

Summary

Overview of research on the 'Placement in Institution for Juveniles'-Order (PIJ-maatregel) between 2006 and 2011

The penal treatment order for juveniles 'Placement in an Institution for Juveniles Order' (hereafter: 'PIJ-order') was established on 1 September 1995. The PIJ-order replaced two sanctions: the Penal Measure of Special Treatment (*'Plaatsing in een inrichting voor buitengewone behandeling'*) and the Psychiatric Hospital Order (*'Jeugdterbeschikkingstelling'*). The PIJ-order is the most severe sanction in the Dutch juvenile penal system. It can be imposed on juvenile offenders between 12 and 18 years of age if three conditions are met:

- 1 The juvenile has committed a serious crime for which he/she has been taken into custody.
- 2 The juvenile is considered a menace to the life and property of others.
- 3 The juvenile's further psychological development is threatened.

In 2001, the PIJ-order was evaluated as part of the newly-developed Dutch juvenile penal system. The investigators concluded that the PIJ-order was suitable for the situation although they detected some problems in the execution. On the basis of these results, the Minister of Justice at that time concluded that the PIJ-order met the intended objectives. At the same time, she concluded that it was not necessary to expand the possibilities to apply adult penal law to juvenile offenders or to enhance the severity of sanctions in juvenile penal law. However, as a consequence of incidents in the execution of the adult Mandatory Treatment Order (TBS), specifically incidents in the execution of prison leave in 2005, attention within the Ministry of Justice on the PIJ-order has increased.

The Minister of Justice at that time sent a letter to the House of Representatives which was based on policy programs such as *'Jeugd Terecht'* and *'Operatie Jong'* and meetings about the PIJ-order with experts on April 20, 2006. This PIJ-order letter, proposed to expand the knowledge of problems in the execution of the PIJ-order. In addition, evaluations of the United Inspectorates (*Gemeenschappelijke Inspecties*) and the General Accounting Office (*Algemene Rekenkamer*) showed problems in the execution of sanctions, among them the PIJ-order, in the correctional institutions for juvenile offenders. These developments increased the need for knowledge of the execution of the PIJ-order in order to create solutions and improvements.

In 2007, the Minister of Justice at the time asked the Scientific Research and Documentation Centre (*Wetenschappelijk Onderzoek- en DocumentatieCentrum; WODC*) to commission research to gain knowledge about the execution of the PIJ-order. This resulted in the PIJ-order research program which encompasses five themes:

- 1 population of the PIJ-order;
- 2 design of the PIJ-order (policy and instructions);
- 3 execution of the PIJ-order;
- 4 treatment;
- 5 discharge from the PIJ-order.

Within these themes one or more studies were executed in order to provide insight into whether (1) the PIJ-order was designed to satisfy the objectives on a theoretical basis, (2) the PIJ-order has actually been executed as designed and shows pos-

sible problems in the execution, and (3) the PIJ-order satisfies its objectives in practice. Between 2008 and 2011, the WODC commissioned universities and research agencies to carry out studies based on these themes. In addition, some of the studies were carried out within the WODC itself.

Research question

In this report, knowledge of the enforcement, the execution, and the population of the PIJ-order is integrated in order to answer the following question:

What are the problems and successes in the enforcement and execution of the PIJ-order?

Method of the literature review

The literature review is based on studies that have been performed, as part of the PIJ-order research program, by universities, research agencies, and the WODC itself. The knowledge gained from these studies is supplemented with the knowledge of the PIJ-order gained from studies performed outside the PIJ-order research program. Finally, some analyses were carried out to update figures and fill in gaps in our knowledge of the PIJ-order. Results from all these studies are integrated and discussed. This results in an overview of what is known about the enforcement and execution of the PIJ-order and its population.

The studies mentioned in this report only encompass certain aspects of the PIJ-order. To be able to draw conclusions about the enforcement and execution of the PIJ-order as a whole, it is important to determine difficulties and successes systematically. Therefore, the results of this literature review are discussed using factors that are, according to the literature, important for the successful execution of interventions:

- | | | |
|---------------------------|---|----------------------|
| 1 Design of the PIJ-order | } | (design evaluation) |
| 2 The professionals | | (program evaluation) |
| 3 The organization | } | |
| 4 Chain cooperation | | |
| 5 Population | } | |
| 6 Effects | | (effect evaluation) |

Conclusions

Reading the conclusions, one should consider that:

- 1 The PIJ-order studies took place in a time when the juvenile penal system and the execution of sanctions were undergoing many changes.
- 2 The studies on which this report is based were executed at different points in time.
- 3 The main goal of the PIJ-order studies was to detect problems in the execution of the PIJ-order and the studies were sometimes carried out during or immediately after the implementation of changes to the way the PIJ-order was being executed.

An overview of the conclusions regarding the period leading up to the trial, the trial, the execution of the sentence in correctional institutions for juvenile offenders,

prison leave, and the aftercare provided by the PIJ-order is shown in tables 27, 28 and 29. In this overview, problems and successes in the enforcement, execution, prison leave, and after care of the PIJ-order are organized into factors that, according to the literature, are important for the successful execution of interventions. It is hard to draw general conclusions about the execution of the PIJ-order because the enforcement and execution of the PIJ-order consist of many different elements. A good execution of one element does not necessarily compensate for the bad execution of another. However, conclusions can be drawn about the amount of scientific information that is available regarding the way different elements of the PIJ-order are executed and where information is missing.

The first step in studying the difficulties and successes in the execution of the PIJ-order is to judge the theoretical design of the enforcement and execution of the PIJ-order. The PIJ-order itself has not changed since its establishment in 1995. However, the juvenile penal system as a whole has been subject to many changes. Studies have shown that these changes have also affected the enforcement of the PIJ-order. In addition, policies have changed with the objective of clarifying and improving the trial and execution of the PIJ-order. These changes in policy concern, for example, the collaboration of chain partners during the judicial process, the standardization of treatment and education in the correctional institutions, the clarification of procedures concerning treatment and education by implementing YOUTURN, the application of evidence-based behavioral interventions, and the improvements to collaboration between chain partners during the introduction and execution of voluntary (now obligatory) aftercare. The conclusion is that there are still difficulties, but that the above-mentioned elements of the period leading up to the trial, the trial itself, and the execution of the PIJ-order have improved.

The second step is to operationalize the aforementioned policy and execution of the PIJ-order. Problems are found particularly in the execution of the treatment. Program evaluations concerning YOUTURN and several behavioral interventions performed in the years after the study of the United Inspectorates (2010) still show implementation problems. In addition to the conclusions of the United Inspectorates, this report concludes that none of the correctional institutions use the formalized policy in *all* aspects of daily execution. It is difficult to draw a final conclusion about the policy regarding the enforcement and execution of the PIJ-order because some elements are valued while others could be improved. In addition, the process of implementation of the aforementioned changes in policy were ongoing at the time the studies were performed. Moreover, implementation was performed in a period during which many changes of policy were (and still are) being implemented.

The third step is to test whether the operationalized policy has achieved its objectives, which are (a) receiving the right treatment, (b) a change of behavior, and (c) the reduction of recidivism. The studies show that during both the judicial process and the execution of the PIJ-order, instruments to measure changes have not been consistently used and measurements have not been consistently registered. Therefore, it is not always clear which steps a juvenile offender has followed during the judicial process and the execution of the PIJ-order, what output has been achieved (such as the number of treatments a juvenile offender has undergone), the number of certificates a juvenile offender has received, and the effects on the behavior of a juvenile offender. Therefore, it is currently impossible to draw conclusions about the degree to which the execution of the PIJ-order contributes to the achievement of its objectives.

Table S1 Summary of conclusions regarding the treatment order: period leading to trial and the trial

Design evaluation	Process evaluation				Effect evaluation
Design	Professionals	Organisational aspects	Chain cooperation	Target group	Effects
1 Judges, prosecutors and behavioral experts differ to some extent in how they prioritize goals and criteria in the decision-making process regarding the treatment order.	1 Gaps in the knowledge of behavioral experts about the juvenile penal system and gaps in the knowledge of prosecutors and judges about developmental psychology and psychiatry affect the clarity and usefulness of forensic mental health evaluations.	1 By regularly monitoring the period leading up to the trial and the trial itself, changes are noticed sooner. 2 The lack of registration along with the lack of continuously linking data about forensic mental health evaluations and data about the verdict hampers feedback to those involved.	1 Since the evaluation of the juvenile penal system by the WODC in 2001, a lot has been invested in better cooperation between those involved in the period leading up to the trial and the trial itself. 2 The case processing time of forensic mental health evaluations has not been improved much. Because of this, a portion of the forensic mental health evaluations are not available at the trial and custody is prolonged.	1 The characteristics of juveniles with a treatment order did not change between 1995 and 2005. 2 Within the group of juveniles with a treatment order, different subgroups can be identified on the basis of their criminal career. These subgroups differ in the frequency of reoffending. 3 Parents are not involved enough in the period leading up to trial.	1 There is a lot of knowledge about the characteristics of juveniles with a treatment order.
2 The treatment order is mainly imposed on juveniles who commit serious crimes and show mental health disorders. In addition, imposing the treatment order is used as a last result.	2 The drop in imposed treatment orders has mainly been caused by a change in attitude of behavioral experts towards the treatment order.	3 Due to a lack of behavioral experts, the quality of forensic mental health evaluations could not be warranted, at least not until 2008.	3 Cooperation between those involved in the period leading up to trial and the trial itself has improved. However, there is room for improvement in the transfer of data and the coordination of tasks.		
3 The increase of treatment possibilities under the juvenile penal order other than the treatment order contribute to the fact that the treatment order is only used as a last resort.	The negative reputation of the correctional institutions for juvenile offenders, the changing views on the treatment of juvenile offenders and the appearance of new behavioral therapies seem to have played an important part in this change in attitude.	4 Retraining of those involved in the period leading up to the trial and the trial itself is not always guaranteed.			

Table S2 Summary of conclusions regarding the execution of the treatment order

Design evaluation	Process evaluation			Effect evaluation	
Design	Professionals	Organisational aspects	Chain cooperation	Professionals	Organisational aspects
<p>1 To achieve the objectives of the treatment order, more has been invested gradually in working with evidence-based behavioral interventions. This enhances the possibility that the treatment order will lead to behavioral changes in juvenile offenders.</p> <p>2 The systematic evaluation of whether evidence-based principles are being used has been limited to behavioral interventions.</p> <p>3 The systematic evaluation of the total supply in (mental health) care, the need for care, and the degree of convergence between the two is absent.</p>	<p>1 The level of knowledge of professionals involved in the execution of the treatment order has improved, but still needs attention.</p> <p>2 Working according to evidence-based principles and protocols improves communication between professionals in the execution of the treatment order.</p> <p>3 Professionals experience tension between their own working methods and working according to evidence-based principles and protocols.</p>	<p>1 The execution of the treatment order is negatively influenced by too many changes in a short time span in the methods of correctional institutions for juvenile offenders and the drop in imposed treatment orders.</p> <p>2 It is as yet impossible to determine whether the treatment order is being executed as designed and leads to behavioral change in juvenile offenders because of the lack of systematic registration and monitoring .</p> <p>3 More effort is being made to coach and educate staff in the correctional institutions for juvenile offenders. However, feedback is not directed at better registration and monitoring.</p> <p>4 Correctional institutions for juvenile offenders differ in the presence or absence of difficulties mentioned</p>	<p>1 Correctional institutions for juvenile offenders have a better exchange of information with other care providers than among themselves or with educational institutions.</p> <p>2 Chain cooperation has been improved after the introduction of network and trajectory consultations. However, the distance between the correctional institution and region to which the juvenile will return hampers this cooperation.</p>	<p>1 Juveniles with a treatment order show different forms of mental health disorders. With respect to this aspect they do not differ from juveniles with a supervision order.</p> <p>2 Juveniles with a treatment order are extrinsically motivated and benefit from a positive social climate.</p> <p>3 During treatment within the correctional institutions for juvenile offenders, parents are only marginally involved. The possibilities to involve the family in therapy are limited.</p>	<p>1 At the national level there is little to no information about the given treatment and behavioral change after termination of the treatment order.</p> <p>2 It is unclear to what extent the treatment order is responsible for the diminished number of juvenile reoffenders.</p> <p>3 There is preliminary evidence that staying in a correctional institution with a low risk for insecure social and treatment climate can diminish risk factors for criminal behavior</p>

Table S3 Summary of conclusions regarding prison leave and aftercare

Design evaluation	Process evaluation			Effect evaluation	
Design	Professionals	Organisational aspects	Chain cooperation	Professionals	Organisational aspects
<p>1 Aftercare is better organized since 2008. However, evidence-based principles are not applied during aftercare.</p>	<p>1 The attitude of employees during the reintegration period influences whether juveniles will accept voluntary aftercare.</p>		<p>1 When the treatment order is terminated counter to the expectation of the correctional institution, the reintegration period is often skipped.</p> <p>2 Cooperation between the correctional institution and aftercare providers is improved after the introduction of the pilot 'voluntary aftercare'.</p> <p>3 Cooperation between the correctional institution and aftercare providers is almost absent when there is no reintegration period. Practical issues such as work, accommodation, and ways to spend the day are not taken care of or are not long lasting.</p>	<p>1 The extent to which juvenile offenders experience a relationship of trust with their coach during the reintegration period and aftercare varies.</p> <p>2 Accommodation is hard to organize during the reintegration period and aftercare. Because of this, many juveniles go live with their parents again.</p>	<p>1 Juveniles with a treatment order show a higher level of reoffending. However, the first offence after termination of the treatment order is often less severe than the offence that led to imposing the treatment order.</p>