

**- Summary -**

**Imposition and implementation  
of the social conduct order  
for juvenile offenders**

Janine Plaisier  
Martine Knijnenberg  
Dominique Lenssen  
Helly Pollaert &  
Ischa van Straaten

### **What is the Social Conduct Order (in Dutch: GBM or 'gedragsbeïnvloedende maatregel')? (Chapter 1)**

The Social Conduct Order is a custodial measure for juvenile offenders who have committed a serious crime or repeated criminal offences and who have psychological problems that require outpatient treatment. The measure is intended to stimulate treatment by substituting the GBM or Social Conduct Order with detention if the juvenile in question does not cooperate. The measure was introduced in 2008, but is applied far less frequently than was originally expected, amounting to less than 1% of all sanctions for delinquents per annum.

### **What is the aim of this study? (Chapter 2)**

A great deal of research has already been carried out into why relatively little use has been made of this measure. However, how the youngsters fared that *did* undergo a Social Conduct Order remained a 'black box' question, and that is why this study was conducted. The study questions were:

- 1) How often is a Social Conduct Order recommended, required and applied, and for what reasons is advice given by the Child Care Protection Board (Raad voor de Kinderbescherming) adopted – or not adopted – by the Public Prosecution Service and the Judiciary?
- 2) What does the Social Conduct Order involve?

### **How was the study conducted? (Chapter 3)**

All files from between 2008 and 2013 (513 in total) were systematically analysed. Group meetings were also held with staff members from the Child Care Protection Board (Raad voor de Kinderbescherming: de Raad), the Netherlands Institute of Forensic Psychiatry and Psychology (NIFP), the Youth Protection/Probation Service (JR), the Public Prosecution Service (OM) and the judiciary (ZM).

### **Results with respect to recommendations, requirements and imposition (Chapter 4)**

#### **How often is a Social Conduct Order recommended, required and imposed?**

- Between 2008 and 2013, the Child Care Protection Board (de Raad) recommended a Social Conduct Order 513 times, a total of approximately 100 per annum in the Netherlands. There has been a downward trend in recent years.
- A total of 308 Social Conduct Orders have been imposed. Other cases may not have been pursued, or alternative penal measures may have been applied.
- Based on the files containing information relating to all decisions and leading to prosecutions, it was shown that the Public Prosecution Service accepted the recommendations of the Child Care Protection Board (de Raad) in 91% of cases, and that the Magistrate ordered a Social Conduct Order in 76% of cases.

#### **Reasons for recommending or imposing a Social Conduct Order**

Reasons for recommending and imposing a Social Conduct Order relate primarily to the nature and gravity of the problems, the need for treatment or support, and the degree to which a Social Conduct Order can serve a useful measure in stimulating treatment.

#### **Reasons not to impose a Social Conduct Order**

If no Social Conduct Order is imposed, it is usually because the magistrate considers that a) the substitute detention period (if the youngster does not adequately fulfil the conditions) is too severe in relation to the proven facts and the length of the remand period (proportionality), b) that treatment can also be implemented on special conditions as part of a suspended sentence, or c) successful completion of the measure is unlikely as the juvenile is not sufficiently motivated.

### **Characteristics of juveniles for whom a Social Conduct Order is recommended (Chapter 4)**

- Juveniles on whom a Social Conduct Order is imposed are usually 16-17 years of age, with complex multiple problems, a long history of delinquency, psychological problems, antisocial friends, and almost always problems in the home and school situation. Over half of these juveniles are intellectually challenged.
- The Social Conduct Order is imposed primarily on repeat offenders and rarely on first offenders.
- The juveniles upon whom a Social Conduct Order is – or is not – ultimately imposed have similar characteristics. This means that the Child Care Protection Board, the Public Prosecution Service and the Judiciary have a similar picture of the juveniles for whom they consider a Social Conduct Order suitable.

### **Results with respect to carrying out a Social Conduct Order (Chapter 5)**

#### **What the measure involves**

- The length of the imposed Social Conduct Order is usually twelve months.
- In all cases, the Social Conduct Order involves a multifaceted approach. This approach is based on the age of the offender, the type of offence and their individual problems. Judicial behavioural interventions (often also aimed at the family) and psychological treatment are usually recommended. Experts say that the school or work situation is always taken into consideration and not registered as a specific aspect of the measure. Juvenile probation supervision is also always carried out as part of the measure.

#### **Achievement of objectives**

- Three quarters of the approaches recommended by the Child Care Protection Board are actually implemented, and two-thirds of these are completed. In other words, half of the recommended approaches in the Social Conduct Order are actually completed. Reasons for deviation from the recommended approach are: if an intervention is not available (or not available in time) or if the situation changes making a different approach more suitable.
- Three-quarters of the juveniles achieve one or more of the objectives set beforehand.
- The Social Conduct Order period is fully completed in 65% of cases.
- Only 11% of the Social Conduct Order periods are extended. In half of all cases, however, a suspended sentence is given in addition to the Social Conduct Order, with a year's supervision by the youth probation services following completion of the Social Conduct Order. Treatment is often continued after the Social Conduct Order has been completed.

#### **Early termination**

- In one third of the Social Conduct Order periods, the youth probation services reports to the Public Prosecutions Services that the juvenile has failed to adequately meet the conditions ('negative feedback').
- A quarter of the Social Conduct Order periods are terminated early because the juvenile has failed to cooperate adequately or has committed a new offence. In the event of inadequate cooperation, implementation of the substitute juvenile detention usually follows. If the Social Conduct Order has progressed well, the substitute detention may be shorter than previously imposed. However, if a new, serious offence is committed, a new, possibly longer suspended sentence may be enforced.
- The juveniles whose Social Conduct Order is terminated early are relatively often those with behavioural and aggression problems, and whose parents have inadequate parenting skills. The Social Conduct Order would appear to be less suitable for this group. Given the limited number of studies carried out in this area, however, these results must be interpreted with caution. On an individual level, it is not easy to predict which juveniles are likely to complete the Social Conduct Order successfully.

## Conclusions (Chapter 6)

The study shows that the Social Conduct Order is largely implemented as intended according to the original objectives, in other words, with an intensive, multimodal treatment programme for a group of juvenile offenders with psychological problems and who require outpatient care. This group appears to have even greater problems than expected. Hardly any use is made of the option to implement the Social Conduct Order for first offenders.

Although the juveniles have serious problems, two thirds complete the measure successfully and one or more of the set objectives are achieved. This shows that the intensive supervision included in the Social Conduct Order is feasible for a large proportion of the group. In this respect, the Social Conduct Order provides these juveniles with the opportunity to live their lives in a more positive way and can as such be a good basis for reducing repeat offending. Intensive supervision certainly seems to be a practical approach for those juveniles with a lower IQ.

## Discussion (Chapter 7)

### Earlier intervention

- The fact that these juveniles already have a highly extensive criminal record and the fact that their psychological problems have been known about for some time begs the question of whether earlier intervention would have been preferable; not as a last resort, but as early intervention when a negative trend is seen. This underlines the importance of the Dutch State Secretary for Security and Justice seeking to achieve 'matched care' (doing what is necessary) instead of 'stepped care' (first trying everything before an intensive approach is implemented, which may then be too late).
- In practice, it appears that the precaution (juvenile detention) preventing many professionals from recommending a Social Conduct Order can be implemented flexibly. This persistent myth therefore needs to be rectified.

### Desirable changes to the Social Conduct Order

- The chain partners we asked argued in favour of making intensive supervision of adolescence possible; supervision such as being placed under supervision or judicial administration for juveniles aged 18-24 whose parents are no longer responsible for them, but for whom some form of 'parental supervision' is deemed necessary. They also argue in favour of the option for a flexible intramural stage including a treatment option at the start of the Social Conduct Order.

### Objective achievement, information exchange and a feedback loop

- Youth probation supervisors indicate that they focus primarily on how the procedure is progressing and less so on achieving the set objectives. This probably results in the potential of the Social Conduct Order not being fully utilised.
- The exchange of information is not guaranteed within the criminal law chain, as shown by the incomplete files that the researchers discovered, and this carries risks. Firstly, we can ask the question: to what degree can the Child Care Protection Board adequately fulfil its role as supervisor if substantial information is missing? Secondly, how do staff know the results of their work and what decisions were successful or not so successful? Due to information missing in the files, and the lack of a feedback loop, opinions and ideas are not corrected by facts, and the learning potential of the staff and organisation is therefore not as well stimulated as it could be.



WHICH INTERVENTIONS REALLY HAVE AN IMPACT ON HUMAN BEHAVIOUR

Prins Hendrikkade 193  
1011 TD Amsterdam

Tel +31-20 6684797  
E-mail [info@mpct.eu](mailto:info@mpct.eu)  
Web [www.mpct.eu](http://www.mpct.eu)

**impact**<sup>R&D</sup>