

# Summary

## Context of the study

A key theme of the safety and security programme '*Naar een veiliger samenleving*' (Towards a Safer Society) is the tackling of youth crime. This theme has been set out in more concrete terms in the 2003-2006 action programme for tackling youth crime, *Jeugd terecht* (Youth on Trial). This programme is intended to prevent young people from committing their first offence, to tackle 'first offenders' adequately and to reduce recidivism. An action point proposed in Youth on Trial is the introduction of nationwide case consultation. Such case consultation is intended to help coordinate the activities of the partners who give shape to the criminal proceedings (police, *Raad voor de Kinderbescherming* (Child Care and Protection Board) and Public Prosecution Service), to filter cases with a view to reducing the disposal time for criminal cases and to coordinate the approach to young people with a view to improving the quality of the settlement of punishment and assistance.

In January 2003, the Minister of Justice requested the Public Prosecution Service and the Child Care and Protection to prepare the nationwide introduction of *Justitieel Casuoverleg Jeugd* (JCO) (Juvenile Case Consultation), partly on the basis of the memorandum *Inrichting casuoverleg* (organisation of case consultation), in which the starting points of the JCO are set out. On 1 March 2003, the JCO was formally introduced nationwide. Now that the JCOs have existed for over two years, the Public Prosecution Service and Youth and Crime Prevention Department (DJJ) have given the instruction to evaluate the JCOs. The purpose of this evaluation is to gain insight into the way in which the JCO functions in practice, and to judge whether improvements are desired. The Research and Documentation Centre (WODC) requested IVA Beleidsonderzoek en Advies to carry out this evaluation. The main findings of the study are summarised here.

## Evaluation framework

To evaluate the practical implementation of the JCOs, an evaluation framework has been developed against which the practice of the JCOs can be tested, which encompasses the following three parts:

- the starting points laid down in the memorandum on organising case consultation;
- the Kalsbeek standards for disposal time in the criminal justice chain;
- criteria derived from the literature on decision-making and chain and network cooperation.

## Research method

On the basis of this evaluation framework, a written questionnaire was drawn up and sent to all JCOs. Ultimately, 64% of the participants in the JCOs filled in the questionnaires. This provided us

with information from 67 of the total of 68 JCOs. After the completed questionnaires were received, the Public Prosecution Service representatives of the various JCOs were approached by telephone to discuss still outstanding questions and provide further background information. The main results of the survey and the additional collection of information were discussed and debated in four meetings with representatives from the JCOs.

### **Organisation of the JCO**

In the memorandum *Inrichting casusoverleg* (organising case consultation), the starting points for the organisation and functioning of the JCO are set out, relating *inter alia* to the participating parties, the role that the primary chain partners fulfil and the direction and frequency of consultation. The study examined how the practice of the JCOs relates to the starting points.

4 of the 67 JCOs involved in the study proved to work entirely in accordance with the starting points of the aforementioned memorandum. The other 63 depart to a greater or lesser degree from the JCO described in the memorandum. There are great differences among the JCOs concerning their organisation and functioning. The following research findings give an idea of the current practice of the JCOs:

- All 20 court districts have 1 or more JCOs. In 14 of them, 2 or more JCOs are active.
- In 4 JCOs, only the Public Prosecution Service, Police and Child Care and Protection Board participate. In 35, 1 other party takes part in the consultation (especially the Juvenile Probation Service), in 8 JCOs 2 other parties (especially the Juvenile Probation Service and HALT) and in 20 JCOs 3 or more parties.
- In 36 JCOs, the Public Prosecutions Service takes a settlement decision or indicates which way the decision will go. In 2, the decision is taken outside the JCO by the police and Public Prosecution Service and in 1 JCO, the Public Prosecution Service takes the decision on its own outside the JCO. In the rest of the JCOs, the Public Prosecution Service takes the decision prior to the JCO. In half of these, it is examined during the JCO whether the decision has been implemented and how it is proceeding. In the other half, certain young people are placed on a list, which is discussed during the JCO.
- In 56 JCOs, the Public Prosecution Service acts as director of the JCO in accordance with the aforementioned memorandum. In 10 JCOs, that task is conferred on the police and in 1 JCO on the Child Care and Protection Board.
- Almost half of the JCOs meet at least once a week. 20 JCOs have a bi-weekly consultation frequency and 14 JCOs hold monthly consultations.
- The duration of the JCO varies from one to three hours. On average, the JCO lasts an hour and a half.
- Almost half of the JCOs focus on 12-18 year olds and under 12s with serious criminal behaviour. In 2 JCOs, over 18s are included. 18 JCOs discuss only 12-18 year olds.
- The number of cases discussed during the JCO varies from eight to a hundred. On average, 30 cases are discussed in each case consultation. A rough estimate shows that in 2004, about 41,000 cases in total were discussed in the various JCOs<sup>1</sup>.

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<sup>1</sup> Because of the possibility that the same person is discussed in the JCO several times, the number of persons discussed in the JCOs in 2004 is smaller than 41,000.

## Four types of JCOs

Only 4 JCOs work entirely according to the starting points described in the memorandum on organising case consultation. In the group of the 63 other JCOs, we examined whether, based on the number of parties that systematically participate in the JCO, the time at which the settlement decisions are taken and the consultation frequency, they can be ordered in such a way that a limited number of types of JCOs other than the '*standard type*' can be distinguished. This produced 3 other types: *standard+ JCO*, *JCO 'AU' without front office* and *JCO 'AU' with front office* (AU refers to the approach of '*aanhouden en uitreiken*' ('arrest and issue'), in which a punishment or other non-punitive measure is imposed on a young person by the Public Prosecution Service immediately after arrest by the police).

The *standard+ JCO* (28 JCOs) only deviates from the standard type in relation to the number of parties systematically participating in the JCO. In the type '*JCO AU without front office*' (25 JCOs), more than 3 parties systematically participate in the JCO *and* settlement decisions are not taken during the JCO. In the type '*JCO AU with front office*' (25 JCOs) – as well as in the type '*JCO AU without front office*' - work is done according to the principle '*niemand-weg-zonder-overleg*' ('nobody leaves without consultation'). In the first type of JCO, the choice is made to work with a 'front office' (also called 'safe house'), in which a secretary from the office of the Public Prosecution Service and a case director from the Board (and possibly other parties) can, in principle, always be reached by the police and work in the same building (sometimes even the same area). When a juvenile is arrested, the Public Prosecution Service can be contacted immediately, which – if necessary – will consult with the Board.

## Disposal times

In 2001, target times were formulated for settlement in the juvenile criminal justice chain – from arrest to the enforcement of any judgment (the Kalsbeek standards). The Public Prosecution Service and police show an upwards trend in meeting the Kalsbeek standards. The picture is considerably less positive for the Child Care and Protection Board. The average disposal rate of the Public Prosecution Service, the police and the Child Care and Protection Board is the highest for the *JCO AU with front office* and the lowest for the type *JCO AU without front office*. Whether or not the chain partners meet the standards appears to be connected with the frequency with which the JCO meets. The more frequently the JCO is held, the more the chain partners succeed in meeting the standards. The number of parties participating in the JCO does not seem to have any effect on the disposal rate.

## Opinion on the functioning of the JCO

*Role of participants in the JCO.* A vast majority of the participants in the JCOs are of the opinion that it is clear what can be expected of their own organisation and the other parties, that there is a clear division of roles among the participating parties and cooperation is good. A vast majority also think that their own organisation has an interest participating in the JCO and that they are allowed enough room in the JCO to fulfil their own roles properly. It does, however, appear that the more parties with seats on the JCO, the less positively participants judge the clarity of the division of roles among the parties, the importance of the JCO and mutual cooperation. Participants in the

standard JCO are the most and those in the JCO AU without front office the least positive about the importance of the JCO, the clarity of the division of roles and mutual cooperation.

*Performance of tasks.* The participants are also mainly positive about the performance of the different tasks within the JCO. Regarding the organisation, logistics and dissemination of information, the opinion is more positive when these tasks are conferred on the police instead of the Public Prosecution Service. As far as the monitoring of the agreements is concerned, the opinion is more positive when the Public Prosecution Service performs this task.

*Substantive functioning.* Almost three fourths of the respondents think that the JCO is organised efficiently. A large majority think that there is enough time to discuss the most important cases and give good substance to the consultation. Almost two thirds think that clear agreements are made in the JCO on the coordination of criminal and non-criminal interventions. They are considerably less positive about the monitoring of agreements made.

*Achievement of goals.* A vast majority are of the opinion that the JCO enables better coordination of activities, that the approach to the juvenile is better coordinated to that of the other parties through the JCO, and that the JCO contributes towards the early identification of young people at risk. A large majority think that more custom work is done through the JCO, and that this results in improvement in the quality of the settlement of punishment and assistance. Over half are also of the opinion that case consultation helps to reduce recidivism and prevent young people from slipping into crime, and that the JCO leads to a shortening of disposal times.

*Report marks for the JCO.* The majority of the participants consider the JCO very important. On average, they give this importance a mark of 7.7. The functioning of the JCO is given a 7.2. Concerning both the importance and the functioning of the JCO, the standard JCOs and the JCOs AU with front office clearly score higher than both other types.

*Main bottlenecks.* Lack of time (for preparation and 'follow up' of the JCO) is the main bottleneck concerning the functioning of the JCO. Representatives from the Public Prosecution Service, Police and Board are of the opinion that especially better administrative support through the introduction of a JCO support system would help the JCO to function better. Especially representatives from the Juvenile Probation Service and the Board argued in favour of direct access to the information systems of the other JCO parties.

## **Conclusion**

Since the nationwide introduction of the JCO in 2003, the parties involved have invested a lot in establishing the JCO as a means to arrive at better coordination among the partners in the criminal justice chain with respect to juvenile delinquents. In all court districts, one or more JCOs are now active which together, according to a rough estimate in 2004, have processed approximately 41,000 cases. An important conclusion from the study is therefore that the institution JCO is firmly established. And although improvements in its functioning are certainly still possible, most participants in the JCOs appear to be satisfied with the way in which their JCO functions at present.

Although disposal times have improved since the nationwide introduction of the JCO, we are far removed from a situation in which all parties have met the standards. In more and more court districts and police regions, however, the Public Prosecution Service and police are meeting the Kalsbeek standards. In this context, the Child Care and Protection Board appears to be in a difficult position. In two court districts, the three chain partners are meeting the standards together.

The study shows that the number of parties participating in the JCO does not seem to have an effect on the disposal rate. It also shows that the number of parties participating in the JCO is not directly related to the duration of the JCO. The relevance of a JCO that is composed broadly for taking a settlement decision only seems to exist in the case of complex, difficult cases. The relevance of such a JCO predominantly seems to be that the non-judicial parties that participate in the JCO can immediately provide relevant information during the JCO.

The JCOs prove to score reasonably to well on most of the evaluation criteria for good decision-making, according to the participants in the JCOs. Improvements in the functioning of the JCOs are, according to those participants, particularly desired in the organisation of information management. This holds for the speed with which case-specific information can be collected and exchanged, the efficiency of the administrative processing of that information, and the quality of the reporting and monitoring of the agreements made in the JCO. The most improvement is needed in relation to the recording and monitoring of agreements made.

The JCO that formed the starting point of the memorandum on the organisation of case consultation is – in its ‘pure’ form - rarely found in current practice. Since the introduction of the JCO, different organisational variants have arisen, which differ from one another to a greater or lesser degree on various aspects of organisation, cooperation, implementation accents and yield. The study shows that the standard JCO scores well on a number of important aspects of the evaluation framework, whereas the type ‘JCO AU without front office’ scores considerably less well on quite a number of aspects than the other three types of JCOs. The two other types take a position in the middle. The type ‘JCO AU with front office’ scores better than the standard+ JCO on disposal times of the Public Prosecution Service and the police, as well as on the percentage of settlement decisions taken during the JCO.