

Willingness to self-report among convicts with self-reporting status

WODC-reference: 3319
Date: November 2023
Contractor: Dialogic
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The self-reporting ('zelfmeld') procedure

Convicts who are to serve a custodial sentence in a penitentiary institution (hereinafter: PI) may be summoned to self-report at a designated penitentiary institution on a specified date ("convicts with self-report status"). Since January 1, 2020, the Minister for Legal Protection is responsible for deciding whether a convict is eligible for self-reporting. This decision is made by CJIB-AICE on behalf of the Minister. AICE then defaults to self-reporting ("it is self-reporting unless..."), but has some hard grounds for exclusion. AICE determines on a case-by-case basis whether or not to grant self-reporting status. In doing so, implementation takes into account the interests of (the resocialization of) the convicted person, the victims and relatives, and the safety of society. In theory, the assessment of self-reporting status includes whether a person has previously responded to the self-reporting call. However, AICE indicates that in practice this does not play a role. Former non-self-reporters can be re-selected for self-reporting, and as far as we have been able to find out, this happens on a large scale. When AICE has assigned self-reporting status, and there is room in a suitable PI, DJI-DIZ sends a summon to this person. This summon contains a letter with the date when a person is expected to report to a PI. What is explicitly missing from this appeal are the benefits of self-reporting. The letter does state that a convict will be placed in an arrestee regime if she or he fails to report on time.

If an offender fails to report to the jail on the prescribed date specified in the summons letter, he or she will be reported for detainer proceedings ("non-self-reporting"). At that point, this person loses self-reporting status and can be arrested by the police at any time. Upon arrest, the convicted person is then placed in an arrestee prison with an austere basic program. Furthermore, the region of residence is also given less consideration in placement.

Central topic of the research

Self-reporting offers obvious advantages for the convicted person, such as knowing several weeks in advance when detention will take place and direct placement in a plus programme at a PI near the place of residence. Self-reporting also has benefits for the justice system. DJI can better prepare for a detainee's arrival, which brings planning and efficiency benefits.

Although self-reporting has obvious advantages for the convict, at least at first sight (see above), in practice, nevertheless, less than half (around 45%) of convicts with self-reporting status use this option. This study investigates the reasons for the low willingness to report of those sentenced in the self-reporting procedure.

Previous experiences of increasing self-reporting (Pilot 3Noord)

A previous practical experience highly relevant to this study is one of the pilot projects from the 'Koers voor Kansen' programme: P3Noord. P3Noord was launched in 2018 from the

provinces of Friesland, Groningen and Drenthe. The aim of the pilot is to reduce detention damage. The focus is on strengthening care before actual prison admission for convicts with self-reported status. This includes care traditionally provided in the recovery phase for ex-offenders (i.e. after detention), but now deployed as a precautionary measure (i.e. before detention). The pilot achieved (in the province of Groningen) a reporting rate of 73% in the province of Groningen, compared to 62% in Friesland, 43% in Drenthe, and an average of 45% in the Netherlands as a whole. In Groningen, a central process with a central coordinator was chosen. This allows the coordinator and the central team to quickly build up a lot of experience in carrying out the process (e.g. requesting information from relevant agencies, establishing and maintaining contact with the convicted person). In Friesland and Drenthe, municipalities were themselves responsible for case handling, many dealing with a handful of cases per year and had little opportunity to build up experience with the process.

At the moment DJI sends the summons, DJI's liaison circulates the list of names of convicts with self-reporting status to the relevant municipal staff and case managers in the PI. The contacts at the municipality check whether the convict is already known in their systems. The outcome of the screening does not determine whether the convict with self-reporting status may participate in the pilot (no one is excluded) but it does determine which route is chosen in making contact with this person: (1) a letter from the municipality requesting contact within five days or (2) contact through an agency already working with the convict. If the convict (under (1)) does not respond himself, a staff member from the pilot visits the convict at home. Under both (1) and (2), an action plan is then drawn up with the convicted person. This looks at every aspect of the convict's life, what the impact of detention might be and how this harm could be prevented/reduced as much as possible. The plan is passed on to the case manager in the PI. About a week before the six-week deadline for self-reporting expires, supervisors contact the convict again with a self-reporting status. This contact serves to discuss the progress of the convict with self-reporting status, and to gauge whether there are any additional help questions or challenges that can be addressed during the stay in the PI. During contact with the convict with self-reporting status, it was found that 82% of the group had a help request, while 7% had no help request. 11% of the group reported having no help request but nevertheless the professionals involved chose to take care or safety action.

Theoretical framework (COM-B model)

To identify the factors involved in the behaviour of non-self-reporters, in this study we use the COM-B model as a framework. The model describes the interaction between three components: Capability, Opportunity and Motivation. By Opportunity, we mean factors that are beyond the person's control, but which cause the person to report or not. In Capacity, when performing behaviour, not only thinking ability (cognitive skills, intelligence) but also doing ability plays an important role. Doing ability refers to non-cognitive abilities, such as setting goals, making plans, taking action, persevering and coping with setbacks and temptations. The components Capacity and Opportunity influence Motivation and together they determine whether certain Behaviour is performed. Doing capacity is influenced by the context the person is in at the time. When convicts have low doership, they cannot bring themselves to self-report at that moment. Performing behaviour can, in turn, affect Capacity, Motivation and Opportunity. For example, if people believe they are sufficiently competent to perform a task, it increases the likelihood of that task being completed with a positive outcome. It is therefore important to support people in such a way that they feel they have taken steps themselves, and that success can be attributed to their own actions (in this case: self-reporting). According to this model, behavioural change can occur when a person has both physical and psychological capacity, the environment allows it and the motivation to perform the desired behaviour. These factors are not binary and also influence each other. The extent

to which a person scores better on the mentioned factors increases the likelihood of eventually exhibiting a particular behaviour.

Research methods

For data collection in this study, we conducted interviews with experts (n=12), analysed administrative data (7,735 records from DJI), and conducted field research in correctional institutions (PIs). The exploratory interviews with experts were used to test the theoretical framework, to clarify the self-reporting procedure, and as a basis to design the interview protocol for the fieldwork.

The DJI data set covered the period from August 2020 to December 2022. The bulk of convicts with self-reporting status (93%) are male. Of these men, 47% self-reported, compared to 52% among women. The majority of convicts with self-reporting status have short sentences (75% have sentences of less than one month). The self-reporting rate for short sentences is lower than for long sentences: for sentences of up to two months, only 45% report. In contrast, among convicts with sentences longer than six months, 75% report. Older convicts (>46 years) are more likely to report than younger convicts but regardless of age, convicts are more likely to report for long sentences than for short sentences. Among all categories, men aged 25-45 with short sentences are least likely to come forward to self-report. The self-reporting rate is lowest in the summer months of June, July and August and in December. It is precisely in these months that most self-report notices are sent. The most determining factor as to whether or not someone self-reports is whether the summons was sent to a foreign address. In absolute terms, this is a small group (n=744) but the self-reporting rate is extremely low (6%).

Findings from field research (interviews with convicts)

In the field research, we interviewed convicts without (n=3) and with self-reporting status, and in the latter case both convicts who actually self-reported ('self-reporters', n=8) and convicts who did not ('non-self-reporters', n=25). During the fieldwork, we encountered a number of "spontaneous" self-reporters (n=6, 5 of them with self-reporting status). These are convicts who have reported themselves to the police (and thus not to the PI). Despite their self-reporting status, they then come in as arrestees, i.e. as non-self-reporters. What these cases show is that a personal approach and flexibility from the police was sufficient with these people to eventually get them to display the behaviour of self-reporting.

In conducting the field research, it proved to be a major challenge to speak to enough non-self-reporters. To set up interviews with detainees, we were dependent on contacts within the PIs. This prevented us from choosing the PI where we wanted to speak to detainees at the time. Secondly, the PIs themselves do not know who the non-self-reporters are. After all, convicts with self-reporting status who have not reported, enter the PI as regular detainees. DJI later figured out for us which detainees were non-self-reporters. During the duration of the study, there were three inquiries into which PIs contained non-self-reporters. In total, this amounted to 102 potential interview respondents spread across nine PIs. Of these, we were eventually able to speak to 25, in three PIs.

Interestingly, the self-reporters we spoke to were predominantly first-time detainees, while the vast majority of non-self-reporters had been detained before (n=18). This variable was not present in the DJI dataset. In general, self-reporters seem to have their lives more in order (in terms of housing, family, work) than non-self-reporters. Of the 25 non-self-reporters, 11 (44%) said they had not received the self-report call. Here we place the disclaimer that we cannot validate this. In some cases, it is likely that the person did indeed not receive the letter. Letters may have been sent to an address where the convict is not currently

located. Compared to the self-reporters spoken to within this study, non-self-reporters are more likely to have no fixed residential address. In other cases, that is less likely that the letter (really) did not arrive. It is possible that the letter was received but not opened, or was opened but not read. A total of 22 convicts we spoke to say they received the self-reporting call. Of these, 8 eventually reported themselves, 14 did not. All 22 indicated that the letter was easy to understand. This may have been a socially desirable response. Despite us being alert to this, it is difficult to ascertain.

Whereas we thought beforehand that non-self-reporters might not come forward because they might think they will not be caught, this proved not to be the case: convicts almost unanimously consider the probability of being caught high.

Most self-reporters indicated that they did not even consider not self-reporting. The most frequently mentioned benefit of self-reporting is that convicts know when they have to sit and know when they are out of punishment. There are different opinions about the benefit of the plus programme, but this depends entirely on the PI the detainee is in. Almost all self-reporters reported that the six weeks between receiving the self-reporting call and the reporting date were sufficient to settle their affairs.

Analysis outcomes field research using the theoretical model

We described the factors why convicts with self-reporting status (eventually) do not self-report using the COM-B model. Under 'Capacity', several non-self-reporters have addiction issues at play. These detainees all indicated that they would have liked to self-report, but ultimately none of them succeeded. Minor mental disabilities may play a role in several non-self-reporters. One non-self-reporter himself indicated that he could not read, and therefore threw away mail unread. Not being able to speak Dutch is also a relevant factor. Of a number of non-self-reporters, we know through the contact persons at the PIs that they do not speak Dutch. However, these detainees, probably partly for this reason, did not want to talk to us. This group may also have difficulty understanding the self-reporting call. We suspect that this group is relatively large, especially among the group of non-self-reporters living abroad. This group currently reports very little.

Under 'Opportunity', three factors come into play in our population: the impact of the social environment ("no one in my environment would ever self-report"), having a caring role (children, informal care), and having debts (can be directly a reason for not self-reporting or indirectly raises the threshold). For the last two factors, the do-ability of the convicted person also plays a major role; the convicted person is unable to remove barriers from the environment.

'Capacity' and 'Environment' affect a person's 'Motivation' to perform certain behaviour. People can make a (deliberate) decision to report or not based on a number of factors (reflective motivation). In addition, the decision to report or not to report can be determined by emotions and automatic processes. These automatic processes are also influenced by capacity and environment. There is a relatively large group of non-self-reporters who make a rational consideration. Among these convicts, the timing of the self-reporting date and the specific PI weigh into the decision not to report. In particular, young convicts do not want to be in the summer. DJI data also shows that the self-reporting rate is lower in the summer months. Previous negative experiences with a PI or disappointments with the plus programme in a PI can also cause a convict to decide not to report to that specific PI. With automatic motivation, procrastination and ostrich effect are particularly at play. These convicts prefer to wait for the police to come and get them. Here too, the person's ability to think and act plays a role. In addition, cold feet may play a role. Fear and/or uncertainty lead to the convicted person not turning himself in at the last minute after all.

Possible solutions

We described three solution avenues to increase willingness to report among convicts with self-reporting status: (1) stricter selection on assigning self-reporting status, (2) increasing the group that takes up self-reporting and (3) bringing about behavioural changes.

Direction (1) is purely an accounting trick. In practice, the only benefit is some direct cost savings. Excluding a convict in advance because it is believed that he or she is highly unlikely to report in practice is not a sound legal ground. A central empirical finding from the field research is also that there are notorious non-self-reporters who do report after yet another challenge, for instance because they have now got their lives on track after years.

With (2), it is about ensuring that the content of the appeal reaches more convicts. This can be done by enclosing translations of the appeal and/or, as in the P3Noord pilot, proactively contacting a convict if they have not called the contact number in the letter. By asking convicts to contact a government agency to be determined at short notice, it is at least possible to estimate which (categories of) convicts may have a request for help and which convicts did not take the call.

Direction (3) focuses in particular on two subgroups of convicts: those who want to self-report, but do not know how; or those who doubt whether they will (or will not) self-report. The desired behavioural change (self-reporting) can be achieved by (a) using personal contact - this also provides an opportunity to offer specific support to convicts from self-reporting but do not know how, (b) offering flexibility in the self-reporting date and location (PI), and (c) improving the content of the self-reporting call (by better highlighting the advantages and contrasting them with the disadvantages of not self-reporting). Human contact makes the threshold for convicts to possibly self-report much lower. Among other things, this helps ensure that latent requests for help are still picked up, and that targeted support can be offered to the convicted person and/or their family. The personal approach also makes it possible to involve the social environment in the self-reporting process and/or limit the negative impact of the call (and of the detention itself) on the social environment. Approaching convicts proactively (both a week after the call and a week before the reporting date) results in the convict in question not lapsing into a situation of passivity and procrastination/avoidance. Offering more low-threshold flexibility than is currently the case (written request for postponement, plus the obligation to provide evidence of urgency) could increase the willingness to report among the group with rational consideration. The behaviour of the group of spontaneous self-reporters supports this solution direction.