

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

A Different Perspective

Some thoughts about deprivation of liberty in judicial youth detention centres

Recommendation to the Dutch State Secretary for Security and Justice, dated 10 March 2015

The Secretary of State for Security and Justice is fundamentally contemplating the organisation of juvenile detention in the future. This has been triggered by the declining capacity and underpopulation of the judicial juvenile detention centres (JDCs) and henceforth the closing of these institutions.

From the developments and obstacles in the deprivation of liberty in JDCs, the Council concludes that the JDC's system itself is problematic. Obstacles include:

- Reduction in the number of institutions consistently makes it more difficult to place youths regionally – in the vicinity of the family or social network;
- JDCs have difficulty in providing adequate, suitable treatment; for most youngsters the duration of the stay is much too short to start up an intervention;
- Recidivism is very high after a stay in a JDC, which is an indication that treatment and after-care in a JDC has a limited effect.

In the opinion of the Council, only a very different design, corresponding with developments in the community and the demands of today, can remove the observed obstacles. Small scale is the starting point in this. The Council is considering a system in which small-scaleness, proximity of family and school and suitable treatment, training and security are of paramount importance. Meanwhile, such a system does remain part of the justice system and organisations and (local) facilities linked to the department of justice.

In the system that the Council is considering, the focus lies on suitable treatment and supervision of the youths as opposed to restraint and security. However, in this new set-up the deprivation of liberty still remains geared towards a safe society. In the interest of judicial enquiry it may be necessary that a preventively detained youth stays at a particular place, does not go outside and does not come into contact with other suspects. A number of youths have such serious psycho-social problems and/or problems of a psychiatric nature, that specialised, intensive treatment and a high level of security in a national institution is necessary. Even in such a case a rapid transition to an urban or regional facility should be aimed at.

*The recommendation can be obtained from the secretariat of the Council
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