



## Summary

### Advisory report on Draft decree on indication for Halt offences 2024

#### Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ)

On 23 October 2023 the Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (hereinafter: RSJ) issued an advisory report on the draft decree on the indication for Halt offences 2024 (hereinafter: draft decree Halt).

Halt (The Alternative) is a diversionary measure as part of the Dutch juvenile justice system. The objective of the draft decree Halt is to update the 2010 Decree on the indication for Halt offences and to bring it in line with current practice. To this end, the list of offences for which a Halt referral can be made has been expanded to include offences that in practice were usually already being dealt with by Halt. In addition, the compensation amounts for damages have been increased and the recidivism regulation has been tightened.

The RSJ stresses the importance of Halt in the juvenile justice system. Juveniles are given the opportunity to be referred to Halt in case a minor offence is committed that falls within the scope of typical adolescent behaviour, for which they will not be issued with a criminal record. From a children's rights perspective, this is to be welcomed. In addition, the RSJ is positive about the increased legal certainty and equality arising from establishing current practice. In this advisory report the RSJ addresses two other considerations related to the draft decree Halt.

#### Broadening of the target group

The RSJ recommends careful monitoring of a potential broadening of the target group, by expanding the offences eligible for a Halt disposition, to determine whether the Halt disposition is also appropriate for a broader target group. To prevent recidivism (i.e. the recurrence of criminal behaviour), it is important that a judicial intervention corresponds as closely as possible to the risk of re-offending. At present, it is not clear whether the Halt disposition is sufficiently able to adapt to juveniles' risk of recidivism and thus capable of being effective in the prevention of re-offending. The RSJ is aware of the ongoing evaluation studies on Halt and looks forward to the results. These studies may be able to provide answers as to the target group for which a Halt disposition is most valuable.

### Reconsideration of recidivism regulation

A second point of attention concerns the tightening of the recidivism regulation. The draft decree Halt reduces the number of times a juvenile can be referred to Halt from a maximum of two or three to a maximum of one or two times. The possibility of tailor-made interventions is thereby curtailed. In the opinion of the RSJ, the fact that a juvenile is not eligible for a second Halt referral if he or she is suspected of committing a second crime, regardless of the risk of recidivism and the severity of the offence, is undesirable from the point of view of preventing stigmatisation and promoting resocialisation. The RSJ therefore recommends reconsidering the tightening of the recidivism regulation.

The advisory report (in Dutch) can be consulted on [the RSJ website](#).

