



AGENDA

Tuesday 24th March
Morning
Arrival of participants in Leiden
Afternoon
13.00–14.00 Arrival of partners and experts at the office of Defence for Children
14.00-15.00 Welcome and opening <i>Alessandro Padovani, Director. Istituto Don Calabria</i> <i>Aloys van Rest, Director. Defence for Children</i> <i>Alessandra Minesso, Project Manager. Istituto Don Calabria</i>
15.00-17.00 Presentation of the online course structure and round table Moderators: <i>Cedric Foussard, Director. International Juvenile Justice Observatory – IJJO</i> <i>Ursula Kilkelly, Professor of Law. University College, Cork</i>
Evening
19.00 Dinner at Pakhuis
Wednesday 25th March
Morning
9.30 – 9.40 Coffee and introduction of the day <i>Alessandra Minesso, Project Manager. Istituto Don Calabria</i> <i>Maartje Berger, Lawyer. Defence for Children</i> <i>Joyce Brummelmann, Lawyer and researcher. Defence for Children</i>
09.40 - 11.30 Presentation by experts





J.O.D.A. - Juvenile Offenders Detention Alternative in Europe
JUST/2013/JPEN/AG/4573
2nd EXCHANGE MEETING ACTS
24th – 25th March 2015, Leiden (The Netherlands)

J.O.D.A.

11.30- 11.45 Coffee break
11.45-12.30 Practical training <i>Shaddy Mirza, Coach and trainer interventions. Maatwerk Jeugdwerk</i>
12.30-12.45 Conclusion of the workday <i>Alessandro Padovani, Director. Istituto Don Calabria</i> <i>Maartje Berger, Lawyer. Defence for Children</i> <i>Cedric Foussard, Director. International Juvenile Justice Observatory – IJJO</i>
12.45 – 13.30 Lunch
Afternoon
13.30 Study visit to Amsterbaken (optional for experts)
19.00 Dinner in Amsterdam Café De Jaren http://www.cafedejaren.nl/



PARTICIPANTS

N.	Name	Role	Organisation	Country
1	Berger Maartje	Lawyer	Defence for Children	NL
2	Brummelman Joyce	Lawyer, Researcher	Defence for Children	NL
3	Carr Nicola	Lecturer	Queen's University Belfast	UK
4	De Groot Monique	Head of section youth sanctions and prevention	Ministry of Safety and Justice	NL
5	Forde Louise	University College, Cork	International Juvenile Justice Observatory - IJJO	BE
6	Foussard Cedric	Director	International Juvenile Justice Observatory - IJJO	BE
7	García Antonio José	Researcher	Fundacion Diagrama	ES
8	Janes Michelle	Change Manager	Children and Young People's Strategic Partnership	UK
9	Jiménez Raquel	Researcher	Fundacion Diagrama	ES
10	Kilkelly Ursula	Professor	University College Cork	UK
11	Kraas Kristel	Coordinator of Multidimensional Therapy Programme	Ministry of Justice	EE
12	Kuljus Kalev	Senior Officer	Probation Service, Estonia	EE
13	Lluch Pala Carolina	Public Prosecutor	Juvenile Court	ES
14	Malone Deirdre	Irish Penal Reform Trust (IPRT)	International Juvenile Justice Observatory - IJJO	BE
15	Mayoral Narros Ignacio Valentín	Lecturer on Criminal Law and Criminal Policy	Universidad Europea de Madrid	ES
16	Minesso Alessandra	Project Manager	Istituto Don Calabria	IT
17	Mirza Shaddy	Independent expert and trainer	Maatwerk Jeugdwerk	NL





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18	Nikolov Elise	Advisor on Juvenile Offenders Programmes	Ministry of Social Affairs	EE
19	Padovani Alessandro	Director	Istituto Don Calabria	IT
20	Parkanyi Eszter	Intern	Defence for Children	NL
21	Rassa Jaano	Chairman	Kesa – Crime Prevention Foundation	EE
22	Rodgers Paula	Researcher	Include Youth	UK
23	Salla Jako	Advisor on Criminal Policy	Ministry of Justice	EE
24	Steen Sue Ann	Chief Inspector	Police Service Northern Ireland	UK
25	Van den Brink Yannick	PhD researcher	University of Leiden	NL
26	Wouters Dennis	Researcher/Operator	Community il Girasole	IT





**OPENING OF THE MEETING AND OFFICIAL WELCOME
BY FUNDACION DIAGRAMA AND ISTITUTO DON CALABRIA
AND PRESENTATION OF INVOLVED EXPERTS**

On the date of **the 24th March 2015**, Defence for Children and Istituto Don Calabria opened the meeting welcoming partners and involved experts highlighting the importance of such an event which allowed the meeting of and exchange between different key stakeholders. Some experts had already participated in the **1st Exchange meeting in Murcia** while others had not and this was their first engagement with the Exchange Pathway.

PRESENTATION OF THE ONLINE COURSE STRUCTURE AND ROUNDTABLE

Developing the Online Course and the Manual of Good Practice

**Ursula Kilkelly, Professor of Law University College, Cork
Deirdre Malone, Executive Director Irish Penal Reform
Trust (IPRT)**

**Louise Forde, PhD Candidate in the School of Law,
University College, Cork**

The Online Course

Aim of the Online Course is to raise awareness about alternatives to detention in theory and practice. Such a tool is designed to build capacity in the campaign against the use of detention.

Target: youth justice practitioners and professionals working in all areas of the youth justice system and in advocacy.

The University College of Cork (UCC) drafted the modules and undertook a survey of views on content and format. The structure of the Online Course consists of four modules focusing on sharing





good practice and learning Assessment. After each section an ad hoc Quiz will be developed to assess the learning. To share learning, resources will combine research and policy literature with practical information and guides.

MODULE 1 Introduction

This first module will provide the background for the course linking it to children's rights and youth justice. Specifically, key concepts and principles (best interests, diversion, proportionality, due process), international standards, theory/scientific evidence supporting alternatives to detention will be deepened with an overview to youth justice approaches (welfare, punishment), how detention is used (its harms) and, last but not the least, why alternatives are important.

MODULE 2 Introduction to Alternatives to Detention

This module will introduce the different types of existing alternatives and where they fit in the youth justice system (family based measures, education, residential placements, fines, restorative practices, probation). Scientific evidence will set out what measures are most effective and successful in addressing the needs of young people and preventing further offending.

MODULE 3 Putting Alternatives to Detention into Practice

This module will focus on practice, to this aim, two to three examples from the J.O.D.A. study will be used to model how alternatives to detention can change practice in youth justice. Restorative practices will be used as a specific case study for successful alternatives to detention, this will identify the benefits and the challenges of using such an approach.





MODULE 4 Implementing Alternatives to Detention and Next Steps

This last module will address how to persuade decision-makers to introduce and enhance alternatives to detention including:

- ✓ to assess the effectiveness of such measures;
- ✓ how to address the perceptions of decision-makers (training);
- ✓ the importance of hearing views of young people;
- ✓ the importance of collaboration;
- ✓ The importance of sharing success in introducing alternatives to detention.

The Manual of Good Practices

The manual of Good Practices will be designed (in part) to support the online course and it will be drawn from the national reports and other intermediate and grey material and deliverables produced within the J.O.D.A. project. Specifically, it will provide scientific evidence of good practice (according to recent studies and research) and examples of programmes, projects and initiatives. Furthermore, it will provide additional contact information and evaluations to enable follow up.

Content outlines:

- ✓ Educational Placements (eg residential placements);
- ✓ Restorative Practices (eg youth conferencing, victim offender mediation);
- ✓ Probation Supervision (eg Tailored programme, specialist youth probation);
- ✓ Pre-trial detention supports (eg bail support, foster care, house arrest);
- ✓ Therapy-based supports (eg cognitive skills, multi-systemic therapy).





Roundtable and collected suggestions

After the introduction of the Online Course structure by Prof. Kilkelly, Ms. Forde and Ms. Malone, a roundtable with experts and partners started aiming to exchange on such key deliverable and collect opinions, comments and suggestions. Here follows some basic feedbacks collected during this session¹.

Basic and general feedbacks

- ✓ It would be useful to include the inter-sections of different systems (displacement of young people from criminal system into civil systems and psychiatric systems - indicatively within Module 1);
- ✓ given the cross-over between the care system and the “looked-after population”, this aspect should be considered. For example, it might be useful to include these issues in the introductory part to talk about how there is often an interface and movement of children between care institutions and penal institutions broadly;
- ✓ a further positive outcome would be the understanding of the different types of youth justice systems. In fact, an understanding of the different approaches to youth justice at a national level could involve an introduction to the terminology, systems and concepts which underpin these issues.

EXPERTS CONTRIBUTIONS

¹ This is just the very first draft, we won't include in this session all the gathered suggestions and proposals as they will be deepened and integrated in the final version of the Online Course structure.





The day after (25th June) partners and experts met to exchange views on the topic of alternatives and related practices. In fact, if in Murcia the legal frameworks of the different involved countries have been deepened, in Leiden the focus was on good practices related to alternatives.

After a brief opening by Istituto Don Calabria and Defence for Children the floor was given to experts contribution. The following outlines some key points².

THE NETHERLANDS

Shaddy Mirza, Independent expert and trainer Maatwerk Jeugdwerk

Tools4U is an outpatient behavioral intervention consisting of an individual training in cognitive and social skills, which is applied as a (penal) sanction for juvenile delinquents. The training is intended for delinquent juveniles (12 to 18 years), who have committed one or more offenses and for whom lack of cognitive and social skills was related to delinquent behavior. Apart from the regular (individual) training of the juveniles, there is a 'plus-version' in which lack of parental supervision and inadequate parental problem-solving abilities are addressed during extra meetings.

During this session Shaddy Mirza directly involved partners and experts and showed some exercises useful to get in touch and build a relationship.

The key is to understand which is our position, sets out steps and change perspective as *THERE IS NO CHANGE IN THE OTHERS IF WE DON'T CHANGE*.

To do this we need to: 1) recognize our own cultural baggage; 2) recognize other's cultural baggage; 3) assess things causing irritation and blocking the building of relationships with the others; 4) work on these and put them aside to change perspective.

Yannick van den Brink, Academic, Leiden University

² To be highlighted that a little change in the Agenda had to be made in fact we decided to open the work session with the contribution of Shaddy Mirza, Independent expert and trainer who gave concrete examples related to the application of Tools4u Programme presented in Murcia.





According to Dutch law, juveniles can be remanded in custody until the first pre-trial court hearing when the (assistant) prosecutor decides this is ‘in the interest of the (police) investigation’ (Art. 57(1) CCP).

Pre-trial detention decisions and alternatives to pretrial

In the Netherlands, the law provides for a wide variety of alternatives to juvenile pre-trial detention as well. In the Dutch system these alternatives have the form of special conditions that can be attached to the suspension of pre-trial detention. In addition, the Dutch juvenile justice system also prescribes that the court should always use the least restrictive alternative to detention (**principle of subsidiarity** i.e. detention is used only if less intrusive alternative measures are unlikely to produce the same result (cf. Sluiter e.a. 2013)).

In the case of pre-trial detention order the Judge can dispose:

- the **execution of order** and the Placement in a youth custodial center
- **night detention**³: the juvenile must stay in a remand home during the evening, night and weekends, but attends school, vocational training or work during the day. Such a measure is an option if the juvenile lives near a youth detention centre and has a constructive way of spending the day close to the Juvenile Penal Institution (education, training, internship or job). Of course permission from the school is required along with an assessment of the Juvenile’s risk level.
- the remand home (school, work, vocational training or internship).
- **house arrest**: it is a form of pre-trial detention implying that the juvenile stays at home so it implies in any case a certain deprivation of liberty.
- **unconditional release with conditional suspension** (e.g. youth probation programs, curfew): if the youth court orders a juvenile’s pre-trial detention, it has to consider the

³ In 2013 n.71 night detention orders have been issued.

Some weaknesses related to Night detention could be:

- the long daily procedure to re-enter in the facility (security checks visitation and so on)
- the opportunity to spend the day out of the juvenile penal institution could create some tensions with the other youths in the facility.

This is in any case a good opportunity to continue the activities interrupted with the entrance in the Juvenile Justice System.





(conditional) suspension of it (Art. 493 (1) CCP). The court can suspend the detention under the general conditions (such as cooperation with the authorities and no reoffending; see also Art. 80 (2) and (3) CC) and under special conditions, including the intensive supervision of youth probation offices (YPO), specific restrictions (such as a curfew or a restraining order) or instructions to attend and Intensive probation Programme (ITB plus) with a strict week schedule involving school, training, work leisure time and so on..

The maximum duration is 6 months

Concluding remarks and some suggestion for debate

Who can define what is less intrusive for the child?

Can Night detention be considered as alternative within J.O.D.A. project?

Monique De Groot, Head of section youth sanctions and prevention. Ministry of Safety and Justice

Risk assessment

The National Instrumentarium for Youth Justice (LIJ) is used by several stakeholders (police, child protection service, youth probation, youth detention centres). It allows to highlight risks and opportunities and to share and build on each others information leading to a fitting sentence and, possibly, a recognized evidence based intervention.

Recognised evidence based interventions





The Committee of the Dutch Recognition System for interventions certified about 20 interventions targeted to juveniles according to what works principles (i.e. risk principle, needs principle, responsivity principle, professional principle, integrity principle, own context principle).

Evaluation, research and monitoring

The different phases of evaluation are:

- Plan evaluation
- Process evaluation
- Effect evaluation:
 - Effectiveness (doeltreffendheid); target group, program integrity, program goals reached
 - Efficiency (doelmatigheid): effect on reducing recidivism

The Committee of the Dutch Recognition System for Interventions

Following the increasing calls since the start of the century for more insight into the effectiveness of approaches in the youth sector as well as in public healthcare, the Netherlands Youth Institute (NJI) started to develop a recognition system for youth interventions.

Over the last ten years many behavioral interventions have been officially acknowledged by the Committee of the Dutch Recognition System for Interventions. The recognized behavioral interventions aim at changing behaviour and reducing recidivism. All the Interventions judged by the Committee of the Recognition System for Interventions are evidence based.

The definition of **recognized interventions** used by the Committee is: "*A programmatic and structured programme of methodological procedures aiming at influencing someone's behaviour or circumstance*".

Best practises which are recognised evidence based interventions by the Dutch recognition system for Interventions are:





- Multi System Therapy (MST);
- Tools4U;
- Responsive Aggression Regulation Therapy (Re-ART) Ambulant;
- Brains4Use (focuses on reducing the use of drugs and alcohol and to prevent truancy);
- Out of the Circle (aims to reduce recidivism of young sexual delinquents);
- **Work-Wise** (ambulant, practising skills (education, housing, finances) to reintegrate in Society);
- Functional Family Therapy – FFT (family therapy, restoring family ties and working on the behaviour problems of the minor);
- In Control! (aims at improving and preventing aggressive behaviour);
- Learn of your offence/Leren van Delict (aims to give the minor insight into his behaviour and to take responsibility);
- Multidimensional Treatment Foster Care (specially trained foster care home to work on and improve behaviour);
- Familytherapy –MDFT (Family therapy working on preventing drugs abuse and improving behaviour);
- New Perspectives back in society for minors with IQ under 85 -NPT-LVB (after care programme for minors with a low IQ);
- Parentship Love and Limits/Ouderschap met Liefde en Grenzen - OLG (aims to reduce recidivism by restoring disturbed family relations);
- Respect Limits (training order for young sexual delinquents);
- Social Skills Individually/Sociale Vaardigheden op Maat (Extra social skills training focusing on assertivity and dealing with a conflict);
- So Cool (aimed at solving problems and social skills);
- Stay-a-way (programme to prevent the use of drugs);
- Training Agression Control/TACt Group (group training focusing on social skills).

Good Practice: Work wise





The target group consists of boys and girls. The problematic nature of the youngsters can be described as being very serious, some of the youngsters have committed several offences.

Criteria for placement in the Work-Wise programme are:

- A learning path geared to the labour market has to be indicated
- Minimum age of 15 years.

The starting points are:

- an integral and multidisciplinary approach;
- empowerment of the participants;
- tailor-made character of the routing and sentence planning;
- individual employment counsellor (IEC).

Work-Wise consists of a comprehensive programme, the related activities have been split up into three sub-programmes that usually are followed simultaneously:

- Work and Schooling prepares youths for functioning in a paid job, among others by means of schooling, job application training and work placement.
- Living independently and Coping with leisure time is focused on creating structure in daily life and dealing with responsibility.
- Creating a social network, the participant receives intensive coaching with respect to socially acceptable behaviour, maintaining relationships and social skills.

The objective of Work-Wise Nederland is:

- Providing youngsters with a seamless into-employment programme
- Creating a nationwide network for preparing release and performing aftercare
- Jointly developing the Work-Wise programme.

In order to implement the Work-Wise methodology and to effectively execute the programme it is very important to have professional staff members, which is why we have developed different trainings for our staff members. At this moment we have developed an Individual Employment Counsellor training, a training course 'Motivational Guidance', a "Train the trainers programme": 'A Solid Base for the Future' and several other trainings.





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Funded by the Criminal Justice Programme of the European Union



SPAIN

**Ignacio Valentín Mayoral Narros, Lecturer on
Criminal Law and Criminal Policy. Universidad
Europea de Madrid**

Legal Framework

The national legislation

- Organic Law on Child Protection and Care (1996 referring to artt. 37 and 40 of CRC);
- The Spanish Criminal Law Code (1995);
- The Organic Law on Criminal Responsibility for Children (2000) and its amendments (2000, 2003 and 2006);
- The Statutory Regulations on Criminal Responsibility for Children (2004).

are inspired by

- The main International rules and Minimum Standards (UN and COE)
- The Convention on the Rights of the Child (20th November 1989)

Main principles

These rules and related interventions are governed by the principle of responsibility (in contrast with the protection one) and are characterized by the educative dimension of the implemented measures.

Other key principles are the following:

- **The best interest of child:** i.e. apart from the offence committed, personal, familiar, and social circumstances have always to be taken into account.
- **The right to be heard:** i.e. the right of the child to participate from the very beginning throughout the legal proceedings (right to be heard –art. 12 CRC).





- **Principle of flexibility:** i.e. the adoption of a certain flexibility in deciding the measure or a diversion alternatives when talking about restorative justice.

Alternatives to detention and custodial measures are promoted by a long list of non-deprivation of liberty measures. Such measures are implemented in close cooperation with the Health and Education services (art. 6.j Regulations 2004).

Cooperation and Interdisciplinary teams along with *specialized professionals* is the key for the positive development of alternatives in the community context and are required in all areas of intervention with youth offenders.

Principal measures

- Custody measure (closed, semi-opened, opened regime).
- Therapeutic custody measure (young offenders with drug or psychiatric problems needs).
- Weekend period custody.
- Community therapeutic Centre.
- Attendance to a Day Centre.
- Probation.
- Living with another person, family or educative group.
- Community Service.
- Socio-educative measures.
- Deprivation of a license to drive a motorcycle or motor vehicle, or to have a gun, etc.
- Prohibition of communication with the victim.

Concluding Observations CRC 2010: Spain

The Committee for the rights of the child in its observation of 2010 highlights how the Administration of Juvenile Justice should:

- ensure that the deprivation of liberty of juvenile offenders is used only as a measure of last resort and encourage the use of alternative measures to deprivation of liberty, such as





mediation, probation, counseling and community services and strengthen the role of families and communities in this regard;

- guarantee that the deprivation of liberty ends up with an individualized proposal for follow up of and reintegration of the child, in close coordination with social and educational services;
- improve the training programmes on relevant international standards for all professionals working with the criminal justice system;
- increase specialized interventions on issues of juvenile offenders that have committed sexual aggressions.

Good Practice: Probation

Probation from a statistical point of view

The last data compiled by Police, Public Prosecutor Offices, Juvenile Justice Judicial Sections, Victimization Reports, Self-Report Surveys, highlight a constant decrease of offences committed by children (14-18 yrs. old) in the recent years. There is in any case the lack of official and harmonized data at national level due to the territorial organization of Spain and the competences related to the execution of the sanctions.



Measures adopted by regional administration: Madrid

	2007	2008	2009	2010	2011	2012	2013
Alternative measures	2503	2455	2352	1959	1852	1553	1442
Custodial measures	539	429	364	343	369	319	288
Diversion measures	464	493	591	586	575	514	459

63,4 % (918) PROBATION

1819 PROBATION MEASURES WERE CARRIED OUT BY ADMINISTRATION in 2013

Source: Agencia de la Comunidad de Madrid para la Recreación y Reinserción del Menor Infractor, Memoria Anual 2013.

Key Ideas of a successful program

Probation is aimed at real reintegration of the youth into society. When we talk about reintegration we mean: *“a continuous and long-term objective, reintegration is not just about aftercare”*. Actually necessary assistance must be provided to juveniles, *“at all stages of the proceedings”*⁴. The founding principle is that reintegration is a process, rather than the end result or the limited mandate of one or two professionals in isolation. That is why it requires *consistency, continuity and long-lasting commitment”*.

For a positive exit of the measure we should focus on 2 main objectives:

- Education
- Working inclusion

and develop specific programs and activate ad hoc social and educational measures as part of the ordinary and daily life of the child in order to try to answer to the different delinquency phenomena: gender violence, violence towards parents, sexual violence, drug related crimes, etc.

⁴ Foussard, C., “A comparative European analysis of national experiences on practices of reintegration”, Complementarities and synergies between juvenile justice and social services sector, ChildONEurope, Series 6, Istituto degli Innocenti di Firenze, 2013.

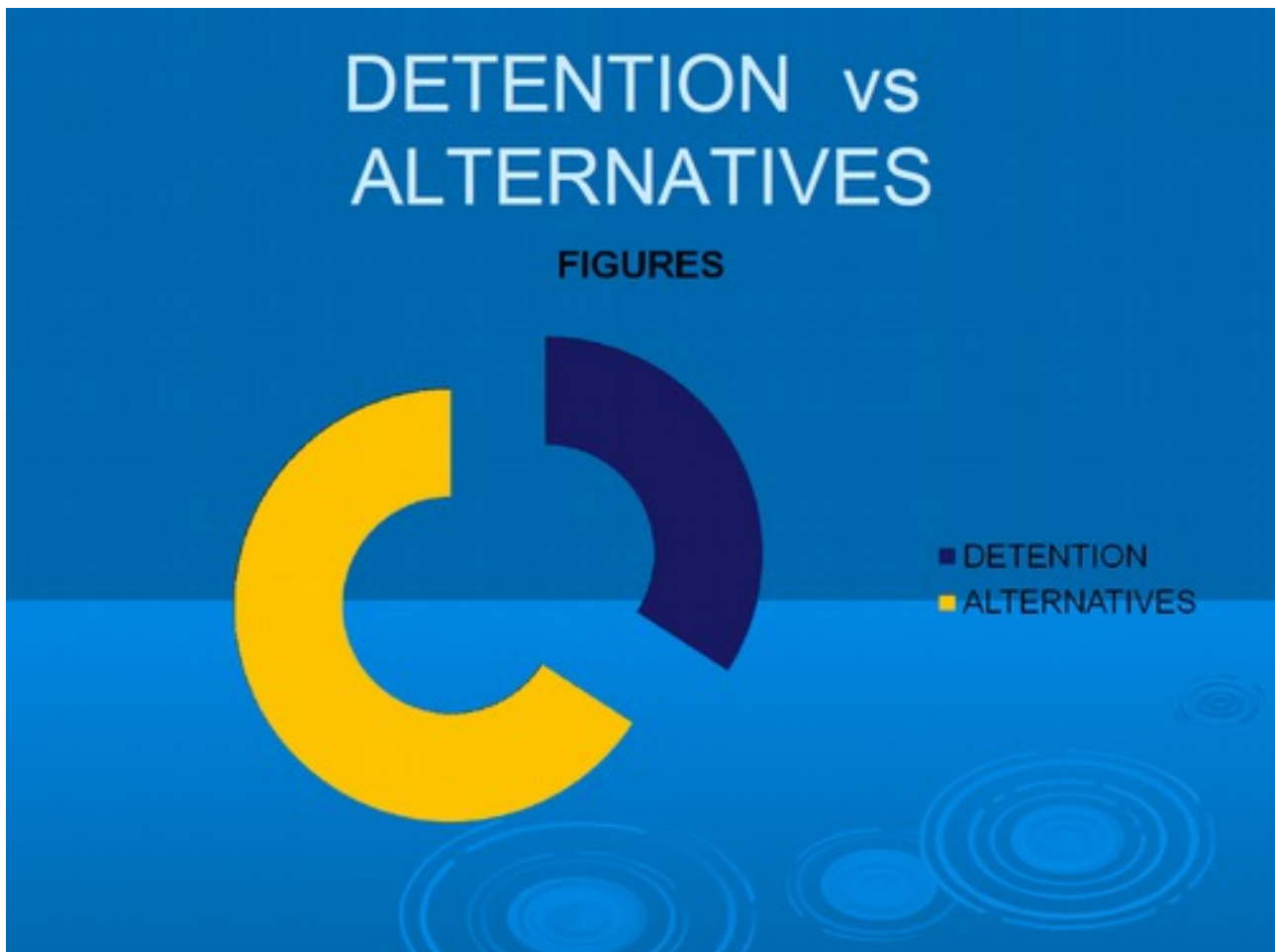


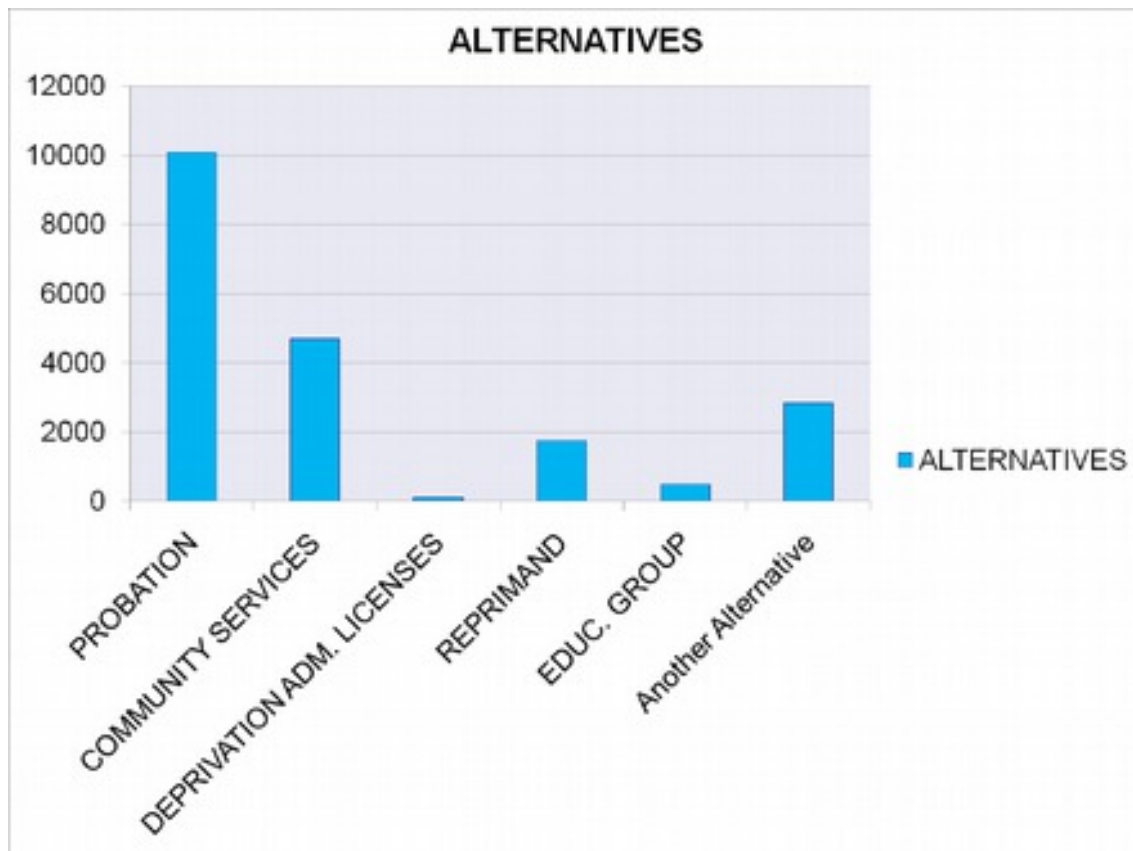


To work on such aspects we need to enhance the local action and related network and, last but not the least, to assess human and material resources.

**CAROLINA LLUCH PALAU, Public
Prosecutor of Minors and THB. Public
Prosecutor Office of Castellón**

Some statistics





Good Practice: Probation

Young offenders submitted to Probation are under supervision and guidance of a 'Probation Officer', within a time period that has been decided by the judge (usually not more than 2 years).

The probation officer's role is of assistance, guidance and care, they in fact have to promote the child's education with the direct involvement of parents or guardians, making use of the available community resources. The main aim is to enhance the juvenile's life skills, abilities and attitudes. The probation officer is appointed by the court and has to report on the behaviour of the juvenile at intervals specified by the judge, furthermore, they must inform the judge of any change in the child's behaviour.

Probation can follow a first period of confinement and can be an independent or a provisional measure. It is requested by prosecutor and imposed by the Judge.





Contents:

- 1° tracking;
- 2° finding out;
- 3° overcoming;
- 4° tools;
- 5° guiding.

While being on probation, the Judge can require the juvenile to comply with the following conditions: attend school; participate in educational, cultural or professional programmes; abstain from going to specific places of public entertainment; leave by a designed place and don't leave the place without judicial authorization; appear in front of the Juvenile Court or professional in charge to report about the probation pathway.

Furthermore, it can include any other duties that the judge, ex officio (or at the request of the public prosecutor) considers appropriate for the social rehabilitation always in the full respect of the youth and his/her dignity.





NORTHERN IRELAND

Nicola Carr, Lecturer, Queen’s University Belfast
Janes, Michelle, Change Manager, Children and
Young People’s Strategic Partnership,
Sue Ann Steen, Chief Inspector Police Service of
Northern Ireland

Some Statistics

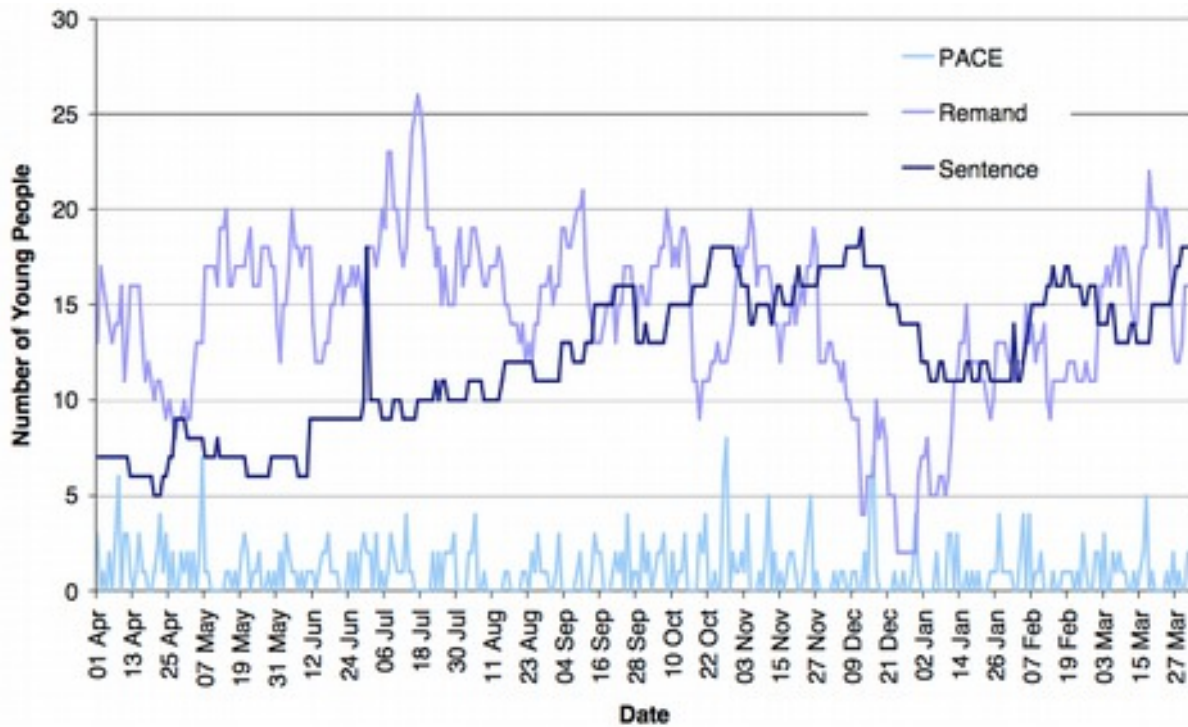
Tab.1 – Total transactions in Juvenile Justice Centre (JJC) Years 2009-2014.

Year	Total Transactions	Age									
		10 to13		14		15		16		17 and over	
		Number	%	Number	%	Number	%	Number	%	Number	%
2009/10	473	10	2	70	15	142	30	181	38	70	15
2010/11	551	18	3	34	6	132	24	229	42	138	25
2011/12	545	43	8	52	10	85	16	185	34	180	33
2012/13	551	20	4	43	8	120	22	123	22	245	44
2013/14	741	24	3	67	9	153	21	282	38	215	29

Source: DeCodts and O’Neill (2014) Youth Justice Agency Annual Workload Statistics (2013/14)



Fig. 1 – Daily Population by Status. Years 2013-2014.



Tab. 2 – Transactions within Juvenile Justice Centre by looked after status. Years 2009-2014

Source: Youth Justice Agency, Annual Workload Statistics, 2013/2014

Year	Total Transactions	Looked After Status							
		Subject to Care Order		Voluntary Accommodated		Not in Care		Unknown	
		Number	%	Number	%	Number	%	Number	%
2009/10	473	151	32	19	4	301	64	2	0
2010/11	551	121	22	83	15	345	63	2	0
2011/12	545	93	17	80	15	370	68	2	0
2012/13	551	113	21	91	17	344	62	3	1
2013/14	741	172	23	138	19	430	58	1	0



Over the last five years the largest proportion of transactions have involved youths who are not in care. This proportion is decreasing over time, in fact, in 2013/2014 58% of transactions involved young people not in care while a further 42% involved young people in care (23% subject to care order and 19% voluntary accommodated).

The Youth Justice Review (2011) highlights how there is an over-representation of looked after children, particularly those in residential care, entering the justice system and ending up in custody. More than a third (37%) of admissions to Woodlands are looked after children, compared with just over a quarter (27%) in England and Wales.

The latest caseload data published by NISRA show the proportion of young people who entered the JJC by looked after status. We can see that despite an initial decrease from 32% of young people subject to a care order in 2009/10 to 17% in 2011/12, the proportion has again risen to 23%, furthermore if we look at the percentage of young people ‘voluntary accommodated’, which means that they are looked after but not subject to a care order – LAC young people accounted for 42% of all transactions in the JJC in 2013/14.

QUEENS UNIVERSITY BELFAST Longitudinal study on young people’s transition from custody

The decision to use life histories as a method to document processes of socialization was based on life history research method described by Cole and Knowles (2001). Life history research is hence intended to “advance understanding about the complex interactions between individuals’ lives and the institutional and societal contexts in which they are lived”.

Introduction of the study⁵

People involved: 21 young people

Status: 8 sentenced and 13 remanded;

Gender: 19 males and 2 females

Other: Geographical spread

⁵ Carr and McAlister (2015 forthcoming) ‘Young People’s Transitions from Custody.’





Method: Follow up interview (x3 over 6 months)

Common characteristics and complexity

- Range of offending – GBH, Riotous behaviour, burglary, assaults etc.
- Most have multiple previous system contact
- Drug and alcohol abuse are common features
- Mental health
- Experiences of paramilitary punishments and intimidation

Some Extracts from interviews

Baseline interview in custody

But I just I can't wait til I get out of here because I am up for bail tomorrow when I get out that's me I am starting my life. And it is sad cos it took me I am sixteen and it's sad that it took me to come here for me wanting to start my life properly again. But that's what I am going to do I am going to get out of here and start all over. (Hugh, age 16)

Second interview (8 weeks later)

It was just basically about a bail address, I didn't have a bail address to go on and I went, I just went on the run, I went on the run because I thought, I was in a B&B outside [TOWN] and I live in [ANOTHER TOWN] ...and I just thought nothin's gonna work for me. Like I've been in and out of B&B's like nothin' normal, like I've been swingin', like social services have just been swingin' me from this place to that place just wherever they can put me to get their job done.





Third interview (7 weeks later)

I: So in the past month, can you kind of tell us what's been happenin' for you?

R: Well I went home, I went home on [date] and it was goin' alright like, I stayed out for about three weeks and then, em, I was just, I think I was takin' drugs too much and me mum revoked me bail address. And eh, I got arrested for breach of bail obviously without no bail address and then I was up in court for eh, for the breach of bail the next mornin' and I got send here because I've no bail address...

Third interview (contd)

I'm findin' it really hard to cope this time cos I was so determined to stay out last time and I was so determined to change me life and just do things better and I messed it up again. Now I just don't see anyway back for meself and I just really, really don't want to be here anymore and I don't know what I'm goin' to do cos I've never felt this bad...

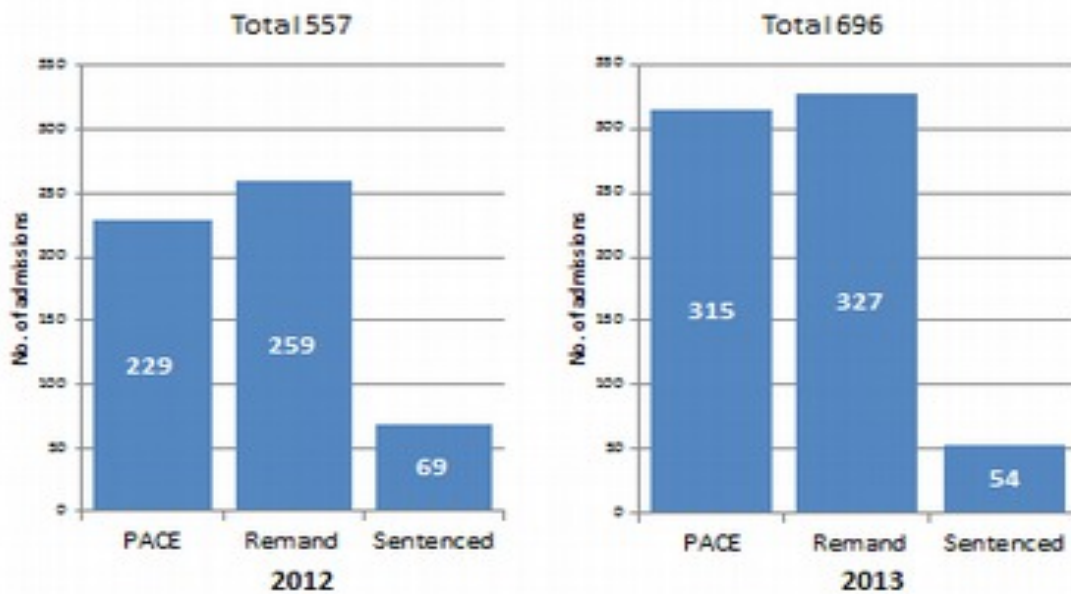
Key Findings

- Drug and alcohol and mental health interventions that are more tailored to the young person's needs;
- Having trusted and consistent supports;
- Addressing intimidation within communities.

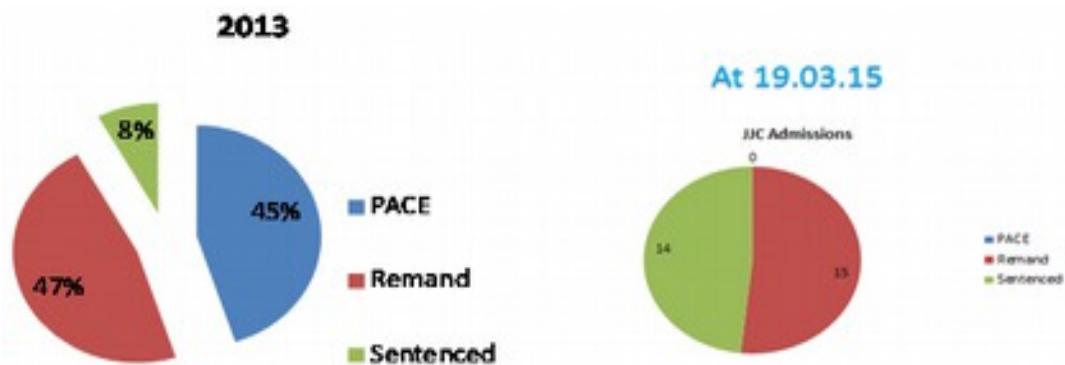


Some data

Total Admissions to JJC



The custodial context⁶



⁶ Pace – where the Juvenile Justice Centre is used as a place of safety able to hold a child overnight following their arrest, in advance of further police questioning or a court appearance the following day.





Objectives of Joint working in early intervention work

The main objectives of a close cooperation aims to:

- Make best use of public sector money during financial pressures
- Orient Policy
- Joint problem solving
- Improve the relationships and communication between agencies
- Improve the access to service environment for service users
- Improve the outcomes for children, young people and their families

Early intervention addresses positively the impact of adversity on children by intervening both earlier and more effectively to reduce the risk of poor outcomes later in life.

Good Practice: The Belfast Intensive Family Support Service

It is commissioned by the Health and Social Care Board and provides sustained and intensive supports to families with children of any age, where there are concerns about the care, safety or protection of children. The service receives investment from five government departments and it is delivered by a Voluntary Sector Provider

The Multi Agency Partnership is composed of :

- Health and Social Care Trusts,
- Police Service Northern Ireland
- Housing Executive,
- Education Board,
- Probation Service,
- Youth Justice Agency and Training Providers





A case study

R, male, aged 11, lives at home with his mum and her partner. R has a diagnosis of Tourette's Syndrome and an assessment is in progress for ASD.

Request for service made by **Social Services**, R is also involved with CAMHS. In the month pre-referral, Gateway contacted 6 times by **PSNI, School and GP** due to issues of physical aggression, verbal abuse, school refusal and self-harm. R poses significant risks to self and others at home and is at risk of placement breakdown and criminalisation.

Risk

1. Risk of family breakdown
2. Risk of arrest/ remand in custody
3. Violence
4. Self Harm

The intervention – Multi Systemic Therapy (MST)

Intervention addressed the lack of effective plans for managing aggression, lack of consistent approaches, lack of communication with school, lack of effective consequence, lack of powerful incentives, high conflict/low warmth, developmentally appropriate expectations, assessed that the behaviour was functional.

It included

1. Safety planning
2. Intensive visits
3. Facilitating altered sleeping patterns, supporting the young person in healthier routines
4. Reducing incentives to stay in the home
5. Putting Clear Behaviour Expectations in Place





Outcomes (at 152 days)

- Eliminated all self-harm, threats to harm and suicidal ideation;
- Eliminated all physical aggression;
- Reduced verbal aggression to no more than 1 incident a day;
- Attended school every day for a period of one month.

Furthermore:

- R is sleeping in his own bed now in his own room and is asleep at a developmentally appropriate time;
- R is going out with his friends and engaging in pro-social activities;
- R is attending school and stating that he is enjoying it;
- Mum is working full time following a period of unemployment due to a focus on family issues;
- Relationships have improved greatly and R is presenting a lot happier and more peaceful at home.

Concluding, CAMHS closed their involvement due to R's behaviour's no longer presenting.

Key Messages

- Good robust assessment and engagement, planning and review
- Have a clear model and method of intervention-tools and resources
- Intensive, consistent delivery
- Flexible, persistent approach – listen to young people and families
- Clear referral pathways
- Outcomes focused and evaluated





J.O.D.A. - Juvenile Offenders Detention Alternative in Europe
JUST/2013/JPEN/AG/4573
2nd EXCHANGE MEETING ACTS
24th – 25th March 2015, Leiden (The Netherlands)

J.O.D.A.

- Key Enablers Well trained, empathic, skilled staff, who are client driven, respectful, able to challenge appropriately and help families to navigate the service landscape can help bring about change

"WE LIVE IN A WORLD IN WHICH WE NEED TO SHARE RESPONSIBILITY. IT'S EASY TO SAY IT'S NOT MY CHILD, NOT MY COMMUNITY, NOT MY WORLD, NOT MY PROBLEM. THEN THERE ARE THOSE WHO SEE THE NEED AND RESPOND. I CONSIDER THOSE PEOPLE MY HEROES."
Fred Rogers





ESTONIA

**Kraas, Kristel, Coordinator of Multidimensional
Therapy Programme, Ministry of Justice**

**Kuljus, Kalev, Senior Officer, Probation Service,
Estonia**

**Jako Salla, Advisor on Criminal Policy, Ministry of
Justice**

Viru Prison

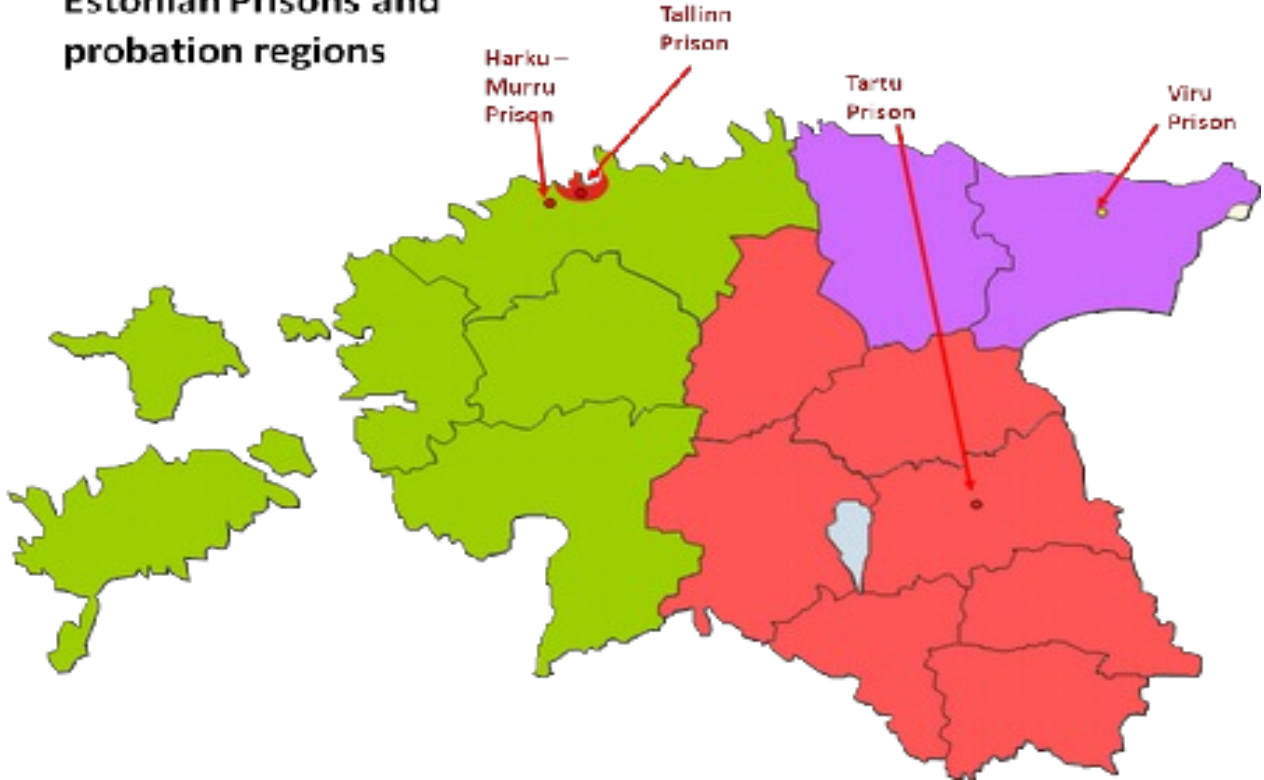
The prison complex comprises the prison itself and a detention centre. It can accommodate up to 1000 inmates in one- and two-person cells, a further 75 inmates in its minimum-security wing and 150 people being held in custody in the detention centre. There are also residential quarters for 300 people under preliminary investigation. The complex also has a school, a sports hall, rooms for social work, a chapel and workshops.

The prison employs 462.5 people, 279 of whom are prison officers.

Viru Prison is the first in the history of Estonia's prison service to have a heightened supervision department. There is also a juvenile department, accommodating up to 250 minors. The prisoners are educated by teachers from Jõhvi Secondary School and Ida-Viru County Vocational Education Centre and employed by AS Eesti Vanglatööstus.



Estonian Prisons and probation regions



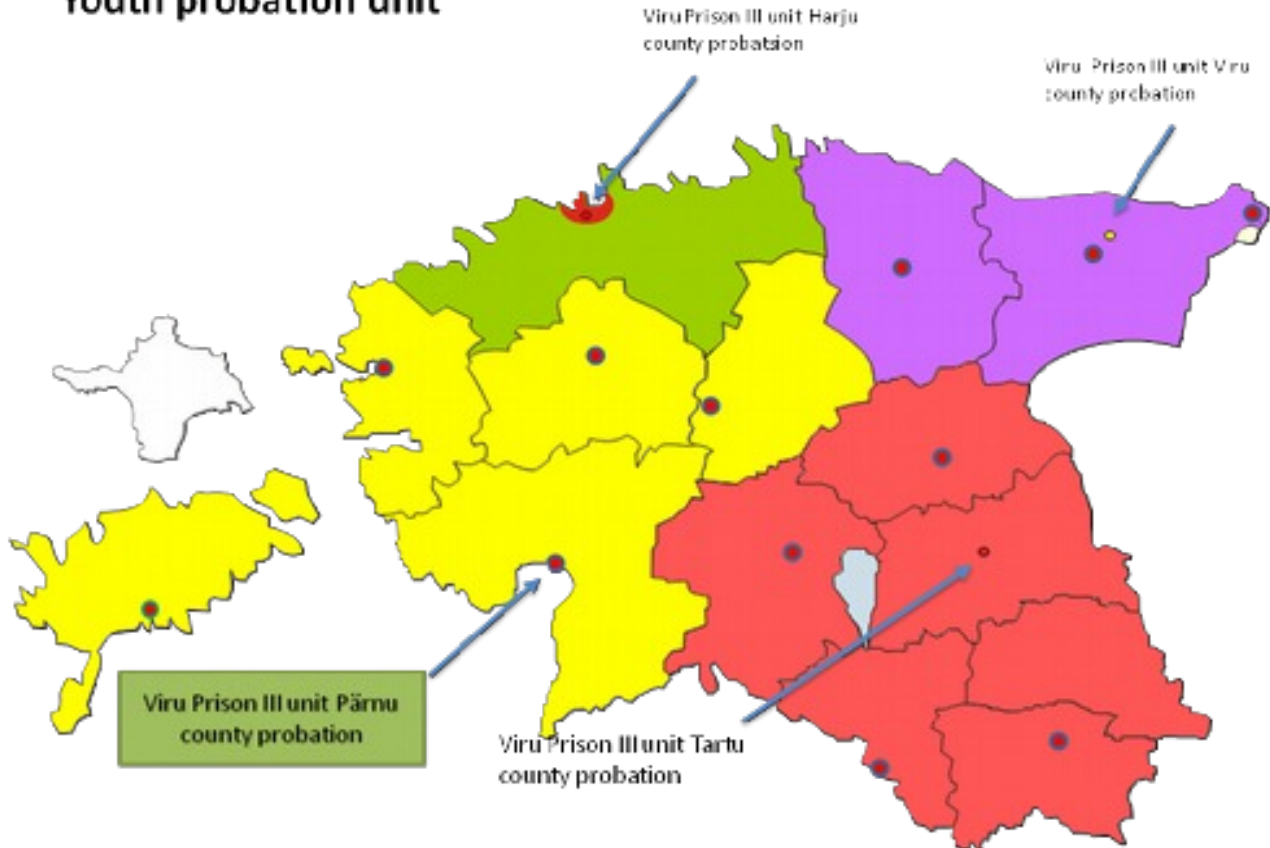


Viru Prison III unit (youth unit)

The III Unit is the youth's one and hosts youth s aged 14-21 years. Youth probation workers merged with VIRU prison in data 1st March 2012. The key words for a positive and successful intervention are: **cooperation** among key actors (Prison workers; probation officers, Local network, Family contacts); continuous work with youth offenders; the selection of a case manager outside prison.



Youth probation unit



Alternatives targeted to youths offenders

There are no separate alternative detention measures for children in Estonia.

The age of criminal responsibility is fixed at 14, in some cases, sanctions other than the penalties laid down in the Penal Code may be applied to persons aged between 14 and 18 who have committed a criminal offence. They in fact can be released from punishment by issuing a warning, subjecting them to supervision of their conduct or still placing them in a youth home or in a school for pupils in need of special treatment.

Also as regards pre-trial detention no specific alternatives have been established in respect of minors but the choice of preventive measure should be always taken into account basing on all the relevant circumstances of the criminal case in question.





According to the Estonian Penal Code different are the alternatives available:

Art. 74. Probation with subjection of convicted offender to supervision of conduct;

Art. 87. Sanctions applicable to minors;

Art. 76. Release on parole;

Art. 69. Community service;

Art. 691. Substitution of imprisonment by electronic surveillance;

Art. 692. Substitution of imprisonment by treatment;

Art. 202, Termination of criminal proceedings in case of lack of public interest in proceedings and in case of negligible guilt. It allows to prescribe community work, social program and send case to juvenile commission without reflecting on the criminal record.

Taking into consideration the circumstances relating to the commission of the criminal offence and the personality of the convicted offender, the court may impose the following obligations on the convicted offender for the period of supervision of conduct:

- 1) to remedy the damage caused by the criminal offence within a term determined by the court;
- 2) not to consume alcohol or narcotics;
- 3) not to hold, carry or use weapons;
- 4) to seek employment, acquire general education or a profession within the term determined by the court;
- 5) to undergo the prescribed treatment if the offender has previously consented to such treatment;
- 6) to perform the maintenance obligation;
- 7) not to stay in places determined by the court or communicate with persons determined by the court;
- 8) to participate in social assistance programs;
- 9) to submit to electronic surveillance if the offender has previously consented to such surveillance





Good Practices: Community service and Electronic Surveillance

In this context I'm going to introduce you two of the above mentioned tools i.e. community service and Electronic surveillance.

Community service

Community service under Art. 69 forecast maximum 720 working hours and it reflects on the youth's criminal record. One day of imprisonment corresponds to one working hour. Such measure can have a maximum duration of two years.

Community service under Art. 202 indeed forecast maximum 240 working hours and, as already highlighted, it doesn't reflect on the youth's criminal record. The average number of working hours for youths in conflict with the law are 40 hours and the maximum duration is 6 months. Such measure is rarely used for adults. In case of unfulfilment of the work the Prosecutor can update the criminal case.

Community service is managed and supervised by the probation officers. Prison and probation service has contracts with lots of service providers (NGOs, local authorities, enterprises) who receive these people to work on behalf of them and keep diaries for the probation service. 20% of all clients of the probation (i.e. ca 1500 out of 6000) are performing community service now.

Requirements and obligations

- 1) to reside in a permanent place of residence determined by the court;
- 2) to report at intervals determined by the probation supervisor at the probation supervision department;
- 3) to submit, in his or her place of residence, to the supervision of the probation officer and provide the probation officer with information relating to the performance of the offender's obligations and his or her means of subsistence;
- 4) to obtain the permission of a probation officer before leaving his or her place of residence within the territory of Estonia for longer than fifteen days;





- 5) to obtain the permission of the probation officer before changing residence, employment or place of study;
- 6) to obtain the permission of a probation officer before leaving the territory of Estonia and staying outside the territory of Estonia.

Electronic surveillance

If a court imposes imprisonment of up to six months, the court may substitute the imprisonment by electronic surveillance. One day of imprisonment corresponds to one day of electronic surveillance. Imprisonment shall be substituted by electronic surveillance only with the consent of the convicted offender. If a convicted offender fails to submit to electronic surveillance or withdraws his or her consent for application of electronic surveillance prior to the expiry of the term of the punishment, the court shall order, based on the report of the probation officer, enforcement of the substituted imprisonment.

This type of control has been in existence since 2007 but, it has still not very wide scope of usage. Current devices combine GPS and GSM technologies and there is very exact, online surveillance furthering developed. The probation officer can set limits of movement with exactness of streets and, in case of trespassing, the system of alarm is activated automatically.

Usually, the term of imposing is some 3-4 months. After that, the restrictions are alleviated and, other means of less controlling are imposed.

During the first, testing period of the electronic surveillance, 2007-2011 altogether 800 persons went through this system and, 5% of them were sent (back) to prison.

Also, electronic surveillance is used when somebody is not arrested for remand detention but there is need for a better control of movements.

Thirdly, electronic surveillance is used when a prisoner applies for an early parole. Through an ordinary procedure, in most of imprisonment cases, a convict has to serve 2/3 of the sentence before being entitled for an early parole. But, with the electronic surveillance, the convict may be released already after having served 1/2 of the sentence.







ITALY

Dennis Wouters, social worker

Current problems to encounter in the youth care of Italy, including youngsters with alternative penal detention measures

There is an increase of youngsters between 16 and 17 years old that arrive with a large amount of traumatic and difficult life experiences. The problem is that when they become 18 years old they are considered adults and the local public institutions do not have enough economical resources to let a youngster continue his project at our host community. Working with these youngsters is very complex and the time that we have to work with them is very short.

1. The first problem is that the local authorities do not have a common vision on who needs to do what. Besides youngsters with home probation time projects, we deal often with youngster that are between 16 and 17 years old and suffer from borderline or psychiatric problems. The problem is that often these youngsters are not visited by a specialist, at Child Neuropsychiatry they are declared too old and at Neuropsychiatry for adults they are declared to young.... Once accepted for a visit the waiting time is for months....
2. The second problem is that we have a large amount of youngsters that are poly drug users, these are youngsters that are using mixtures of different kinds of drugs to obtain a certain kind of effect..., often they are youngsters doing these kind of things in weekends but they do not use heroin.....In Italy there are centers specialized in helping people with alcohol and drug problems, but the cultural changeover with the arrival of these poly drugs users is that there is a need for different approaches. There is a request to provide various information on different species of drugs, and to do prevention work in schools. This includes explaining how drugs effects your psychological and emotional development as well as giving information about various risks.





The Italian government has recently decriminalized hashish and marijuana classifying them as soft-drugs. The approval of this law helps to empty the adult detention centers but for the adolescents this approval has different kinds of consequences, and in our opinion it is a lack of responsibility.

For a normal adolescent the use of soft drugs can be a way of socializing with friends, but for the youngsters we work with the situation "risk factors" and "protective factors" , and makes these soft drugs become a way of self-medication, and therefore not a regular passage of age for a normal adolescent.

3. The N.E.E.T. youngsters, No Employment, Education or Training There is an increasing amount of youngsters with a zero curriculum vitae ...The biggest risk is that these youngsters mentally seclude themselves, staying at home all the time without any social experiences and in this way out casted, without the possibility to develop themselves and a large risk of recurrences.

Good Practice: Host community “ Il Girasole” (“The Sunflower”)

Target Group⁷

Young males between 14 and 18 years old, in specific:

- Youngsters with alternative detention measures
- Youngsters with a civil restriction or an administrative measure for re-education that can be applied till the age of 21

⁷In specific:

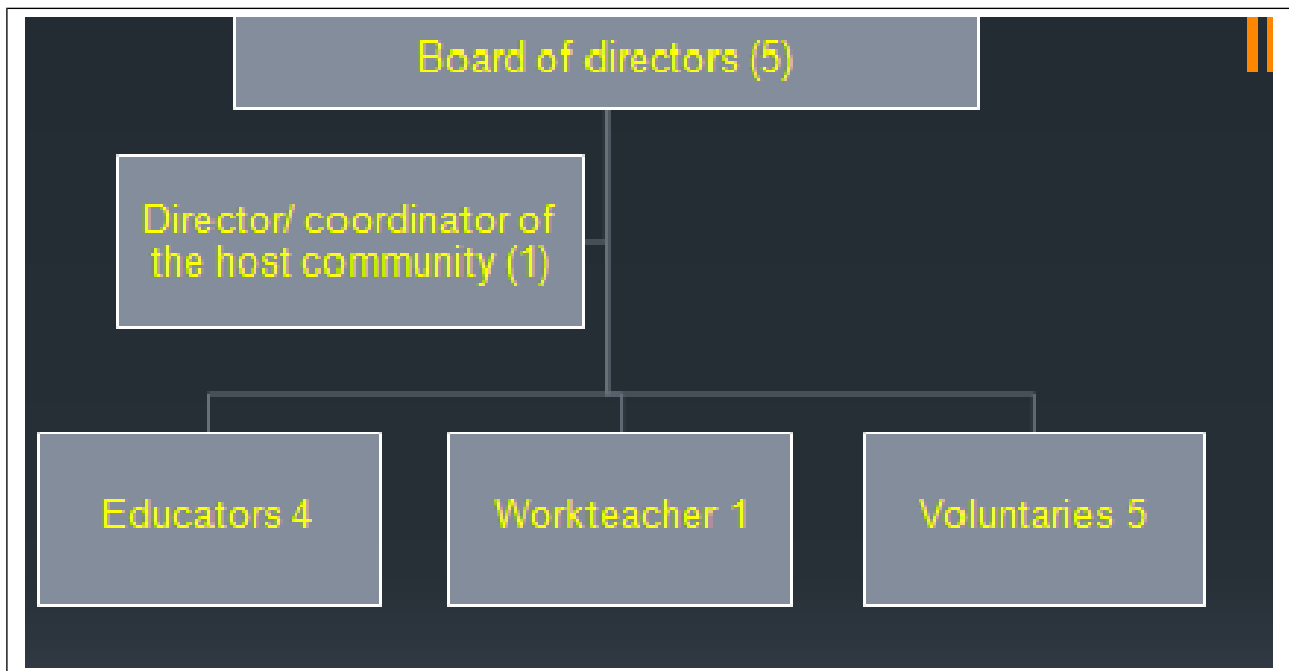
- n.4 Youngsters with alternative detention measures;
- n.1 youth with maximum penal restriction (precautionary measures);
- n.3 youngsters in probation
- n. 4 Youngsters with a civil decree:
- n.1 youth in a consensual custody between the social services and the family
- n.3 youngsters in custody to the social services.

Budget: 113€ a day for each youth.



- Youngsters with an “after 18 project” in our Youth- Hostel ‘Adige’

Tab. 1 - Staff



The service is funded by:

- The Ministry of Justice
- Local authorities of the towns where the youngsters have their residence
- European / Italian competition announcements
- Private donations etc.

Methodology

The approach used is **the peer-group method**, the key idea is that youngsters with a penal restriction and youngsters with a civil decree can learn from each others situation.





Youngsters with penal restriction want to become youngsters with a probation project in order to become in the end “civil again” but a youngsters with a civil decree do not want to become penal.

Despite this they have some common aspects:

- they are usually in “NEET ”- situations (No Education, Employment, or Training);
- they committed illegal activities;
- they make use of drugs / alcohol;
- they tend to frequent situation or persons that are a risk for them.

Our educational principle is to offer our youngsters different possibilities that go



Each project is individualized for each youngster starting to work on their N.E.E.T. problems (No Education Employment or Training).

The different steps

Step 1 - minimum threshold: basic activities of the host community with the constant presence of an educator and a working teacher, giving the youngsters instructions and supervision during educational and working laboratories organised inside and outside the host community.

Step 2 - second level;

higher activities where we work on partial autonomy





A youngster must be able to handle frustrations and stress even without the presence of educators or work teacher, on the other hand he still finds himself in a “protected environment” with people that observe him and help him with his work activities.

Step 3 - high level of autonomy:

- Going to school in complete autonomy, using also public transports etc.
- Attending to some courses
- Following an educational stage inside a social enterprise
- Paid work stage inside a regular company

The staff also make use of other educational instruments and combinations thereof allowing to make each youngster clearly understand the sense of the limit. This is in addition to the restriction measures that youths are carrying forward, it must be clear to the youngster what he has to do in order to arrive to the next step.

Outputs

1. youngsters aren't exposed to frustrations (at least a lower level of frustration) not satisfying disproportionate requests, avoiding feelings of failure and waste of resources;
2. the sense of self-efficacy (If the youngster respects the agreements following the steps as told, he will have a concrete and immediate result that will increase his level of self-efficacy , “finally I do something that makes me feel good, and receiving compliments that I did a good thing”, making increase the level of self esteem).

The educational instruments and educational principle to work **from simple to complex** is mostly based on behaviourism, indeed, this approach is very effective. The key is to observe the youth's behaviour without judging him as a person helping him to recognize and elaborate the mistake and to reflect on what happened, so it is an observation and not a punishment. The advantage of such approach is the opportunity to work on the relationship between the youngster and the educator.





In concrete:

In 2014 Community il Girasole hosted n.6 youngsters in precautionary measures, during the same year, all these youngsters got a probation:

- n.3 of them were able to do the probation at our host community;
- n.1 of them was able to do only half of his probation at our host community and the other half at home, he will finish in May 2015 demonstrating so far positive results;
- n.1 youngster will finish his probation at our host community in June 2016, so far positive results;
- n.1 youngster after precautionary measure and probation, is still with a civil decree at our host community, so far positive results;
- The other n.3 youngsters got their probation at home after finishing the precautionary measure at the host community (Two of them demonstrated recidivism during probation: one is now in a youth detention centre and one is now free but keeps his penalty clause. The third one completed successfully his probation at home and finished his school getting a diploma and is matriculated at University).

