

***Recommendation from the Council for the Administration of Criminal Justice and
Protection of Juveniles***
- Summary -

**Amendment of the Community Service for Young Offenders Decree
(legislative guidelines for Halt facts)**

Recommendation to the Dutch minister of Justice, dated March 5, 2010

Halt is a Dutch organisation responsible for the enforcement of alternative punishment given to young people up to the age of 18. About half of the juveniles arrested by the Dutch police are referred to one of the Halt offices to undertake a Halt or Stop programme.
(information from Halt Nederland)

The Minister of Justice proposes including several new criminal offences in the list of offences worthy of a Halt measure. The majority of persons who commit these offences are already referred to Halt, so that the amendment amounts to codification of the existing situation. In addition, several offences will be removed from the list, either because the relevant offence is considered to be too serious for a Halt settlement, or because referral in respect of this type of offence almost never occurs.

In the recommendation entitled 'Juvenile delinquents: less confinement, more targeted support' of 16 October 2008, the Council recommended, inter alia, reducing the objective of Halt to what was originally intended, namely contributing to the remedy of damage caused by a (minor) offence. The Council appreciates Halt's remedial function and attributes, in that context, an important function to having the perpetrator apologise to the victim. The Council assesses the present proposal in light of the above.

Not all offences that are added to the list of 'Halt-worthy facts' according to the proposal are offences that in and of themselves cause damage.

Violation of Article 142 of the Dutch Criminal Code, unnecessarily calling emergency numbers, causes damage when emergency services come into action unnecessarily. This means that the offence can be considered Halt-worthy. However, this does not apply to public drunkenness (Article 453 of the Criminal Code). Being under the influence in a public area does not cause damage in and of itself. The Council therefore does not consider it appropriate to add this offence to the list. It is also unnecessary because, to the extent public drunkenness is accompanied with behaviour that causes damage, this can be Halt-worthy as a separate offence.

A new aspect is placing criminal offences, referred to in municipal bye-laws, under Article 1. These offences (minor forms of arson, wanton behaviour or causing nuisance and the use of alcohol or narcotics) replace, in the opinion of the Council rightly so, the crime of arson pursuant to Article 453 of the Dutch Criminal Code, which is too serious for Halt. Remedy of damage will however have to remain central in the Halt settlement with respect to these offences as well.

Finally, truancy and being late at school will be placed under Article 1. The Council does not recommend placing truancy on the Halt list. It should be possible to deal with minor forms of truancy within the education system and persistent truancy quickly constitutes a sign of underlying and more serious socio-psychological problems. A Halt settlement does not have added value in either of the cases. For the time being, the Council is of the opinion that these offences are so far removed from the original Halt offences, that it would not be very logical to place them under Halt.

The recommendation can be obtained from the secretariat of the Council
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