

## Summary

### **Identifying 18 to 23-year-olds who were sentenced under juvenile criminal law A pilot**

The so-called 'Adolescentenstrafrecht' came into effect on 1 April 2014. The 'Adolescentenstrafrecht' expands the applicability of juvenile criminal law onto young adults in the age of 18 to 23. This pilot stems from an earlier study called 'The adolescentenstrafrecht: policy theory and initial empirical findings' and is part of the multi-year research program 'Monitoring and Evaluation of the 'adolescentenstrafrecht'. The pilot aims to identify all 18 to 23-year-olds who were sentenced under juvenile criminal law, as indicated by the application of article 77c of the Dutch Criminal Code, based on registration data of the Public Prosecution Service [Openbaar Ministerie] and the judiciary [zittende magistratuur]. During the course of the study 'The adolescentenstrafrecht: policy theory and initial empirical findings', it became clear that it was impossible to identify the group 18- to 23-year-olds who are sentenced under juvenile criminal law by means of the application of article 77c of the Dutch Criminal Code. Article 77c of the Dutch Criminal Code refers to the application of juvenile criminal law in 18- to 23-year-olds. However, the application of this article is not as such available in the registration systems of the Public Prosecution Service and the judiciary. Hence, it was decided to examine an alternative method that can be used to identify all 18- to 23-year-olds who are sentenced under juvenile criminal.

Article 77c of the Dutch Criminal Code is applied on individuals who have committed an offense between the age of 18 and 23 and who were consequently sentenced according to juvenile criminal law. In the current pilot, we studied the application of article 77c of the Dutch Criminal Code during the first year after the 'adolescentenstrafrecht' came into effect (April 1, 2014 to April 1, 2015). As no selection can be made on the basis of applied articles (i.e., article 77c of the Dutch Criminal Code), we used a combination of the 'juvenile criminal law indicator' and the 'juvenile sanction indicator'. Both indicators are based on registration data from the registration systems 'GPS' and 'COMPAS' of the Public Prosecution Service and the judiciary. The juvenile criminal law indicator refers to the type of sanctions system that is imposed and the juvenile sanction indicator refers to whether or not a juvenile sanction has been imposed. In addition to the use of the combination of indicators, a link was made with the USB monitor within the framework of this pilot. This was done because with the use of the juvenile sanction indicator it was not always possible to recognize a community service order as a juvenile sanction. Public prosecutor's reference numbers with community service orders that were implemented by a juvenile institution were added to the research group. In addition, the Council for the Judiciary [Raad voor de rechtspraak] were requested to identify all 18 to 23-year-olds sentenced under juvenile criminal law as well. Public prosecutor's reference numbers that had not yet been selected on the basis of the combination of the indicators mentioned above were added to the research group. The final research group consisted of 303 public prosecutor's reference numbers, which were retrieved in May 2015. Accordingly, all written judiciary verdicts of these cases were obtained and linked to the corresponding public prosecutor's reference numbers. After anonymi-

zing the verdicts, the use of the combination of the indicators could be validated by means of the written verdicts.

Based on information from the verdicts, 95% of the public prosecutor's reference numbers that were registered (as per the mentioned indicators) as having applied juvenile crime law, were indeed sentenced as such. However, in 5% of the cases adult criminal law was applied, according to the verdicts. Alternative methods exist for the identification of the research group. For example, counting the number of pretrial detention placements in juvenile justice institutions, or using registration data of the probation service. That said, using registration systems of the Public Prosecution and the judiciary appear to be the most suitable because of the presence of settlement information in these systems. Lastly, several issues should be taken into account when using data from registration systems such as GPS or COMPAS. For instance, registration systems are 'living' systems to which new information is added continuously, and previously entered information can be altered. This process continues throughout the duration of criminal proceedings, until a case is closed. As a result, two data requests at two different points in time can paint a different picture. Also, one must take into account the phased influx of new criminal cases in the registration systems of the Public Prosecution Service and the judiciary, and the duration of the criminal proceedings may also vary.