

SUMMARY

Introduction

Since 2005, it is possible for (surviving relatives of) victims of crimes committed by offenders subject to tbs measures¹, to obtain information from the public prosecutor (OM) on the judicial process in the execution phase. This mainly concerns information on detention, judicial leave, prolongation and termination of the tbs measure. As from 2006, a similar arrangement applies to (surviving relatives of) victims of crimes committed by juvenile delinquents subject to a PIJ measure² or juvenile detainees with a detention period of at least six months.

The study

By order of the (Dutch) Scientific Research and Documentation Centre (WODC) of the ministry of Justice Regioplan Policy Research evaluated the process of information supply and surveyed the experiences of victims/surviving relatives. The results of this study serve as a basis to improve the process of information supply. The information has been collected by means of a document study, a questionnaire among organisations involved and interviews with representatives of these organisations. In addition, sixty interviews have been held with victims and surviving relatives of victims.

Results of the process analysis

A large number of organisations are involved in the process of information supply. With regard to the Public Prosecutor, the district offices, the offices at the Court of Appeal, and the National Information Point Judicial Leave (LIJV) all have responsibilities in the information process. With regard to the Dutch National Agency of Correctional Institutions (DJI), the judicial leave unit, the forensic psychiatric centres (FPCs, the treatment clinics) and the individual youth cases department (IJZ) are involved in the information process. The data flows between the organisations involved are laid down in protocols.

In practice, the course of the information process can only be analysed with regard to (surviving relatives of) victims of crimes committed by tbs offenders. With respect to juvenile delinquency this process is still in its infancy.

¹ Dutch penal law procedure for detention under a hospital order of mentally disturbed violent offenders.

² PIJ is short treatment in a juvenile detention centre (also known as 'youth tbs').

There are a number of weak links in the information process:

- The various offices of the Public Prosecutor do not have a univocal working method with regard to informing (surviving relatives of) victims about the possibility to obtain information. There is no standardised working procedure laid down in writing. Moreover, most offices do not keep a record of the information need (or only on paper), which means the offices lose track of the situation.
- Information that is passed to the LIJV by the offices of the Public Prosecutor is often incomplete: 65 percent of the data have to be verified. Verification includes, for instance, the accuracy of address information. Data of twenty percent of the (surviving relatives of) victims are passed to the LIJV by other organisations than the offices of the Public Prosecutor.
- The placement unit or judicial leave unit does not actively acquaint the FPCs with the information need of the (surviving relatives of) victims. Instead, the FPCs obtain this information from the digital registration system of the DJI or from the criminal files that are handed over by the placement unit. This working method does not comply with the protocol.
- Half of the FPCs acquaint the LIJV with the placement in detention of tbs offenders. In practice, this occurs in various ways. Not only at the offices of the Public Prosecutor but also within the FPCs it often occurs that a number of employees are involved in the information process. Moreover, there is no fixed working procedure at either the offices or the FPCs.

Strong links in the information process are:

- The way the data on the information need are passed on by the LIJV to the judicial leave unit and the IJZ of the DJI takes place according to the protocol. With respect to this, there are no bottlenecks worthy of mention. Especially after working arrangements had been made between the LIJV and the judicial leave unit in the course of 2008, these data flow according to protocol.
- When an application for judicial leave of a particular FPC is approved, the judicial leave unit or IJZ sends a copy of the leave authorisation that is issued to the LIJV. As from 2008, this procedure is followed properly and according to protocol, which is in particular due to the fact that from this moment on, the judicial leave unit has one fixed focal point.
- The way victims are informed by the LIJV passes off well, provided that the data of these victims have been passed to the LIJV. However, due to the fact that the LIJV only partly works with digital files, the current working practice cannot be applied to the intended expansion of the information process to the prison system.

Experiences of victims and surviving relatives

In addition to the process analysis, the study shows how victims/surviving relatives assess the information process and the contents of the information that has been obtained. Sixty interviewees are concerned here: they reacted positively to the offer of the Public Prosecutor to supply information and are included in the file of the LIJV.

Assessment information process

All respondents assess the *possibility* to obtain information as positive, because insight in the judicial process of their case provides them with a feeling of security. However, according to the respondents the system does not function properly. It is not clear to a considerable number of respondents which organisation provides the information and what kind of information can be expected and when. The fact that information is sent by mail and the style of the letters is predominantly assessed as positive. The most important point of improvement respondents mention is that the information should be more complete and should be supplied in time. An annual update of the state of affairs of the execution phase would also be most welcome.

Assessment of obtained information

The majority of respondents who have in the mean time been supplied with information, assess the information as insufficient. Sixty percent of the respondents are of the opinion that the information does not cover all the relevant issues and that the information per subject is too meagre. With regard to nearly half of the respondents the information does not meet their expectations. The obtained information is predominantly assessed as understandable, due to the clear style of the letters. The most important points of improvement that are mentioned are that more detailed information should be supplied and that information should be supplied on more subjects. This is mainly the case when the offender is an acquaintance of the (surviving relatives of the) victim, or when the offender lives close to the (surviving relatives of the) victim.

Conclusions and recommendations

Complex process

The information process is a complex and therefore vulnerable process. A large number of organisations are involved in the process. The organisations provide each other with information: the data flows. In view of the complexity of the process, it is important that the organisations involved have a clear view of the information process in its entirety and their own responsibilities in the process and, above all, that they carry out these responsibilities adequately and univocally. The study shows that with regard to these aspects the system does not function properly in practice, particularly at the offices of the Public Prosecutor and at the FPCs. As a result of this, not everyone who is part of the

target group is reached with information. The number of people concerned here cannot be indicated on the basis of this study.

Experiences of victims and surviving relatives

The way the information process is assessed by victims/surviving relatives who are reached with information, mirrors the flaws in the process. The most important point of criticism is that the information is not supplied on time and that (part of the) information is lacking. Another important point of criticism is that the obtained information is insufficient.

Consequences for information supply

It could be taken into consideration to improve and/or expand the supply of information on three main issues:

1. All victims/surviving relatives with a need for information should be reached with information.
2. Victims/surviving relatives could be informed periodically about the state of affairs in the execution phase.
3. Possibilities for a more detailed information supply could be investigated.

These aspects can be realised by means of the following points of improvement:

1. The organisations involved, in particular the offices of the Public Prosecutor, should work in a univocal manner.
2. The parties involved should record and verify data digitally and in a structured manner.
3. All parties should be provided with reliable software that is suitable for data exchange. The parties could be given access to each other's systems or they could work with the compatible systems.
4. It should be investigated whether the LIJV has enough software and/or knowledge at its disposal to be able to work with the current system.