



# Summary and conclusions on the preparations for the evaluation of the Sanctions and Protection Act

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# Summary and conclusions

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## Background and objective of the study

Mr Dekker, Minister for Legal Protection (*minister voor Rechtsbescherming*) submitted the ‘Doing justice, offering chances: towards more effective imprisonment’ (*Recht doen, kansen bieden: naar effectievere gevangenisstraffen*) position paper to the House of Representatives of the States General (*Tweede Kamer*) on 17 June 2018. The position paper addresses the manner in which prison sentences are served as viewed from the perspective of the credibility of punishment and protection of society. The central themes of the paper are the modification of conditional release (*voorwaardelijke invrijheidstelling, v.i.*) with longer-term prison sentences, a rewards and punishment system during detention, and increased efforts to reduce recidivism. The Sanctions and Protection Act (*Wet senb*), which incorporates many elements of the position paper, enters into force on 1 July 2021. The Sanctions and Protection Act (*Wet senb*) incorporates an evaluation provision, pursuant to which the Act is to be evaluated five and ten years after its entry into force. The Ministry of Justice and Security (*ministerie van Justitie en Veiligheid, JenV*) decided that a preparatory study was needed to prepare for the future evaluation and provide an insight into the evaluation framework. The Research and Documentation Centre (*Wetenschappelijk Onderzoek- en Documentatiecentrum, WODC*) requested the Regioplan Policy Research (*Regioplan Beleidsonderzoek*) to carry out the study. Therefore, this study is not the actual evaluation: it is a preview with the intention of ensuring that the necessary knowledge base is in place for future evaluations. This preparatory study not only addresses the evaluation of the Sanctions and Protection Act (*Wet senb*), but also the evaluation of the position paper.

## Design and methods

The study consists of four parts:

- formulation of the **policy logic** of the position paper and the Act. This lays the foundations for the questions to be addressed by the future evaluation. The information required for the evaluation and monitoring can be derived from the policy logic;
- **preview** of the design and content of the evaluation of the Sanctions and Protection Act (*Wet senb*), with attention to the data on the implementation, progress, and results that become available during the coming years and can serve as input for the evaluation;
- identification of **indicators** for the assessment of the introduction and implementation of measures set out in the position paper and the degree to which interim targets are achieved;
- performance of a **benchmark** on the basis of the indicators.

The policy logic of the position paper and the Act was derived and formulated on the basis of (1) a study of policy documents and legislative texts including the position paper and the Explanatory Memorandum, Parliamentary Documents, progress reports and advice from various parties, and (2) interviews with cooperating organizations on the relationship between the objectives and measures of the position paper and the Act, expectations of its operation, the preconditions, and potential side effects. A literature study was also carried out to determine the extent to which the position paper and the Act were formulated on the basis of scientific or political insights and to identify the elements for which scientific substantiation is currently lacking. Monitoring indicators were derived from the objectives and measures of the policy logic. Indicators were also formulated for the measurement of preconditions and side effects. The contours of the evaluation methodology were formulated on the basis of a desk study. An insight into the data that will become available during the coming years was obtained from the document study and interviews (in particular, on the pilot trials in the ‘Course and Chances’ (*Koers en Kansen*) context). The preview of the future evaluation was discussed with three scientific experts. Their comments have been incorporated in the text.

## Answering the study questions

The objective of the study is to prepare for the future evaluation of the ‘Doing justice, offering chances’ (*Recht doen, kansen bieden*) position paper and the Sanctions and Protection Act (*Wet straffen en beschermen, Wet senb*) by (1) formulating and analysing the underlying policy logic of the position paper and the Act, (2) deriving the methodology from the policy logic for the monitoring of the introduction and implementation of the measures set out in the position paper and the Act together with their results, and (3) carrying out a first, restricted measurement of the starting position. The study answers fourteen questions derived from the four main themes of the study.

### Part A. Policy logic

Questions to be answered:

1. Which objectives are pursued by the position paper and the Act?
2. What is the underlying policy logic of the position paper and the Act?
3. What are the differences and similarities between the objectives and policy logic of the position paper and the Act?
4. Have the position paper and the Act been formulated on the basis of scientific and/or political insights? If so, which? Which elements of the policy logic do not currently have empirical substantiation?
5. Are the position paper and the Sanctions and Protection Act (*Wet senb*) expected to be accompanied by side effects and, if so, which?
6. Which preconditions, in the opinion of those involved, need to be met for the successful introduction and implementation of the position paper and the Act? Which consequences do those involved expect in the event that these preconditions are not met, not met in full, or change?
7. What are the plans and expectations for the introduction/implementation of the position paper and the Act? Which parties are involved and what are their overall roles? When is the interim objective realization/objective realization to be expected?

The intention of the Minister’s ‘Doing justice, offering chances’ position paper and the Sanctions and Protection Act (*Wet senb*) is to address supposed shortcomings in the application of punishment by seeking a new balance between the retribution and recidivism-reduction punishment objectives. The position paper and the Sanctions and Protection Act (*Wet senb*) give this main objective shape in the form of a complex entirety of closely-related and mutually-supported layered objectives and measures.

The position paper and the Sanctions and Protection Act (*Wet senb*) strive to achieve the same **objectives**. The document study and interviews reveal a **complex and layered objective**, with a decreasing level of abstraction, and a **higher, underlying objective** of providing for a balanced application of punishment that contributes to a fairer and safer Dutch society. This higher, underlying objective embodies the two core themes of justice and safety. These core themes link the two **main objectives** of the position paper and the Act, (1) retribution for wrongdoing and (2) recidivism reduction and a safe return to society. These main objectives are specified in more detail in the three ‘Punishment is punishment’ (*Straf is straf*), ‘Behaviour counts’ (*Gedrag telt*) and ‘Working on a safe return’ (*Werken aan een veilige terugkeer*) pillars. **Operationalized objectives** have been set for these three pillars:

- Punishment is punishment: a larger fraction of the prison sentence is served in a penal institution (*penitentiaire inrichting, PI*) and a more stringent weighing of interests takes place before granting leave during detention.
- Behaviour counts: detainees are more frequently and visibly sanctioned for poor behaviour and more frequently rewarded for good behaviour.
- Working on a safe return: more opportunities are provided for a stable life after detention and the link between the periods during and after detention is strengthened.

The position paper and Sanctions and Protection Act set out main measures which are divided into a number of sub-measures. Both the main and sub-measures **differ between the position paper and the Sanctions and Protection Act (*Wet senb*)**.

The measures set out in the Sanctions and Protection Act (Wet senb) would, in general, appear to place more emphasis on the first ‘Punishment is punishment’ pillar and less on the second ‘Behaviour counts’ pillar and the third ‘Working on a safe return’ pillar as compared to the position paper. The position paper and Sanctions and Protection Act (W senb) also differ in terms of the substantive focus of measures within the pillars. The Sanctions and Protection Act (W senb) not only addresses conditional release (*voorwaardelijke invrijheidstelling, v.i.*), but also the penitentiary programme (*penitentiair programma, PP*) and leave regulations (*verlofregeling*) in the first and second pillar, while the position paper’s focus in these pillars is primarily on conditional release (v.i.). Moreover, the Act makes the relationship between these three modalities of detention phasing and the second pillar more explicit than the position paper. The differences between the position paper and Act are most marked in the third pillar. The measures set out in the Act are restricted to the competences required for cooperation between the prisons system (*gevangeniswezen*) and, in particular, the municipalities, while the position paper sets out measures addressing the design and organization of the collaboration between the cooperating organizations.

The differences between the position paper and the Act are in part due to the difference in their function. The Act provides the statutory basis required for the measures presented in the position paper and, therefore, does not include provisions governing measures that are already provided with a statutory basis or do not require a statutory basis. The differences between the position paper and the Act are also in part due to evolving insights and to the refinement and supplementation of the measures set out in the position paper while elaborating the Act during the legislative process.

**Preconditions** that need to be met for the successful introduction and implementation of the position paper and the Act have been identified from the document study and the interviews. The first precondition to be met is that the working conditions at the penal institutions (PIs) must be in order. They must have adequate well-trained personnel available, possess sufficient and flexible detention and personnel capacity, and have guarantees in place for the safety of the detainees and their personnel. The second precondition to be met is that more explicit attention must be given to the individual characteristics and backgrounds of the detainee population during the detention and rehabilitation processes. This is needed to adopt a personal approach to detainees. The third precondition to be met is that the collaboration and exchanges of information between the cooperating organizations needs to be facilitated. This means that the cooperating organizations must have adequate well-trained personnel available, possess the up-to-date and complete information about detainees needed for customization, and be equipped with compatible ICT systems. The inadequate fulfilment of these underlying preconditions will impede successful collaboration between the cooperating organizations.

The cooperating organizations have identified four **potential risks** (‘side effects’) accompanying the measures set out in the position paper and the Sanctions and Protection Act (Wet senb), all four of which are related to the modifications of the conditional release (v.i.) regulations. The first risk is that a maximization of the conditional release (v.i.) period could lead to calculated behaviour by hardened detainees who, in view of the shorter conditional release (v.i.) period, would be more inclined to serve their full sentence and thereby avoid the conditions attached to conditional release (v.i.) and the risk of an extended sentence. Some offenders would then be able to return to society without supervision, which could put society in jeopardy. A second risk is that the courts may anticipate shortened periods of conditional release (v.i.) by imposing shorter prison sentences. This could result in a reduction of the length of the nominal sentences, the prison sentences imposed by the courts, which is the opposite of the government’s intention to bring the actual length of prison sentences more into line with the length of the nominal sentences rather than reduce the length of nominal sentences. A third risk is that the court’s sole competence to assess the reasonableness of the decision of the Prosecution Service (*Openbaar Ministerie, OM*) on the conditional release (v.i.) may impair the legal protection of detainees. A fourth risk is that the transitional law may impair the legal position of convicted offenders. This is because the new maximization of the conditional release (v.i.) period will apply solely to prison sentences imposed after the Sanctions and Protection Act (W senb) enters into force: detainees convicted under the old regulations could decide to waive their right to appeal so that they do not subsequently fall under the new conditional release (v.i.) regulations that are less favourable to them. Detainees may then

waive their right to appeal for the wrong reasons: the right to appeal is an important means of assuring legal protection in which court decisions are assessed by a superior court.

Various measures set out in the position paper and the Sanctions and Protection Act (W senb) are provided with explicit substantiation in the form of [scientific insights](#). The position paper provides substantiation, in particular, for the performance of current practice and the need for, or added value provided by, policy changes. The Act provides substantiation for the effectiveness of specific underlying principles and measures on the basis of references to scientific insights, for example for strategies for the prevention of recidivism. However, many other measures set out in the position paper and the Act are not provided with explicit substantiation based on scientific insights. The scientific and empirical substantiation of reintegration and recidivism-reduction measures is incomplete, as the substantiation does not extend to all the relevant measures and does not address the substance of these measures. Furthermore, the scientific substantiation of the effectiveness of measures intended to increase the focus on retribution (in terms of experienced justice and experienced retribution for wrongs) is limited, as a result of which the substantiation of the effectiveness of the ‘Punishment is punishment’ second pillar measures is also incomplete. The considerations for these measures would appear to be largely based on political insights and wishes, which is also apparent from the argumentation for the modification of conditional release (v.i.). The study commissioned by the Ministry of Justice and Security (JenV), which concluded that a need for modification of conditional release (v.i.) is lacking, is restricted and has been used selectively.<sup>1</sup>

An assessment of the sections of the position paper and the Act against scientific literature reveals that the general substantiation of the underlying principles of some measures is based on [empirical support](#). This is, for example, the case for the increased application of reward and punishment in view of the effect that immediate, consistent reward and punishment generally has on behaviour. Scientific literature also draws attention to the importance of support, supervision and care in reintegration and recidivism reduction.

Substantiation in scientific literature is currently unavailable for other sections of the position paper and the Sanctions and Protection Act (Wet senb). This relates both to general substantiation of measures and their underlying principles, for which, for example, no empirical substantiation of effectiveness of reward and punishment during detention in terms of change in behaviour, reintegration and recidivism reduction is currently available, and to specific substantiation of the substance of a number of sections of the position paper and the Act, including gaps in empirical knowledge of the effectiveness of:

- the two-year maximization of the conditional release (v.i.) period, in terms of reintegration, recidivism reduction and retribution;
- the encouragement of personal responsibility (autonomy) of detainees, in terms of recidivism reduction and reintegration;
- the timely initiation of supervision and support during detention, in terms of recidivism reduction and reintegration;
- leave, linked to specific goals or otherwise, in terms of reintegration;
- increased collaboration by the cooperating organizations with respect to detention, in terms of recidivism reduction and reintegration;
- the continuity of programmes and interventions (other than in care), in terms of recidivism reduction and reintegration.

The absence of empirical support of sections of the position paper and the Sanctions and Protection Act (Wet senb) results in [blank spots in empirical knowledge](#) that place the expected effectiveness of the position paper and the Act at risk.

The cooperating organizations were preparing for the [implementation](#) of the Sanctions and Protection Act (Wet senb) at the time of this evaluation. As this entails a major and fundamental change in procedures, they expect that only the necessary sections of the Act will be implemented in the period shortly after the Act enters into force and that it will take at least several years to implement all the measures.

<sup>1</sup> Beijerse, J., S. Struijk, F.W. Bleichrodt, S.R. Bakker, B.A. Salverda & P.A.M. Mevis (2018), De praktijk van de voorwaardelijke invrijheidstelling in relatie tot speciale preventie en re-integratie, Boom juridisch uitgevers, The Hague.

## Parts B and C. Preview of the evaluation and indicators for monitoring and evaluation

Questions to be answered:

8. What are the outlines of the future evaluation? Which information needs will then arise?
9. Which studies of the position paper and the Sanctions and Protection Act (Wet senb), or sections thereof, are being or have already been carried out?
10. What form of draft study programme will be required to determine, annually if possible, and in any case after five and ten years:
  - have the position paper and the Sanctions and Protection Act (Wet senb) been implemented as intended?
  - do the active elements/mechanisms perform as intended?
  - have the position paper and the Act achieved the interim and ultimate objectives (objective realization) (effectiveness)?
11. Which quantitative and qualitative indicators are needed to determine:
  - have the position paper and the Act been implemented in the intended manner (process evaluation)?
  - have the intended active elements/mechanisms been initiated?
  - have the position paper and the Act achieved the interim and ultimate objectives (objective realization) (effectiveness)?
12. When will measurements be advisable, and with which indicators, from the perspective of the intended periods for the implementation/objective realization of the position paper and the Sanctions and Protection Act (Wet senb)?

Pursuant to the evaluation provision of the Sanctions and Protection Act (Wet senb), the effectiveness and effects of the Act in practice must be evaluated after five and ten years. An analysis of the policy logics and objectives leads to the conclusion that an **effect evaluation** is a step too far. The main and higher objectives are formulated in terms that are too abstract and, moreover, establishing a causal relationship with an increased probability of a safe return is not feasible due to the many circumstances and factors that are also involved and have an influence.<sup>2</sup> An **evaluation** based on the realistic evaluation method, with a focus on the active elements of the policy logics, will encounter the problem of the limited substantiation of the policy logics. For this reason, it is expected that the evaluation will focus on the implementation of the measures, the results (without the ambition of arriving at conclusions on causation) and the side effects. This means that the study will be of the nature of a **process evaluation** of the implementation of the measures, the reasons why some measures have not been implemented or have been implemented in a different manner, the selection of alternatives, when relevant, the preconditions (capacity and skills for implementation, differentiation between the target groups and collaboration by the cooperating organizations), the trend in the intended results, any differences between the penal institutions (PIs), regions or target groups, the occurrence of side effects and measures to control these, together with an assessment of the implementation by a wide range of parties involved. It is expected that the evaluation of the results will focus on the operationalized objectives rather than on the higher and main objectives. It is to be expected that the evaluation will make use of quantitative data (from records, files and any surveys that have been conducted) and qualitative data (from interviews, group meetings and case studies and/or observations), and may also make use of data and findings on measures, including measures incorporated in the Act and position paper, available from **current or completed studies**. These studies, which relate primarily to pillar 2 and 3 measures, can be consulted for the evaluation and monitoring. It should be noted that the fact that some measures are being examined in current studies does not imply that these studies will provide all the information needed for the later evaluation.

As the Sanctions and Protection Act (Wet senb) includes an evaluation provision, the evaluation will in any case extend to the Sanctions and Protection Act (Wet senb). Although the position paper has another formal status and does not have a comparable evaluation provision it is, nevertheless, desirable to include sections of the position paper in the evaluation, in particular the measures relating to a safe re-

<sup>2</sup> See, for example, Wartna, B.S.J., N. Tollenaar, S. Verweij, M. Timmermans, M. Witvliet & G.H.J. Homburg (2014), Terugval in recidive; exploratie van de daling in de recidivecijfers van jeugdigen en ex-gedetineerden bestraft in de periode 2002-2010, Wetenschappelijk Onderzoek- en Documentatiecentrum (Cahier 2014-16), The Hague.



turn that are addressed less extensively in the Sanctions and Protection Act (Wet senb). Annual **monitoring** prior to the evaluation can provide an insight into the progress in the introduction, status of the implementation, bottlenecks, indications of side effects and trends in results, for as far as already apparent.

The monitoring and evaluation will focus on the Sanctions and Protection Act (Wet senb) rather than on the position paper. The **indicators** (see Appendix 6) for monitoring and evaluation will therefore primarily relate to the monitoring of the activities, measures and underlying active elements of the Sanctions and Protection Act (Wet senb). Information about these indicators gives an insight into the implementation of the Sanctions and Protection Act (Wet senb) and the extent to which the active elements have been initiated.

The implementation of the Sanctions and Protection Act (Wet senb) gives cause to the need for modifications to the cooperating organizations' **registration systems**. This will provide for the entry of records on the application of new measures and for exchanges of information between the cooperating organizations. Interviews with cooperating organizations have revealed that only minimal modifications of the registration systems to cater for the new methods and measures will have been completed at the time that the Sanctions and Protection Act (Wet senb) enters into force. Inserting this information requires major modifications to some existing registration systems or the construction of entirely new systems. Modifications of this nature are time-consuming and it is not certain whether the registration systems will have been modified as required before the Sanctions and Protection Act (Wet senb) enters into force. This may impede the introduction and implementation. This issue is certainly also of legal importance, as reward and punishment measures can have legal consequences for the implementation of the penitentiary programme (PP) or denial of conditional release (v.i.) and therefore, require proper substantiation that includes data. Limited registration systems also impede the evaluation, as the feasibility of measuring the effect of changes is impeded when less data at the time or shortly after their implementation is available.

The Sanctions and Protection Act (Wet senb) prescribes that the **first evaluation** must take place five years after the Act enters into force. However, not all results will be measurable after five years and the effect of modifications of the conditional release (v.i.) regulations, in particular, will only become evident at a later date. However, it is expected that experience with the new procedure for the conditional release (v.i.) decision-making will be available at the time of the first evaluation. The second evaluation can also examine experience with the reduction of the conditional release (v.i.) period. The introduction and implementation are also monitored outside of the periodic evaluations, which provides annual insights into progress in the implementation, bottlenecks, where relevant, and any side effects that arise.

#### Part D. Benchmark indicators

Questions to be answered:

13. What is the starting position in terms of the indicators?
14. Have the indicators already been registered? If so, where and how? Can they be accessed at periodic intervals? Are there indicators that still need to be registered? If so, which and by whom? Are there indicators which require specific autonomous research? If so, which?

Indicators have been formulated for the future monitoring and evaluation of the measures in all policy logic pillars (see Appendix 6). This study maps the benchmark with these indicators. The benchmark was mapped using solely quantitative register data of various cooperating organizations and, therefore, without carrying out file measurements or collecting and processing other qualitative or quantitative data. The **benchmark** mapped in this manner yields only a limited insight, in part due to the unavailability of quantitative register data for all indicators: most of the data for the pillar 3 indicators is qualitative data and the data for the pillar 2 indicators originates from Custodial Institutions Agency (*Dienst Justitiële Inrichtingen, DJI*) dossiers (neither of which were used for the benchmark) and, moreover, data for a number of indicators has not been registered to date, for example because they relate to new procedures. Therefore, the benchmark provides an insight solely for the 'Punishment is punishment' pillar (pillar 1).

The benchmark reveals that only a small proportion of detainees have been granted a conditional release (v.i.) period of longer than two years: only three per cent of the detainees who qualify for conditional release (v.i.) are granted a period of longer than two years<sup>3</sup>. The adjustment of the length of conditional release (v.i.) to a maximum of two years will, therefore, affect only a small fraction of the detainee population.

Most of the data required for future monitoring and evaluation will originate from the central office for conditional release (*Centrale Voorziening voorwaardelijke invrijheidstelling, CVv.i.*), Custodial Institutions Agency (*Dienst Justitiële Inrichtingen, DJI*), Probation Service (*Reclassering, 3RO*) and municipalities. An inventory carried out at the cooperating organizations revealed that some of the **indicators** have not been registered to date. This is largely due, as referred to above, to the fact that these relate to new procedures and processes which have yet to be incorporated in registration systems. As stated earlier in this report, the cooperating organizations will need to modify their registration systems to bring them more into line with the new practical situation after the Act enters into force. This is, in particular, the case with the pillar 3 indicators that relate to the amended collaboration between the cooperating organizations and experiences with this collaboration. Supplementary file research will be needed to gain an insight into the implementation by the Custodial Institutions Agency (DJI).

### In conclusion: policy logic, implementation and evaluation

The objective of this study was to prepare for the evaluation and monitoring of the Sanctions and Protection Act (*Wet straffen en beschermen, Wet senb*) and of the position paper. This was carried out by reconstructing the policy logics, deriving meaningful indicators from the policy logics for monitoring purposes, formulating a monitoring programme, and using the indicators to map the benchmark. These steps lay down the basis for the future evaluation of the Act and the position paper. The evaluation is not part of this study, although the outlines of the evaluation and the information needs have been previewed to provide for timely anticipation. The findings reported in the previous sections reveal that it will be worthwhile to give consideration, at an early stage, to the evaluations to take place five and ten years after the Act enters into force. There are two important reasons for this.

The first reason is the great need for information. It is not self-explanatory that this information need will be met: registration systems will need to be configured/reconfigured and filled, and current pilot trials will need to yield new data and findings. There are also blank spots in the knowledge and information needs that are not filled/met with existing and new registrations, files and studies. New studies can be carried out in the coming years in an endeavour to make sufficient material available for future evaluations. The areas and issues for which material is required have been identified by the analyses carried out for this study.

The second reason is expectation management. The Sanctions and Protection Act (*Wet senb*) incorporates an evaluation provision which prescribes that the Minister will inform the House of Representatives of the States General on the effectiveness of the Act and the effects in practice. This preparatory study reveals that an evaluation of the effectiveness, in particular in terms of a causal relationship between the measures set out in the Act and the intended effects, is infeasible. Firstly, the main and higher objectives of the Act and the position paper are too abstract to determine the target range. This is, for example, applicable to the higher 'fair, balanced application of punishment that increases safety' objective and to the main 'retribution' objective. Although the main 'recidivism reduction and safe return' objective is less abstract, this is dependent on a large number of factors and circumstances that preclude the isolation of any contribution made by the implementation of the Sanctions and Protection Act (*Wet senb*) and the position paper. Therefore, the evaluation of the Act cannot be carried out in the form of an effect evaluation (addressing the main question 'does the implementation of the Act and position paper achieve the intended effects?'), and a process evaluation is the maximum that is feasible.

<sup>3</sup> This was measured with a selection of detainees who completed their detention in 2019 and who, in principle, come into consideration for conditional release (v.i.).

A process evaluation answers the question whether it is in practice possible to implement the measures set out in the Act in the intended manner, whether the results are developing in the required direction and whether there are any side effects and, if so, which. Secondly, the question refers to an evaluation of the Sanctions and Protection Act (*Wet senb*) and the position paper. An evaluation of both leads to a study of a complexity that gives rise to doubts about its feasibility. For this reason, it would appear to be preferable to focus the evaluation on the Sanctions and Protection Act (*Wet senb*) as adopted by the States General in the form of an entirety of measures that are intended to achieve the specified objectives. The position paper has another status: it sets out the Government's ideas on the future application of punishment. Therefore, an evaluation of the position paper would appear to be less logical. However, the position paper cannot be fully set aside, as it contains more explicit information on measures, in particular second (Behaviour counts) and third (Working on a safe return) pillar measures, than the Act, which primarily sets out competences. For this reason, a complete insight can be obtained only when these measures are taken into account in the monitoring and the subsequent evaluation. Therefore, on balance the evaluation encompasses more than solely the Sanctions and Protection Act (*Wet senb*), but less than the Act *and* the position paper.

The reconstruction of the policy logics of the Act and the position paper reveals the measures that the policy-makers wish to deploy to achieve the objectives. The policy logic is the result of the process in which political objectives are interpreted in terms of the required results. This should ideally be a rational process, in which all measures, steps and relationships are substantiated on the basis of knowledge on their effect. This has been achieved for some elements of the policy logics, but not for others: some elements of the policy logic are not based on scientific or practical knowledge, but rather on desirability and political preference. This does not imply that these measures cannot work, but it *does* imply that it is uncertain whether they will work. The entirety of the measures set out in the policy logic gives the impression of an ingenious but fragile structure. The elements engage with each other, can enhance each other and can promote the operation of the punishment application process in the intended manner, but the structure is also fragile as the elements also form each other's preconditions. Failure to implement the measures in each of the pillars in the appropriate manner has consequences for the other pillars and, therefore, for the achievement of the target range. The implementation of the measures in each of the pillars is crucial for the effect. The policy logics designate the implementation at the penal institutions (PIs) and collaboration between the cooperating organizations as important preconditions. There are major challenges with respect to the personnel of the penal institutions (PIs) (staffing, skills), support with tools, registrations and ICT, and the cooperation between judicial and administrative parties. The political debates on the implementation of policy conducted at the time of the completion of this study reveal both that adequate attention for the implementation of policy is not self-explanatory and that shortcomings in the implementation can cause major problems. When viewed from this perspective, although a process evaluation focused largely on the implementation is a negative choice (because an effect evaluation is infeasible), there are also strong arguments for the selection of this form of evaluation for the assessment of the effect of the Act.



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