

Summary

The new juvenile penal law: five years of practitioners' experience

September 1st 1995, a new penal law for juveniles came into force in the Netherlands. In this report the consequences of its introduction are evaluated.

The new law brought about some major changes:

- Custody (*arreststraf*) and community school (*tuchtschoolstraf*) were replaced by a single sanction, called juvenile detention (*jeugddetentie*).
- The maximum imprisonment of 6 months was increased to 12 months for juveniles in the ages of 12 to 15 and to 24 months for the 16 and 17 year olds.
- The maximum fine was increased tenfold from HFL 500 to HFL 5000.
- The penal supervision measure (*OTS*) was abolished and the penal measures of special treatment (*PIBB*) and psychiatric hospital order (*TBR*) were replaced by a single measure, placement in an institution for juveniles (*PIJ*).
- Alternative sanctions and diversion via a project called *Halt* were provided with a legal basis in the new law.

Furthermore, procedural law for juveniles was changed, the most important adaptation being a transference of a lot of the powers of the juvenile judge to the public prosecutor.

The research concerned the consequences of these changes on penal practice. Data were collected (1) from interviews with 46 persons whose work involves implementing the new penal law in everyday practice, such as juvenile judges, public prosecutors, aftercare officials, etcetera and (2) from various statistical sources.

All in all, the package of sanctions and measures offered by the new penal law for juveniles seems to be suitable in various situations. However there appear to be some problems, evolving from the new law itself as well as from everyday practice. The most important one is that too much time is needed for a case to pass through the Justice apparatus – first from the initial police interrogation to the trial, and subsequently the time spent in waiting for a measure or sanction to be executed. This problem is linked up with another major problem: the lack of capacity in the juvenile justice institutions.

The new penal law does not seem to have resulted in a stricter or a more severe penal climate than before. The number of fines is decreasing, the number of imprisonments is decreasing and the number of alternative sanctions is rising. Moreover, like the old juvenile penal law, the new law is characterised by educational elements.

