

NIGHT DETENTION FOR YOUNGSTERS IN THE PRE-TRIAL PHASE

Summary

The programme

Night detention is one of the modalities developed as part of the *Jeugd Terecht, Aanpak jeugdcriminaliteit 2003-2006* action programme. It aims to prevent juvenile crime by strengthening the ties between young people and society through family, school and work. This is compatible with the vision of juvenile criminal law, which attaches a great deal of importance to the education function. Night detention enables youngsters to continue to go to school (or some other day-time activity) during the pre-trial detention phase, so that the detention does not do too much damage to the ties with school. Following evaluation of two experimental night detention schemes in Amsterdam and Rotterdam it has been decided to introduce it nationwide.

Organization

Now that night detention has been introduced nationwide there are 622 places designated as suitable for young people on night detention, spread over eleven custodial institutions for juveniles. Districts are 'linked' to these institutions when it comes to placement, the aim being to place youngsters within their region as far as possible. This placement policy can have adverse effects on the implementation of night detention: the 'link' does not always meet the criterion that night detention should be carried out 'in the vicinity of the day-time activity'. Juveniles eligible for night detention who have not been placed within their region have to be transferred back there. As this sometimes takes a long time, it goes against the idea of night detention, i.e. to reduce the interruption to worthwhile day-time activities.

Implementation

Night detention was carried out on 289 juveniles in twelve of the nineteen districts in 2004 and 2005. After an initial rise, the intake nationwide stagnated after 2004. It has also been noted that it is applied mainly at the custodial institutions for juveniles in the Amsterdam and Rotterdam districts; at the others it is limited or non-existent. The vast majority of the young people on night detention live in the Randstad (the western conurbation including Amsterdam, Utrecht, Rotterdam and The Hague). In 6% of cases it was abandoned in favour of regular pre-trial detention, because the youngsters in question did not comply with the agreed rules and misbehaved too badly, either in their day-time activities or at the custodial institution.

Awareness of the night detention modality differs from one district to another, depending on how often it is applied there. Amsterdam and Rotterdam use the criteria in the National Policy Framework. Night detention is applied on an ad hoc basis to youngsters who are encouraged to go back to school (having

played truant) as opposed to those in regular school attendance. In the Hague and Haarlem districts, where there is experience of night detention on a small scale, additional criteria are applied in addition to the standard criteria and the target group is seen as being smaller than in Amsterdam and Rotterdam. In districts where there is little or no night detention the majority of respondents see the target group as being limited. The extent to which National Policy Framework criteria are applied and additional criteria are developed differs among these districts. The way in which the various custodial institutions implement night detention is more or less the same; they differ only in the way in which transport is organized and, to some extent, the degree to which sanctions are applied in response to contraventions of the rules by the detainees.

Night detention does not take place on a large scale nationwide. In much of the country the network of custodial institutions for juveniles is not dense enough. Even in a situation where there was an adequate level of reception facilities, night detention would not become a widely applied modality, as the target group is too specialized. There are also practical problems, e.g. travelling distances are too great.

Views of respondents

Interviews were held with juvenile court judges, juvenile public prosecutors, representatives of the Child Protection Board, the youth probation and after-care service, the custodial institutions for juveniles, the organizations responsible for day-time activities and the young people themselves. Most respondents agreed that night detention has an added value. Most placement officials saw it as one of the tools in the 'toolkit' enabling them to offer made-to-measure solutions. A few respondents did not see any added value in night detention and said that they could offer adequate made-to-measure solutions without this modality. The interviews showed that organizing it involves a substantial time investment. In the Hague district the respondents considered that there was a *raison d'être* for a facility in The Hague that could be filled with juveniles on night detention. In other districts there was no expectation that it would be applied on a larger scale. All the young people on night detention interviewed had a favourable opinion of the modality, seeing it as giving them a chance to continue their day-time activities. The respondents from the organizations responsible for the daily activities were also overwhelmingly positive about night detention: they considered that action should be taken in the youngsters' interests as far as possible.

Prospects

Night detention was found to occur particularly in the Randstad. In Amsterdam and Rotterdam, where it was already implemented during the experimental phase, it certainly has a *raison d'être*. In the Hague and Utrecht districts as well, intake into night detention could increase if a local facility, similar to the Hartelborgt annexe in Rotterdam, were to be provided. In other districts there was no expectation that night detention would be applied on a large scale: here

the modality is regarded as one of the many tools in the ‘toolkit’ that can be used to offer made-to-measure solutions. If it is used on an ad hoc basis, however, it cannot work its way into the decision-making process and in some cases it may end up entirely on the back burner. To avoid this and ensure continuity in the case of staff changes in the local organizations involved it is advisable to provide the local partners with information on a regular basis. A need for information on night detention was also found at the level of implementation: schools in particular are not always aware of the modality. Information on it, targeted at participating schools, could be conducive to night detention getting off the ground quickly.

Recommendations

- To promote the use of night detention in districts with a sizeable potential target group, facilities (e.g. annexes) suitable for taking young people on night detention should be created in the cities, in particular The Hague and Utrecht.
- To avoid awareness of night detention declining still further, especially in districts where it is used rarely or not at all, it needs to be brought to the attention of the organizations involved on a structural and regular basis, e.g. by including it in the annual plans of the District Juvenile Crime Platforms (APJs).
- Night detention needs to receive attention on a structural basis from the Child Protection Board (RvdK) in its capacity as case director, also in the districts where it is used little or not at all.
- In practice the application of night detention benefits from the presence of a prime mover (juvenile public prosecutor, juvenile court judge, custodial institution for juveniles). This strength becomes a weakness if its application becomes dependent on one person. Consideration of night detention needs to be embedded structurally, even in districts where it is running reasonably well.
- In districts where night detention is not applied much, awareness is low among organizations responsible for day-time activities (especially schools). This adds to the workload on the organizations involved and causes delay. To avoid these problems, information material and a point of contact need to be provided.
- There needs to be clarity about the precise criminal-law status of night detention.
- There is confusion about the application of night detention to girls, and this needs to be cleared up.
- Juveniles placed in pre-trial detention in custodial institutions for juveniles a long way from their schools should be transferred quickly if night detention is indicated.