

## **The detention of juveniles in police cells**

### **Council for the Administration of Criminal Justice and Protection of Juveniles**

Submitted to : The Minister of Justice and Security  
The Minister for Legal Protection  
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#### **Summary**

The Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (hereinafter referred to as 'the RSJ') has issued an advisory report on the detention of juveniles in police cells. The RSJ wishes to minimise the amount of time that juvenile suspects are detained in a police cell and recommends that juveniles suspected of a criminal act be detained for no longer than 24 hours. Once this period elapses, a judge will decide whether the juvenile suspect will be released or will be remanded in custody.

Furthermore, the RSJ believes juvenile suspects should be detained in a more child-friendly alternative location, rather than a police cell. If this is not possible, then juveniles should spend no more than one night in a police cell.

#### **Current practice**

Usually, juvenile suspects are detained (often overnight) in a regular, bare police cell while the police investigate the alleged criminal act, and the cell is often part of a cell complex in which adult detainees are also held. The RSJ recommends ending this practice. Juvenile suspects can be held in these police cells for up to 3 days and 18 hours before a judge decides on the appropriate course of action.

The law permits detention of juvenile suspects in an alternative location such as their parents' house, a small-scale facility or a youth custodial institution, although these alternative locations are rarely used in practice.

#### **Recommendations**

The RSJ believes that more attention should be paid to the interests of juveniles during the initial phase of criminal proceedings (detention in police custody for the purposes of investigation). This means that juveniles should be detained only as a measure of last resort and that any necessary periods of detention should be as short as possible.

Furthermore, the point of departure for the law and/or government policy should be that, if possible, juvenile suspects should be taken to a more suitable location rather than being detained in a police cell for the duration of their detention in police custody for the purposes of investigation. In deciding whether juveniles will be detained in a police cell or in an alternative location, the best interests of the child must always be the primary focus. Also the interests of the investigation, of society, of victims and of the victim's loved ones must be taken into account as well as practical questions concerning issues such as safety and security, either at home or in the detention institution, and the agreements made with the police.

#### **Custody and treatment of detainees**

In the event that detention of a juvenile suspect is deemed necessary, the period of detention can be made more 'child-friendly' by making adjustments to police cells and focusing on the treatment of juvenile detainees.

The police already have a set of rules governing the treatment of juveniles. For example, special custody officers are designated who give extra attention to juvenile detainees. Education and training for custody officers focusing on the detention of juveniles is also advisable. In addition, simple adjustments to the cells, such as alternative colours to the grey concrete, a chair or bench, a clock, games (electronic or otherwise) or means of communication could make the period of detention more 'child-friendly'.

*This advisory report can be consulted on the website of the Council for the Administration of Criminal Justice and Youth Protection ([www.rsj.nl](http://www.rsj.nl)). For further information, please contact [advies@rsj.nl](mailto:advies@rsj.nl).*