

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

- Summary -

Care for detained juveniles with a minor mental impairment

Recommendation dated June 6, 2011 to the Dutch State Secretary of Security and Justice and the State Secretary of Health, Welfare and Sport

The Council is asking attention for detained juveniles with a minor mental impairment. These are juveniles with an IQ of between 50 and 70 or between 70 and 85 with reduced social adaptability. With this (broad) definition, the Council aligns itself with current practice in the Netherlands, inter alia because research has shown that the problems for the category with the slightly higher IQ (between 70 and 85) are comparable or even more severe as a result of higher expectations of their environment or their own expectations.

The Council highlights the approach to juveniles with a minor mental impairment who, recognised as such or otherwise, have been placed in a custodial juvenile care institution or have been placed in a correctional institution for juvenile offenders. In doing so, the manner of screening/diagnostics, placement, treatment, education, leave and aftercare have been examined.

Based on an extensive literature survey, several working visits and interviews with practical experts and scientists, the Council concludes first and foremost that the problems of this category of juveniles are serious. These juveniles are overrepresented in the judicial system, in particular among those with the most severe (PIJ) measures¹ and repeat offenders.

These juveniles have fewer cognitive possibilities (mainly in the field of strategic thought, quick information processing and impulse control) and, when compared with juveniles without said mental impairment, they are often confronted with psychological disorders, emotional and behavioural problems, risks of substance abuse and lack of support from home. As they often display street wise behaviour, the impairment is sometimes hard to recognise even for behavioural experts. The Council observes that the impairment as such is often insufficiently (systematically) screened and examined among these juveniles. Partly as a result thereof they often do not receive appropriate attention and treatment. In addition, the Council has identified several other bottlenecks in the current practice of screening and placement up to treatment and aftercare.

An adequate approach to this group of juveniles can prevent (a repeat of) serious behavioural problems or crime, which is not just in the interest of the

¹ *Placement in a Juvenile Institution (in Dutch 'plaatsing in een inrichting voor jeugdigen' or 'pij')* is a court-imposed treatment measure for juveniles having committed a serious offence and requiring intensive care and treatment. The duration of the measure is limited to two to six years, depending on the seriousness of the crime and the disorder.

juvenile, but is in the interest of society as a whole. In view of the above, the Council has drawn up recommendations, which, according to scientific and practical insights, will lead to an improvement of the situation. Important elements in the approach include early identification of the minor mental impairment and a specific approach (with opportunities for practising and repeating). Continuity in the approach to this category is very important in connection with the limitations of the learning capacity. The Council points out the relationship with the intended Government measures in this field, such as a review of the youth care system and in this connection the envisaged transfer of duties to the municipalities and the intended restriction of the (IQ) criterion for the right to care in accordance with the Exceptional Medical Expenses Act.

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