

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

- Summary -

Financial supervision of persistent young offenders

*Recommendation to the Dutch State Secretary for Security and Justice,
dated January 30, 2015*

At the request of the State Secretary for Security and Justice, the Council has formulated its first thoughts concerning the idea of 'financial guardianship' as a new sanction. This idea arises from Ido Weijers and Diane van Drie's report 'Stop or Persevere' (*Stoppen of Volharden*, Utrecht, 2014).

Characteristics, objective and target group for financial supervision

Weijers and Van Drie expect that the motivation to stop the criminal behaviour of persistent young offenders can be increased by requiring them to answer continually to their financial situation and by taking away possessions of which they cannot demonstrate the legal origin.

The Council is of the opinion that this target group undoubtedly exists, but that there is insufficient knowledge concerning its size, composition, background (including characteristics that are tied to culture) and geographical spread. The size of the target group together with the damage arising from this type of criminality determine the urgency of the problem.

Financial supervision as part of a broader scheme

Weijers and Van Drie do not see financial supervision as an independent sanction, but as one that is embedded in a broader scheme. That broader scheme is formed by existing sanctions, supervision (i.e. assistance and control) and social care, whereby parents and other personal contacts are involved. The Council emphasises that another vision of life, skills in coping (dealing with unease and dealing with group pressure), as well as a stable situation in various different areas of life (possibly criminogenic) are also required.

The Council differentiates between two methods:

- 1) financial supervision during the period of punishment (conditional or otherwise), and
- 2) removal of stolen property at the time of arrest and during judicial proceedings.

Supervision of these youths already exists: the youth probation service has many of these people under its care. However, the aspects of finances and assets often appear to be neglected hereby. Financial supervision requires an intensive and consistent approach with associated authorities. The continual control of someone's income, expenditure and his/her possessions requires expertise and the authority for financial detection. Currently, we do not see these within the probation service. Collaboration will be necessary with agencies where this expertise is available, for example the social services, financial detection, the tax authority, bailiffs and financial managers. The fact that different agencies are needed makes the feasibility of the idea vulnerable.

Existing judicial grounds will need to be deployed for the 'removal'. These are only intended for use in a previously determined context: on conviction of a punishable offence. In such cases it is possible to deploy all the available measures for removal. Outside of this framework, however, and therefore in the long term, that will always remain either difficult if not impossible.

The 'intensive observation' may cover a wider circle of people than youths placed under supervision themselves. The privacy and legal status of these people may be at stake.

Finally, it is important to consider which consequences will be attached to not keeping to the agreements under the scope of the financial supervision. Partners in the chain, particularly the youth probation service, the Child Protection Board and the Public Prosecution Service will not always find it proportional and certainly not always desirable to detain youths for this reason and will in such cases wish to give them another chance. This may compromise the effectiveness and credibility of financial supervision.

The Council concludes that the idea of financial supervision is worth further investigation for the added value in respect of the existing possibilities and practical implementation. The system might be tried out on a small scale following further analysis. In any case, further research is necessary in respect of:

- definition of the target group (characteristics);
- size of the target group;
- the authorities required;
- the necessary actors;
- the necessary skills, willingness to collaborate and attitude of the envisaged actors.

The recommendation can be obtained from the secretariat of the Council
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