

# Dutch law and policy on young adult offenders

*Jolande uit Beijerse*

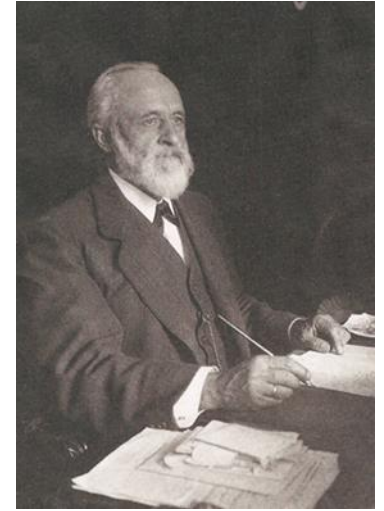


# Overview

- Development of the Dutch juvenile justice system
- Young adult offenders Law 2014 (Adolescentenstrafrecht)
- New procedure to stimulate the use of youth sanctions for Young adult offenders 18-23 years old
- Young adult offenders in Juvenile Detention Centres (JDC)
- The perspective of Raoul and Yehya

# The Dutch juvenile justice system (1905)

- Youth sanctions in Criminal Code, youth protection measures in Civil Code
- Specific youth sanctions - closely connected to youth protection with educational goal
- Youth detention centres – both groups of children atmosphere of boarding schools



## 1985-1995 – Punitive turn

- Juvenile sanctions - adjusted to match adult sanctions
- Youth Detention Centres – security measures of prisons
- Flexible upper limit – broader criteria to impose:
  - adult sanction to juveniles 16-18 (art.77b CC)
  - youth sanction to adults 18-21 (art.77c CC)

## From 2000: Focus on effectiveness of sanctions

- Public prosecutor - consults Police, Youth probation immediately after arrest to gather information, use of uniform instrument of future risk-assessment
- Use of behavioral interventions proven to be effective, f.i.:
  - ITB (intensive youth probation), MST, FFT, MDFT, MTFC
- Stimulating the use of interventions as part of:
  - conditional release from pre-trial detention
  - conditional sentence
  - conditional release after incarceration

## 2014 - Young adult offenders law

- Extension of the legal possibility to apply youth sanctions to young adult offenders - upper age limit from 21 to 23
- The public prosecutor is obliged to decide in an early stage procedure whether offender 18-23 qualifies for a youth sanction

Main arguments legislator:

- Criminality: 1/3 offenders is 15 to 23 years
- Brain research: new results
- Effective youth sanctions available for young adult offenders



# Available Youth sanctions

## Pre-trial detention and alternatives

- Judge is obliged to research if pre-trial detention can be bailed under certain behavioral conditions

## Youth sanctions:

- Fine/Community sanction (also for adult offenders)
- Behavioral measure (6-12 months)
- Youth detention (max. 12 or 24 months)
- Conditional sentence (max. 6 months)
- Measure 'Placement in Juvenile Detention Centre' (PIJ) (3 years, can be prolonged up to 7 years, also after the age of 18)

# Assessment by Probation Service

Young adult suspect 18 to 23 - Probation Service uses nationally established assessment:

- Advices if youth sanction fits the development of the young adult suspect and provides opportunities for effective approach
- Can consult Child Protection Services. Probation Service and Child Probation Service work with the same new method 'Rehabilitation of Adolescents'.
- Can in some cases consult rapporteur National Institute of Psychiatry and Psychology (NIFP) who use structured framework for advice.



# Procedure youth sanction for young adult offender

- Public prosecutor can already indicate that he has the intention to demand a youth sanction
- Young adult can be placed in a juvenile detention centre
- Conditional release from pre-trial detention with youth interventions
- When the court decides a youth sanction is applied, the adolescent will from then stay within the juvenile justice system with the corresponding professionals.
- By exception the judge can decide to apply youth sanction, but to entrust the supervision and guidance to the Probation Service instead of Youth Probation

# Juvenile Detention Centres (JDC)

40% pre-trial detention, 10% youth detention, 50% PIJ

2011-2015:

• Places	838	→	647	(- 23%)
• Persons	559	→	411	(- 26%)
• Inflow	1.846	→	1.437	(- 22%)
• Population 18+	<b>53%</b>	→	<b>71%</b>	

2015

increase of young adult offenders in JDC  
decrease of this group in prisons



## The perspective of the Young Adult offender: Raoul and Yehya

