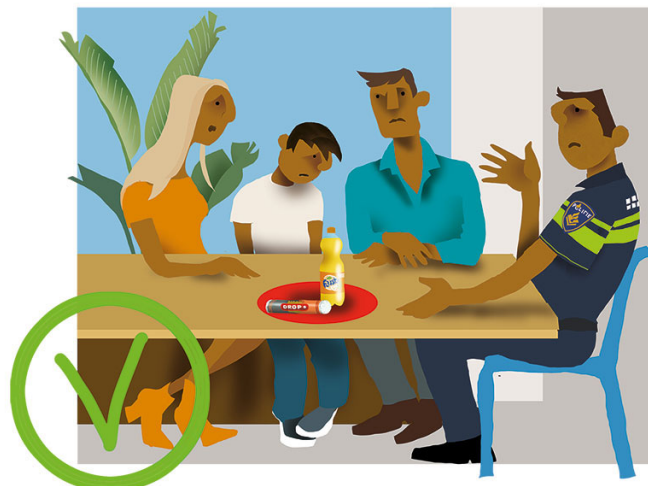


De politie-reprimande voor minderjarige *first offenders* van lichte feiten

Evaluatie van de landelijke Pilot Reprimande



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SUMMARY

Background of the study

On October 1, 2020, the national Reprimand Pilot was launched in the Netherlands. This Pilot was initiated by the police, the Public Prosecutor's Office (OM) and an organization for diversion sanctions for juvenile offenders (Halt); the Ministry of Justice and Security was also involved. During the pilot project, a new procedure was adopted for juvenile first offenders of minor offenses. The new procedure entails that arrested juveniles are no longer transported to the police station to be brought before the assistant prosecutor, instead this can be done on location by telephone. If the assistant Public Prosecutor feels that the juvenile qualifies to being reprimanded (cautioned), he or she will be released and a 'reprimand conversation' will take place shortly thereafter, in which also the parents of the juvenile will be involved. The Pilot was initially scheduled to last one year, until October 1, 2021, but in the meanwhile extended. The report, of which this is the summary, contains the evaluation of this procedure. This will be the basis for the decision making about its continuation.

Methodology

This study included three sub-evaluations: a plan, process, and output evaluation. The plan evaluation focuses on how the Reprimand Pilot was organized in the context of the goals that were set and what the expected contribution was to those goals. To this end, basic documents about the Pilot were analysed and interviews were conducted with fifteen key informants of the institutes that were involved in the establishment of the Pilot, namely the police, the OM, Halt, the Ministry of Justice and Security, the Child Care and Protection Board, as well as the Twente district of the East Netherlands Police Force, where a Reprimand Pilot was introduced previously.

The process evaluation is centred on the implementation of the Reprimand Pilot and the experiences of people and institutes involved. For this purpose, data were collected in several ways. First, the national police registrations of the reprimand were analysed. Next, research was conducted in three police units through a comprehensive content analysis of a sample of 66 police files from the three police units, relating to 117 minor suspects. Additionally, interviews were held with sixteen officers within these police units, about their experiences in applying the procedure. In these interviews decisions in cases and their underlying assumptions were discussed in detail.

The output evaluation is focused on the achievement of the Pilot's goals and on the (perceived) side effects. This part of the study included a further analysis of the findings and information that emerged from the plan and process evaluation, additional analyses of the registration data about the course of the processing, and additional interviews with actors involved in the process. These actors include the local police information organisation ZSM, assistant Public Prosecutors in the Rotterdam Police Unit and the management of an

organization (called SODA) that handles civil claims (or 'store fines') on behalf of retailers. Further, through the OM contact person for this pilot, information was collected about a Reprimand Pilot for adults and an app (RAPP) that facilitates that procedure. A stakeholder session was organized for which a selection of the most important key informants from the police, the OM (prosecution) and Halt (for diversion measures) were invited. A qualitative survey was conducted among juvenile law defence lawyers, and finally registration data were collected and analysed about the development of Halt referrals (diversion measures for juveniles).

In addition to the three sub-evaluations of the Pilot described previously, an additional legal and criminological literature review was conducted. The legal literature review focused on the legal issues that stood at the base of the Pilot, the consequences of civilian arrests and the mandatory consultation of defence lawyers for underaged suspects of minor offenses. The criminological literature review focused on the use of the reprimand and similar (caution) responses in other countries and on previous research findings about the effects of reprimands and similar diversion measures, focused on recidivism reduction.

The objectives, target group, and design of the pilot

Four *intended objectives* can be distinguished, the first two are more process-oriented and the last two more substantive. The first objective of the pilot is the ability to avoid an unnecessarily juridified process involving detention at the police station. This goal stems from the situation that led to the pilot, a practice in which minors stayed at the police station for an unnecessarily long time. The second objective is the provision of a clear framework for a nationwide unambiguous working method. This goal was set because initiatives were being developed at different locations to address the unnecessary stay in the police cell. A third objective is to provide a proportional and pedagogical reaction diverted from criminal law. A fourth objective is to offer an appropriate and effective response to prevent recidivism. The last two goals are closely related and partially overlapping.

The *intended target group* of the pilot consists of suspects aged 12 to 18 who are arrested 'caught in the act', who are first offenders - i.e., who have not previously been eligible for a reprimand, Halt sanction, OM sanction or court settlement. They must be suspected of an offence of a light and simple nature, in particular shoplifting of goods of small value, vandalism with minor damage and using an ID card from someone else to get alcoholic drinks. The addition 'in particular' is intended to give the opportunity to include other offences of a light and simple nature. No amounts have been mentioned because the context must be decisive. Contraindications are recalcitrant behaviour, peer pressure, concerns about the person of the minor or his/her home situation and fear for a (physical) reaction of his/her parents. In case of concerns about the home situation, a report to the organisation Veilig Thuis (VT, Safety at Home) must always be made. In case of fear of parents' reaction, first contact with the parents should take place at the police office.

The *intended procedure and division of roles* is that the police officer in charge at the scene of the arrest checks the evidence and the information, contacts the assistant Public

Prosecutor on duty by phone and discusses the results of the check with the assistant Public Prosecutor. The assistant Public Prosecutor checks with the police officer of the information organisation ZSM (during opening hours) if there is any relevant personal information and then speaks with the minor in the context of the telephone arraignment. No substantive questioning takes place, but only process questions are asked to verify the legality of the arrest. Following the decision to reprimand, the minor is formally discharged, but in fact remains present. The police officer on the scene then contacts the parents, informs them and, when possible, conducts the reprimand conversations directly in their telephone presence. If the reprimand conversation cannot take place immediately, an agreement is made as to where and when the conversation will take place within 48 hours. During the reprimand, the officer should discuss with the minor that the reprimand conversation is not an interrogation and does not have a criminal law purpose, but an educational purpose to learn from the situation and to avoid committing future offenses. There is a Guideline on reprimand conversations with several topics to discuss with the minor and parents. This should include an explanation to the minor why their behaviour is disapproved, the consequences for the shopkeeper or victim, an explanation that there will be a record in the police system and what happens if they are caught committing a crime again (including getting a criminal record). Agreements must be made with the victim on the return of stolen goods and compensation for damages. A shopping ban or claiming indirect damages for administrative costs for the store is left to the shopkeepers and is not part of the intended procedure.

Finally, an inventory was made of the *preconditions and expected side effects*. The preconditions were that the pilot would be evaluated thoroughly and independently; that, based on the results, the involved parties will decide on the continuation of the pilot; and that proper and unambiguous registration would take place in the police information system BVH. Side effects that were mentioned and expected were: time savings for the police, a development towards automated processing of the reprimands, being able to identify concerns about the home situation during a reprimand meeting at the juvenile's home, a possible reduction in the number of admissions to the diversion organisation Halt and a possible reduction in contacts with juvenile law defence lawyers.

Output and target range of the new procedure: national figures

A total of 3,964 reprimands were recorded during the research period. This means that approximately 15% of all cases against juvenile suspects were settled with a reprimand. Of the 5,024 cases that fell within the criteria of the pilot (the target group cases), 56% were settled with a reprimand. For the remaining 44%, it is unknown why the reprimand was not used. This may be because it was not a case of "minor damage", because other contraindications were present, or because the pilot was not sufficiently communicated yet in the police unit. A slight increase in the proportion of target group cases that were settled with a reprimand during the pilot period supports the latter as a partial explanation. Of the target group cases that are not settled with a reprimand, the majority (55%) are referred to

the diversion organization Halt. A smaller but still substantial proportion of cases (14%) are dismissed.

The statistics further show that cases settled with a reprimand overwhelmingly concern shoplifting, followed at a great distance by other categories of offences. These include violent and sexual offences, and possession of weapons, for which at first glance a reprimand might seem undesirable. Unfortunately, registrations provide too little insight into the details of the cases to conclude whether the use of reprimands are undesirable or whether there is in fact a minor offense that falls within the scope of the Reprimand Pilot.

A small but relevant proportion of juveniles (15%) who received a reprimand appeared to be no first offender. The largest number of reprimands were given to 14-year-olds. Further, it appears that the lower the age, the more likely a minor is to receive a reprimand rather than some other settlement. Among 16- and 17-year-olds, a majority of the target group cases are settled in another way than with a reprimand. The probability of receiving a reprimand is the same for boys and girls among the target group cases. In absolute numbers, however, almost twice as many reprimands were given to boys than for girls.

Regarding the followed procedure, it appears that in most cases there was indeed a reprimand conversation, and this usually involved the parents, according to the registrations. At the same time, there is still a significant number of cases in which the registrations make no mention of such a conversation. Conversations with parents also take place in a third of the cases in which no reprimand was given. An important goal of the pilot was to ensure that minors are no longer detained at the police station. However, the national statistics show that still 11% of the minors in reprimand cases was detained at the police station. Of this group, 18% stayed even longer than 5 hours. Of the group of minors from a target group case with a different outcome than a reprimand, 28% stayed longer than 5 hours at the police station.

There appeared to be clear differences between the police units in the numbers of reprimands and the development in this during the research period. Almost twice as many reprimands were given to eligible suspects in the police unit with the largest share of reprimands as in the region with the smallest share of reprimands. In addition, police regions also vary in the followed procedures. In particular, they differ in the place where the reprimand conversation is held and in the extent to which reprimand cases are accompanied by a civil claim by the shopkeeper. In some police units, such a demand was registered in many reprimand cases (up to almost 40%) while in other police units this proportion is much lower or even close to zero according to the registrations.

The implementation of the new procedure in three police units

After the *introduction of the procedure* for reprimands from the national level to the level of the police units, it appeared that not all police units were already interested in the pilot and that there was very little time to set up the pilot properly. Some police units, including the investigated Rotterdam Police Unit, began two months later than the official start of the

national pilot, in December 2020, to have enough time to implement the new procedure. Other police units, such as the investigated Zeeland-West Brabant Police Unit, did everything possible to implement the working method in time. Also, the way in which the pilot was communicated through the Central Staff and the districts to the basic teams showed how differently the internal processes within the police units are organized. In each of the three investigated police units, the procedure was implemented through different lines. Finally, it appeared that in the police practice, giving a warning was already familiar to the police and is used for a wide variety of offenses, including those involving adult suspects. Further, it appeared that the implementation of the procedure according to the Guidance was hampered by the fact that police shifts are varied and unplannable which implies that administration of reprimands must take place during police work that can be hectic. This means that there is not always enough time for administration, and as a result this administration cannot always give a complete picture of what happens in practice.

From the *inventory of the 66 police registrations ('mutations')*, it appears that offences were often committed in small groups, often pairs of girls or boys of the same age. The registrations also showed that important information necessary to see whether the procedure was followed, is often not noted. The procedure also does not mention that this information must be noted, including the crucial condition that there was an arrest for an offence 'caught in the act'. In at least 12 incident registrations involving 26 underage suspects, there was probably no arrest. These were mostly cases of vandalism with minor damage in which there was no citizen's arrest, and police officers apparently did not consider it proportionate to arrest the minor. In almost all of these cases, parents were involved in the reprimand. In a few incidents, there was an explicit request of the victims (including a school) that the police did the reprimand conversation with the minors.

Among 54 incident registrations involving 91 suspects, there was a citizen's arrest, which implied that it was obligatory to follow the new procedure. In the majority of the reprimands there was consultation with the assistant Public Prosecutor, but in only in a few cases this was combined with a telephone arraignment. The information office ZSM was consulted only in a minority of cases and not always in the manner as intended.

All but two of the 54 incidents involved shoplifting, the other two were cases of vandalism. All but one of the suspects were aged 12 to 17. The exception was a 19-year-old who was with a 16-year-old. She received a reprimand for adult first offenders. Three of the 91 minor suspects were no longer first offenders but committed the offense together with a first offender. For one of these three, a reprimand was still provided, the other two minors entered the regular process. Three suspects who were first offender, received a reprimand only after they were detained in a police office, in two of these cases this happened because the police officers were not familiar with the new procedure. Two minor suspects did not receive a reprimand because of recalcitrant behaviour. The other contraindications, peer pressure, concerns about the parenting situation and fear of the (physical) reaction of the parents, were not used as a reason to refuse the reprimand in the investigated cases. However, when these contraindications were present, it was reported to the VT (Safety at Home) institute.

Regarding *the way in which the reprimand conversations were carried out*, it appears that in the majority of the 54 incident registrations (namely 46) about the reprimand, contact with the parents was mentioned. In over half of these incidents, minors were taken to the home of the parents or the care facility where the parents reside. In the remaining incidents, the parents came to the police station, or a reprimand conversation was held on site or at an unlisted location in the presence of the parents. Only in six incidents, contact with the parents was by telephone only. Thus, in the vast majority of cases where contact with parents was reported, the police either brought the minor to their home or had a face-to-face conversation with the parents at another location. Such a home visit appeared to have significant added value in some cases, because of the conversations with the minor during the way to their home and because the home situation sometimes provided a direct explanation for the theft of groceries, simply because there was nothing to eat at home.

It was striking that for almost half of the 117 minors that appear in the registrations, a VT (Safety at Home) report was made while in fact there seemed to be no concerns for a large part of these minors. It is also noteworthy that in more than half of the shoplifting incidents, a shopping ban was issued, which in some cases was combined with a civil claim (in else, a fine).

The procedure in relation to the intended objectives

The objective of *a nationwide uniform working method* has not yet been fully achieved. It turned out that the communication of the procedure towards the basic teams within the police units led to different interpretations in practice. The familiarity with the pilot in practice varies, also within the police units. Unfamiliarity among part of the police officers can be blamed on the continuous stream of protocols and procedures that police officers are confronted with. The simultaneous introduction of the reprimand for adult first offenders, which was accompanied by a lot of information material and the introduction of a special smartphone app (the 'RAPP app'), led to some noise in the communication. That the procedure is not widely known yet is also demonstrated by the fact that sometimes minors who could be eligible for the reprimand are still detained at the police station. This also means that the objective of preventing unnecessary detention is not fully achieved. Various informants recommended to make the procedure better known in a way that fits in with police practice, by stressing the objectives of the new procedure and by discussing examples.

Also, the objective of *offering a clear framework* (part of the objective of a nationwide uniform working method) is not yet fully met. In practice, different interpretations are given, and in the case of shoplifting there are in fact now two parallel working methods: reprimands for adults and reprimands for minors, each with a different procedure. For minor suspects who are not arrested the existing procedure is also maintained in parallel to the reprimand, which contributes further to the lack of clarity. It further appears that the reprimand is mainly used for shoplifting because it is not widely known that the new method can also be used for other offences of a light and simple nature. The fact that the offence must be seen in context is accepted, but experience is needed to do this in practice, which

can be facilitated by discussing examples. Finally, the telephone arraignment in which the assistant Public Prosecutor examines the legitimacy of the arrest and the checking of information by the assistant Public Prosecutor at the information office ZSM creates uncertainty. In both cases the purpose is not clear in practice. Also, what should be registered and how is not yet clear to everyone.

Regarding the objective of *proportional and pedagogical reaction diverted from the criminal law*, the institutes involved in the pilot see several added values. The reprimand leads to opportunities outside criminal law proceedings without unnecessary confinement at the police station. Also, the attention for behaviour that is connected to maturing is seen as positive, as well as the clear basis that is provided for the reprimand. The respondents (interviewed persons) see the reprimand conversation in the presence of the parents as the most important educational aspect of the reprimand. To elaborate this further, respondents suggest a reevaluation of the youth specialism at the Dutch police. Regarding proportionality, it became clear that it is now too easy to report to VT (Safety at Home) based on the idea that this report will be checked later. The way in which this reporting is done now varies a lot, so that unjustified reports are made as well. Finally, the regular concurrence of the reprimand with shop bans and shop fines are also relevant to the proportionality of the reprimand. Although these are civil law measures, the minor suspects and their parents do experience them as part of the police or criminal law reaction.

Finally, with respect to *the effects on the influx to the diversion measures of Halt*, it can be concluded from the analysis of Halt statistics that, for the offence of theft and to some extent for the offence of vandalism, there are indications for a slight shift from Halt settlements to the reprimand. For thefts, this probably involves a few dozen cases on average per month. This is a limited proportion of the total number of Halt referrals for this type of offence (about 20%).

The reprimand in a broader legal and criminological perspective

The analysis of the *reprimand in a broader legal perspective* revealed that the police reprimand in the Netherlands has actually a long history. It also shows that article 40 sub b of the International Convention on the Rights of the Child (CRC) demands that juvenile criminal cases are settled as much as possible out of court, taking into account several legal guarantees, for which the explanation makes clear that deprivation of liberty should not be part of it. It also showed that both the Salduz judgment and the EU directives leave ample space to make exceptions to the mandatory legal aid for minor offences and that the Dutch legislator, unlike the German and Belgian legislators, has not made use of this. An important finding is that the legal process that evolved in practice, which lead to a disproportionate reaction on cases that are now suitable for a reprimand, is not only the result of the mandatory legal assistance, but also of a too light-handed application of the citizen's arrest in shoplifting cases. This does not meet the requirements of proportionality and subsidiarity.

The *literature review on the application of the reprimand and similar interventions in other countries* revealed that there is great variety in how the reprimand or cautioning is

organized. If minors are kept out of the criminal justice system by the police, this is considered as true diversion. In many of the countries studied, parents are involved when the police issue a caution to a minor, and in a few countries, the police are also expected to assess whether there are concerns about a minor suspect, and if so strive to get an appropriate reaction and to call in support services. In most of the countries studied, cautioning or diversion in general was not formally limited to first offenders or to a select number of crime types. Often, diversion is intended for first offenders of minor offenses, but it remains context-dependent to what extent a caution or warning is considered appropriate. In many countries this depends on more factors than just whether the minor is a first offender and the seriousness of the offense. For example, several countries use the additional condition that the minor must take responsibility for the offence committed.

Finally, a criminological literature review was conducted on *the expected effectiveness, based on previous empirical research* of the reprimand and similar interventions (different types of caution). Based on this, it can be concluded that there is much evidence that the application of the reprimand and similar diversion responses in other countries lead to less official recidivism (police registrations) than traditional reactions within the (juvenile) criminal justice system. This is supported by robust research using experimental or quasi-experimental methods. The most recent literature estimates that juveniles that are cautioned are about 16 percent less likely to reoffend after one year than when they go through the criminal justice system in a traditional manner. Interestingly, it does not seem to matter for the effect whether there are additional measures to the reprimand or caution, such as referral to a program or the obligation to do restorative conversations with victims. It is also striking that it does not seem to matter for the effect whether a young person has committed crimes before or is a first offender. This means that we can conclude that there is no indication that the reprimand as conducted in the Dutch pilot will have an unfavourable effect on recidivism, and that it is probable that it will have a favourable effect on formal recidivism. Finally, there are two other potential impacts reported in previous research. First, it appears that the costs of reprimand-like responses may be significantly lower than the costs of traditional prosecution. It has been calculated that the reprimand costs about the half or one third (for shoplifting) of similar cases with a traditional reaction. Second, it appears that youth with certain characteristics, such as boys, working youth, and youth from poor households, may be unintendedly disadvantaged in decisions whether or not to reprimand them or diverse them from the justice system. They are more often handled in a traditional way.

Recommendations

1) Give the reprimand a formal basis in the juvenile justice system

Based on the findings in this evaluation, it seems obvious to recommend keeping the reprimand as a reaction option for juvenile suspects of minor offenses and give it a permanent place in the juvenile justice system, just like other diversion measures like the Halt reaction.

2) *The reprimand conversation in presence of the parents is the core of the intervention*

The reprimand for juvenile suspects is different from the reprimand for adults because the reprimand conversation is in presence of parents or caregivers. This element could be emphasized much more in internal communication to clearly delineate the procedure for minors from the procedure for adults.

3) *Make the reprimand better known in a way that is in line with the police practice*

To achieve the goal of a nationwide uniform procedure, it is a necessary precondition that police officers and other relevant professionals are familiar with it. This works best if the intended objectives of the new procedure are leading and that relevant experiences to reach them are exchanged in the daily police practice, based on concrete cases. In addition, it is advisable to make an infographic at the national level in which the intended objectives and procedure of the reprimand are communicated in an appealing way.

4) *Reconsider the regulations around citizen's arrests of juveniles*

An important finding in this evaluation is that the needlessly juridified process in which many minor offender suspects end up, is directly related to the frequent use of citizen's arrest by security guards at large retail establishments. However, its application to juvenile suspects of relatively light offenses is not in line with the requirements of proportionality and subsidiarity, especially in the case of a first offender who is immediately guilt-ridden and cooperative. It is therefore recommended that the regulation of citizen's arrest should be reconsidered, taking as an example the Belgian regulation where this coercive measure is used in a much more cautious way.

5) *Make an inventory of the agreements made with stores and create an unambiguous policy*

The evaluation found that minors that are caught shoplifting in many cases face bans from shops and fines that largely overshadow or negate the effect of the reprimand as a one-off warning. Because these are civil law measures and the police and the Public Prosecution Service have little influence on them, these measures have been excluded from the reprimand procedure. However, the evaluation shows that, due to the concurrence with the reprimand, the police cannot ignore these measures. There are various local arrangements with shops to assist in establishing identity and following up violations of these shopping bans. Given the major impact that these measures have on the reprimand process, it is recommended to make an inventory of the agreements made by the police with shops and to develop an unambiguous policy for minor suspects on that basis. The current application of citizen's arrest should also be included in this.

6) *Use one procedure for the reprimand, independent whether there was an arrest or not*

During this evaluation it became clear that the different procedures for arrested and non-arrested minors lead to much confusion and a lack of clarity. The differences between the two procedures are not widely known and in fact the distinction is not justified by the offences and the juveniles that are involved in these two conditions. It is therefore recommended that this distinction is removed and that only one procedure is

used for the reprimand. By using one procedure, the administration would also be streamlined in a better way.

7) *Remove the telephone arraignment for the assistant Public Prosecutor while retaining consultation*

Although the consultation with the assistant Public Prosecutor is generally considered valuable, the telephone arraignment in the form of asking the juvenile suspect procedural questions does not appear to be understood and it is hardly ever used. It is therefore recommended that this is removed from the procedure, what would contribute to the objective of a clear framework and also speed up and simplify the process. In this way, the procedure would also align with the procedure of the reprimand for adult first offenders of shoplifting.

8) *Make the 'check' by the assistant Public Prosecutor at the information office ZSM optional*

In practice, the assistant Public Prosecutor does not always check with the information office ZSM whether there is additional information about the suspect. This is because it leads to delays and the police themselves can already retrieve a lot of information from the police system, or talk with the suspect to obtain additional information. If inquiries at ZSM are necessary or if there is a need for consultation in case of contraindications for the reprimand, this already happens in practice, even without an obligation to do so. To simplify the process and provide a clear framework, it is therefore recommended to make the check at ZSM optional.

9) *Consider taking responsibility for the fact as a condition for the reprimand*

The evaluation showed that the only contraindication that led to rejection of the reprimand in practice was related to recalcitrant behaviour. Informants from the police explained that the reprimand is only meaningful and suitable to have an effect if the minor suspect is open to taking responsibility for the committed offence. This condition is in line with a condition emphasized by the UN Children's Rights Committee in General Comment No.24 on children's rights in the child justice system, that the juvenile suspect has freely and voluntarily acknowledged to be responsible for it. It is therefore worth considering taking responsibility for the fact as condition for the reprimand.

10) *Consider using the 'first offender' condition less strictly and in context*

The evaluation shows that in practice the condition of 'first offender' is not always strictly applied. Being a first offender is also not a condition in the already existing procedure for reprimands for suspects who are not arrested. It should therefore be considered to join the suggestion of the Dutch Juvenile Lawyers Association (Vereniging van Nederlandse Jeugdrechtsadvocaten, VNJA) to make this requirement less strict. This is also in line with the situation in other countries where reprimand-like reactions are also possible for young people who have been in contact with the police before because the context should be more decisive. There is also no indication from criminological research

that this condition would be necessary for the effect on recidivism.

11) Identify situations that lend themselves to a reprimand based on the context

Despite the broad criterion of an "offence of a light and simple nature" in which three offences were specifically mentioned, the evaluation shows that the new method was almost exclusively used for shoplifting. This is related to the citizen's arrest for shoplifting, but also to the fact that in practice there is the assumption that the new method can only be used for shoplifting. The literature review about other countries indicates that cautions and other diversion measures for juveniles are not limited to a selective number of offenses and that for most countries the context is decisive. Because this context is not only dependent on the offence type, it is recommended that, in the further design of the reprimand, the situations in which the reprimand is suitable and in which a Halt sanction is more appropriate are defined based on the case itself.

12) Remove contraindications related to family circumstances

The evaluation shows that concerns about the parenting situation and fear for (physical) reactions of parents, which were mentioned as contraindications in the procedure, did not stand in the way of a reprimand in practice. This was also in line with the general opinion of the involved actors that family circumstances should prohibit a settlement with a reprimand. It is therefore recommended that contraindications related to family circumstances are removed from the procedure.

13) Conduct the reprimand conversation in personal presence of the parents and where possible in the home situation

The evaluation shows that the conversation in personal presence of the parents is seen as the most important element of the reprimand and that the added value is found in the fact that this may be the first step in contact with the youth, also because it provides an opportunity for early detection of signals for problems in the home situation. Although the procedure explicitly provides for the possibility of carrying out this conversation on telephone, in practice police officers take effort to have personal contact with parents. In line with the need felt in practice, but also because this conversation is the core of the intervention, it is recommended that the procedure includes the advice that the conversation preferably takes place in the personal presence of the parents or other caregivers. And that this takes place at the home where the minor lives or in a residential care institute if applicable.

14) Make any VT (Safety at Home) notification contingent on consultation with the local youth police officer

The evaluation showed that a report is made too easily to VT from the assumption that this report will be evaluated. However, the way in which this happens varies strongly, while the consequences of an unjustified report can be large. To ensure that a report is made to VT only when it is really necessary, it is advisable to make this dependent on consultation with the local (neighbourhood) youth police officer who can make a home visit if necessary. It is also a question whether, in the case of an acute situation, a report

is sufficient. Referrals to local intervention organizations needs to be independent from a report to VT and can be based directly on the reprimand conversation in which the parents and the minor indicate that they need it. This is probably also more effective than a non-obligatory offer through a report to VT after the reprimand.

15) Strengthen youth specialism in the police

The evaluation shows that, for a proper implementation of the new procedure, it is important that the role of assistant Public Prosecutor is fulfilled by police officers with knowledge of and affinity with youth. That knowledge and affinity must also be present among the officers who conduct the reprimands and if there is none, there must be enough youth district officers who can be consulted in case of doubts about the parenting situation. Specialized police youth units are also a requirement that ensues from Article 40(3) of the the International Convention on the Rights of the Child (CRC). In addition, the EU Directive 2016/800 implemented in the Netherlands requires that staff of law enforcement agencies who work with minor suspects must have undergone appropriate training.