

<p><b><i>Recommendation from the Council for the Administration of Criminal Justice and Protection of Juveniles</i></b></p> <p><b><i>Summary</i></b></p>
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***Juvenile delinquents: less confinement, more targeted support***

*Recommendation dated 16 October 2008, issued to the Minister of Justice and the Minister for Youth and Families*

The Council is of the opinion that juvenile detention should only be used as a last resort, and expresses a preference for treatment outside of the institutions.

Juvenile delinquency is a broad term, varying from truancy to serious criminal behaviour. The backgrounds to this behaviour and the forecasts for betterment vary, and it is extremely difficult to predict future behaviour amongst young people, who, by definition, are still developing. For this reason a differentiated approach is ideal for this target group, tailored to the individual and with the aim of offering them prospects: an approach that results in solving the individual's problems and preventing a descent into serious crime.

The Council is a proponent of methods of intervention which aim to eliminate the causes of delinquent behaviour. In its opinion, custodial sanctions should only be used as a last resort. Firstly, it is ineffective to take recourse to the most serious measure too quickly. Secondly, it is particularly difficult to provide a positive, educational framework within juvenile detention. In the opinion of the Council, too many young people are still being confined in correctional institutions for juvenile offenders. Custody should only be used amongst the (small) group of young people who commit such serious offences that society needs to be protected from them. For other juvenile delinquents for whom an approach based completely outside of the institutions does not suffice, a short period of intramural treatment would seem to be suitable. This should have the sole purpose of enabling an inventory of the risks and requirements of the individual to be drawn up, as well as coordinating their treatment, and should be followed by extramural implementation.

Cutting down on juvenile detention will only be possible if sufficient forms of extramural intervention are available, and if it can be demonstrated that these interventions have a real effect on behaviour. These methods of intervention offer the individual a 'second chance' to mature, receive an education and develop into a person able to lead an independent life in society. In this context, the adoption of the judicial 'behavioural intervention measure' is already a step in the right direction. The Council is of the opinion that the 'What Works' criteria should serve as a guideline for the effective implementation of the sanctions.

The Council proposes that the Halt scheme (a measure used in place of public prosecution) be limited to a purely restore-oriented intervention. In addition the Council examines the 'camp' pilots as a judicial measure for young people. These 'camps' do not entirely comply with the criteria applied by the Behavioural Intervention Accreditation Committee (*Erkenningscommissie Gedragsinterventies*). The problems faced by these young offenders can only be dealt with by means of individual, multimodal and intensive intervention. The Council therefore advocates the nationwide implementation of small-scale extramural projects based on the principle of individual guidance, such as the *Crossroads* project in Tilburg.

A higher level of individual guidance would also be suitable within the aftercare provided to young ex-detainees, as this personal form of assistance ties in most effectively with the social environment that young people find themselves in, and the problems that they face.