J.O.D.A.
Juvenile Offenders Detention Alternative in Europe

JUST/2013/JPEN/AG/4573

National Report

The Netherlands
NATIONAL REPORT THE NETHERLANDS

Juvenile Offenders Detention Alternatives

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The Netherlands

Authors: Maartje Berger & Joyce Brummelman
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I. Juvenile Justice System

1.1. Introduction

This national report provides an overview of the alternatives for (pre trial) detention for children in conflict with the law. Relevant laws and procedures have been analysed and experts were interviewed, including lawyers, government officials, probation officers, ngo's (fieldworkers), academics, researchers, police officials and policy makers.

Three cases of minors who were in pre-trial detention in a youth custodial institution and who went home with an alternative for detention were intensively followed. One young person was spoken to and throughout the cases the parents gave information about the case.

Definitions

Target group: Children in conflict with the law, who have reached the age of criminal responsibility before or after the sentence, focusing on the age of deprivation of liberty (if different from the age of criminal responsibility).

‘Alternative to detention: Alternatives to detention refer to measures that may be imposed on children who are being formally processed through the criminal justice system at both pre-trial and sentencing stages, that do not involve deprivation of liberty.’

The project will consider both diversion and alternative mechanisms.

1.2 Overview Youth Justice System

The common discourse in The Netherlands in 2013 is that juvenile crime rates and the number of minors in youth custodial institutions are going down rapidly. In the years 2005 - 2012 the total amount of minor suspects of crime went down with almost 53 %. (green: boys, dark blue: girls).

Between 2010 and 2013 the number of children in youth custodial institutions decreased with 25%.

Youth Crime statistics

TABLE 1. TRENDS IN YOUTH CRIME (NUMBER OF SUSPECTS PER 1.000 MINORS)

<table>
<thead>
<tr>
<th>Year</th>
<th>Jongens</th>
<th>Meisjes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>133.4</td>
<td>133.4</td>
<td>266.8</td>
</tr>
<tr>
<td>2006</td>
<td>132.4</td>
<td>126.0</td>
<td>258.4</td>
</tr>
<tr>
<td>2007</td>
<td>125.0</td>
<td>111.6</td>
<td>236.6</td>
</tr>
<tr>
<td>2008</td>
<td>111.6</td>
<td>93.6</td>
<td>205.2</td>
</tr>
<tr>
<td>2009</td>
<td>93.6</td>
<td>80.7</td>
<td>174.3</td>
</tr>
<tr>
<td>2010</td>
<td>80.7</td>
<td>71.9</td>
<td>152.6</td>
</tr>
<tr>
<td>2011</td>
<td>71.9</td>
<td>62.8</td>
<td>134.7</td>
</tr>
<tr>
<td>2012</td>
<td>62.8</td>
<td>53.5</td>
<td>116.3</td>
</tr>
</tbody>
</table>


2 Source: http://www.nji.nl/Delinquentie-Probleemschets-Cijfers
Self report statistics of minors show higher figures of committing a crime. In 2010 38 % minors aged 12 to 18 mentioned committing a crime (delict) (Source: Van der Laan en Blom, 2011).

<table>
<thead>
<tr>
<th>TABLE 2. ARREST AND DETENTION</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of minors at the age of criminal responsibility (12 - 18)</td>
<td>1,191,453</td>
<td>1,184,064</td>
<td>1,184,970</td>
<td>1,189,120</td>
<td>1,196,634</td>
</tr>
<tr>
<td>Total of minors heard by the police</td>
<td>54,048</td>
<td>50,969</td>
<td>46,477</td>
<td>41,601</td>
<td>34,772</td>
</tr>
<tr>
<td>Police custody minors (inverzekeringstellingen)</td>
<td>8,059</td>
<td>9,234</td>
<td>8,240</td>
<td>7,603</td>
<td>6,963</td>
</tr>
<tr>
<td>Total number of minors in youth custodial institutions</td>
<td>2,557</td>
<td>2,406</td>
<td>2,136</td>
<td>1,999</td>
<td>1,520</td>
</tr>
<tr>
<td>% minors in pre trial detention in youth custodial institutions at reference date</td>
<td>73% (265)</td>
<td>79% (252)</td>
<td>74% (219)</td>
<td>75% (171)</td>
<td>74% (137)</td>
</tr>
<tr>
<td>Average number of days in pre-trial detention</td>
<td>36</td>
<td>38</td>
<td>40</td>
<td>40</td>
<td>38</td>
</tr>
<tr>
<td>Total minors with custodial treatment measure (PIJ-maatregel) at reference date</td>
<td>64</td>
<td>47</td>
<td>42</td>
<td>40</td>
<td>30</td>
</tr>
<tr>
<td>Minors aged 12- and 13 placed in a youth custodial institution</td>
<td>?</td>
<td>33</td>
<td>43</td>
<td>23</td>
<td>27</td>
</tr>
</tbody>
</table>

Recidivism

In May 2012 the minister of Safety and Justice wrote a letter to the members of Parliament in which the statistics on recidivism 2012 were explained. He acknowledges that it is difficult to get results from research on causal linking (causaal verband) of judicial interventions. However, taking various studies into account the minister is convinced that community sanctions and behaviour interventions can lead to reduced recidivism. Interim judgement and research of several recognised interventions show that skills of participants have improved effectively for the long term.

Committee of the Dutch Recognition System for 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. 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 circumstances.”

New behavioral interventions for minors can brought be to the Committee for recognition by:
- Youth Care (Bureau Jeugdzorg)
- The board of Leger des Hells/Youth Care and Probation
- Halt
- The Council for Child Protection (national bureau)

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3 Source: Ministry of Safety and Justice (DJI). 4 http://statline.cbs.nl; 5 Landelijke database GIDS; 6 Number of minors in a youth custodial institution on 1 January plus the number of minors that was placed in the institution during the year; 7 On 1 January of the next year. For example the number of 2013 is set on 1 January 2014.

4 27 May 2013, kenmerk 378747 Recidive, pakkens en strafhooget.

5 Brief d.d. 27 mei 2013, kenmerk 378747 Recidive, pakkens en strafhooget.
The Committee of the Dutch Recognition System for Interventions decides upon acknowledgement of the interventions according to the What Works principles (see explained in 3.2.). Furthermore, the Committee advises upon the effectiveness of the interventions to the minister of Safety and Justice and communicates about the activities of the Committee. See for the rules: instellingsbesluit.6

The Recognition system uses:7
1. ex ante judgement (beoordeling) including a reality check. Does the intervention contribute to reducing recidivism of minors?
2. Interim judgement (beoordeling). The committee determines whether the interventions actually lead to reduced recidivism of minors.
Within five years after recognition the interim judgement takes place and within eight years the ex post judgement is carried out.

Quality indicators Committee of the Recognition System8
1. Theoretical substantial description (onderbouwing) 2. Selection of litigants (justitiabelen)

1.3. Overview of the Juvenile Justice System in The Netherlands
Youth criminal law is laid down in the Criminal Code and the Code of Criminal Procedure. Special rules apply when a child is sentenced and stays in a youth custodial institution under the Youth Custodial Institutions Act (November 2000).

The Ministry of Security and Justice is responsible for maintaining the rule of law in the Netherlands and is therefore also responsible for the juvenile justice system.

During arrest, the law applicable to minors is similar to the law for adults. Only a small section of the law contains special rules for minors. Due to the introduction of Adolescent Criminal Law in April 2014, the prosecution renewed their criminal procedure rules for minors and adolescents.9 In these rules the ZSM method (ZSM = as selective, fast, common, clever, and community based as is possible) is laid down, meaning that police, prosecution and the Council for child protection work together on a daily basis and commonly coordinate, adapt, discuss and judge cases of minors. The Public Prosecutor10 (Openbaar Ministerie) is competent to decide upon cases and to bring children before criminal court.

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6 Instellingsbesluit Commissie: Staatscourant 21 oktober 2005, nr. 205 / pag. 16
9 Richtlijn en kader voor strafvordering jeugd en adolescenten, inclusief strafmaten Halt (2014R005)
10 Which is part of the judiciary, but falls within the responsibility of the Ministry of Security and Justice.
The Netherlands made a reservation to article 37 of the Convention of the Rights of the Child (CRC). According to article 77b and c of the Code of Criminal Procedure, minors aged 16 and 17 can be sentenced in certain cases as adults. On the other hand, young people of 18 to 23 years old, can be sentenced under juvenile criminal law. A bad new development is the introduction of the possibility to change an ending Pij-treatment measure for minors to the TBS-measure for adults. In theory this could eventually lead to a life sentence at the long stay division of a TBS centre.

In the Netherlands children can be arrested and heard by the police at any age. The minimum age of criminal responsibility is 12. The prosecution and police custody can only take place from that age. Minors aged between 12 and 18, suspected of a serious offence can be held in police custody for 3 days and 15 hours before seeing a judge. The investigating children’s judge has to check whether the child can be released. If the deprivation of liberty is prolonged, minors aged 12 to 15 may lawfully be kept for a maximum of 9 days and 15 hours in a police cell (police custody and detention on remand). Minors aged 16 or 17 can be kept in police cells for a maximum of 16 days and 15 hours due to capacity problems or problems concerning transportation.

Special procedure rules: "Suspension unless" and "Every place the judge seems fitting’

The Netherlands offer a broad variety of specific sanctions and interventions designed for youth justice. On the other hand, the law of penal procedure is very similar for adults and minors. However, article 493 of the Code of Criminal Procedure contains two important rules specifically for minors. When deciding upon detention on remand the investigating judge has to consider the possibility to suspend the detention (paragraph 1). This means that in most cases minors can go home on conditional suspension. According to article 493 paragraph 3 police custody and detention on remand may be spend at ‘every place the judge seems fit’, not necessarily a (police) cell. In practice, the opportunity to refer to another location than a (police) cell is rarely used.

Youth Custodial Institutions Act

For minors staying in a youth custodial institution a special law is applicable, named Youth Custodial Institutions Act. This law describes extensively the conditions for judicial youth institutions such as education, sports, specialized staff, care, use of disciplinary measures etc.

Youth sentences

Youth sentences are: a fine, community service and youth detention. Measures for youth are: confiscation of illegally obtained goods, behavioural measure (gedragsbeïnvloedende maatregel), and custodial treatment measures ( pij-maatregel).

After the verdict, the Public Prosecutor has the task of ensuring that the judgment of the court is carried out. If the judge has sentenced a child with community service\(^\text{11}\), the Public Prosecutor has delegated the supervision to the Child Protection Board.\(^\text{12}\) Children who are sentenced with youth detention are deprived of their liberty in youth custodial institutions.

Custodial institutions

In 2008 The Netherlands still provided space for juveniles in fourteen youth custodial institutions. Some of them had two or three sections. In 2011 and 2012 five sections of youth custodial institutions and one institution were closed (not in use anymore).\(^\text{13}\) The government

\(^{11}\) Community service for minors consists of an unpaid working sentence, a sentence in which the child has to follow a training which relates to the offence, or a combination of both.


foresees that this trend will continue in the coming years. Therefore the Secretary of State recently decided to close two more youth custodial institutions in 2016. At this moment a total of eight youth custodial institutions are open, but the capacity in the institutions is not fully used.

Youth custodial institution Amsterbaken in Amsterdam, which will close its doors 1 January 2016.
Photo: archivolt architecten

**Costs**

Spending a day in a youth custodial institution in 2012 costs € 563 per day. This does not include the costs for education and youth probation. The total costs for the treatment of minors staying the average amount of time of seven months is €100,000. The daily costs in 2012 were 83% higher than they were in 2007. The costs of an electronic ankle brace are € 65 per day excluding the supervision by the youth probation. Multi System Therapy (MST) is an alternative for placement in a youth custodial institution. The total costs of MST in The Netherlands are € 15,000 to € 18,000 per minor.

**II. Legal framework for implementing alternatives to deprivation of liberty**

**Question: Is there a demand for harder more punitive responses by public and politics?**

Professor: It goes both ways. There is a call for a repressive hard approach in fighting crime. On the other hand a big investment is made towards alternatives for detention. Politicians are aware of the extra value of alternatives.

**2.1 International legal framework**

Several treaties and other documents provide protection for children who are deprived of their liberty. These treaties and documents will be discussed below.

1. http://www.rekenkamer.nl/Nieuws/Persberichten/2012/03/Werkwijze_in_jeugdgevangenis_verbeterd_Justitie_weet_nog_niet_wat_het_effect_op_jeugdigen_is

According De Ruiter en Ory (2005) intense, system based interventions that are used during a relatively long period of time are most effective looking at costs and reducing recidivism. They also conclude that an MST-treatment measure in The Netherlands costs one third compared to staying in a youth custodial institution.
Convention on the Rights of the Child (CRC)
The Netherlands has signed the CRC on 26 January 1990 and ratified the CRC on 6 February 1995. The Netherlands made reservations with respect to articles 26, 37 and 40 of the CRC.\(^\text{16}\)

With regard to alternatives for detention, the articles 37 and 40 are of utmost importance. According to article 37 State Parties ensure that children that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time (37b CRC). Article 40 CRC provides children with due process rights. According to this article State Parties recognize the rights of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and value and taking into account the age of a child and the right to reintegration. This article gives the child several guarantees, which are, inter alia, that a child has the right to have the matter determined without delay by a competent, independent and impartial authority in the present of legal or other appropriate assistance, to not be compelled to give testimony or to confess guilt. According to article 40 section 4 CRC State parties need to develop a variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care. The CRC is legally binding and State parties are obliged to report on the implementation of and compliance with the CRC to the Committee on the Rights of the Child (CRC Committee). The CRC Committee will give recommendations to improve the implementation of the CRC. However, these recommendations are not legally binding.

Concluding Observations Committee on the Rights of the Child
In response to the State's report, the CRC Committee made its concluding observations to the Netherlands on 27 March 2009. Special attention was given to pre-trial detention. The CRC Committee reiterates its concern that there is an increasing use of pre-trial detention for juveniles in The Netherlands. Therefore, the CRC Committee recommends that the deprivation of liberty of juvenile offenders is used only as a measure of last resort and for the shortest appropriate period of time.\(^\text{17}\)

Beijing Rules
The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing rules) provide minimum standards for the penal trial of children, which serve as a model for further development of the juvenile criminal justice system in all Member States of the UN. Deprivation of liberty of a minor may only be used as a sanction in serious cases involving violence against persons or in cases of repeated involvement in serious offences and unless there is no other appropriate response (rule 17.1 under c). The Rules are not legally binding, but are often used as an interpretation tool of the CRC.

Havana Rules
The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) establish "minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society" (rule 3). The rules aim to counteract the harmful effects of deprivation of


\(^{17}\) UN Document CRC/C/NLD/CO/3, par. 77.
liberty of children and to promote the (re)integration of minors in society. Rule 17 ensures that children who are "detained under arrest or awaiting trial ("untried") are presumed innocent and shall be treated as such. Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. Therefore, all efforts shall be made to apply alternative measures". According to rule 80 "competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society". The Havana Rules are not legally binding, but the CRC Committee did request all State Parties to fully implement the Havana Rules (par. 88, UN Document CRC/C/GC/10).

Council of Europe
The Council of Europe published two guidelines that apply to juvenile justice, which are the European Rules for juvenile offenders subject to sanctions or measures (European rules) and the Guidelines on Child-Friendly Justice. Both guidelines state that deprivation of liberty of children shall be a measure of last resort and should be imposed and implemented for the shortest period possible and that special efforts must be undertaken to avoid pre-trial detention.

European Commissioner for Human Rights
On 19 June 2009 the Commissioner for Human Rights recommended that The Netherlands have to develop a variety of dispositions, such as care, guidance and supervision orders, counselling, probation, foster care, education and vocational training programmes and other alternatives to institutional care. Particular concern has been expressed about the placement of children in pre-trial detention for long periods. The Netherlands must take specific action to reduce the number of children in pre-trial detention and pre-trial detention as a sanction should be strictly forbidden. In order to minimize the use of pre-trial detention it is necessary to make available structured bail support. Every effort should be made to ensure that the child remains in his/her family while awaiting trial, while also receiving help with staying out of further trouble. Alternative measures, for example bail fostering, mentoring programmes and residential alternatives should be made available. Where pre-trial detention is unavoidable, it is vital to keep its length to a minimum. To this end, those in detention awaiting trial should have their proceedings expedited. Moreover, strict limits must be placed on the duration of any pre-trial detention in the case of children, and the need for such detention must be subject to regular review.\(^\text{18}\)

2.2. Diversion and alternatives to police custody / pre-trial detention
The Dutch Criminal Code and the Code of Criminal Procedure contain several rules and sanctions which guarantee that children will only be locked up when there is no other possibility and that alternatives are applied first. In this section the possible means of alternative measures that are currently described by law and applied in practice are mentioned. The Dutch Criminal Code and the Code of Criminal Procedure contain several rules and sanctions which guarantee that children will only be locked up when there is no other possibility and that alternatives are applied first. In this section the possible means of alternative measures that are currently described by law and applied in practice are mentioned.

The police and the prosecution have various possibilities to settle cases of minors out of court. The police can dismiss a case by giving a warning or reprimand and take no further action.\(^\text{19}\)

\(^{18}\) Source: https://wdc.coe.int/ViewDoc.jsp?id=1460021#P225_45813, chapter 6.

\(^{19}\) Violence against children in conflict with the law. A Study on Indicators and Data Collection in Belgium, England and Wales, France and the Netherlands, The Howard League for Penal Reform & Defence for Children, Amsterdam, 2008, p. 53.
When there are worries about a minor, for example about his situation at home, the police can refer to youth care (zorgmelding).

**Halt**
First offenders who confess a light offence can be diverted by the police to HALT (The Alternative). These offences are vandalism, truancy or minor property offences, like shop lifting or illegal fireworks in the week before New Years Eve. Halt confronts minors with their behavior and the consequences by making them apologies, damage compensation and specific teaching assignments. The child has to confess and parents are involved actively. In 2013 more severe offences, like simple assault and insulting an officer, were send to HALT than before. The advantage of Halt is that, unlike most alternatives, the intervention is not registered in the national judicial documentation and has no (negative) consequences to the future of the minor.

If a minor is a suspect, the police will issue a summons and send the case to the prosecution. The prosecutor can dismiss a case by lack of evidence, settle the case himself or prosecute and bring the case before trial.

**Restorative justice** is mentioned in article 51h Code of Criminal Procedure. It can be used as part of a Halt intervention, but also after a minor has been sentenced by a prosecutor or judge or placed in a youth custodial institution. Specialists agree that it is important that it is used more often. This mindset and more awareness is needed.

**ZSM method**
The prosecution can deal with cases themselves via the ZSM- Method (as Simple, Selective, Clever and Society based possible). This method was introduced in March 2011. At the "ZSM-table" the prosecution works closely with the police, probation officers, Slachtofferhulp Nederland (organisation for the victim) and the Council for Youth Protection. These stakeholders decide directly upon the next steps, how to deal with the case and, if possible how to close it (afdoen).

**Authorisation for placement in closed youth care**
The court can decide to place minors who need protection against themselves or others, in a closed care institution in which different levels of freedom restricting measures can be imposed. Some minors placed in these institutions have been in conflict with the law. Closed youth care can lead to the outcome that the case is diverted from the penal system, but this is deprivation of liberty and can not be seen as an alternative for detention.

**Example of case law:** Decision Court The Hague (ECLI:NL:RBDHA:2013:CA1659)
A minor stays in pre trial detention in a youth custodial institution as a suspect of a crime. Both youth care and the lawyer of the minor ask the judge to apply civil law, because this will offer a better care programme than is available in a penal institution. Youth care claims that the development of the minor is at risk if he will not obtain a professional high qualitative care programme. The judge decides to place the minor in closed youth care.

**Police custody: "Early Help programme" by Council for Youth Protection (vroeghulp):**
When a child is arrested and is in police custody, the Council for Child Protection visits the minor as soon as possible, preferably during the first three days before the child sees a judge. During

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the "Early help programme" the Council gives information to the minor and his parents about the 
penal procedure. Secondly, The Council advises the prosecution and the judge upon deprivation 
of liberty and the possibility to go home (or to family or another place) under conditions. This 
means the Council will talk to parents, check whether the home is safe to go back to and will ask 
information about school and leisure activities.

Prosecution settlement (OM-afdoeing) 
The law entitles the Prosecution to deal with small cases or petty crime, outside court. At this 
stage, the prosecution can both prosecute and sanction in one and the same case. According 
to the law named the "Wet OM-afdoening", the Procesution can impose sanctions and measures, or 
indications (aanwijzing) like a fine, community service, compensation or for example a prohibition 
to enter a sports stadium.

Youth judge - "Suspension unless"
The Dutch Penal Code of Criminal Procedure (article 493) involves a special rule for minors 
named "suspension unless", meaning that the youth judge deciding on the deprivation of liberty 
and the prolonging of pre trial detention, first has to consider alternatives for detention. Only 
when it appears that going home upon conditions is not possible for a minor, the judge can 
decide to keep the minor in pre trial detention in a youth custodial institution and has to motivate 
why. The Council of Child Protection advises upon depravation of liberty or suspension. Youth 
probation will guide, supervise and control the conditions. The conditions under which 
"suspension unless" can be organised is set in the policy rules ( article 27 Besluit 
tenuitvoerregging jeugdstrafrecht 1994). Conditions can consist of, for example, a training- or 
community programme, prohibition to visit certain places or to meet certain people, intensive 
guidance by youth probation, an anti-drugs programme, a behavioural measure or mediation with 
the victim. The special rule of "suspension unless" brings the system of pre trial detention closer 
to compliance with the standards of the Convention on the Rights of the Child.

(Electronic) House arrest 
According to the Dutch Penal Code of Criminal Procedure (article 493 paragraph 3) pre trial 
detention can take place at "every place the judge seems fit". House arrest is used regularly. A 
young person suspected of a crime stays at home and can go to school, but will be supervised by 
youth probation or a neighborhood official (buurt regisseur). The Ministry of Safety and Justice 
just started a pilot project placing children in foster care as an alternative for pre trial detention. 
Electronic house arrest is possible as well. Policy rules are still being implemented. For minors 
probation services, youth probation, council of youth protection and prosecution have to be 
involved and informed in the decision. Electronic house arrest for minors needs to be evaluated 
every year in which the prosecution has to take the initiative.

Community service / Training order (taakstraf: werk-leerstraf) 
Suspension under conditions can involve a community order in which the minor has to work for 
free or has to participate in anti-agression training or a social skills training.

21 http://www.steunpuntenforensischezorg.nl/bij-politie-en-justitie/raad-voor-de-kinderbescherming/
22 http://www.om.nl/onderwerpen/strafbeschikking/de_wet_om-afdoening/
23 De Jonge, G., & Van der Linden, A.P., Handboek Jeugd & Strafrecht, Een leer-en praktijkboek over het (internationale) 
24 Aanwijzing elektronisch toezicht (2010A008)
Night detention (school during day, custody at night)
In certain cases the judge can decide that minors in pre trial detention can continue to go school, internship or work. After school or work the minor goes back to the youth custodial institution.

2.3. Court
When the case comes to a final verdict the judge has several choices for alternatives to detention. Most alternatives will be part of the Recognition System for Interventions (erkende gedragsinterventies).

Youth detention under conditions (voorwaardelijk)
Youth detention can be issued conditionally (article 77x Criminal Code). This means that the minor has to accept conditions that can not be violated during a certain period of time. Further conditions can be given which are set in the policy rules (article 27 Besluit tenuitvoerlegging jeugdstrafrecht 1994) including training- or community programmes, prohibition to visit certain places or to meet certain people, intensive guidance by youth probation, anti-drugs programmes, behavioural measures (such as "ITB harde kern") and/or mediation with the victim.

Pij-measure under conditions (voorwaardelijk)
A measure for treatment in a youth custodial institution (Pij-measure) can be issued conditionally as well. The minor has to obey the conditions given by the judge during a certain period of time. If not, the prosecution can ask the judge to decide to a Pij-measure which means that the minor will be placed back in the institution.25

Behavioural measure (Gedragsbeïnvloedende maatregel):
This measure means to close the gap between a conditional youth detention or pij-measure and deprivation of liberty. The "behavioral measure" was introduced in February 2008. It takes place outside an institution, at home, with the family or at another place. It can last from 6 months up to one year and it can be extended once. The goal is to change the behaviour of child offenders and aims to reintegrate them into society well. The measure consists of several interventions (modules) of which youth care can be a part as well.26 It is aimed at child offenders that have repeatedly committed crimes (veelplegers) and hard core offenders (harde kern). The goal is to stop the development of a criminal career, to strengthen protective factors and to take away negative factors. The Council for Child Protection has to advise the judge upon this measure.

(concept law) Disposal to Education (Ter beschikking stelling van het onderwijs TBO).
A new sentence is prepared by the government, but is not in practise yet. Disposal to education means that the convicted minor has the duty to go to school and to obtain a starters qualification. If they do not succeed, youth detention can be imposed.

Combination of sanctions and possibility of a combi trial
According to Dutch law, the judge can in its decision, impose and combine all possible sanctions and measures. Several courts organise combi trials in which the judge combines within one case a penal youth session and a civil youth session at the same time.

25 http://www.delingeburght.nl/?page_id=8
26 J. Uit Beijerse, Jeugdstrafrecht, Beginseelen, wetgeving en praktijk, 2013, Maklu
TABLE 3. PROSECUTION AND DIVERSION

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases of minors(^{27})</td>
<td>30,700</td>
<td>27,200</td>
<td>25,100</td>
<td>22,400</td>
<td>-</td>
</tr>
<tr>
<td>% of interventions by police or prosecution(^{19})</td>
<td>87%</td>
<td>86%</td>
<td>85%</td>
<td>83%</td>
<td>-</td>
</tr>
<tr>
<td>Sanctioned by Prosecution(^{28})</td>
<td>20,909</td>
<td>17,916</td>
<td>16,402</td>
<td>14,722</td>
<td>-</td>
</tr>
<tr>
<td>Decision by a children's judge(^{19})</td>
<td>12.00</td>
<td>10.200</td>
<td>9.200</td>
<td>8.400</td>
<td>-</td>
</tr>
<tr>
<td>Number of minors in closed youth care(^{1})</td>
<td>2,038</td>
<td>2,952</td>
<td>3,261</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>ZSM (introduced in 2011) including CVOM (Centrale Verwerking OM)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>183,798(^{2})</td>
</tr>
<tr>
<td>Behavioral measure (Gedragsbeïnvloedende maatregel)</td>
<td>92</td>
<td>87</td>
<td>71</td>
<td>84</td>
<td>-</td>
</tr>
<tr>
<td>Community sentence work(^{29})</td>
<td>36,533</td>
<td>34,253</td>
<td>31,185</td>
<td>31,961</td>
<td>-</td>
</tr>
<tr>
<td>Community sentence education(^{21})</td>
<td>836</td>
<td>378</td>
<td>84</td>
<td>23</td>
<td>-</td>
</tr>
<tr>
<td>Youth detention(^{30})</td>
<td>1,199</td>
<td>1,122</td>
<td>962</td>
<td>929</td>
<td>-</td>
</tr>
<tr>
<td>Youth detention and community sentence(^{31})</td>
<td>1,269</td>
<td>945</td>
<td>836</td>
<td>764</td>
<td>-</td>
</tr>
<tr>
<td>Conditional youth detention(^{31})</td>
<td>908</td>
<td>633</td>
<td>486</td>
<td>421</td>
<td>-</td>
</tr>
<tr>
<td>Pij-measure(^{31})</td>
<td>106</td>
<td>104</td>
<td>115</td>
<td>126</td>
<td>-</td>
</tr>
<tr>
<td>Conditional pij-measure</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>-</td>
</tr>
</tbody>
</table>

\(^{1}\) Juwegdorg Nederland, Brancherapportage Juwegdorg 2011. Number of minors treated in an accommodation for closed youth care during the year, of which 2,579 are unique. Unknown is how many of them are placed in closed youth care by civil law as an alternative for a conviction by penal law.

\(^{2}\) http://www.om.nl/onderwerpen/zsm/@162291/merendeel-zaken/

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**III. Practice framework on alternatives to deprivation of liberty**

Defence for Children advises parents and minors on children rights and juvenile justice. In most cases alternative measures are mentioned and weighed by the prosecution, lawyers and the judge. In these three cases they were not used, which was damaging for the minor and his family.

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**Cases young suspects:**
Boy (13) stays one month in pre-trial detention. When he is finally released he is grounded (house arrest). He is not allowed to go back to school because he is prohibited for him to have contact with the victim (contact order). His uncle teaches him in the meanwhile. Only after three months of staying at home, he is allowed at another school. He is not sure he will still manage to succeed this year.

---

\(^{27}\) Annual report prosecution and * Monitor youth crime
\(^{29}\) Idem p. 616
\(^{30}\) Idem p. 575
\(^{31}\) Idem p. 574
Boy (13) stays for six months in pre-trial detention. His mother visits him daily and travels more than one hour to visit him. It takes a lot from her and her family. When he is finally released he is convicted to an alternative measure and stays under supervision and treatment. The boy never expected it to last that long. In his group in the institution were only older boys. For his mother it was a very stressful period. She is very happy with the help she and her son now finally get. The sentence he finally got appeared to be the same amount of time as he had already spent in pre trial detention. He did not have to go back.

Boy (14) is in pre-trial detention for one month. He and his family were willing to accept help from the start, but the judge decided he had to stay in the youth custodial institution. Most children in his group and at school are much older than he is. After one month he is released. For him and his family an alternative to pre-trial detention would have been better. The family had recently been through a lot of problems and things were just getting better. The deprivation of liberty is very upsetting for the whole family.

In the Netherlands a wide range of alternatives and knowledge of community programmes and behavioral interventions is developed and recognised as evidence based. In this section best practises of alternatives are illustrated by quotes from experts who were interviewed such as lawyers, government officials, probation, ngo's (fieldworkers), academics, researchers, police official and policymakers and examples are taken from cases involving parents and minors. If possible, the status of research and analysis is mentioned as well as the strengths and weaknesses of common practises. Clear information about the costs and cost effectiveness of the recognised Dutch interventions and alternatives is not widely available. Research was done in 2012. The conclusion is that it is not possible to measure the costs and the effects yet, but more information should be available for users of the interventions.

**Director NGO:**
In The Netherlands we have developed a sufficient number of interventions and alternatives. The problem is the way it is organised and the availability of programs and interventions.

### 3.1. Halt

Halt is the most common intervention. Halt aims at keeping the minor out of the justice system, and is a measure of diversion. A third of the minors arrested by the police are referred to Halt.

<table>
<thead>
<tr>
<th>Good practise 1</th>
<th>Halt</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONTEXT</strong></td>
<td>&quot;The Alternative&quot; or &quot;Halt&quot; is an organization with one director, 4 regional managers and several Halt-teams in ten regions. The Halt intervention is based on the Criminal Code art 77e. The Public Prosecution bears responsibility for the intervention (accountable). Minors aged 12-18 who are arrested can be referred by the police or the prosecutor to Halt for petty crimes such as destruction, nuisance or aggression. Halt aims to keep the minor out of the justice system. When a Halt intervention is completed successfully the case will be closed and will not be send to the prosecution nor registered in the judicial documentation. This means a young person will not be confronted with this sanction again and it will not have a negative impact on obtaining a declaration of good behaviour in order to be permitted at school or jobs.</td>
</tr>
<tr>
<td><strong>GOALS</strong></td>
<td>General Objective:</td>
</tr>
</tbody>
</table>

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32 [www.erkenningencommissie.nl/bekendelijsten/erkenningmeldingen/jeugdogen/index.aspx](http://www.erkenningencommissie.nl/bekendelijsten/erkenningmeldingen/jeugdogen/index.aspx)


34 [http://www.halt.nl/index.cfm/site/Halt%20/pageid/82EFA11B-A75D-EF9A-0259FC46B884EB76/index.cfm](http://www.halt.nl/index.cfm/site/Halt%20/pageid/82EFA11B-A75D-EF9A-0259FC46B884EB76/index.cfm)
The goal of the Halt intervention is to prevent, reduce and sanction youth crime and to add to a safe and liveable environment. Halt works on improving awareness of norms and behaviour for young people and parents. It is a diversion and aims to keep the minor out of the justice system. Specific objectives: The starting point of Halt is to stimulate good citizenship and to make young people think about their behavior and the consequences of it as well as to restore and adjust their behavior. Halt is an early intervention, it starts when the young person is easily and at most suggestible (beinvloedbaar). Setting borders, enlarging insight in the position in a group of friends and dealing with resistance are important.

**DESCRIPTION**

The Halt programme has recently been improved and renewed. Parents now play a more important role than before and restorative justice has been made more important. Halt consist of various elements:
- conversation with minor, parents and Halt officer.
- compensation of damage (if necessary)
- making apologies
- learning assignments (*leeropdrachten*)
- sometimes a community sentence

**BUDGET**

The ministry of Safety and Justice finances the Halt intervention. Halt works on the prevention of youth crime as well in cooperation with municipalities and other clients such as the government, counties, schools and care institutions.

**OUTCOMES**

In 2013 a total of 16.820 minors were referred to Halt for offences such as truancy, theft, and destruction. More often than before, more severe case were referred to Halt.

**PROFESSIONALS INVOLVED**

Halt official, parents, minor and if agreed the victim. The prosecution is responsible for the Halt intervention.

**INSTITUTIONAL PARTNERS**

Halt is part of the Ministry of Safety and Justice. Halt is a stakeholder between the government, local municipalities, police, prosecution, council for youth protection, youth care and education. Halt participates in Safety houses, and takes part in stakeholders meetings such as het *Arrondissemmentaal Jeugd Beraad (AJB)* en het *Arrondissementaal Platform Jeugdcriminaliteit (APJ)*. It provides information for case consultations, and they regularly contact attendance officers in education (*leerplichtambtenaren*). Concerning drugs and alcohol close cooperation takes place with professionals at the municipality, police and addiction services (verslavingszorg).

**CONTACT**

Director: Ms. A. Kruijthof MPA (LLM)
http://www.halt.nl/

**EVALUATION**

*Translating evaluation findings into statements of good practices?*
In 2006 and in 2013 Halt has been evaluated. Due to the outcomes Halt is renewed and further adjustments are in process. In 2006 the study named *Halt: The alternative? The effects of the Halt arrangement revisited*[^35] showed that the effect of the intervention was not better than a police intervention. The results of the study provide enough tools to revise the Halt procedure in 2006 in order to achieve the desired results in distinct juvenile target or risk groups. Halt is renewed and extra attention is implemented for restorative Justice.


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In February 2013 the evaluation\(^\text{36}\) shows that the Halt-intervention is not completely practiced as described in the user guide. Recommendations are made for improvement. A new evaluation is expected at the end of 2014.

<table>
<thead>
<tr>
<th>Practice Evaluation</th>
<th>Criteria</th>
<th>Satisfactory</th>
<th>Average</th>
<th>Unsatisfactory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Programme relevance</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programme efficiency and effectiveness</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programme impact</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programme sustainability</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programme transferability</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.2. Suspension and conditions

**Supervision by Youth probation**

For minor suspects on suspension, youth probation offers supervision. Youth probation also will advise upon which alternatives for detention can be applied. Important in decision making of probation is the National Instrumentarium Youth Justice (LJ). It is an information system for stakeholders that shows risks and opportunities on which youth probation can base its actions. It is used to write a Plan of Action and for evaluations.\(^\text{37}\)

Youth probation works with a range of alternatives for detention based on the What Works principles:

1. **The risk principle** explains who should be treated. Recidivism and damage are seen as risks and opportunity at the same time.
   
   risico’s of kansen: de recidivekans en de schadekansen.

2. **The needs principle** says what the purpose of the treatment is to prevent recidivism

3. **The responsivity principle** describes the form of the needed treatment: to treat certain factors probation needs to look for programmes and professionals that fit the minor.

4. **The professional principle** emphasizes who works with the programme and takes care of the probation supervision method.

5. **The integrity principle** says how to implement the programme. Probation should work according to the original method.

6. **The own context principle**, says where the programme can be carried out. The natural environment at home is preferred. He attends school and is member of a sports club.

Alternatives for (pre-trial) detention supervised by youth probation are:

- House arrest
- Go home under supervision. Several conditions and programs can be set, such as reporting daily, contact or location order (prohibition).
- Night detention
- Electronic ankle band (house arrest)
- Individual counselling Hard core offenders (ITB Harde Kern)
- Individual counselling Criminality in Relation to Integration of Ethnical Minorities (ITB Criem).

\(^{36}\) Abraham, M., Buyse, W., Halt Vernieuwd, Procesevaluatie van de vernieuwde Halt-afdoening, DSP-groep, WODC, ministry of Safety and Justice (2013)

- Methodological approach of the Behavioural measure (Gedragsbeïnvloedende maatregel)\(^{38}\)

- Supervision by probation in combination with the use of electronic house arrest is not yet used often, but lawyers and policy makers are positive about the possibility. It can be applied during pre-trial detention, conditional sentences, a behavioural measure (GBM) or in an aftercare programme. Advantages of electronic house arrest are:\(^{39}\)
  - No damage caused by detention;
  - The costs are much lower;
  - The minor can learn skills and new behaviour in his own environment;
  - The minor has a clear scheme and structure during the week that is continuously supervised externally.
  - Parents can learn new skills;
  - Parents are supported to set rules and to supervise them;
  - Electronic supervision facilitates probation officers, because it is precisely checked by the system whether rules have been violated by the minor. Less discussion will takes place about this question. This way probation has more time for guidance;
  - The minor is made responsible to act according the rules.

Disadvantages of electronic ankle band are:
  - The risk of stigmatisation;
  - It is difficult for the minor not being able to leave home;
  - A "Big Brother is watching you" effect,
  - Physical problems with the ankle band
  - The whole family can feel like or experience being sentenced;

- A pilot forensic foster care will take place in 2014-2015 in cooperation with youth custodial institution Amsterbaken: Special foster care families are trained to place minors for three months as an alternative for pre-trial detention. It is a suspension condition for young vulnerable minors who cannot go back home immediately because of problems at home. The aim of the programme is that the minors goes back home to their family. During the programme the minor goes to school and is supervised by an individual coach. During holidays there is a day programme. The parents get treatment and tips and tricks on how to raise their children and how to prevent them from committing crimes. The programme seems to be slightly more expensive than placement in a youth custodial institution.

---

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Academic:

Young people experience that supervision by youth probation can have as a huge impact on their lives. Especially the curfew is seen as a severe sanction. When they are still in pre trial detention, they easily accept the conditions. They want to get out. But when they are released, the intensive youth programmes are hard for them. They can last for long periods of time which makes it extra difficult for them.
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**TABLE 4. YOUTH PROBATION**

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
</table>

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3.3. Committee of the Dutch Recognition System for Interventions.

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

- Multi System Therapy (MST): see below Table good practice 2;
- Tools4U: see below Table good practice 3;
- Responsive Aggression Regulation Therapy (Re-Art) Ambulant: see below Table good practice 4;
- 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 Controll: 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;
- Multidimensionele 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: aiming at solving problems and social skills;
- Stay-a-way: programme to prevent the use of drugs;
- Training Agression Control (TACT Group): group training focussing on social skills.

Three of these best practices were mentioned by the majority of the national experts who were interviewed and are described in more detail.

Multi System Therapy (MST)
Experts are positive about the use of Multi System Therapy. Most intervention by MST end successfully, for example there is hardly any recidivism and minors and their families are empowered.

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41 https://www.erkenningscommissie.nl/beatredelingen/erkegedragsinterventies/jeugdigen/
MST-professional

Young people get too many advantages out of anti-social behaviour. We want them to win from pro-social behaviour and get advantages from it. During MST they deserve points for good behaviour. That is why the minor becomes motivated. We need to work with the whole family at home. The link between parents and their child is important. They have influence over a long period of time. When we place children in institutions they are shortly removed out of their own environment, but when they come back, they fall back in with the same friends, in the same environment. That is why we think we should work with the family. It is necessary that during twenty weeks the MST worker visits the family several times a week. MST is expensive because of that, but the results are successful. 90% of the children who participated in the programme have not re-offended 1.5 year later (op het rechte pad).

Good Practice 2  Multi System Therapy

| CONTEXT | Multi system Therapy is an intensive treatment for minors aged 12-18 with complex behavioural problems, such as aggression, lying, running away, drugs, friends that are a bad influence. It is meant as an alternative for placement in a (judicial) institution. In criminal law the judge decides whether the minor and its family start a MST programme. The duration of the program is 3 to 5 months. It takes place in the home situation, the natural environment and with the people who have most influence in the life of the minor. MST is evidence based and incorporates the latest academic results. |
| GOALS | General Objective: To reduce recidivism. To prevent minors from developing a criminal career and to prevent placement in a (judicial) institution. Specific objectives: The minor lives at home, goes to school or has a daily program and does not re-offend. Parents are empowered in raising their children. 85% - 90% of the MST participants succeed in these goals. |
| DESCRIPTION | How is the program organized? A therapist visits the family several times a week. They work on improving the social network of the family, relations with friends, school, the neighbourhood. Therapists are available 24 hours a day and can help when needed. MST therapists work according to 9 principles for treatment. The FIT circle is part of it. It describes how problematic behaviour is part of the environment, which factors are important to keep it going and how this can be proven. Parents are involved by making the Fit circle and a plan for solving the problems. The MST-program runs for 3 to 5 months. After finishing the program more supervision is needed to continue practising new strategies and behaviour with minors and parents. |
| BUDGET | MST treatment costs in total between €15,000,- and € 18,000,-. When MST is ordered by a judge because of a judicial treatment measure (gedragsbeïnvloedende maatregel GBM) it is financed by the section Diforzo of the Ministry of Safety and Justice. Otherwise MST - institions declare the bill at (governmental) mental health care (GGZ) or health insurance. To test which minors need which treatment, MST is currently compared with other programmes such as FFT and closed youth care in Almata, de Viersprong (MST/FFT). |
| OUTCOMES | 85% of the programs end positively. 82% of the minors do not re offend after finishing MST. |

42 Interview radiodocumentaire www.eenvandaag.nl/ gezondheid/51405_/opvoeders_voor_ouders_probleemkind_ 

### Number of treatment programs

<table>
<thead>
<tr>
<th>Worldwide</th>
<th>The Netherlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,000</td>
<td>600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lives at home</th>
<th>88%</th>
<th>90%</th>
</tr>
</thead>
<tbody>
<tr>
<td>School / work</td>
<td>85%</td>
<td>84%</td>
</tr>
<tr>
<td>No re offending</td>
<td>84%</td>
<td>82%</td>
</tr>
</tbody>
</table>

More data is available on:
- [http://www.mst-nederland.nl/over-mst/resultaten/behandelresultaten](http://www.mst-nederland.nl/over-mst/resultaten/behandelresultaten)
- [http://www.mstnstitute.org/](http://www.mstnstitute.org/)

### PROFESSIONALS INVOLVED

MST teams with MST therapists educated according to the standards of by MST The Netherlands.

### INSTITUTIONAL PARTNERS

Probation, council for child protection, youth care, judges, lawyers.

### CONTACT

MST-Nederland, Edward Poppelaan 12, 4874 NA Etten-Leur, tel: 0164 632 713, e-mail: info@mst-nederland.nl

Evaluation program: M. Dekovic, University of Utrecht (m.dekovic@uu.nl);

### EVALUATION

MST obtained the recognition of the Comitee of the Recognition System of Interventions in 2010.

**Academic research international**

MST is an internationally recognized program for at-risk youth and their families. For more than 30 years, MST has consistently demonstrated positive outcomes with chronic juvenile offenders. Based on the program's success, rigorous randomized trials were conducted to explore the feasibility and effects of adaptations of MST with other target populations. Results have been positive for treating problem sexual behaviour, child abuse and neglect, substance abuse, serious emotional disturbances and chronic health care conditions. This document highlights the many areas of MST research and proven outcomes with traditional MST and MST clinical adaptations as well as research on the transport of MST to community practice settings. [http://www.mst-nederland.nl/images/pdf/Research%20at%20a%20glance%20(jan%202012).pdf](http://www.mst-nederland.nl/images/pdf/Research%20at%20a%20glance%20(jan%202012).pdf)

**Research in The Netherlands**

In the Netherlands research is done after MST as well. The basic question is whether and how MST can improve and get better results. It is also looking at whether MST can work for specific groups such as children with autism and children with a low IQ (LVG). At this moment a Randomized Controlled Trial (RCT) at MST is running. RCT can be seen as the ultimate proof for the effectivity of an intervention.

Families are coincidently pointed out for MST or another treatment. It is not just focused on the results of MST, but it is a step towards testing the theory behind MST. Recently an article was published, with positive results.44

During treatment parents are called monthly by: “Kwestion” a call centre from research institute “Praktikon” and they have to answer a list with questions in order to check whether therapists work with MST as stipulated in the guidelines. Therapist Adherence Measure. The results are used for education and research. Regular result checkings are named the Routine Outcome Measure. MST wkeeps results in a database. At the end of MST some MST institutions choose to do a follow up check after 6, 12 and 18 months.

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Multi system therapy at home shows good results. These are better than deprivation of liberty in custody or closed youth care.

**Tools4U**

In the Tools4u is a skills intervention. Parents have become more important to work with. Researchers conclude that most participating minors and parents are positive about the training. A large number of minors were motivated to do the intervention or became motivated.

**Fieldworker Tools4U**

You can be trained in using the method, but the first thing that will reminded is how was the "click" with the trainer? How do you approach the minor? You have to show you care, that is crucial. If that does not happen you need to work on it yourself as a trainer and you need supervision to do that.

<table>
<thead>
<tr>
<th>Good Practice 3</th>
<th>Tools4U</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONTEXT</strong></td>
<td><strong>Which National, local context. Which is the issue and it extend? Which indicators? Is the issue studied?</strong> Tools4U can be imposed by a children’s judge as vocational training as part of a behavioural measure possible in combination with other interventions. It is carried out under the responsibility of the Council for Child Protection. Tools4U is an evidence based intervention in skills developed by the Pedologic Institute and is recognised by the Committee. Trainers work with young people and parents to develop a programme that fits their needs and make minors improve their behaviour. This includes: setting borders, solving problems, dealing with authority, money, drugs and alcohol, going to school and responding to bad influences of friends. Parents get better insight in how their child functions, and they learn more about setting borders and rules and solving problems. Tools4U aims at minors aged 12-18 who are in conflict with the law, have an IQ under 85, risk recidivism, lack skills, and agree to participate in the programme.</td>
</tr>
<tr>
<td><strong>GOALS</strong></td>
<td><strong>Which short, mid, long-term objectives? Why?</strong> General Objective: To reduce recidivism by developing skills. Specific objectives:</td>
</tr>
<tr>
<td><strong>DESCRIPTION</strong></td>
<td>Every week a trainer works with the minor and parents for 1.5 hour. Depending on what the minor needs there are 6, 8 or 12 meetings (Tools4U Plus.) of which some are with the minor individually, some with parents present and two with parents individually. There are 3 stages: 1. Getting to know each other, information sharing and awareness raising (2 meetings) 2. Training skills (6 or 10 meetings) 3. Finishing the programme (½ meeting)</td>
</tr>
<tr>
<td><strong>BUDGET</strong></td>
<td>Ministry of Safety and Justice / Council of Child Protection</td>
</tr>
<tr>
<td><strong>OUTCOMES</strong></td>
<td>In 2009 Tools4u was given 607 times. Reasons for a low inflow appeared to be a lack of certified trainers and supervision system is not functioning well enough.</td>
</tr>
<tr>
<td><strong>PROFESSIONALS INVOLVED</strong></td>
<td>Tools4U trainers and supervisors educated by PiResearch. <a href="https://www.piresearch.nl/files/1195/licentiebestand+op+organisatie+2013.pdf">https://www.piresearch.nl/files/1195/licentiebestand+op+organisatie+2013.pdf</a></td>
</tr>
<tr>
<td><strong>INSTITUTIONAL PARTNERS</strong></td>
<td>Ministry of Safety and Justice / Council of child Protection</td>
</tr>
<tr>
<td><strong>CONTACT</strong></td>
<td>Connie Albrecht, T. 020-6501500, E. <a href="mailto:g.albrecht@piresearch.nl">g.albrecht@piresearch.nl</a> Han Spanjaard, T. 020-6501500, E. <a href="mailto:h.spanjaard@piresearch.nl">h.spanjaard@piresearch.nl</a> <a href="http://xs2skills.nl/kinderenjongeren/sociale-vaardigheden/tools4u/">http://xs2skills.nl/kinderenjongeren/sociale-vaardigheden/tools4u/</a></td>
</tr>
</tbody>
</table>

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EVALUATION

Academic research
In 2009 the WODC (research centre of the ministry of Safety and Justice) evaluated the process of Tools4U. The results were not optimal. Programme integrity appeared to be insufficient. Problems were observed concerning the selection of minors and used methods and trained skills were too different. Trainers had different qualities and experience. Supervision differed as well. Programme rules were not completely implemented. Indicators: prevalence, minors and parents, implementation and effectuation, advise and selection. See: Bosma, A.Q., Asscher, J.J., Laan, van der P.H., Stams, G.J.J.M. (2011). Procesevaluatie Tools4U. Rapport 852, ISBN 90-6813-915-0. Amsterdam: Kohnstamm Instituut.

Fieldworker Tools 4U:
Another component I like a lot is the Family approach, based on family continuity. It is not a training order, but a method. The minor is so much more moved. Which family do you look up to? How did they solve the problems of your cousin?

Responsive Aggression Regulation Therapy (Re-ART) Ambulant
Re-Art is an individual treatment for minors in conflict with the law showing very aggressive behaviour and a high risk of recidivism. It can be carried out inside an institution and ambulant at home of the minor.

<table>
<thead>
<tr>
<th>Good Practice 4</th>
<th>Responsive Aggression Regulation Therapy (Re-ART) Ambulant</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTEXT</td>
<td>Re-art can be imposed by a judge as part of a behavourial measure, as after-program or as a condition &quot;treatment in combination with supervision&quot; during conditional youth detention. Re-Art aims to improve self regulation of minors with severe aggression problems. The programme includes cognitive behaviour treatment and dramatherapeutic techniques. The programme is continuously aiming at motivating minors and enlarging their belief in their own strength and possibilities. The intervention is individually based on the needs of the minor.</td>
</tr>
<tr>
<td>GOALS</td>
<td>General Objective: Learning to regulate aggressive feelings and behaviour aiming to reduce recidivism. Specific objectives: Reducing dynamic individual riskfactors related to aggression regulation problems. Increasing learning skills and self esteem.</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>Minors and adolescents aged 16-24 having serious aggression problems participate in their programme. It includes treatment from 6 month to 2 years. Every week a session of 1 hour or more takes place and there are group trainings of 12 meetings of 1,5 hour each. In extra modules work is done concerning motivation, analysis of the offence, prevalence, control skills, assertivity, changing disfunctional cognition. Other modules focus on stress reduction, impulse control, interpretation, mediation, changing negative interaction circles.</td>
</tr>
<tr>
<td>BUDGET</td>
<td>Ministry of Safety and Justice</td>
</tr>
<tr>
<td>OUTCOMES</td>
<td>Therapists trained by Stichting 180</td>
</tr>
<tr>
<td>PROFESSIONALS INVOLVED</td>
<td>Ministry of Safety and Justice</td>
</tr>
<tr>
<td>CONTACT</td>
<td>Contactpersoon: L. Hoogsteder Phone: 0031 (0)30 272 06 85 <a href="http://www.behandelingopmaat.nl">www.behandelingopmaat.nl</a></td>
</tr>
</tbody>
</table>
Academic research
In 2013 the intervention is recognised by the Committee as evidence based. On 22 May 2014 academic researcher Larissa Hoogsteed graduated (promoveert) at the University of Amsterdam with Coming on Strong. Is Responsive Aggression Regulation Therapy (Re-ART) a Promising Intervention? The evaluation shows that the intervention is promising for minors with severe aggressive behaviour. A study carried out in a residential setting shows improvements in behaviour and reduced risk of recidivism. Solving problem skills improved as well. A study in three forensic ambulant settings shows that the intervention works best when it is carried out as it is meant to be. In half of the interventions this appears not to be the case with lesser results as a consequence.
Summary: http://www.uva.nl/nieuws-agenda/agenda/oraties-promoties/item/gedragsinterventie-voor-jeugdige-delinquenten.html?date=22052014

IV. Suggestions and recommendations

International research shows that prevention and alternatives save money and reduce recidivism. For example, the costs of the acknowledged intervention Multi System Therapy (MST) are lower, only one third of placement in a youth custodial institution. The Justice Policy Institute shows the effectiveness and the decline of recidivism looking at alternatives and interventions that are frequently used in the Netherlands as well.

<table>
<thead>
<tr>
<th>Functional Family Therapy (FFT):</th>
<th>Multidimensional Treatment Foster Care:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Decline recidivism: - 15.9 %</td>
<td>- Decline recidivism: - 22 %</td>
</tr>
<tr>
<td>- cost effectiveness: every invested dollar is worth $10.69</td>
<td>- cost effectiveness: every invested dollar is worth $10.88</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Aggression Regulation Training (ART):</th>
<th>Multi-Systemic Therapy (MST):</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Decline recidivism: - 7.3 %</td>
<td>- Decline recidivism: - 10.5 %</td>
</tr>
<tr>
<td>- cost effectiveness: every invested dollar is worth $11.66</td>
<td>- cost effectiveness: every invested dollar is worth $13.36</td>
</tr>
</tbody>
</table>

Advantages of using alternatives are: the minor is not locked up, stays in his own environment, can improve family ties, improve skills and continues to go to school. Disadvantages are that there are sometimes insufficient candidates to run the program and that practical implementation of the interventions can be more difficult than foreseen. Implementing new methods is time consuming and in some organisations a culture change is needed.

Measure of last resort
Most experts agree that in The Netherlands the sentencing judge uses deprivation of liberty as a measure of last resort, which means only in severe cases with a big chance of recidivism and when a minor has such serious behavioral problems that treatment in a closed setting is needed.

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**Government official**
We looked into the question why the need of capacity in youth detention institutions is decreasing. There is not one cause for this. The policy aimed on non-attendance (truancy) at school and early school leavers seems to be working. The non-attendance at school and the early leaving of school is decreasing. Non-attendance at school is one of the criminogenic factors, if this is decreasing you can assume that less boys and girls will end up involved in crime. The number of alternatives for detention increased. MST, MTFC and FFT and other multi treatment programs. These are family focused interventions, in which we don’t only focus on the minor but involve the family, environment, school, sport etc. We are working from a family situation and don’t take the minor out of this environment. This has several advantages: they are not locked up in a group with other boys where they can learn bad things from each other. This broader approach may be a little more expensive, but it seems to work.

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**Lawyer**
The media decides what society knows. These days the media has an opinion. Sometimes it is impossible to explain why a minor who committed a severe crime, should not get a harsh sentence (as alternatives are not seen as such). I think that anyone who ends up in a closed judicial institution only gets worse in the end. Inmates have such a big influence on one another that it can prevent the minor from changing.

But, research shows that minors aged 12 and 13 are too young to be fully held responsible for their behaviour\(^{47}\). It is therefore worrying that in 2013 a total 27 minors aged 12 and 13 were locked up in a Dutch youth custodial institution.

Furthermore, the use of pre-trial detention in the Netherlands is not seen as a measure of last resort. The high numbers of police custody and pre-trial detention in a youth custodial institution are worrying.

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**Professor**
To me it seems that judges impose deprivation of liberty as a sentence more easily when a minor has already been in pre-trial detention. It is difficult to get statistics on this matter.

**Lawyer**
Pre-trial detention is carried out too often. It often occurs that a minor is in detention as long as the period of pre-trial detention.

In 2013 almost a total of 6.963 minors spent time in police custody and 74% of the total population of youth custodial institutions were minors in pre-trial detention. According to the

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majority of the respondents this is far too high and could be reduced by implementing more alternatives for minors in the pre-trial of the criminal procedure for minors.

Professor
At the level police custody we need more interventions. We need to think about Halt. Can't we be more inventive and flexible in using this intervention?

Police
There is no specific data about police custody spent at home. I guess, but I am not sure about these percentages, that 90% stays in a police cell and 10% can go home.

Lawyer:
Most minors are suspended. But, in cases where a judge decides not to suspend, it is extra difficult to ask for alternatives in court at the next session. House arrest and an ankle band should be an option more often. For parents this is easier, because of the supervision it is clear which rules need to be obeyed by the minor.

Police
We will look at the possibility of using the reprimand more often. We need to think logically about whether we need to take action. For a light offence such as stealing a package of liquorish we don't need to act from the justice system.

✓ Recommendation 1
Reduce the number of minors in police custody and in pre-trial detention by implementing more alternatives for minors in the pre-trial phase of the criminal procedure for minors.

✓ Recommendation 2
Develop special rules and alternatives for minors during the first three days of pre-trial detention. This is the period that police and prosecution decide upon deprivation of liberty and the judge has not yet looked upon the case in respect of the rule "suspension unless". Research whether using the ankle band more often is possible in cases of minors instead of police custody.

✓ Recommendation 3
Use alternatives for detention instead of deprivation of liberty as a standard in cases of minors aged 12 and 13 years.

Availability of alternatives
In the Netherlands, there is wide range of alternatives to deprivation of liberty. However, there are several problems in implementing these alternatives, concerning the way the Dutch system is organised and the availability of the programs and interventions. For example, in some parts of The Netherlands there is no budget for intervention programmes. This means that young people in big cities such as Amsterdam and Rotterdam are more likely to make use of an alternative than young people in the northern or eastern parts of The Netherlands.

Director NGO
There are sufficient acknowledged programs for prevention and alternatives for detention. But there are not enough people who can run them. We have the knowledge, but due to budget problems it is not possible to implement and perform them well enough. In youth custodial institutions staff are trained to work with the
programme, but when a young person is released there are not many organisations who can continue the programme. On the other, we sometimes have trained people available, but no budget to implement the programme.

**Professor**

Offering many alternatives is not enough. The recognised interventions such as MST and FFP are well developed, but not implemented optimally and they are not available throughout the country. For The Netherlands the next step is important: How can these interventions be successful and how can they be implemented well? Indicators are:

- Pre-conditions: What are we aiming at using alternatives?
- Framework: We need a good structure, it needs to be clear who (police, prosecution, judge) can implement which alternative and what is needed to make a policy. The police need concrete suggestions about what alternatives are and what they can add to their work.
- Training: Stakeholders, such as police and prosecution have to be trained and educated well.
- Effect: How effective is the alternative? What does it yield? We cannot expect a police man to have the best interest of the minor as a priority, as it is his job to make sure that society is safe and that the truth is found.

**Government official:**

We have sufficient protocols, work processes and rules. Where we can improve is in how fast things happen. It occurs that a minor needs to be detained in the beginning. But after the decision is made, things can speed up. An advice of the council of child protection is needed, a plan of youth probation, an indication for youth care, take school holidays into account. In this respect, the organisation and the period of time involved can be improved.

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**Fieldworker Tools4U**

We see a reduction of training orders. That could be a consequence of the National Instrumentarium Youth Justice (LU). This system advises upon the sentence. It is an objective system, but I do see that less training orders are given.

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**Lawyer:**

We have many alternatives, but we need to be creative. The behavioural measure is an alternative for youth detention, but is has not been used often, because practically there are too many possibilities. It needs a lot of organisation and management. If it is a severe case sometimes there can be many advises from different experts, council of child protection, behaviour expert, youth care etc. What you need is one advice of what is needed in the case. So I would suggest, keep it simple.

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**Expert:**

Politicians ask for tough and effective action. After incidents or media attention they want new policies. At this moment professionals do not need any new interventions anymore. We have an enormous scale of possible interventions in youth justice. We now need to take a look at quality.

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**Recommendation 4:**

Make alternatives available in every region of the country. Train more professionals to work with the interventions of the Recognition System for Interventions. Make sure that successful interventions are part of the budget in every municipality, also in areas with a small population and low youth crime.

**Youth specialisation**
In the Netherlands specialised staff is present in courts and youth custodial institutions. But, before that, during the investigation phase police and prosecution are not necessarily educated to work with minors.

"Expert: Police and prosecution are becoming more and more generalists. For example, if at the ZSM table a youth prosecutor is lacking, than the prosecution may not be aware of the special provisions in youth justice. These are sometimes not used, because they do not know enough about it.

"Police Because of the ZSM-method more alternatives are currently being used, but we lack sufficient specialised prosecutors. When a prosecutor isn’t experienced in youth cases, more traditional interventions are asked, such as a summon or community service.

Police The alternatives for police custody should be better known among professionals. Prosecution officers need to be aware of it. A guide and training on how to implement the possibility of spending police custody at home or another place is needed.

✓ Recommendation 5 Emphasize the importance of the youth specialisation of the public prosecution. Policy rules already oblige the police, probation, lawyers, judges and workers in youth custodial institutions to be specialised in youth cases. Specialisation of the prosecution should be mentioned in policy of penal procedure for youth too.

✓ Recommendation 6 Publish a practical guide for police and prosecution officers who deal with cases of minors on the implementation of rule 51 Criminal Procedure code which says that pre-trial detention can be executed at "every place the judge seems fit", not necessarily a (police) cell. The opportunity to refer to "any place the judge seems fit", which is another location than a (police) cell is now rarely used.

Restorative justice Most experts advocate for the use of restorative justice. In 2013 several pilots projects were taking place, but restorative justice is not implemented in most parts of The Netherlands.

"Academic: In the Netherlands Slachtoffer in Beeld (victims organisation) has more than 1000 restorative justice meetings every year. Since September 2013 five pilots mediation and restorative justice started at courts, police and probation. The use of restorative justice does not automatically mean that deprivation of liberty is excluded. But it seems that the cases that are now settled do not lead to youth detention as well. During the evaluation it should be measured whether it is an alternative for detention. The pilots will be evaluated by Intervict in Tilburg.

"Academic: If we use restorative justice more often less minors in conflict with the law will be detained.
It will reduce recidivism, being in contact with the victim, awareness about what happened, it is very effective. Many studies show the effect on recidivism.48

Government official:
For young people making apologies has the best impact. Young people learn to be responsible for their behaviour. That is in many cases more effective than waiting for six months to see a judge and to get a community sentence. Halt will be evaluated again and so will the pilots. We hope the results will be available at the end of the year.

✓ Recommendation 7:
Raise awareness and train professionals using restorative justice methods for minors regularly. Evaluate whether it can lead to reducing the use of deprivation of liberty.

Continuity
Interventions used in youth justice often are applicable in youth care cases too. To guarantee the continuity of existing knowledge and methods, it is important that youth care, youth justice and possibly also health care cooperate and develop best practises together. From 2015 the financial and administrative responsibility of youth probation will be the responsibility of the municipalities. Youth probation can only be executed by certified institutions.

Government official:
It will be more difficult in 2015. We use a lot of alternatives working with youth probation. On 1 January 2015 we will not be able to decide upon probation anymore, it will be decentralised as part of the youth care system to the municipalities. I wonder how we can continue then.

✓ Recommendation 8:
The ministry of Safety and Justice and municipalities will have to cooperate closer with the youth and health care system while developing programs for prevention of youth crime and alternatives for detention. Working together will lead to a larger budget by which more children can be reached, especially outside the big cities.

Media
The interviewed experts see that society especially opts for higher penalties, the general opinion is pro custody. The media has a great influence on perceptions, the media decides what society knows and these days the media has an opinion. The notion that youth delinquency is decreasing doesn’t get through to society. According to one of the interviewees, there is a big difference between safety and the sense of security.

Lawyer:
Sometimes it isn’t possible to explain why you wouldn’t pose a heavy penalty on a young person who has committed a serious offense. Perhaps through education, or from the Judiciary more openness towards society. Tell people how it works, and that society ultimately also benefits from the deal instead of securing young people.

48 Wolthuis. A., Herstelrecht, een kinderrecht, voorstellen voor integratie van herstel in het hart van het jeugdstrafrecht, 2012
Recommendation 9
Inform the public and media on the issues regarding juvenile justice and explain why society also benefits from treatment instead of deprivation of liberty.
I. Annexes

Annex 1: Penal Code of the Netherlands

In the penal code a special provision is included for minors. The text is translated in English, is not the latest version of the penal code and is not including recent changes such as adolescent law yet. The latest version (Dutch language) can be found on:
http://wetten.overheid.nl/BWBR0001854/geldigheidsdatum_03-06-2014
http://wetten.overheid.nl/BWBR0001903/geldigheidsdatum_31-05-2014

SPECIAL PROVISIONS WITH REGARD TO JUVENILES TITLE VIII

[7-7-1994]

Article 77a

Articles 9, section 1, 10-22a,24c, 37-38i,44 and 57-62 are not applicable to a person who had reached the age of twelve, but was not yet eighteen years of age, at the time the criminal offense was committed. The special provisions laid down in articles 77d-77gg apply in lieu thereof.

Article 77b

In the case of a person who had reached the age of sixteen, but was not yet eighteen years of age, at the time the criminal offense was committed, the judge may, where he finds grounds so to do by reason of the gravity of the offense, the character of the offender or the circumstances in which the offense was committed, not apply articles 77g -77gg and pass judgement in accordance with the provisions laid down in the preceding titles.

Article 77c

In the case of a person who had reached the age of eighteen, but was not yet twenty-one years of age, at the time the criminal offense was committed, the judge may, where he finds grounds so to do by reason of the character of the offender or the circumstances in which the offense was committed, pass judgement in accordance with articles 77g-77gg. The penalty of juvenile detention shall be executed in a prison designated for that purpose by the Minister of Justice. Article 22 is applicable. The measure of committal to an institution for young persons shall be executed in accordance with article 37c.

Article 77h

1. The principal penalties comprise the following:
   a. for serious offenses: juvenile detention or a fine;
   b. for lesser offenses: a fine.

2. One or more of the following alternative sanctions may be imposed in lieu of a principal penalty listed in section1:
   a. community service;
   b. work contributing to the repair of the damage resulting from the criminal offense;
   c. attendance at a training project.

3. The additional penalties comprise the following:
   a. forfeiture;
   b. disqualification from driving motor vehicles.

4. The measures comprise the following:
   a. committal to an institution for young persons;
   b. confiscation;
   c. deprivation of unlawfully obtained gains;
   d. compensation for the damage.

Article 77i

1. Juvenile detention shall be:
   a. for a minimum of one day and a maximum of twelve months in the case of a person who had not yet reached the age of sixteen at the time the serious offense was committed, and
b. for a maximum of twenty-four months for cases other than those under a.
2. Juvenile detention shall be set in terms of days, weeks or months.
3. Articles 26 and 27 are applicable to a person sentenced to juvenile detention.
4. Juvenile detention shall be executed at a State institution or a facility as specified in article 65 of the Young Persons Assistance Act(Wet op de jeugdhulpverlening) subsidized for that purpose by the Minister of Justice, in so far as it has been designated for that purpose by virtue of article 56 of the Act.

Article 77j
1. In special cases the Minister of Justice may order that:
   a. the execution of juvenile detention be interrupted during a period of not more than three months; or
   b. a person who is serving a sentence of juvenile detention leave the institution temporarily, under guarantees to be set by him.
2. The judge who imposed the penalty may at all times release a young person in juvenile detention on parole.
3. In the case of release on parole, the duration of the probation period shall be set at not more than two years. The information regarding the duration of the probation period and the conditions which have been set shall be served personally upon the convicted person. Articles 77y, section 3, 77z, 77aa and 77cc-77ee are applicable.

[4-12-1995]

Article 77k
On application by the Public Prosecutor's Office or at the request of the convicted person the judge who imposed the penalty of juvenile detention may order that said penalty be in whole or in part replaced by one of the penalties listed in article 9, section 1, where the execution of the penalty imposed is to take place in whole or in part during a period of time in which the convicted person will have reached the age of eighteen and where the judge holds that such penalty is no longer appropriate for him.

Article 77l
1. The amount of money imposed as a fine shall be not less than five guilders and not more than five thousand guilders. Article24ais applicable provided that the judge may determine with each fine that the amount can be paid by installment. The judge shall then set the amount of each installment.
2. Where a fine has been imposed in a judgement and where neither full payment nor full recovery of the amount due ensues, the judge may order juvenile detention as a substitute penalty.
3. Where neither payment in full nor in part of the amount of the fine has been made and neither recovery in full nor in part is possible, the judge who imposed the penalty may, on application by the Public Prosecutor's Office, for the amount outstanding impose juvenile detention as a substitute penalty or, at the request of the convicted person, impose an alternative sanction as a substitute penalty. Where the judge has made use of the discretion provided in section 2, he may also modify the duration of the juvenile detention imposed earlier as a substitute penalty unless it has already commenced.
4. Juvenile detention as a substitute penalty shall be executed at a place to be determined by the Public Prosecutor's Office.
5. The alternative sanction, specified in section 3, shall be imposed proportionally to the amount outstanding. Articles77m-77q are applicable. The sanction may only be imposed where the convicted person has not reached the age of eighteen.
6. Where the convicted person has reached the age of eighteen, the judge shall impose detention as a substitute penalty, unless he holds that juvenile detention as a substitute penalty is appropriate.
7. The period of juvenile detention as a substitute penalty or of detention as a substitute penalty shall be not less than one day and not more than three months. It shall not exceed one day for each full fifteen euro’s of the remainder of the fine. Where payment of the remainder has been made, juvenile detention as a substitute penalty or detention as a substitute penalty lapses. Article24c, section 4, is applicable.
8. Where a fine has been imposed, article 27, sections 3 and 4, are applicable.

Article 77s
1. The judge may impose the measure of committal to an institution for young persons only:
   a. where it concerns a serious offense for which judicial custody is allowed;
   b. where the safety of others or the general safety of persons or of property requires such measure to be imposed, and
   c. where the measure is in the interest of the most favourable future development of the accused.
2. The judge shall only impose the measure after submission of a reasoned, dated and signed opinion by no fewer than two behavioral scientists of different disciplines. The opinion shall be given either jointly by the
behavioral scientists or by each of them separately. Where the date of this opinion precedes the commencement of the trial by more than one year, the judge may rely upon it with the consent of the Public Prosecutor's Office and that of the accused only.

3. In applying section 1, where the accused suffered from mental defect or mental disease at the time at which the offense was committed, one of the behavioral scientists is to be a psychiatrist.

4. Section 2 shall not be applied where the person in question refuses to cooperate with the examination required for submission of the opinion. Where possible, the behavioral scientists shall, either jointly or each of them separately, draw up a report on the reason for the refusal. Where the person in question wishes to cooperate with the completion of another opinion or report to advise the judge on the desirability or necessity of imposing the measure, the judge shall make every effort to secure its submission.

5. Where the measure has been imposed, the Minister of Justice shall assign its implementation to a juristic person as specified in article 60, section 1(a), of the Young Persons Assistance Act (Wet op de Jeugdhulpverlening), or have the convicted person committed to an institution pertaining to the category mentioned in II, sections 3 or 4, of the schedule to the Act, insofar as it is maintained by the Minister of Justice, or any other institution.

6. The measure runs for a period of two years. The term commences after the judgement has become final.

7. Upon consultation with the Child Care and Protection Board, the Minister of Justice may at all times terminate the measure, either conditionally or absolutely.

Article 77x

1. Where a penalty of juvenile detention, other than juvenile detention as a substitute penalty, a fine or committal to an institution for young persons is imposed, the judge may order that these penalties not be executed either in whole or in part.

2. Where a penalty of juvenile detention or committal to an institution for young persons is imposed, the judge may, in addition to applying section 1, impose a fine.

Article 77f

1. The costs of juvenile detention and of committal to an institution for young persons are to be paid by the State.

2. The following shall be regulated by General Administrative Order:
   a. implementation of juvenile detention
   b. implementation of committal to an institution for young persons;
   c. provision of information to the Public Prosecutor's Office concerning any person who has been given a suspended sentence;
   d. the manner in which decisions for release on parole are requested.

3. By General Administrative Order regulations may be laid down concerning the provision by the State of a contribution towards the costs of preparation and execution of
   a. projects as specified in articles 77e and 77f, section 1(b), and
   b. alternative sanctions as specified in article 77h, section 2.

[4-12-1995]