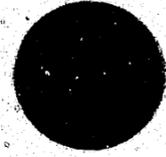


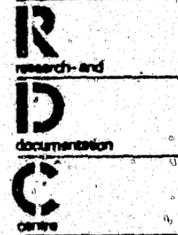
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**POLICE DIVERSION  
IN THE NETHERLANDS**

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## 1 INTRODUCTION

During the last decades important changes have taken place in the way our Child care and protection system operates. The changes relate to the processing of children by the different elements of the system, as well as the nature of official intervention. Both quantity and quality of the population input in the system are affected by the changes which can be summarized by two major trends:

- a substantial reduction of children entering the Child care system;
- a considerable effort to handle problems of juveniles by extra-judicial solutions.

In this paper I would like to review the role of the juvenile police with respect to the contribution they made to these changes, and more specifically to diverting juveniles from the juvenile justice system.

In most of the European countries the police have developed two main lines of action, although the extent to which these policies are followed varies a great deal among countries and within countries.

The policies are:

- explicit efforts to reprimand and then dismiss a considerable proportion of juvenile cases.
- a referral policy by which juveniles are diverted to other social agencies or to special programs.

Both policies aim at reducing the systems input. They do not always realize this objective and it seems to me that one of the questions that we should consider in this conference is under what conditions police action in this respect is or is not effective.

I will now discuss the two policies separately although of course they are in fact related.

## 2 THE DISMISSAL OF CASES

### 2.1 Some general remarks

As the juvenile justice system is an interlocking system, operating at different levels, one of the ways to reduce the system's input is to give the police more latitude to dismiss cases or to handle them unofficially.

This practice has probably been most formalized in England and Wales, which could be related to the fact that the English police function both as investigator and as prosecutor (except in serious cases).

Although police cautioning has existed in England ever since the creation of an organized police force, the practice has now been formalized as an official alternative to prosecution.

The introduction of the 1969 law caused a large increase in the proportion of juvenile cautioning on the total number of cautions: in 1960 the percentage of juvenile cautioning was 49%, in 1974 it had increased to 74% of all cautions <sup>1)</sup>.

Although the English police have always enjoyed a larger autonomy than police forces in most of the other European countries, we see the same tendencies develop in many of them.

In France, for example, where traditionally police powers have been more limited, the police have the legal obligation to send all reports regarding offenses to the prosecutor (le procureur de la République), who then decides to dismiss or to prosecute the case.

However, it is a well known fact that the police proceed to a great number of unofficial dismissals. Thus in the Paris area and in collaboration with the prosecutors the police handle <sup>2)</sup>:

- all light cases where the juvenile is a first offender, where the victim has been repaid and where there is no official complaint;
- all thefts - including shoplifting - of little money value;
- "on the spot" warnings of juveniles in public places.

The practice gives the police the discretionary power to appreciate the circumstances of an offense, as well as the usual behavior of the minor and his family.

Offense related criteria are the nature and seriousness of the fact: thus 76,5% of traffic infractions and administrative rule breaking are dismissed, but only 30% of thefts of bicycles, shoplifting and other small thefts.

Criteria related to the offender are:

- age: 55% of dismissals refer to minors under 16 years of age, while the general dismissal proportion is 40%;
- whether he is a first offender;
- information on the juvenile and his family;
- circumstances of the act (committed alone/or in group);
- no official complaint - the victim has received compensation.

Interestingly enough, compared with English figures, several police units in the Paris area indicated that two thirds of this type of cases were dismissed. But, also like in England, there is wide variation in dismissal policy between police forces.

The same practice of unofficial handling by the police is prevalent in countries such as Belgium and The Netherlands.

In a study of police practice in the city of Brussels, I found that of those cases detected and recorded by the police only two thirds were sent to the prosecutor (le procureur du Roi) and one third is recorded in the police own files. When a youngster has repeated contacts with the police the police-note is sent to the prosecutor together with the official report <sup>3)</sup>.

As for The Netherlands, in many police departments the police usually do not make an official report when it is a juvenile's first contact. In most cases a simple note is made for the police's own use.

For example in Amsterdam about 75% of all juvenile cases detected and recorded are dismissed. This practice is not limited to the big cities only. A study of a Northern rural district showed that only 42% of all offenses led to an official report. However, although informal police dismissals and reprimanding juveniles are widespread, the police have great discretion in its application. Consequently there is much variation in the extent to which it is practiced. The variation is not only related to differences in police attitudes but also to attitudes of the prosecutor, the juvenile judge and the public opinion in the area. More detailed data on Dutch practice, as well as on differences between police departments are given below <sup>4)</sup>.

They are based on a study comparing police practice in one of our largest cities, The Hague (+ 700.000 inh.) and a smaller provincial town, Venlo (+ 70.000 inh.).

2.2 Cautioning practice in Holland

I think we may say that police cautioning policy in the Hague is fairly representative for that policy in the other large cities like Amsterdam, Rotterdam and Utrecht. In most of the large cities there is a gentleman's agreement between the prosecutor and the police with respect to cautioning criteria and the rules to observe. But this is far from a uniform practice. In some court districts -especially the more rural or conservative ones- the prosecutor considers as his privilege the competency to decide whether a case will be dismissed or prosecuted a privilege he does not wish to share with the police.

Knowing these differences, we wanted to compare police practice in a department where dismissing juvenile cases was normal practice, to a department that claimed to report all cases to the prosecutor as it is legally required. We decided to study all police contacts that were recorded by the police including problem behavior such as family problems, repeated truancy or running away. These acts -often defined as status-offenses- are no offenses according to Dutch law. They may, however, result in contacts with the police and eventually in a disposition of the juvenile judge such as the supervision order, which is a civil measure.

We did indeed find large differences in cautioning: in The Hague 80% of all minors entering in contact with the police were dismissed; in Venlo this was only 29%. But looking at the nature of the police contacts some other important differences appear.

Table 1: Nature of policecontacts in two cities.

	The Hague (700.000 inh.) (N=865)*	Venlo (70.000 inh.) (N=604)*
Property offenses	56,5%	67%
Aggressive facts	10,5%	25,5%
Problem behavior	32 %	7,5%
	100 %	100 %

\* In The Hague a sample of 1 of 3 police contacts taking place in 1976 was examined; in Venlo all police contacts taking place in 1979 were considered.

According to table 1 juveniles in Venlo commit far more offenses than juveniles in The Hague but show considerably less problem behavior (which was mainly running away). The facts committed in Venlo were also of a more serious nature. If we assume that delinquent behavior patterns in the two cities do not differ to any great extent, then it seems quite improbable that there would be no running away or petty theft in Venlo.

The practical absence of these types of behavior in Venlo suggests that other devices must be used to keep minor cases out of police registration. This explanation is supported by some differences in research population. Comparing those with only 1 policecontact we found that in The Hague 25% was 12 years old; in Venlo this percentage was only 14.

This suggests that offenses committed by 12 years old do lead to registration and then to dismissal- in The Hague. But in Venlo this appears to be the case to a much lesser extent. Registration -and thus reporting to the prosecutor- seems to start really at ages 13 and 14.

Considering the juveniles with several police contacts, we noted that practically all those in Venlo are 15 years or older, where as in The Hague this is about 60%. These are significant population differences indicating that juveniles entering the juvenile justice system in Venlo are on the whole more serious offenders than the The Hague ones.

Let us look now at the disposition that is taken according to the nature of the police contact.

Table 2: Disposition according to nature of police contacts

	Property offenses		Aggressive facts		Problem-behavior	
	The Hague	Venlo	The Hague	Venlo	The Hague	Venlo
	N=337	N=214	N=62	N=127	N=187	N=49
Police-dismissals	72,5	13	64,5	18	99	16,5
Prosecutor-dismissals	14	59,5	13	47	1	51
Juvenile judge	13,5	27,5	22,5	35	-	32,5
	100	100	100	100	100	100

It is quite apparent from table 2 that the Hague police have and do use their discretionary power to reprimand and dismiss a great number of cases, whereas in Venlo this role is taken over by the prosecutor. But even intervention by the juvenile judge is greater in Venlo than in The Hague. All in all it looks as if intervention at all levels -including the juvenile judge- is considerably less in The Hague than in Venlo. Another important variable is the number of police contacts. One would expect that the police are more lenient when it is a juvenile's first contact than when he has had repeated police contacts.

Table 3: Disposition according to number of police contacts

	first police-contact		several police-contacts	
	The Hague	Venlo	The Hague	Venlo
	N=285	N=112	N=292	N=278
Police-dismissals	89	31	71	8,5
Prosecutor-dismissals	6	61	14	52
Juvenile judge	5	8	15	39,5
	100	100	100	100

Table 3 shows that a first police contact rarely leads to a court hearing even in Venlo. But we note again that cautions are differentially distributed! In The Hague the police dismiss most of the cases, in Venlo this is done by the prosecutor. The same pattern is prevalent in the case of repeated police contact. In The Hague even then most of the cases are dismissed, whereas nearly 40% of the cases in Venlo end up before the juvenile judge.

But of course we have to specify cautioning policy within categories of offences according to number of contacts.

Table 4: Disposition by nature of offense and number of contacts

	The Hague				Venlo			
	property offenses		aggressive offenses		property offenses		aggressive offenses	
	1 cont.	sev. cont.	1 cont.	sev. cont.	1 cont.	sev. cont.	1 cont.	sev. cont.
	N = 161	N = 155	N = 21	N = 40	N = 73	N = 47	N = 36	N = 33
Police	86,5	55	57	67,5	22	2	44,5	9
Prosecutor	7,5	24	24	7,5	71	74,5	44,5	42,5
Juv. judge	6	21	19	25	7	23,5	11	48,5
	100	100	100	100	100	100	100	100

Again we note that in the case of property offenses the The Hague police do handle most of the cases even when there are repeated contacts. In Venlo this is nearly entirely the task of the prosecutor. Comparing on the judge level, however, we see hardly any difference between the two cities: about the same number of juveniles end up before the juvenile judge. With respect to aggressive offenses police handling in The Hague stays on a high level, although it is clear that aggressive acts are often considered as more serious and this leads to more court hearings. There is, however, a large difference between The Hague and Venlo in this respect. There are not only more aggressive offenses registered in Venlo than in The Hague, but in the case of 'repeated offenses' nearly half of them end up in court, which is twice as many as in The Hague.

Several conclusions can be made on the basis of these research data. First, the absence of any registration in Venlo of petty theft and problem behavior suggests that these cases are unofficially handled by the Venlo police but simply not recorded. We even dare to suggest that as the Venlo police know that every report has to be sent to the prosecutor, they may have developed a certain reluctance to document this kind of acts. We all know that basic police performance, that is the work of the patrol officer on the streets or in other public places, is essentially uncontrollable.

So it is more than probable that the Venlo police-practice with regard to juveniles is in fact a kind of corrective action to avoid both a too repressive disposition policy as well as a too large instream in the juvenile justice system.

The second conclusion is that when the police are not allowed to dismiss a great number of cases, the prosecutor will do so, thus reestablishing a delicate balance in the working of the system.

I would like to recall a similar finding of the Home Office study on cautioning. Court disposal patterns showed a strong relationship with the proportion of offenders cautioned<sup>1)</sup>. The larger the proportion of offenders cautioned, the smaller the percentage of offenders discharged. On the other hand when the police are reluctant to caution, the court assumes this function and discharges larger proportions of offenders. In comparing dispositions in Venlo and The Hague we note a comparable phenomenon. In The Hague the police have taken over some prosecutorial functions, whereas in Venlo the decision to prosecute or to dismiss a case continues to be the monopoly of the prosecutor. However, the Venlo police regulates and determines quantity and quality of the instream of cases, thus also influencing the prosecutors work.

The third conclusion relates to the differential intervention of the juvenile judge in both cities.

In comparing dispositions we have to keep in mind that the youth population entering the juvenile justice system in Venlo is of a different nature than the The Hague population entering that system. As the Venlo police eliminates beforehand all petty offences and non offense related contacts, the cases that end up in the system are of a more serious kind. Therefore one would expect that relatively more cases in Venlo than in The Hague end up in court. But when we specify property offenses and aggressive acts according to seriousness (joy-riding, petty theft and serious theft; aggression against property or against persons), then we see that there is more court intervention in Venlo only with respect to aggressive offenses.

So if we conclude that disposition policy in The Hague has on the whole a more lenient character than in Venlo this is true if we consider police handling of cases more lenient than prosecutor intervention. With respect to court intervention the data are less clear: there are some indications for relatively more court appearances in Venlo than in The Hague but this seems essentially the case with respect to aggressive offenses.

### 2.3 Juveniles involved and cautioned

The total youth population (<18 y.) in The Hague is +55.000 and in Venlo +9.000. In 1976 1.800 Hague youths had at least 1 police contact which is 3,2%; in Venlo the number is 212 or 2,3%, so more youth in The Hague have official policecontacts than in Venlo.

Girls formed 25% of The Hague sample and 12,5% of the Venlo sample. This is explained by the fact that girls had more frequent policecontacts based on problem behavior than boys -two thirds of girls against one fifth of boys- and as we have seen this type of policecontacts is lacking in the Venlo registration. According to age there is a clear difference between those with only one policecontact and those with repeated contacts. More than half of youngsters with one contact, both in Venlo and in The Hague, were 14 years or younger. But taking juveniles with repeated contacts, 60% of the The Hague ones and 94% of the Venlo ones were over 15 years of age. Another striking fact is that youngsters with repeated policecontacts have a lower educational level than juveniles that had only one contact: they go more often to a vocational training school or drop out altogether, whereas the others go more frequently to grammar school. Thus the group with repeated contacts is on the average older, has less education, has dropped out of school more often and is more often unemployed.

Now what are the main factors that do have an impact on police decisions? If we limit ourselves to offenses only, then, as we have seen, the nature of the offense is one important factor. Cautioning is most frequent for property offenses, and somewhat less for aggressive acts.

Another factor is the number of contacts: police dismissal is almost automatic at first contact, but becomes less frequent when number of contacts grow.

A third factor is seriousness of offense. When we distinguish joy-riding, petty theft and more serious theft, we note that there is a strong relationship between seriousness of offense and police disposition. Maintaining number of contacts constant, Table 5 shows the interaction effects between seriousness of offense and number of contacts. Table 5 is limited to the The Hague police as being representative of our large cities.

Table 5: Disposition by nature of property offense and by number of contacts - in The Hague -

	one contact			several contacts		
	joy-riding N=43	petty theft N=92	serious theft N=33	joy-riding N=47	petty theft N=59	serious theft N=50
Police	86	93,5	48,5	72,5	73	16
Prosecutor	9,5	2,5	18	19	20,5	32
Juven. judge	2,5	-	27,5	8,5	6,5	50
unknown	2	4	6			
	100	100	100	100	100	100

The table shows that seriousness of offense is a major factor in police decision making: when the offense is of a more serious nature, then police cautioning drops drastically and court intervention grows. But repeated contacts also have an independent influence: both prosecutor handling and court intervention increase to 50% of all cases when there is a combination of serious offense and repeated policecontacts.

But next to offense-related factors we also have juvenile-related factors that could have an impact on police decision making.

One of those factors is sex. Limiting ourselves again to The Hague we found that 85% of the girls are sent home after being reprimanded against 67,6% of boys. Taking into account that girl's policecontacts are more often because of problem behavior -essentially running away from home- or because of shop-lifting, the difference in number of cautions can be explained by the less serious nature of girl's contacts. An important variable is age.

We can see in table 6 on disposition in The Hague, that police cautioning decreases with age and that court appearances increase.

Table 6: Disposition and age (offenses only) in The Hague

	12 years N=47	13-14 years N=112	15-16 years N=140	17-18 years N=47
Police	88,5	77,5	61	44,5
Prosecutor	9	11,5	19,5	21,5
Juven. judge	2,5	11	19,5	34
	100	100	100	100

But of course one has to take into account the number of policecontacts. At first contact, the police caution practically all 12-years old and still 70% of 17 and 18 years old; however, when there have been repeated contacts the police continues to caution 12-years old (84,5%), but they are prepared to caution about half of the cases of 15 and 16 years old and only 30% of the 17 and 18 years old. I would like to add to this that in case of rather serious offenses there is a tendency for judicial authorities to transfer 17 and 18 years old to the adult penal system. This tendency explains the rather limited number of cases in this age category that we found in the files of the juvenile police.

So, although there is a clear interaction between number of policecontacts and age, we may conclude that age is an important and independent factor affecting police decision making.

There are a number of social and economic variables that did not seem to have any impact on decision making once youngsters are in the system.

Thus we did not find any relation between disposition and ethnic origin, type of education and father's profession. Neither did we find a relation between disposition and the fact of growing up in a one-parent family rather than in a two-parent family. We did, however, find a relation between disposition and the fact whether a youngster still was in school or had dropped out of school. This variable is of course only relevant for the older age groups (15 to 18 years).

Considering the number of policecontacts, we found that when there were repeated contacts the police cautioned about 77% of school attending youngsters and 58% of those that had left school and were unemployed.

Summarizing our main findings we get the following:

- Girls have considerably less frequent policecontacts than boys, and if they have, it is mostly for petty theft or running away;
- About half of juveniles coming in contact with the police in one given year, do so once;
- Those that had repeated contacts (keeping age constant):
  - have on the average less education;
  - include more employed and unemployed youths;
  - show a more serious offense pattern in terms of value of stolen goods and damage caused.
- Police cautioning is essentially related to seriousness of offense, number of policecontacts and age of offender;
- Not related to cautioning are: father's profession, educational level, ethnic origin and family composition.

One of the problems of this kind of research is that one gets the feeling that all factors are related, for example age is related to level of education, to number of contacts, to seriousness of offense, and to final disposition. So in order to get a better view of the different relations among all the variables included in the study, we have made a special multi-variate analysis looking for clusters of related variables <sup>x)</sup>.

We found for The Hague three clusters forming each a relatively homogeneous group.

- 1) The first group consists of the youngest children (12 years or younger) who have had only one policecontact for a property offense. The majority of these cases are cautioned.
- 2) The second group includes 13 and 14 years old, but also 15 and 16 years old who had repeated contacts with the police, mainly for property offenses. The majority of these cases are also cautioned: The prosecutor still does not come into the picture. Among the 15 and 16 years old with repeated contacts we observe a relation with unemployment.

<sup>x)</sup> Homals-analysis -worked out by Leiden University- can be used for categorical data and is a special form of factor analysis. Information can be asked at the Research Center of the Ministry of Justice, The Hague.

- 3) Finally, the third group includes mainly the older juveniles who are already in the labor force. They have a large number of contacts for aggressive offenses, which leads them before the juvenile judge. This group is clearly smaller than the two other groups.

Thus the Homals-analysis enables us to understand better how police cautioning policy is operating.

### 3 POLICE DIVERSION

Dutch police cooperation with other social agencies is like police dismissal policy: there is local variation, it is not organized, nor structured and it depends largely on the initiative of active enthusiastic police officials.

Our study on police contacts of juveniles revealed for instance that the Hague police referred very few youths to other agencies. In all 27 juveniles, or 4,5% of the sample, were referred to such agencies as the Child Protection Council, general social work agencies, youth's psychiatric clinics, and the like. So the police do keep a lot of youngsters out of the official child care system but they do not take any action to further (other) forms of assistance.

Some police departments try to do a little more. They use two main mechanisms to do preventive work with juveniles: they either refer and cooperate more or less closely with specialized social agencies, or they deploy some preventive activities themselves.

The latter is rather controversial and is really adopted only in some police departments.

This scheme was introduced by the Utrecht juvenile police section. The scheme was born out of dissatisfaction with the lack of collaboration between the police and the existing social services. The police were particularly dissatisfied by the lack of services during week-ends and in the evenings. This led to an experiment in which police and social agencies together assured week-end duties.

The experiment showed a great need of social assistance during week-ends, the use of crisis-intervention techniques (a preeminently police approach) and the possibility of useful cooperation with the police (5).

The Utrecht juvenile police state that when deciding to prosecute or to offer social assistance, the emphasis should be on extra-judicial assistance. The elements that are most important in deciding to adopt one course or the other are factors related to the juvenile himself (home situation, school/work situation, age, friends, past delinquencies), factors related to the act (seriousness and frequency) and the possibilities for effective help and support. This policy is based on very intensive contacts of all parties concerned, that is the juvenile himself, the social workers, and the police.

The Utrecht police employ some specialized social workers in their juvenile section.

Characteristic for their way of working is that they are not satisfied with referring juveniles to specific social agencies or collaborating with the agencies, but they do ensure a follow-up of the youngster. Some time after their intervention they visit the juvenile and they check whether arrangements are followed and agreements kept. To my sense this follow-up phase is of great importance. It must, however, be said that many police departments are not anxious to adopt the Utrecht scheme because they feel that this is not really police work but social work, and we all know that the police hate nothing more than being considered or considering themselves as a kind of social workers.

So another type of diversion program has more chances of being adopted by the police, and these are programs set up by traditional or so-called alternative social agencies with whom the police collaborate and refer clients to.

One of the more successful programs that has been operating for some years now, is RBS-38.\*)

The target-group of the program are juveniles that have been in trouble with the law. There is a formal agreement between the police and RBS-38 to refer to them every youngster they get at the station.

However, at first the Groningen police did not send every juvenile but tended to send preferentially younger boys (14/15 years old) who had committed a rather serious offense. But there are also a lot of self-referrals and most of the clients had serious problems with the law: an annual police report on juveniles in pre-trial detention noted that 75% of this group of juveniles were known to the RBS-program.

The basic philosophy of the program is that penal law cannot provide an adequate answer to the problems of youngsters committing offenses and so one should look for extra-judicial solution. (6)

The program wants to address itself to lower-class youngsters because due to their life-style and their value-system they have more frequent contacts with the police than middle-class youngsters. On the other hand when middle-class juveniles commit offenses, their behavior is "absorbed"

\* ) RBS-38 is short for Radenbinnensingel 38, the address where the program has started.

by their environment, eventually with the assistance of experts such as psychologists or psychiatrists.

The diversion program has two main objectives:

- 1) to solve problems that lead to criminality, unemployment, housing problems, family conflicts, in order to avoid (further) involvement with the juvenile justice system;
- 2) to provide for alternatives to judicial intervention when there have been such contacts. Once there are a number of activities deployment to solve a youngsters problem, an important motive for further intervention disappears.

Engagement in the program is on a completely voluntary basis. The workers initiate contacts with the juvenile as soon as the police communicate his name. They make it clear that they will look for a concrete solution to his problems, and not resort to endless talking about his psycho-social and relational difficulties.

In fact most of their assistance is of a very concrete nature: workers consult with schools when there are school problems; they assist in getting jobs; they arrange for social security payments and help in finding a place to live. The program mediates and has many contacts with different instances of the juvenile justice system such as the Child Protection Council <sup>x)</sup>, the police, the family guardian or supervisor or the lawyer.

During the past couple of years the program is collaborating with the prosecutor, the juvenile judge and the Child Protection Council in the framework of experiments with alternative sanctions for juveniles, that take place in 6 court districts. These sanctions can be of two kinds: Community service, or special training courses in a kind of intermediate treatment setting. In most of the court districts there are regular consultations between the juvenile judge, the prosecutor and the Child Protection Council: they decide together whether a case will be prosecuted or not. In these meetings decisions take place on cases that are reported by the police to the prosecutor. This means that cases cautioned by the police are not included

<sup>x)</sup> The Child Protection Council makes the social inquiry reports for the juvenile judge. It has an information function but may also request for a judicial measure.

and decisions are made on cases that really risk prosecution.

RBS-38 -after informal consultation with the prosecutor- presents at each meeting a plan for assistance on a voluntary basis for those youngsters whose case shall probably be dismissed, as well as a proposal for an alternative sanction for those whose case probably will lead to court appearance.

When the proposal for an alternative sanction is accepted the prosecution will be deferred. After successful completion of either Community service or a special training course the case will be dismissed. So R.B.S. is active on two levels: on the first level they work with youngsters whose case is dismissed, which is preventive action; on the second level they offer more controlled opportunities for volunteer work or training, which fits in with the requirements of the juvenile justice system.

A third program -set up by the city of Rotterdam- is specifically addressed to vandalism. The city wanted to undertake some action in this field because of the enormous costs this type of delinquency entailed. Crimes of willfull damage have increased in the whole country: in 1970 there were 10.334 offenses reported, in 1975 this number had increased to 58.115. Our victimization studies indicate an increase from 5,9% of all reported offenses in 1976 to 9,7% in 1979.

Rotterdam has reported that the costs for repairing the municipality's schools have increased from ± f 530.000 in 1975 to ± f 2.500.000 in 1980. So the program -called HALT and started in 1980- was initiated and financed by the city and is based on the collaboration of the police, the prosecutor and of social workers.

The target population does include all youngsters committing offenses against public order and violence against property or against persons. The objective of the program is to reduce vandalism, to take away some of its causes and to prevent vandalism and aggressive behavior. This objective is operationalized in three concrete activities:

- 1) to provide for alternative sanctions or volunteer work in order to prevent prosecution;
- 2) to find out the reasons for this particular offending behavior and assist the youngsters in solving the more obvious add direct problems;
- 3) collect data on situations facilitating vandalism and help people to change these situations.

Alternative sanctions are all services aiming at repairing, repaying or compensating victims and the community for the damage done. HALT mediates between the judicial authorities and the victim and renders in fact services to both the victim and the juvenile.

Services to the juvenile are still more apparent in their second task that is in assisting him to solve some pressing practical problems. The program operates much like RBS-38 and helps the youngster to look for a job, for housing, for educational possibilities or leisure activities; it helps him to find his way in our bureaucratic society, to get a license or security payments.

In the third place HALT tries to analyse those situations and places where vandalism is most likely to occur: they then give information to institutions or persons in order to change situations or activities so as to reduce the opportunity to commit violent acts.

How does the program operate?

When a youngster is detected for vandalism and taken to the police station the police refer the boy to HALT with a note indicating the offense and whether there is an official report to the prosecutor or not. The prosecutor can also refer boys to HALT, and in some cases the youngster's lawyer examines whether prosecution of the case can be prevented by referring his client to HALT.

Thus juveniles are referred to HALT both when there is made an official report to the prosecutor and when there will be no such report.

Participation in HALT is entirely on a voluntary basis, although in cases of official prosecution the voluntary character of participation in the program can be questioned.

When there is no official report to the prosecutor there sometimes is a claim for damages and HALT then mediates between the two parties and tries to find ways for compensation by the juvenile.

HALT started in October 1981: from that date till May 1982 there have been some data collected about its operation (7).

One obvious fact is that youngsters referred to HALT most probably are not representative for all juveniles that commit acts of vandalism. Most of these kids are never detected. So we do not know what selection clients of HALT would form: are they less smart than the others, or did they select places where the police is patrolling more often?

Anyway most clients are about 15 years of age, and attend the lower vocational training schools.

Offenses were:	graffiti	: 49%
	destroying property	: 21%
	theft with violence	: 6%
	violence against persons	: 4%
	theft + destroying property	: 8%
	other-obnoxious behavior	: 12%
		100%

Although graffiti seems a rather harmless offense, it was found that many boys referred to HALT for graffiti had already committed offenses of a more serious nature, such as burglary, theft or violence against persons. Some of them operated in gangs, committing burglaries and thefts. More than 60% of juveniles referred to HALT had had repeated police contacts, and this group more often lived in rather problematic family situations (alcoholism, conflicts with stepfather).

Practically all of them were boys; girls fulfilled the function of encouraging and applauding the activities, but did not take part in them. The boys explained their offenses by emphasizing the excitement and pleasure they desired from them, and by indicating clearly that the acts gave them status and prestige among their peers.

The alternative sanctions offered to the juvenile were among other things:

- to clean trams and buses from graffiti;
- to clean telephone boxes, busstands, windows and windowsills from graffiti;
- to repair destroyed objects in parks and squares;
- to do administrative work at the youth + sports department of the city;
- to give financial compensation to victims;
- to render services to public institutions such as swimming pools, public gardens, garbage collection, museums and the police.

Direct assistance to juveniles is addressed to those problems where HALT feel they can offer some real help: problems with education, work, housing, leisure opportunities and the like. So they do not address themselves to serious family problems, because they do not feel up to solving this kind of long-standing and complex problem situations.

Finally they try to have some impact on situations that invite vandalism.

They have discussions with the responsible people and try to make them change the organization of a youth-club, or to get more control on buses on specific hours and itineraries, or to change particular environmental settings.

How succesful are these programs? In fact we do not know because they have not yet been seriously studied. Some studies have been undertaken but although we have no research results yet we can indicate some of their strong points and some of their weak points.

#### 4 SOME CONCLUDING REMARKS

When a youngster shows some particular forms of deviant behavior such as truancy, offending or running away it often depends on the resources of his family whether he will end up in the mental health system, a private school or the juvenile justice system.

It is a fact that lower class children often display behavior that easily confronts them with the police. As their parents generally lack both the knowledge and the resources to divert them to other forms of care and assistance, these kids run a higher risk to land in and to stay on in the juvenile justice system.

The police play a crucial role in deciding who will have to stay on and who is permitted to leave that system.

In The Netherlands the police are quite aware of this and they actively try to influence the process in a constructive way. Based on common sense notions about delinquent and problem behavior they eliminate large numbers of juveniles from juvenile justice proceedings.

If we look at net results we can conclude as follows:

- police cautioning essentially refers to the younger age groups, to those that commit petty offenses and those that have police contacts on other grounds than offenses;
- the older age-groups and those who have committed acts of a more serious nature are still processed as usual and do not profit as much from the larger use of cautioning;
- realizing the inadequacy of the police response to much of the more serious offending behavior, the police -together with community and social agencies- try to develop more active diversion programs of a preventive or rehabilitative nature.

The situation that confronts the police is as follows: the majority of juveniles that have contacts with them and that are subsequently cautioned, pose no serious problems and do not return to the police station. There is however a minority that does pose problems, either because they have committed a serious offense or because they keep coming back. It is to this group of youngsters that efforts of prevention and of alternatives should be addressed.

This means that we are actually faced with two problems: the problem of the nature of the diversion program and the problem of allocation of juveniles to these programs.

Of the programs I have described, one is originated and sustained by the police themselves and the others by outside agencies in collaboration with the police.

Programs set up and coordinated by the police -like the programs in Utrecht and Rotterdam- present two major difficulties.

The first one is that allocation of juveniles to the programs can rapidly get out of control and lead to considerable "net-widening". The discretion in police decision is large, there is no judicial control and the juveniles voluntary participation to the program is doubtful.

I do not question the good intentions of the police in setting up this kind of program, but I only wish to signalize the risk that large groups of juveniles are being pushed from police intervention to social work intervention which might not be more helpful and could even be harmful. This seems to be by and large the American experience.

The second problem is shown by the Rotterdam program: like in Utrecht the majority of the juveniles are sent to HALT by the police.

As was reported, the police may send both boys with and without an official report to the program, so that inevitably one gets a mixture of juveniles that would have been sent home by the police anyway and boys that have reached the level of prosecution. I am not in favour of such programs, not only because of the net-widening effect but also because experience shows that social workers tend to prefer to work with less troublesome boys instead of with the more problematic ones. What often happens is that programs addressed to specific problem groups end up working with kids that have less problems because the real target group is too hard to reach. Therefore I would prefer diversion programs to be dissociated from the police, so that the police can fulfill their function as they should do, without having to decide who is eligible for specific diversion programs. However this does not solve the problem of allocation of juveniles and type of program. I would like to end this paper by making some observations on this issue.

In the first place I think that diversion programs should not be addressed to those kids whose case will be cautioned anyway. It seems to me that the only juveniles eligible for diversion programs are those whose case is officially recorded and sent to the prosecutor. The reason for this option lies in our knowledge -based on research- of this specific youth population: most of them have had repeated policecontacts, sometimes starting at a young age, sometimes for rather serious offenses. We can say with some confidence

that in these cases we should try to intervene in a more creative and constructive way than just a dismissal or a court appearance. Having circumscribed the global population that could be sent to diversion programs, we still are faced with the fact that the prosecutor also dismisses half of the cases that are reported to him (in The Hague at least). Who then should go to such special programs?

Let us recall that the decision to prosecute and bring a juvenile in court is generally taken in the tripartite meetings of prosecutor, juvenile judge and Council for Child Protection, which means that the allocation of juveniles to different forms of diversion is also decided there.

It seems to me that the best example of a complete set of diversion programs in Holland is actually the Groningen one, R.B.S.-38. R.B.S.-38 starts assistance and concrete help for every juvenile that gets an official report. When, at the tripartite meeting, it is decided that the case will be dismissed, R.B.S.-38 will offer continuing assistance on a voluntary basis.

When however the case will be prosecuted, the agency (having already some knowledge of the case because of informal contacts) will present a plan for an alternative sanction, either community service, or a special training course. The case will then be deferred and the decision to prosecute or not will be taken when the alternative sanction is completed.

It is clear that this latter form of diversion does not have the same character of voluntariness as the first one. Although it is true that the juvenile has to agree to the new sanction, the alternative is traditional prosecution. Moreover, if he does not fulfill his obligations in the agreement, the case will be reexamined and prosecution may still occur. This is, however, real diversion, for if the volunteer work is adequately performed, the case is dismissed. The consequence of this system is that very few juveniles indeed end up before the judge. In addition to this juveniles that have successfully completed their volunteer work or training do not get a criminal record.

What should be the role of the police in all this?

I think the police role will always be of utmost importance.

In the first place because they operate the first selection process among the juveniles they come in contact with. It will always be the job of the police to decide the case is not serious enough to really bother, or whether a report should be made as a signal that the case should be examined and some action should be taken.

In the second place it is important that the police and the prosecutor collaborate and develop a common policy of prosecution and dismissal criteria and proceedings.

Finally the juvenile section of the police should be specially well informed and keep contact with the programs and schemes in their area that offer help and assistance to juveniles at risk and are willing to collaborate with judicial authorities.

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**END**