID, after which we present our conclusions and answer the sub-questions of the study.

### Raising awareness

The topic of **raising awareness** was dealt with by organizing awareness-raising activities and developing and publicizing information materials (see page 22 of the main report for an overview). Some organizations have assigned a special officer or ambassador for this theme within the organization. The topic of MID has also been incorporated in training courses and basic education programmes to help professionals identify and deal with people with MID. Halt, the Child Care and Protection Agency and the three probation services have developed a wide range of training courses and materials on the topic of MID and set up a network with regional ambassadors. Halt seems to be the organization that has done most to draw attention to this topic by broadly and actively promoting material and training courses. The police, Public Prosecution Service, Custodial Institutions Agency and Victim Support Netherlands have also taken steps regarding the issue of MID by developing materials and organizing activities. However, these materials could be publicized more broadly within these organizations. In general, it is noticeable that professionals make only limited use of the awareness-raising activities, information material and training courses. The reasons professionals give for this are that they do not know what is on offer and that they are already aware of MID as an issue in their work and have experience with the target group. Furthermore, according to the professionals, awareness is achieved primarily by acquiring specific experience and lessons 'on the job' from working with people with MID.

### Identification

All organizations cite early **identification** of people with MID in the criminal justice system as an important aspect. Halt, the three probation services, the Child Care and Protection Agency and the Custodial Institutions Agency all use the SCIL (Dutch acronym for 'screening for intelligence and mild intellectual disability') tool as a screening instrument to identify people with MID. However, although various organizations have the SCIL available, at present the instrument is used in practice only in a small fraction of cases. The situation caused by the coronavirus has made it difficult to organize training on a large scale during 2020 and early 2021, and also hampered the SCIL screening process itself. Furthermore, respondents from all the organizations that use the SCIL mentioned that there is a certain reluctance and unease about using it. Practical training sessions on using the SCIL could help give professionals more self-confidence for starting discussions about MID.

The information from the 'personal circumstances' interrogation by the police and the context information that the partners have can be important sources in helping identify someone with MID. According to the respondents interviewed for the present study, police officers are not yet sufficiently conscious of the importance of asking follow-up questions in the 'personal circumstances' interrogation. Almost all respondents said that sharing context information between partners in the criminal justice system generally goes well, especially in fast-track cases. Problems with sharing information mainly occur when information is shared with partners outside the criminal justice system (social services and care institutions).



## Communication and intervention

Awareness of MID and early identification of the issue are prerequisites for enabling professionals to choose the appropriate **communication** and **interventions**. MID is often only identified late in the process if at all; as a result, the communication and sanctions do not fit well with the level of the person with MID. As regards communication, various tools have been developed for communicating with people with MID. However, these tools are currently little used and more could be done to encourage their use. The communication tools are (see also page 37 of the main report):

- a. Criminal justice system basic tool;
- b. Informative videos about the criminal justice process;
- c. Youth probation toolbox for youngsters with MID;
- d. Risk Mirror;
- e. Folders and information materials that have been made MID-proof.

The following interventions have been developed specifically for people with MID (see page 41 in the main report):

- a. CoVa-plus training course;
- b. 'Stap voor Stap' training course (the three probation services);
- c. So-Cool rehabilitation sentence;
- d. TACt Plus rehabilitation sentence;
- e. The MID excuse booklet (Halt).

## Experiences of people with MID

In general, the people with MID whom we interviewed for this study said that they had had both positive and negative experiences with all the partners. One thing they mentioned frequently as a positive experience was a calm approach to communication, with time taken to explain things and the person with MID given the opportunity to ask questions. Factors that repeatedly came up in negative experiences were not understanding the questions in an interrogation or court session, the idea that the procedure had not been explained sufficiently beforehand and a feeling that professionals were adopting a denigrating tone.

## Conclusions

To ensure more attention is paid systematically to MID, it is important to continue to focus on raising awareness and identification of MID. The more professionals are aware that this group is very much overrepresented within the criminal justice system, the more they will realize that they too deal with this group in their day-to-day work. To get this message across to all professionals, information provision and training courses are crucial. It is also important to encourage alertness to MID in the 'personal circumstances' interrogation and encourage use of the SCIL; this will make more information available about a possible MID at an earlier stage.

The table below gives concise answers to the sub-questions posed in this study.

Research question	Answer
<b>Raising awareness</b>	
1. What awareness-raising activities are organized and do the partners take part in	A complete overview of the awareness-raising activities and materials can be found in section <b>Fout! Verwijzingsbron niet gevonden..</b> Most organizations have developed a guide or factsheets, e-modules and training courses for



them?	recognizing MID and communicating with someone with MID. It is up to the professionals themselves whether they participate in the activities or use the materials. Many professionals do not know what is on offer and the materials are not yet being used systematically. The material or training courses that professionals are most familiar with differ per organization. The professionals in Halt, the three probation services and the Child Care and Protection Agency were most familiar with the materials and training courses. The online MID training courses were well known among all three partners.
2. Is attention being paid to raising awareness about the impact that MID has on that person's functioning and what that means for professionals?	There was a nationwide pilot project where professionals in the criminal justice system could wear VR headsets to experience what it is like for people to have MID. The professionals who took part in the pilot were very impressed. Much of the material is aimed at identification or communication with people with MID. However, professionals in all organizations feel that they are already very much aware of what impact MID has on someone's functioning. This means they are less inclined to use informational materials or MID training courses, whether online or offline.
3. What has been done to safeguard knowledge about MID within the organization?	Almost all partners have appointed a national policy officer or adviser with the topic of MID in their portfolio. They function as a nationwide point of contact and/or a driving force for the topic. In addition, the Child Care and Protection Agency, Halt and the three probation services have official (regional) content specialists or dedicated officers. Their job is to spread information about MID and they also serve as a contact point on the topic within their team or region.
4. Have all the partners incorporated identification of MID in their educational programmes (both basic and advanced education)?	All the partners have training on offer dedicated specifically to the subject of MID. However, the topic is rarely incorporated in the basic education programme for new employees. Online and practical training courses go into more detail and are often voluntary. All Halt staff have received training in screening using the SCIL. At the Child Care and Protection Agency too, some staff have received training in using the SCIL; this will be extended after the COVID pandemic.
5. Has an MID ambassador been appointed within the organization as an accessible point of contact?	See also Question 3. About half of the organizations have appointed official ambassadors. The police have informal key figures for MID.
<b>Identification</b>	
6. Are professionals able to recognize MID and how is this done — for example using the SCIL or by retrieving context information?	Respondents said that they overwhelmingly feel they are equipped or even well equipped to recognize MID. They estimate that their colleagues feel less well equipped to do so. The SCIL is used to identify MID within the Child Care and Protection Agency, Halt, the three probation services and the Custodial Institutions Agency. As mentioned above, initiatives have been started within Halt and the Child Care and Protection Agency to train large numbers of employees in using the SCIL. An e-learning module on the SCIL is available for the three probation services. Halt also focuses on encouraging use of the instrument. The contextual information can also help identify MID, in particular information about the person's home situation and whether they are attending special education. It was however clear from the interviews that cases of MID were regularly not identified, or only identified during the supervision phase, in all organizations.
7. Are there bottlenecks affecting the sharing of information? If so, what solutions could be thought up for this?	The criminal justice partners are positive on the whole about how information is shared between them. Bottlenecks are more likely to be experienced in sharing information with municipalities or healthcare institutions. Permission is needed from the person in question to share the information from these organizations, but the partners still sometimes face resistance even when it has already been granted. Other bottlenecks have to do with the ideas that professionals have regarding the General Data Protection Regulation (GDPR). The complexity of the GDPR can make them reluctant to share information. Other professionals resolve the issue by always asking the suspect or client for permission to share the information. Further information about this (repeated regularly) could mitigate this bottleneck.
8. Is there collaboration between different parts of the sector? If so, what does this collaboration look like?	Most initiatives dealing with MID that have been started were initiated and developed by the individual criminal justice partners and are not aimed at multiple organizations, nor were they started with organizations outside the criminal justice system. However, the national working group has developed various communication tools in collaboration with the William Schrikker Foundation that several criminal justice partners could use. The pilot with the VR headsets, which is a nationwide initiative, is another exception.



<b>Communication</b>	
9. How has the communication and treatment of people with MID been adapted to suit their level?	In addition to (voluntary) training courses on communication and treatment (for an overview, see Section <b>Fout! Verwijzingsbron niet gevonden.</b> ), various tools have been developed for communication with people with MID. An overview of the available tools is included in section <b>Fout! Verwijzingsbron niet gevonden.</b> Tools that are used relatively often are the pictogram set and the short informative videos, both of which deal with the criminal justice process. Some organizations have also changed their communications (the letters they send) to make them easier to understand for someone with MID.
10. Do the protocols describe options for how to act when a person is suspected of having MID?	The standard work instructions or work protocols at most criminal justice partners do not yet pay specific attention to MID as a topic. They do pay attention to possibly vulnerable suspects (which includes people with MID) and how to deal with them. All organizations also have a guide or factsheet about MID available that offers options for how to deal with people with MID.
11. Are criminal justice partners sufficiently well equipped to treat and deal with people with MID in an effective manner that is appropriate for their cognitive capacities? If not, what is lacking?	On average, professionals in the criminal justice system feel they are well equipped for communicating with people with MID. They estimate that their colleagues on average feel less well equipped than they do. Some of the colleagues feel well equipped for communication with all target groups because of their experience. Employees who still feel some reluctance say that practical training in conversational techniques would be one way of resolving this. Some tools, such as the pictogram set, should be distributed even more widely among all the criminal justice partners.
<b>Intervention</b>	
12. Are the sanctions, advice, treatment and supervision appropriate for the level of the person with MID?	When determining the punishment, the prosecutor or judge always takes the suspect's personal circumstances into account in their decision; they therefore also take MID into account if this has been identified. However, the Public Prosecution Service and courts have less contact with the suspects and have consequently paid relatively less attention to MID as a topic. The supervision provided by the Child Care and Protection Agency, Halt and the three probation services allows for a lot of customization. Furthermore, special interventions have been developed for people with MID on themes such as problem-solving, self-control and aggression.
13. Do people have a picture of what MID interventions are still lacking in the criminal justice system?	The study did not reveal many potential interventions that are currently lacking as there is so much scope for tailored solutions and because training courses have been developed for people with MID. However, some training courses can only be imposed if a certain minimum sanction has been applied. A wish was expressed to be able to impose such training at an earlier stage or to develop a more accessible version as people with MID can benefit a great deal from e.g. training in social skills.