

Summary

Assessment of the pilot of the National Toolset
for the Juvenile Criminal Law Chain (until January 2011)

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Amsterdam, March 12 2011

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Dit onderzoek is uitgevoerd in opdracht van het WODC van het ministerie van Justitie.

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Summary

Introduction

The period from October 2010 to February 2011 the second pilot for the National Toolset for Juvenile Criminal Law Chain took place (*Landelijk Instrumentarium Jeugdstrafrechtketen*; referred to below as 'LIJ') in District 9 and 10 of the Rotterdam-Rijnmond police region and the Heuvelrug and Binnensticht district in the Utrecht police region. The LIJ is mainly designed to reduce the number of repeat offences among youths and to improve the conditions in which they are raised and develop. These objectives are achieved within the LIJ by systematically incorporating the 'What Works' principles in the procedures of the entire chain and by implementing selection, screening and diagnostic tools that allow the chain partners to build on the information previously collected in the chain.

In brief, as part of the LIJ the chain partners involved select, screen and diagnose the youngster during the various stages of the criminal proceedings and inform the judiciary of the outcome in order to enable it to make a decision.

At the start of the criminal proceedings, law enforcement officers complete the 'pre-selection' section (referred to in Dutch as a *kerndeel*, i.e. a core component) of the tool for each young offender who has been arrested. This tool, which is based on static information from a variety of sources, including the youngster's background and previous convictions, then calculates the probability of a repeat offence. If the youngster meets the Halt criteria, he/she is referred to Bureau Halt (*agency dedicated to preventing youth crime*), where the Halt identification test is administered. If the young offender is prosecuted by the Public Prosecution Service, the Child Care and Protection Board [*Raad voor de Kinderbescherming*], administers selection tool 2A. Subsequently the Board can administer tool 2B, depending on the outcome of the 'Dynamic Risk Profile' in tool 2A or if in-camera proceedings are scheduled for the demand for custody.

The purpose of the tool 2A is to examine the youngsters who are being prosecuted more closely on the basis of a number of highly predictive, dynamic criminogenic factors. The purpose of the 2B selection tool is to describe all criminogenic factors and to determine the level of criminogenic need. Both of these selection tools are designed to also identify any alerts or issues for concern relating to the youngster.

The Youth Care Agency (engaged in juvenile rehabilitation) is authorised to administer and/or update the 2B tool. If the arrested youngster is already under juvenile parole/probation, the Youth Care Agency administers the LIJ. It uses information from contact with the youngster and his parents as well as the information the Child Care and Protection Board has collected before for administration of tool 2A.

On behalf of the Scientific Research and Documentation Centre (*Wetenschappelijk Onderzoek en Documentatie Centrum*), DSP-groep conducted a

process assessment designed to determine how the formal structure of the LIJ is being implemented in practice and what changes (both organisational and substantive) are recommended before the LIJ can be implemented nationwide. Fieldwork for this assessment was conducted from November 2010 through mid-January 2011

A variety of research methods were used for the assessment. For example, a total of 41 interviews were conducted with representatives of chain partners involved in the LIJ, and a time-recording study was conducted at law enforcement agencies, the Child Care and Protection Board and Bureau Halt. In addition, an analysis was performed on a registration system (LIJ monitor) of the project team of the pilot in which the various data for all pilot cases are recorded. Furthermore, the assessment involved an examination of various documents.

Limitations of the study

The pilots had a dual purpose: 1) to determine the performance and use of the LIJ in practice and 2) to further develop the tools. This latter process had an impact on the process assessment: generally, the programme integrity of a project is assessed by comparing the practical situation with the formal description of the programme's structure. However, in the case of the LIJ pilots the formal structure had not yet been completely established at the start of the pilot. In order to still be able to determine the programme integrity in a systematic manner for the process assessment, it was decided to compare the the practical implementation of the LIJ to the formal structure of the LIJ based on manuals published in September 2010 (the start of the second pilot phase). However, differences between the practice and the formal structure could not be automatically attributed to low programme identity, since it was also possible that procedures had simply changed since September 2010.

This problem was resolved in part by using an assessment framework. This framework was used to determine for each deviation in practice from the formal structure to what extent this change adversely affected timeliness, effectiveness and/or equality before the law. To the extent that the deviation did affect any of these three principles, the deviation was regarded as an omission of the LIJ. However, it was not possible to determine for every deviation whether it undermined the formal structure, since an impact assessment was necessary in order to answer that question. An impact assessment of the LIJ is scheduled for a later date.

Research findings

Programme integrity

The process assessment showed that the guidelines of the LIJ were followed for the greater! part consistently by all the parties involved. The deviations that did occur were justifiable in terms of effectiveness. For example, in cases where the Public Prosecution Service decided to dismiss charges, no further child welfare investigation was conducted by the Board. The other way around, sometimes, contrary to the LIJ guidelines, a follow-up investigation was conducted. For example, when a youngster in reality had a more severe criminal history, than was accounted for in the preselection.

However, the process assessment also revealed a number of situations where there were no valid reasons not to comply with the guidelines. For example, sometimes tool 2B was administered when this wasn't prescribed, caused by a lack of clarity in the guidelines among the Board-investigators. Also, sometimes the Board conducted investigation in cases that should be handled by the Youth Care Agency, according to guidelines.

The assessment shows that the parties administering the various modules match those specified in the formal structure of the LIJ; in the case of law enforcement officials, however, the section on pre-selection is not completed by the quality controller but rather by other officers. However, this change does not appear to be contrary to the fundamentals of the LIJ, since other officers are also perfectly able to implement the LIJ.

It should be noted, finally, that a number of work processes were still being developed at the time of the pilot: since the roles of juvenile rehabilitation and the Board were still being discussed in mid-March 2011, the definitive role of these chain partners in the LIJ was consequently not tested.

Reaching the target group

The vast majority of the intended target group was reached through the pilots, which is to say that the tools were used for virtually all the youngsters who lived in and were arrested in the districts and who participated in the pilot. There were a limited number of exceptions to these rules. In the Rotterdam pilot, no pre-selection was made for arrested youths for whom the police decided, after consulting with the public prosecutor's office, to dismiss the charges (the public prosecutor's office is always consulted in these cases).

The assessment also showed that the Board was unable during weekends to administer the LIJ among young people to whom they were providing pre-trial assistance as part of a pre-trial assistance programme, as not all the members of the weekend on-call service were trained in the use of the new diagnostic tools. In addition, not all youngsters remanded in custody during the pilot were surveyed appropriately (by administration of 2B) by the Board or Youth Care agency, caused by logistic problems.

The chain partners did manage to involve the other categories of young people who participated in the pilot (in numbers, this is the vast majority of cases) through the LIJ.

For the youngsters involved in the LIJ, in approximately one-fourth of the cases the module administered differs from the module that was prescribed by the Dynamic Risk Profile outcome or by the guidelines. However, there is usually a good reason for these discrepancies, and in addition they facilitate the efficient administration of the LIJ: i.e. in dismissed cases, follow-up investigation is no longer necessary.

Cooperation

One of the purposes of the LIJ is to make the information-gathering process between the chain partners more efficient and effective. However, the process assessment shows that the cooperation between the chain partners was already satisfactory in recent years and that the LIJ has barely had an

impact on this cooperation. In terms of sharing information, the LIJ has clearly resulted in some improvements: for example, the consistency of the tools used and the technical infrastructure of the LIJ ensure that diagnostic information is communicated effectively across the chain during the pilot. This allows chain partners to use data previously gathered in the chain more easily than used to be the case. An exception to this situation is Bureau Halt (see above), which has no access to the LIJ's electronic infrastructure.

Investment of time

The investment of time varies depending on the chain partner and the module. A time-recording study revealed that law enforcement officers required approximately 8'55 minutes to complete the pre-selection section (i.e. the 'core component').

Since the intention is to further automate these surveys, the investment of time is expected to be reduced substantially. However, the time investment remains the net result, as the pre-selection section does not replace any other police activity and as such should be considered additional work.

The time-recording study conducted by the Child Care and Protection Board in 2010, shows that use of module 2A by the Board did not result in any improvement in time investment compared to the BARO (*a screening tool for juvenile crime cases developed by the Child Care and Protection Board*); in fact, the investment of time appears to increase slightly.

For module 2B, it is not possible to determine on the basis of time recording whether the investment of time has changed, as there were no time-recording registrations for the extended version of the BARO [USO], which can be seen as the alternative for module 2B. However, the majority of the child welfare investigators surveyed believe that the time required for 2B is substantially less than the time required for the USO.

Nevertheless, the process assessment shows that 2B is now used in situations for which in the past it was sufficient to conduct a regular BARO. In this situation, the investment of time has increased significantly.

The investment of time made by Bureau Halt in conducting the Halt identification test is approximately 30 minutes; Halt employees do not consider this investment a significant burden.

The investment of time by juvenile rehabilitation agencies was not determined by means of a time-recording study due to the limited number of cases involved in this assessment; however, the youth probation officers stated in the interviews that they expected the 2B module to require a substantial investment of time, particularly compared to the former situation, where they were administering the Washington Pre-screen Risk Assessment.

Overlap between the modules of the tool set

The LIJ has different modules for the various stages of the criminal proceedings (i.e. the pre-selection section and modules 2A and 2B). The information collected by the police during the pre-selection stage is largely derived from the police registration systems (the National Law Enforcement Database (*Basisvoorziening handhaving*) and Identification Service System (*Herkenningdienstsysteem*)) and the Municipal Personal Records Database (*Gemeentelijke Basisadministratie*). Note that these facts are not open to multiple interpretations. During the selection stage, new information about the

youth's personal circumstances is gathered, in addition to the information about his/her previous convictions. This process draws on a number of different informers (e.g. children, parents, the school), questionnaires/surveys and information from existing files in which the youngster is included.

There is officially an overlap between the modules: both the pre-selection section and the selection modules (2A and 2B) include the personal details of the youngster, along with the results of the risk assessment included in the pre-selection section. However, note that this overlap of information is very limited, and in addition the information does not need to be collected again for the modules during the selection stage, being instead copied from the pre-selection stage and then incorporated into these selection modules.

There is also overlap between modules 2A and 2B, since the 2B module is a more detailed version of the 2A module, which means it contains the same information as 2A, along with additional data. However, effectively there is no overlap, as the information from 2A need not be collected and/or requested again if the module is administered again. If module 2A has not been administered prior to the administration of module 2B, all information will nevertheless be collected.

In addition to overlap between the LIJ modules, there may be overlap with other risk assessment tools used within the criminal law chain – this appears to be the case with 2B and SAVRY. This latter assessment (an acronym for **Structured Assessment for Violent Risk in Youths**) is administered as part of the YOUTURN project and designed to enable professional assessors to estimate and decide on the risk of violence among youths. The risk assessment test is generally conducted if a youngster remains in a youth custodial institution for more than 6 weeks. Since both tools focus on largely the same issues, have a similar purpose and are not necessarily on a full-term basis, there appears to be an actual overlap.

Also, both as a part of the YOUTURN project and the LIJ, the Strengths and Difficulties Questionnaire was administered. The youth custodial institutions and Board agreed upon exchanging this information, thus double work is prevented.

User assessment

During the process assessment, the chain partners were asked to describe their experiences with the LIJ and to provide their opinion of the tools compared with the previous situation. The study reveals that experience varies depending on the chain partner and sometimes there are differences between the chain partners based on the pilot region. Overall, however, the study showed that the police did not consider the LIJ a source of support in its primary process, although it did acknowledge its added value for cooperation within the chain. The Board's assessment of the LIJ was largely positive, while the opinions of youth probation officers differed widely. Bureau Halt and the youth custodial institutions were mostly positive about the LIJ. The Netherlands Institute of Forensic Psychiatry and Psychology only had very limited experience with the LIJ, and its opinion about the LIJ differed from region to region.

The assessment of the public prosecution service also differed from region to region, with the opinion of the Rotterdam division being markedly more positive than that of its Utrecht counterpart. One of the respondents from the public prosecutor's office felt that the overall objective of the LIJ (i.e. reduc-

ing repeated offences) was 'too ambitious'.

Juvenile courts had a neutral to mostly positive opinion on the LIJ. The court believed that the reports produced by the LIJ can be used as a basis for completion. The judges surveyed believe that an impact assessment will show whether or not the LIJ was an actual improvement on the previous situation.

Quality of advices and decisions

Although opinions of the chain partners about the value of the LIJ for their own work were not all positive, the partners mostly agree that the quality of advices and decisions in the juvenile criminal law chain in general will improve by the LIJ.

Especially the chain partners with an investigating task (Board and Youth Care Agency) experience the LIJ as an improvement as compared to the former working method. The chain partners with a deciding task (public prosecution service and juvenile court) also think of the LIJ as an improvement, but conclude that their final opinion of this subject can only be formed when the instrument has been more extensively evaluated.

Unexpected effect and changes

The number of unexpected changes as a result of implementation of the LIJ was relatively small. In the pilot it became clear that methods and processes of the various partners within the juvenile criminal law chain, do not always correspond well. Some of these processes are now being revised and adapted. Others are not easy to change and need commitment on high organisational level.

Changes to the structure of LIJ

As part of the process assessment, it was investigated whether or not the LIJ currently needs to be changed before the instrument is implemented nationwide and, if so, what these changes should be. This assessment resulted in a list of technical and process-based flaws, which were presented to the LIJ project team.