

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

The Probation system

Recommendation to the Dutch State Secretary for Security and Justice, dated January 15, 2015

At the request of the State Secretary for Security and Justice, the Council has made an enquiry into the possibility of extending the existing probation system to include other organisations. The Council defines the 'existing system' as recorded in the Probation Order 1995 and the manner in which probation work is currently being organised in practice. The Council drew up this advice based on the letter dated 18 November 2014 sent by the State Secretary for Security and Justice to the Lower House. Use was also made of the report, *Verkenning stelselvarianten reclassering*, dated 31 July 2014, published by research bureau *Significant*.

The Council is looking for building blocks for replying to the question posed and the possible effect it may have in relation to core values for probation work. These core values include an integral compilation of activities, including continuity of contact with clients, and the goal of re-socialisation and social reintegration:

- article 8 of the Probation Order 1995 stipulates that the three probation activities, help and support, judicial reports and preparing and supervising a community punishment order, should be carried out “where possible in relationship to one another”. The council feels it is important that this relationship is maintained, in the benefit of clients and commissioning parties/customers, as well as the quality of the work.
- The *European Probation Rules* state that probation's objective of 're-socialisation and social reintegration' is a key element. Likewise, the Council regards providing perspective, seeking to achieve re-socialisation and organising social reintegration as a core value of providing probation services.

The existing probation system is characterised by collaboration, to start with between the (three) organisations, but also inside and outside the criminal law sector. This is important from the perspective of the outside world. The importance of collaboration in a chain context is growing rapidly, as is evident from the functioning of Safety Houses and the appearance of ZSM (Accelerated Procedures). The number of participants in these collaborative relationships keeps growing. This means extra opportunities, but it also makes these relationships vulnerable to unnecessary complication. As can be seen from his letter dated 18 November 2014, the State Secretary is not opting for a (radical) change in the system in the short term. The Council supports this choice. Developments inside and outside the criminal law sector, including processing economisations, growing collaboration and decentralisation, make this the best option for the moment. The addition of new organisations would complicate the existing system and will not solve problems and inadequacies (that are cited in the advice). At the same time, questions exist about various aspects of the content and the organisation of probation activities, which justify – possibly even necessitate – a more fundamental reconsideration. This should also involve an analysis of both social developments on a local, national and European level, and the specific context of the application of sanctions.

The recommendation can be obtained from the secretariat of the Council
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