

# Summary

## Set up, mode of operation and research group

The study in hand is a monitor study on thirty youths during the execution of their PIJ measure (custodial measure, Placement in Institution for Juvenile offenders, hereafter PIJ). Key question is: what happens during the stretch of the PIJ measure, from formal context up to and including the execution in the preliminary stage, the actual execution stage and the aftercare stage? This question has been elaborated in five clusters of research questions. The clusters are: 'Mapping out individual courses'; 'Experience regarding parties involved in the PIJ measure'; 'Cooperation between agencies'; 'Context' and 'Purpose of the PIJ measure and state of affairs after two years'.

The thirty youths have been selected from three institutions; Rentray, De Hartelborgt and Den Hey Acker. The selection was based on the need to involve a variety of courses (different specialties) in the study. Representativity was not a basic principle in the selection of the sample. Therefore the findings of this study cannot be applied offhand to the entire PIJ population. However, comparison to the FPJ database (Forensic Profile Young offenders database) shows that generally the research group can be compared to youths included in the FPJ database.

The research group consists of two cohorts. The first cohort consists of sixteen youths entering a PIJ setting. The PIJ of these youths started between mid 2007 and early 2009. The second cohort consists of fourteen youths leaving a PIJ setting. Probationary release of these youths was planned for 2008 or 2009. The research group consists of 28 boys and 2 girls. When their PIJ measure was imposed, ten of them were already of age. At the time of the interviews during the first round of data gathering, the entire group, but one, is of age. Almost all participants have the Dutch nationality. Of seventeen youths, one or both parents were born abroad. The youths display moderate to severe problems in several areas. The most prevailing problem areas are: 'network', 'offences' and 'anti-social behaviour'.

On the thirty youths data was collected during three data gathering rounds, making use of several information sources. In order to map out the individual courses of youths concerning PIJ, the information was gathered from three separate sources. The execution programme (TULP), in which actual data of cases are being registered, records and interviews. These sources were also used to investigate the cooperation between organisations. In order to find out about the experiences with the PIJ measure of parties involved use was made of interviews. For mapping out the formal context use was made of relevant literature and legislation and statutory regulations.

Most youths were approached for an interview at two specific moments. All in all one third of the youths dropped out during the study.

It appeared that the case files contained particularly little information on the choices made during the preliminary stage and the course of the probationary release. The interviews covered the preliminary stage to a limited extent, as a result of which the 'how and why' in the preliminary stage could not be answered for all subjects. Probationary release plans were often lacking in the case files.

## **What, how and why**

### ***Course of the PIJ measure***

On 1 June 2010 (after the second round of data collecting) thirteen youths are staying in a treatment section, two are on probationary release and the PIJ of fifteen youths was ended.

On average, the preliminary stage, the span of time between being taken into custody and transfer to a treatment ward of a Juvenile Justice Institution, is more than one year.

Of the eighteen youths that completed their intramural treatment per 1 June 2010 the average intramural treatment phase lasted 34 months. The duration of probationary release (12 youths) varies from almost two months to over one year (on average 193 days). Probationary leave of four youths was cancelled. Twice due to being in contact with the law and twice because the youth in hand was not doing too well.

Most youths are transferred once or several times to another Juvenile Justice Institution, both during the preliminary stage and during treatment. Part of these transfers is effected from a treatment perspective. Another part of the transfers is due to an incident. In case of an extendable PIJ, in general the PIJ will not be extended to the maximum duration of two years time. In case of more than one extension, this will usually be due to the fact that the rehabilitation process is not in accordance with expectations.

Regarding the first extension the courts will, as a rule, adhere to the advice of the institution if the youth agrees with this advice. For second and third extensions the courts rule contrary to the institution's advice more often.

The PIJ of fifteen youths ended on 1 June 2010. Nine of them left the PIJ setting following probationary release. The other six youths left the PIJ setting from the institution.

The two most common situations for a PIJ to end are expiration of the term the PIJ was issued for on the final court session concerning prolongation while maximum span of time had not yet passed, and termination by order of the courts during sessions.

For most youths the records did not state the maximum term of their PIJ measure. However, they did show that all but two youths have an extendable PIJ and that two youths have completed (or almost) the full maximum extension of six years.

### ***Preliminary stage***

The differences between youngsters in the duration of the course of entrapment up to the conviction are related to possible adjournment during the preliminary stage and the progress of the research and advisory stages. The differences in the duration of the period between conviction up to placement in the treatment institution are related to the duration of the detention as ruled by the courts, the waiting time for (specific) treatment places and whether or not an appeal is made.

More than 50% of the youths receive, in addition to a PIJ measure, juvenile detention. In deciding to place a youth in a specific treatment institution, the following considerations appear to play a part, in order of relevance: the specific differentiation of the treatment group, waiting lists and the region of origin. A lack of treatment places for LVG youths (mildly mentally retarded youth) is identified as a problem by two behavioural scientists of the merely custodial division of a Juvenile Justice Institution. 50% of the youths is placed in an institution specifically intended for a certain target group.

### ***Treatment***

Treatment goals are based on information from the preliminary stage, observation at the institution and the offence analysis. Behavioural scientists hold different views on the extent to which youths should be involved in the formulation of the goals, resulting in different approaches.

The involvement of parents is important according to behavioural scientists, but little is known on actual parental input.

The institutions apply several recognised behaviour interventions. The interventions are used for all target groups, LVG youths included, even though the interventions have not been developed for the LVG target group. Based on the interviews with the treatment coordinators the picture emerges that there is an increase in the use of recognised interventions.

However, a great many goals are being reached through other means. The community, talks with the mentor and non-verbal therapies are often applied to reach the set goals.

Although the terms for drawing up a treatment plan and the evaluation are not always met, the majority of the cases have a cyclic process of planning and evaluation. In only one instance a final evaluation could be found in the case file.

For one third of the youths the treatment stage is temporarily interrupted by a stay in a merely custodial facility or house of detention due to incidents. The interruption often causes a considerable delay in the process, since liberties are being withheld.

Not only does this study discuss treatment in the more restricted sense, it also addresses treatment in the broader sense. Chapter 4 discusses the subjects leave, punishments and measures and education. The use of the complaint procedure is also discussed here.

### ***Probationary release***

The preparation of probationary release often starts six months prior to the onset of this release, involving not only the youth in hand but also the behavioural scientists, ITB supervisor ('individual track guidance') and the probation service. Approximately 50% of the youths leaves the PIJ setting from a BBI (institution with limited security). The most common cause for leaving the setting from a secure ward is, that a suitable BBI is not available in the region in hand.

50% of the youths started living independently, with or without support. Most of the others went to live with relatives. Many youths that are able to return home, do so. If this is not possible or if the youth is unwilling to do so, their options are limited, in particular for LVG youths. Also, waiting lists for suitable places are considerable.

All youths have daily occupations during probationary release, such as education or jobs. Over 50% of the youths engage in sports or games in their hours of leisure.

In two out of three institutions the youths receive supervision from their ITB supervisor during probationary release. One institution does not have the means for this, so that the ITB supervisor remains involved in the background. In addition, all youths receive supervision from the probation service, amongst whom one youth who received supervision from the youth probation service. Two thirds of the youths also receive supervision from a third agency, for example a GGZ clinic (community health services).

The intensity of the contacts with the ITB supervisor and the probation official depends on the youth in hand and the stage of the probationary release. The youths more often have relationships of trust with their ITB supervisors than with their probation officer. Probation officers will mainly check if the youth complies with the conditions of probationary release, whereas the ITB supervisor helps the youth with practical matters such as acquiring insurance.

Six out of fifteen youths did not leave the setting from a probationary release situation. The interviews show three important reasons why these youths exit without probationary release. First of all, youths are not motivated for probationary release and secondly, suitable living premises are not available for youths.

Thirdly, in some cases the courts may decide to end the PIJ measure contrary to the advice of the institution, as a result of which there is no time to initiate probationary release.

### ***Aftercare***

Nine out of fifteen youths were found to have received aftercare on a voluntary basis, after their PIJ. In all these cases this is aftercare by an ITB supervisor or probation officer. In three cases additional aftercare is provided from another institution. The exact duration of the aftercare stage cannot be inferred, also due to

the fact that not all youths have completed aftercare. Generally speaking, this stage takes six to twelve months.

## **Experiences of people involved**

### ***Youths***

What is particularly striking in the interviews with youths on the preliminary stage, is that they experience that they do not have much of a say in matters, and cannot influence anything. Part of the youths feel they have no say in setting goals. Youths that indicate their input was indeed asked, also indicate that the actual say they have, is limited. All youths disagree with part of the goals. It appears that youths feel they have more of a say in the decision-making process on extension. Both with regard to the advice on prolongation and during the court session youths report they were heard.

Most youths disagree with the PIJ measure. A major objection of youths against the PIJ measure is that it takes long, compared to detention, and that its duration is not clear beforehand. A number of youths feel that punishment is justified or understand why treatment was imposed. The majority of youths feel that part of the treatment offer is not useful, but youths also mention aspects of the treatment they did find to be of use. Leave and release are important to youths. Although the youths do not identify leave, probationary leave and leisure time as goals, these are reasons for them to comply with treatment. Youths like their courses to be clear.

Cancelling leave, corrective placement or transfer to another institution are felt to be severe punishments by youths. Solitary confinement, isolation, is also seen as punishment.

Part of the youths feel that the quality of education is insufficient. Many youths are bored during the time they spend in a secured group.

Most youths are satisfied about the preparation, the course of probationary release and the supervision that they received with it. Many youths feel that the probation service has no additional value. Some youths state that detention made them 'lazy' as a result of which they felt the transition from 'inside' to 'outside' to be hard.

Youths that opted for aftercare are satisfied with it, they indicate that they needed it.

### ***Behavioural scientist and ITB supervisors***

With two exceptions, behavioural scientists and ITB supervisors were interviewed solely about the treatment stage (both intramural and extramural).

In general, behavioural scientists are positive about the current alternatives concerning treatment, including the possibility of using external expertise. Additional wishes are more hours of counselling per youth and a specific offer for certain problems.

Particularly with regard to leave it transpires that some behavioural scientists feel that they are held back by rules and procedures in their options to adapt treatment to the individual treatment goals of youths. To a lesser extent this also transpires for the extension period, when from a treatment point of view extension is advisable and the courts rule otherwise, in consideration of a limited risk of recidivism. With regard to two youths the behavioural scientists experience restrictions to such an extent that they feel that the treatment could not be executed properly.

According to behavioural scientists and ITB supervisors, finding suitable dwellings is one of the major difficulties in preparing probationary leave, in particular when a youth cannot return to his parental home. On the one hand this is due to the limited offer for this target group, on the other, institutions will often be unwilling to accept youths with a PIJ background.

In the area of daily occupations and supervision the behavioural scientists and ITB supervisors experience few problems. Several ITB supervisors elaborate on the aftercare they give to their youths. Even if sometimes there are no funds to provide this aftercare, the ITB supervisors try to give it anyway.

## **Cooperation between agencies**

On the cooperation between juvenile criminal law and adult criminal law and between regions little information transpired. Most youths were not yet involved in the 'network and course consultations' that were introduced nation-wide in 2009.

In the interviews with behavioural scientists of the custodial groups, no bottlenecks were mentioned during the preliminary stage. Youths themselves did not identify problems either. With regard to cooperation between juvenile criminal law and adult criminal law it appears that in case of a removal from an adult institution to a juvenile institution transfer of information is lacking. For one youth this affected the drawing up of a treatment plan but it also affected the risk assessment for staff members. For the rest, during the intramural stage there does not seem to be a great deal of cooperation with other organisations.

In the extramural stage there is cooperation with the (juvenile) probation service. It appears from the interviews that the juvenile probation service is less experienced in supporting youths during probationary release, as a result of which the preparation stage may last longer. Within the adult probation service there are differences per region. Several ITB supervisors were satisfied with the project voluntary aftercare in Rotterdam.

The case of one particular youth was discussed in the course consultations, because there were difficulties concerning the arrangements of his probationary release. All parties involved were positive about this.

## **Formal context**

During the preliminary stage and during the execution of the PIJ measure several statutory regulations apply. In addition to the general stipulations of the Criminal Code and the Code of Criminal Procedure the rules of juvenile criminal law and juvenile criminal procedure apply. During the execution of the PIJ measure mainly the Act Principles Juvenile Offenders Institution and the rule book judicial Juvenile Offenders Institutions pertain.

For the thirty youths the PIJ measure was – for the larger part - carried out in accordance with the statutory regulations, as far as this could be ascertained from the gathered data. Compared to the legal context the most striking deviation is the duration of the preliminary stage. Only for ten youths preventive custody is terminated within 111 days, whereas point of departure is that preventive custody last a maximum of 111 days.

## **Goal PIJ measure and state of affairs after two years**

The formal context shows that the PIJ measure is intended for treatment and education of minors, in which it is expressly stated that attention should be paid to a return to society. In addition, criminal law goals such as increasing security are aimed for with this measure. It appears that for the behavioural scientists both types of goals play a part in their considerations during the treatment process, treatment and education on the one hand, and security on the other. Youths primarily mention the treatment and education goals when asked about the goals of the PIJ measure.

The behavioural scientists feel that for the majority of the youths the PIJ measure is a suitable instrument for reaching the goals. In general, youths, when indicating that the PIJ measure has been of use to them, feel that the goals could have been reached in another way.

For eighteen youths the PIJ measure ended two years after the start of the study. For twelve youths the PIJ measure is still in effect in August 2010. For 50% of them the moment of return to society is still unclear or uncertain. The risk of recidivism has decreased for all youths that are still in a PIJ measure (to the extent that this could be established), according to the behavioural scientists. There are still some causes for concern regarding two youths.

Twelve of the eighteen youths whose PIJ has ended, are doing well: eight youths consider their personal situation to be good or grant themselves seven or more points (out of ten) and four youths are doing well on all areas of life according to staff. One youth is doing only moderately well, according to himself. Two youths are not doing well: it transpires from an interview with one of them that there are problems in all areas of life and a relative of one youth mentions that the youth is not doing well in all areas of life. For two youths it is not known how they are doing, but based on the situation at the end of the PIJ expectations are that they are not doing well. On one youth, no information is available.

From the eighteen youths whose PIJ measure has ended, three youths report that they have since then committed an offence.

## **Concluding observations**

In our concluding observations the results and restrictions of the study are discussed and a number of problems and positive developments that transpired from the study are listed again.

The study shows the possible courses of the PIJ measures for the various youths and shows the similarities as well as the differences in the courses. The summaries of the thirty individual courses in appendix 1 provide a succinct survey of the various courses.

Another major result of the study is youths' perspective of the PIJ measure. The report provides insight into the experiences of youths with the PIJ measure and their opinions on it.