

BEÏNVLOED GEWELD

Evaluatie Wet middelenonderzoek
bij geweldplegers (WMG)

summary

Beke // reeks

Summary

In 2017 the ‘Wet middelenonderzoek bij geweldplegers’ (Substance Research Act for Violent Offenders, WMG) was implemented. Investigating officers were qualified to test suspects of violent crimes for alcohol- and drug (ab)use. The minister of Security and Justice already promised to do a policy evaluation at the time. The research objective is described as: ‘the evaluation must provide insight in the efficacy and effectiveness of the WMG and contribute to countering committing violence while intoxicated. This evaluation might incentivize new initiatives for effectiveness’. The evaluation consists of a plan and process evaluation and, dependent on the insight from this, possibly an effect evaluation.

For the plan evaluation, the following issue is formulated: ‘What was the intention of the legislator with the implementation of the WMG and in which ways is this goal/are these goals supposed to be achieved?’ For the process evaluation the following issue is formulated: ‘What is the process of implementation in practice of the elements deemed essential in the plan?’

Next, the following research questions for the plan evaluation are formulated:

1. What did the legislator intend with the WMG as a main goal, as well as possibly underlying subgoals?
2. In which way(s) is this goal/are these goals supposed to be achieved?
3. Which possible other, including possibly contrarian, effects are foreseen and found?
4. To which elements and/or to what extent must the plan (see research question 2) at least comply to, to be able to assume a certain degree of goal achievement?

For the process evaluation the following research questions are formulated:

5. What does the implementation of the elements deemed essential for achieving the goal look like in practice?

6. Is the implementation of the elements deemed essential in practice sufficiently in accordance with the plan (see question 4), so that the intended effects can occur?
7. Are there indications in practice for unforeseen, both positive and 'contrarian' effects?

In this summary the main findings will be shown. For a more detailed description of the findings, the interested reader can turn to chapter 8 in the complete study.

Research activities

A document analysis is carried out for the plan evaluation, including all of the pieces regarding the bill itself and different researches relating to the WMG. This analysis laid the foundation for a reconstruction of the bill's history and the objectives and intended working components in the WMG are lined up. Also, there have been conversations with key figures related to the origin of the bill.

The process evaluation consisted of three elements. Firstly, a so called 'funnel analysis' is carried out over the period 2017-2020. This is an analysis of WMG-related incidents and the handling of said incidents, in context of the WMG, in the business processes system of the National Police (Basic Enforcement Facilities: BEF). On the basis of BEF-data it seemed possible to take into account the number of breath- and blood tests, including the results of last mentioned tests. De funnel analysis therefore depicts a complete picture of the development of prevalence of the police's WMG-process the first four years of the law. Secondly, a survey has been carried out under assistant public prosecutors, (hOv)'s employed by the police) questioning the process aspects of the WMG with the police. This survey gives insights into the national practices at the police, regarding the WMG. The third and last element of the process evaluation concerns a case analysis. Through this analysis, the practices of the WMG in six police basic teams was discussed. Furthermore, several additional interviews have been carried out.

All-in-all, this research can be typified as an evaluation of the WMG, from the perspective of the police. Whether the Public Prosecutor indeed demands heavier sentences/special conditions and whether the judge will adopt this, lays outside the scope of this research. This could be a research topic in a possible effect evaluation.

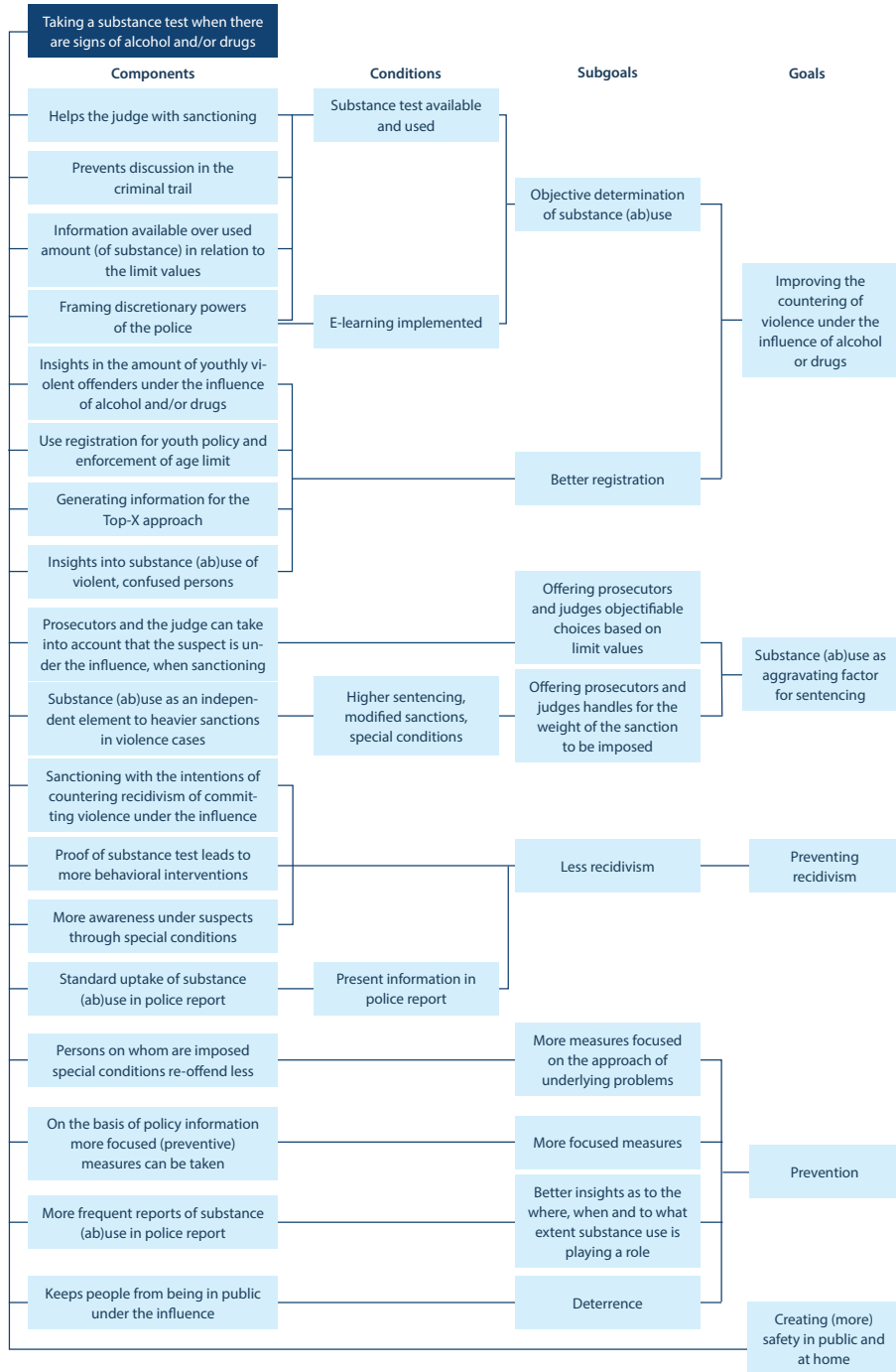
Goals and goal achievement

Following the document analysis and the interviews, different main goals and underlying sub goals can be distinguished regarding the WMG. These goals are summarized as follows:

Goals and sub goals	
1	Improving the approach to violence under the influence of alcohol and drugs <ul style="list-style-type: none">• Objective determination of substance use\• Better registration by police
2	Creating (more) safety in public and at home
3	Substance (ab)use as aggravating factor for sentencing <ul style="list-style-type: none">• Offering prosecutors and judges objectifiable choices based on limit values• Offering prosecutors and judges handles for the weight of the sanction to be imposed
4	-4- Preventing recidivism <ul style="list-style-type: none">• Less recidivism
5	Prevention <ul style="list-style-type: none">• More measures focused on the approach of underlying problems leading to substance (ab)use• More focused measures• Better insights as to the where, when and to what extent substance use is playing a role• Deterrence

How one wants to reach these (sub)goals is described in different phases of the bill development for almost all goals, except for the 'Improving safety in public and at home'. The (sub)goals, intended working components and conditions are depicted in the following goal tree:

Figure 1: goal tree WMG



The plan in practice

In general, the goals are fairly well elaborated, especially for the police. The police is working with a frame, that consists of 15 process steps. The whole process, from the degree of approachability of suspects to the notification of the Dutch Forensic Institute's test results of the suspect, is captured therein. This process is provided with four sorts of tests, two in the first phase (breathalyzer for alcohol and a saliva test for drugs) and two in the second phase (breath test for alcohol and blood test for alcohol and/or drugs).

The goals *improving safety in public and at home* (goal 2) and preventing recidivism (goal 4) are least elaborate in practice. Goal 2 was not elaborated, but is seen as an overarching goal that is automatically achieved if the other four goals are achieved. The goal regarding recidivism is technically elaborated in practice by looking at the development of that amount of police reports (pr) substance use with violence, the amount of violent reoffenders under the influence and the amount of imposed behavioral interventions as special conditions.

Executives-wise, the WMG knows a few weaknesses that can be of influence on the development of a few WMG-settlements:

- Little knowledge of/interest in the WMG under police officers;
- The discretionary powers and the complexity of the WMG-process leads to forgetting/skipping the WMG-execution;
- The WMG contains a few detrimental risks, like no higher sentencing and/or special conditions are imposed, while a case is delivered completely ('why would I still do it?'). Also, no feedback on the cases that did successfully appear before a judge is a detrimental risk.

Amount of WMG-routes

Following the analysis of the business processes system BEF of the National Police, it seems that a fraction of all registered arrests for violent offences lead to a WMG-route. Logically, because not every violent offence is committed under influence. Still, the percentage of WMG-routes (2,5 percent) is substantially lower than the prevalence of substance related violence shown in researches: a minimum of 26 percent for alcohol related violence and 3 percent for drug related violence. The difference between the two percentage numbers in prevalence and the percentage of started WMG-routes is an indication for the considerable room for the implementation of WMG. This observation is of importance, because implemented WMG-routes in most cases lead to a breath or blood test.

'Contrarian' effects

Following the plan evaluation, a few contrarian effects were expected in the execution of the WMG. Civilians might refuse WMG-tests and civilians that might argue in court that they were not thinking about what they were doing because of substance use, asking for lighter sentencing. Following the process evaluation, the results show that the first contrarian effect indeed was reality, even increasingly when looked at the research period (from 14 percent refusing breath- and blood tests in 2017, to 20 percent refusal in 2020). The second contrarian effect does not seem to happen often.

Suggestions for the effect evaluation

When looking at the plan and process evaluation, extra effort seem to be needed to get WMG more in practice. Nevertheless the amount of WMG-settlements offer a solid basis for a successful effect evaluation. The incidents that, from the perspective of police, are handled “fully” by WMG, so including a breath and blood test result, this concerns 6,720 incidents over the course of 2017 till 2020. However, it is unclear whether a sentencing recommendation from the public prosecutor partly based on this will follow and whether a higher sentence or special conditions will be given by a judge. In the effect evaluation, or an intermediate step beforehand, it is of importance to analyze this. Also, it is of importance for an effect evaluation that information per case is made available, so that any effects can also be related to what may have been done by the Public Prosecution and the judge relating to WMG. Lastly, it is essential that substance-related violent recidivism is looked at, for both the group civilians that went through the WMG-route and the refusers.



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