

## *Juvenile Crime and Sanctions in the Netherlands*

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Trends in juvenile crime in the Netherlands are described using police statistics and self-report studies. A sharp rise in juvenile crime is suggested by the police statistics, while the self-report studies reveal a more stable picture. Attention has been paid to explanations of this discrepancy. Furthermore, an overview is given of the penal interventions applied in the Netherlands and the number of young people affected by them. The article ends by looking at how juvenile crime is tackled in practice.

**Keywords:** *juvenile delinquency; sentences; crime trends; police statistics; self-report studies*

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### INTRODUCTION

Juvenile crime is an issue that has been high on the political and social agenda in the Netherlands since the early 1990s. Alarming reports about rising juvenile crime rates prompted the then state secretary for justice to commission a report on a broad-based approach to juvenile crime. The government created the Juvenile Crime Committee (*Commissie Jeugdcriminaliteit*) for this, better known as the Van Montfrans Committee. This committee published a series of recommendations in 1994 that became best known for the espoused credo of an “early, rapid and consistent response.” When young people display delinquent behavior, the response must be early (as soon as the first offense becomes known), rapid (the response follows the offense as quickly as possible), and consistent (each offense is followed by an appropriate response). In addition, the responses should be educationally sound and should make clear where the norms lie. They should also take into account factors in the social situation of the youngsters concerned that could explain their criminal behavior. The committee’s recommendations were incorporated into various policy documents at the national and regional levels by the

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police, the Public Prosecution Service, youth welfare services, and local administrators.

A new juvenile penal law was also introduced in the Netherlands in 1995. Since the beginning of the 20th century, the juvenile penal law has, in principle, applied to young people aged between 12 and 17 who have committed criminal offenses.<sup>1</sup> However, in light of young people's increased assertiveness, the legal position of juveniles has been brought more into line with that of adults in the new juvenile penal law (Kruissink & Verwers, 2001; Tak, 2003). Among other things, the new law provides for certain alternative punishments and raises the maximum sentences. It also greatly curbs the powers of the juvenile courts.

Dutch policy on juvenile crime gives priority to prevention. The measures taken under this policy are intended to prevent young people ending up in disadvantaged situations, identify potential problems at an early stage, and address them as rapidly as possible. All manner of family and school programs have been developed in this context, partly intended to prevent future criminal behavior. If young people nevertheless commit criminal acts and thus come into contact with the police, repressive measures are available ranging from HALT referrals<sup>2</sup> to custodial sentences. Most young people who come into contact with the police are guilty of offenses such as hooliganism, vandalism, and theft, and a light punishment will probably be enough to ensure that they do not commit any further offenses. However, there is also a group of young people who commit more serious offenses and/or who are regular offenders. More severe measures are applied for this group.

This article describes the trend in juvenile crime in the Netherlands. It then looks at the various penal interventions: What interventions are possible and how many young people are affected by them? The article then looks at how juvenile crime is tackled in practice and ends by drawing a number of conclusions.

### **TRENDS IN JUVENILE CRIME**

Several data sources are available to provide an impression of the extent of juvenile crime in the Netherlands. One important source of information is police records of the number of suspects. In addition, self-report studies are often used in which young people are asked whether they have committed certain offenses. Although the existence of different data sources, at first glance, seems to be an asset, in practice, the police records and self-report studies show a different picture of the extent and development of delinquent behavior. In the first place, the proportion of young people displaying delinquent behavior is considerably higher in the self-report studies than in the police records. This is not really surprising given that the majority of young

offenders do not come into contact with police. In the second place, the self-report studies, in contrast to the police records, do not show an increase in juvenile crime. Plausible explanations can be found for the differences between the data sources, but before these are discussed, a description will first be given of juvenile criminal behavior on the basis of police records and on the basis of self-report studies.

### *Police Statistics*

What do the police records tell us about juvenile criminal behavior? In 2001, more than 47,000 young people aged between 12 and 17 were suspected of committing a criminal offense compared with almost 230,000 people aged 18 and over. Although, in absolute terms, many more (three-and-a-half times as many) adult suspects are interviewed than juveniles, juveniles are overrepresented in relative terms: Roughly 4,000 juveniles in every 100,000 are suspected of criminal behavior, compared with approximately 1,350 per 100,000 adults. Approximately half of all juvenile arrestees have committed offenses against property, just under a quarter are guilty of vandalism or public-order offenses, and more than 20% have perpetrated violent offenses.<sup>3</sup>

Figure 1 shows the number of juvenile and adult suspects of violent offenses, offenses against property and vandalism, and public-order offenses per 100,000 of the population groups concerned. These statistics, drawn from police records, show a sharp increase in the number of juvenile suspects in recent decades. If we look more closely at these figures, we see that the number of juvenile and adult suspects of crimes of violence increased at roughly the same rate until the end of the 1980s; thereafter, the number of juvenile suspects increased sharply and accelerated even further from the early 1990s. This abrupt increase in the number of juvenile suspects is also visible in each of the individual violent offenses. The trend in the number of juveniles committing offenses against property has risen much more gradually; in contrast to the two other types of offenses, juveniles have always committed a relatively high proportion of offenses against property, both simple theft (e.g., shoplifting and pickpocketing) and aggravated theft (e.g., burglary). Even here, however, the increase in the number of juvenile suspects is greater than the rise in the number of adult offenders. The increase in the number of juvenile offenders committing vandalism and public-order offenses began at the end of the 1970s and has risen very strongly since the early 1990s. This sudden rise is attributable primarily to juvenile vandalism, public-order offenses (e.g., football hooliganism) and offenses against public safety (e.g., arson). These latter two categories of offense have, in fact, recently begun to show a decline.

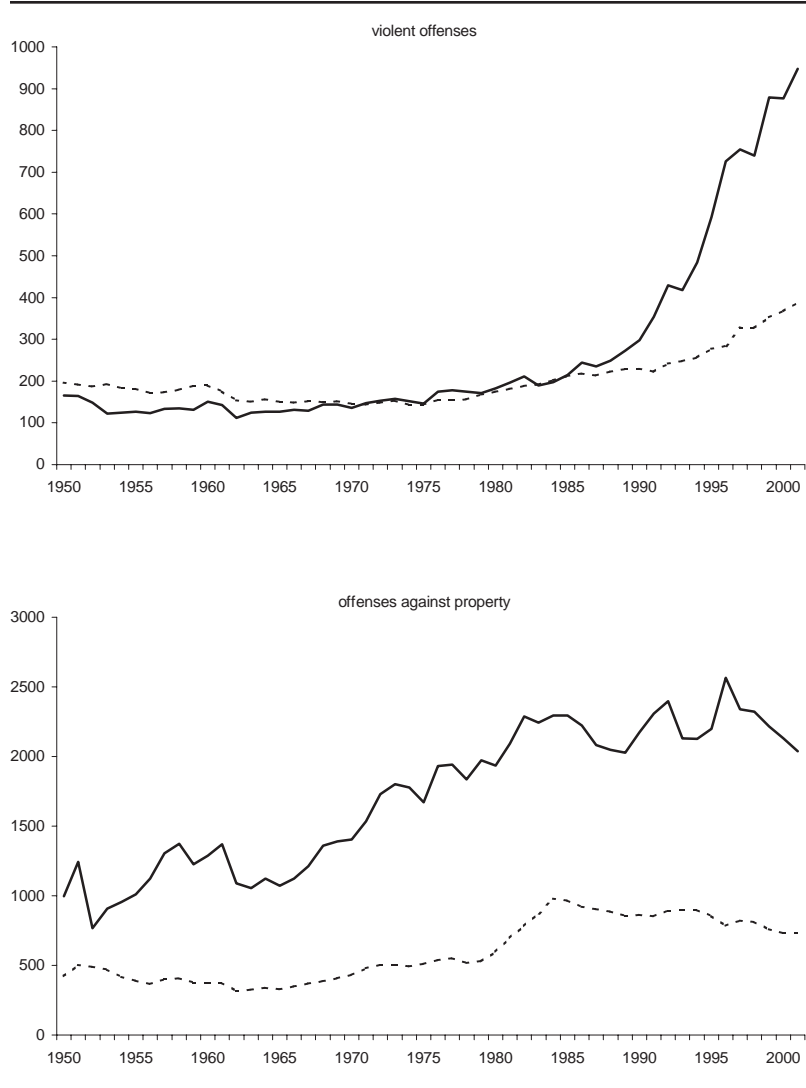


Figure 1: Number of Juvenile (Continuous Line) and Adult (Dotted Line) Suspects Interviewed Per 100,000 of the Relevant Population, 1950 to 2001  
SOURCE: Statistics Netherlands

Although it is generally known that girls commit fewer offenses than boys, increasing attention has been focused on criminality among girls in recent years (Mertens et al., 1998). Police records show that in 2001, five times as many boys as girls were suspected of an offense. The number of female sus-

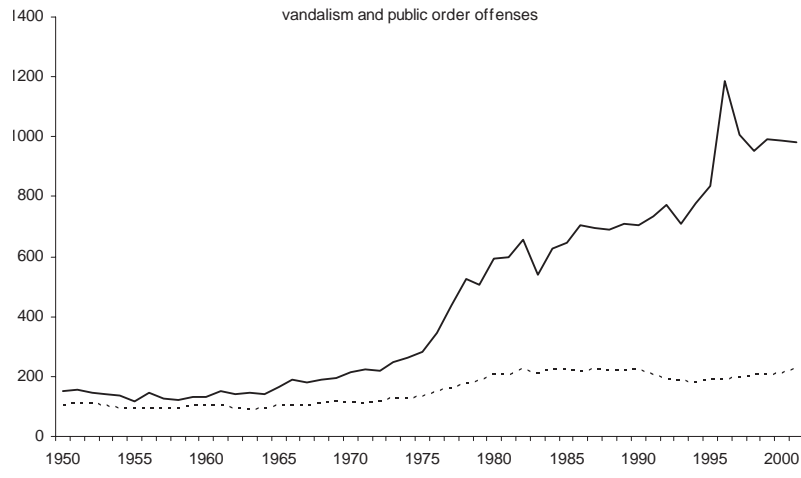


Figure 1 continued

pects aged 12 to 17 years has, however, almost doubled in the last 20 years. Despite this, the differences between boys and girls have reduced only slightly over time. Based on police records, therefore, criminal offenses are committed mainly by boys, and this is expected to remain the case in the future.

There is also a good deal of interest in the extent to which young people from ethnic minority groups are involved in crime. Based on the police records presented here, however, the picture is unclear on this point. The police statistics maintained by Statistics Netherlands contain no information on the ethnicity of suspects. Data from the Police Identification Service (HKS) do, however, show that young people born in countries such as Morocco, the Netherlands Antilles, Surinam, Turkey, or Eastern Europe are strongly overrepresented (Dominguez Martinez, Groeneveld, & Kruisbergen, 2002; Junger, Wittebrood, & Timman, 2001; Junger-Tas, 1997). Because ethnicity is recorded as country of birth and/or nationality, however, these findings relate mainly to first-generation immigrants; young people forming part of an ethnic minority but born in the Netherlands and/or holding Dutch nationality disappear from this category of offenders.

#### *Self-Report Studies*

Having considered the police records, what can we learn from self-report studies? These are studies in which people are asked whether they have com-

**TABLE 1**  
*Percentage of Mainstream Secondary-School Students Who Have Committed a Specific Offense in the Last 12 Months, 1992 to 2002*

	1992	1994	1996	1999	2002
Violent offenses					
Taken part in serious fight at school	—	6.7	5.9	7.3	8.8
Taken part in serious fight outside school	—	11.7	11.9	12.2	14.4
Beaten someone so badly that they had to be bandaged or see a doctor	8.0	8.6	8.0	8.1	9.3
Theft					
Stolen a bicycle	6.4	6.0	5.5	6.2	5.8
Stolen something from a shop	8.7	9.8	11.4	8.2	8.7
Stolen something at school	—	—	—	6.0	5.8
Stolen something else (worth < 22 euros)	6.3	7.3	7.7	6.4	6.1
Stolen something else (worth > 22 euros)	2.9	3.4	3.1	3.6	3.6
Vandalism					
Deliberately vandalized school property	5.4	6.4	6.6	6.9	6.9
Deliberately vandalized public property	9.5	10.6	10.9	10.7	10.4
Been in contact with the police	12.3	12.9	12.9	11.8	12.2

SOURCE: NIBUD/SCP (NSO, 1992-2002)

mitted certain offenses; the findings thus do not depend on police records. This means that respondents can report offenses for which they were not arrested by the police. Self-report studies are conducted mainly among young people. Several such studies are available in the Netherlands including the National Pupil Surveys (*Nationale Scholierenonderzoeken*).

In the 2002 National Pupil Survey, 15% of respondents admitted having committed one of the 10 offenses listed during the preceding 12 months.<sup>4</sup> Not all offenses occur with the same frequency. Table 1 shows the percentage of pupils committing each offense within a period of 1 year. One in 11 pupils state that they have taken part in a serious fight at school during the past year, and 1 in 7 have taken part in a serious fight outside school. More than 9% state that they have beaten someone so badly that they required bandages or had to see a doctor. Thefts are generally reported less often: Nine percent state that they have stolen something from a shop during the past year, about 6% have stolen a bicycle or something worth less than 22 euros, and fewer than 4% say they have stolen something more valuable. Seven percent have deliberately vandalized school property during the past year, whereas 10% have vandalized something on the streets. About 12% of all young people say they have been in contact with the police for committing an offense. This is a fairly high percentage not only compared with the total proportion of young people who say they have committed an offense (15%) but also compared with police

records, which show that about 4% of young people are suspected of having committed an offense.

The proportion of young people who say they have committed a given offense has fluctuated somewhat over the last 10 years, but there are virtually no significant increases or falls. There is only a slight increase in the proportion of young people stating that they have vandalized school or public property. The proportion of young people who say they have been in contact with the police for committing an offense shows no increase. The self-report surveys by the Ministry of Justice's Research and Documentation Centre (WODC) also reveal no general increase in delinquent behavior (Kruissink & Essers, 2000). Although the extent of the various forms of delinquent behavior sometimes shows variation from survey to survey and relatively little can be said about trends, these surveys do qualify somewhat the frequently suggested strong increase in delinquent behavior.

The extent to which young people display delinquent behavior varies widely between different groups. In the first place, age plays a key role. Offenses such as causing serious injury, stealing a bicycle or something else that is worth more than 22 euros, and deliberately vandalizing public property are committed mainly by the oldest group of school-goers. In contrast, fights at school mainly involve 12- and 13-year-olds, and it is mainly 14- to 16-year-olds who vandalize school property and commit store theft. The self-report studies, like the police records, also reveal that boys commit offenses more often than girls, although the differences are smaller than the police records suggest. Boys say that they commit offenses between two and three times more often than girls. They also say that they have been in contact with the police about three times more often than girls for committing an offense. The police records reveal that boys are suspected of committing criminal offenses five times more often than girls. The self-report studies also show that members of ethnic minorities are more often guilty of delinquent behavior than indigenous Dutch youths. Young members of ethnic minorities more often state that they have committed violent offenses and offenses against property than indigenous youngsters; there are no differences in the figures for vandalism. Sixteen percent of young members of ethnic minorities say that they have been in contact with the police in the past year for committing an offense compared with 12% of indigenous young people. This overrepresentation is again less marked than the police records suggest.

It is not only the extent of delinquent behavior that is important but also its nature. It is often claimed that there is currently a hardening of crime with weapons more and more frequently being involved. No information is available on the use of weapons by young people, but something is known about the carrying of weapons. Although carrying weapons does not necessarily mean they will be used, it does, of course, increase the risk that an incident

**TABLE 2**  
*Composition of Weapons by School Pupils (Percentages), 1992 to 2002*

	1992	1994	1996	1999	2002
Regularly takes a weapon to school	—	7.3	7.0	7.0	6.8
Regularly carries a weapon when going out	11.2	11.3	10.6	9.4	9.0

SOURCE: NIBUD/SCP (NSO, 1992-2002)

will get out of hand and that the weapon will be used. In the National Pupil Survey, young people were asked whether they agreed or disagreed with the following statements: "I regularly carry a weapon when I go to school," and "I regularly carry a weapon when I go out." In 2002, 7% of school-goers stated that they regularly took a weapon to school, whereas 9% stated that they regularly carried a weapon when they went out (see Table 2). In the most recent survey of young people carried out by the WODC in 1998, 15% of respondents stated that they had carried a weapon during the preceding year (Kruissink & Essers, 2000). The weapons most frequently carried by young people are stabbing weapons such as penknives, long-bladed knives, or stiletos. Both the National Pupil Survey and the WODC survey showed that the proportion of young people claiming to carry a weapon has not increased significantly in recent years; in fact, it has decreased slightly. It is not clear to what extent this is the result of the policy aimed at reducing the possession of weapons by young people.

#### *Comparison of Police Statistics and Self-Report Studies*

In the foregoing section, we have seen that the sharp rise in juvenile crime, especially in recent years, suggested by the police records differs considerably from the trends revealed by the self-report surveys of young people. It is likely that the increase shown in the police figures does not represent a genuine increase in the number of young offenders (Wittebrood, 2000; see also Wittebrood & Junger, 2002). It is entirely plausible that the rise in the number of juvenile suspects is a result of the increased attention of the police and justice officials on juvenile crime and, in particular, juvenile crime involving violence. The police and justice officials have made juvenile crime a core policy theme in recent years; young people are watched more closely and arrested sooner. This alone has undoubtedly resulted in an increase in the number of young suspects in police records. In this light, the very sharp increase in the number of juvenile suspects of violent crime and of vandalism and public-order offenses in the early 1990s is striking.

However, the self-report studies also do not produce a true picture of the extent of juvenile crime. Surveys of this type focus mainly on the more minor

and commonly occurring forms of crime. Moreover, memory effects and socially desirable responses can play a role in the answers to questions. It is also sometimes pointed out that the most criminal young people may be underrepresented in self-report studies. The consequences of these limitations are much less clear than those of the police records, because they can lead to both an overestimate and an underestimate of delinquent behavior. It is possible that self-report studies fail to reflect a genuine increase in the delinquent behavior of young people. On the other hand, the self-report studies are compiled outside the influence of the police and justice officials and therefore generally give a more reliable picture than police records of the trend in delinquent behavior among young people.

It is clear that there are major gaps in the Netherlands in the information needed to obtain insight into the extent to which young people exhibit delinquent behavior (see also Wittebrood, 2000). This has prompted many recent initiatives aimed at improving records. For example, records are increasingly being kept of delinquents aged under 12,<sup>5</sup> and agreements on sharing information are being made between the police, the Child Care and Protection Board, and the Public Prosecution Service in the form of the Juvenile Crime Client Monitoring System (*Cliëntvolgsysteem Jeugdcriminaliteit*).<sup>6</sup> Although these information sources undoubtedly clarify the picture, they are still highly dependent on the efforts of the police and justice officials. At present, the available data are too limited to provide a full and reliable picture of the extent of and trends in delinquent behavior by young people. To be able to make reliable and valid statements, therefore, it is of vital importance that the quality of the available data sources be greatly improved in the years ahead.

### SENTENCING JUVENILES

Although priority is given in the policy on juvenile crime to prevention, a number of measures are available for dealing with young offenders who come into contact with the police and justice officials.

Young people aged below 12 who come into contact with the police because they are suspected of an offense cannot be subjected to criminal prosecution. Many of these minors are therefore sent home with a caution, possibly in combination with an interview with their parents. Following an experimental year, the STOP response scheme was implemented in 2001; it is based on the HALT referral system and involves the imposition of a short task. Children less than 12 years of age who are guilty of minor offenses are eligible for STOP if their parents agree.<sup>7</sup> There are no national figures at present on the application of the STOP scheme, although it is known that in the period from May 1, 1999, to May 1, 2000, more than 1,700 children were

referred for a STOP response (Slump et al., 2000). Most of these children had committed (store) theft or had been guilty of vandalism/hooliganism and were aged 10 or 11. In the event of serious delinquent behavior by children aged under 12, civil prosecution is an option. This occurs mainly when the offense in question is seen as a symptom of serious psychosocial problems for which help is required. In these cases, the Child Care and Protection Board requests the juvenile court to issue a child protection order.

Several options are available for dealing with 12- to 17-year-old suspected offenders following police arrest. Penal interventions may be imposed at any point in the chain of criminal procedures by the police, the Public Prosecution Service, or the courts. This means that a process of selection takes place at each stage of the criminal procedures chain. For example, not all police contacts are recorded; only where a suspect is not eligible for a HALT referral is an official police report sent to the Public Prosecution Service where a further sifting takes place: Some of the police reports are dealt with by the Public Prosecution Service itself, and the rest are passed on to the courts. In general, for juvenile offenders, interventions are imposed at the earliest possible stage in the criminal procedures chain.

Minors who have committed relatively minor offenses may be kept outside the judicial circuit and, like the under-12s, be sent home with a caution. Although the offense is recorded, an official police report is not compiled. National figures on the use of cautions are not (yet) available, although it would appear that sending people home "with a flea in their ear" is happening less and less and that cases are increasingly being dealt with formally. This is in line with the guidelines issued by the Public Prosecution Service in 1996 and 1999.

#### *Handling by the Police*

In recent years, roughly half of all juvenile offenders have been dealt with by the police through a referral to the HALT scheme. HALT is intended for young people who have come into contact with the police or justice system for the first time and whose offense is not too serious. Initially, HALT referrals were only possible for cases of vandalism, but the number of eligible offenses has since been extended to include arson, less serious thefts, and graffiti. To be eligible for HALT, the offender must admit to the offense.<sup>8</sup> The number of HALT referrals has increased sharply since its initiation (see Figure 2) from approximately 6,500 in 1990 to more than 21,000 in 1996. Since that time, the number of referrals has fluctuated slightly. To a large extent, this increase can be explained by the increase in the number of eligible offenses for which a HALT referral can be offered. In addition, the new police guidelines stipulate that the police may only issue cautions for very

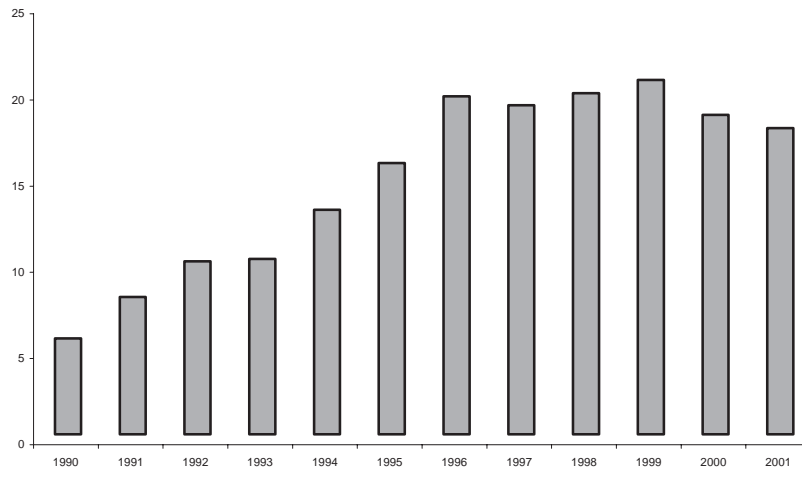


Figure 2: Number of HALT Referrals Per 1,000 12- to 17-Year-Olds, 1990 to 2001  
SOURCE: HALT Netherlands

minor offenses and that in all other cases they must proceed directly to a HALT referral. Furthermore, only one caution may be issued; for a second offense, the offender must be referred immediately to HALT (Bol & ter Horst-van Breukelen, 2001). It is therefore not surprising that young people who are referred to HALT are generally normal: They are often boys aged about 15 who are still at school, rarely truant, rarely use drugs, and still live at home (Department of Prevention, Youth and Sanction Policy, 2001).

#### *Handling by the Public Prosecutor*

In cases where a HALT referral is not an alternative, the official police report is sent to the Public Prosecution Service. Since 1996, the Public Prosecution Service has received about 27,000 juvenile cases each year. Almost two thirds of these cases are dealt with without the intervention of the courts. In the event of a series offense, the offender may be placed in pretrial detention for a maximum of 100 days. These offenders are placed in youth custodial institutions where they account for about 40% of the population. Recently, experiments have been carried out with nighttime detention as a new custodial form.<sup>9</sup>

Public prosecutors have a range of possibilities at their disposal for dealing with cases they do not refer to the courts. In the first place, they can dismiss a case because of insufficient evidence (technical dismissal) or because prosecution is not appropriate (policy dismissal). The offender may also be offered

a transaction (settlement): If the offender is willing to meet certain conditions, the Public Prosecution Service refrains from prosecuting the case. In 2001, almost a fifth of all juvenile cases on the books of the Public Prosecution Service were dismissed, whereas a third were settled by means of a transaction. Both policy dismissals and transactions are increasingly being accompanied by the condition that the juvenile in question must carry out a community sentence.<sup>10</sup> Public prosecutors have the power to impose community sentences of up to 40 hours.

### *Handling by the Courts*

The Public Prosecution Service passes on cases it does not deal with itself to the courts. This happens in about one third of all cases registered with the Public Prosecution Service. In 2001, this involved 9,700 juveniles, most of whom had committed serious and violent offenses—an increase compared with previous years. If the courts find a suspect guilty, a sentence or nonpunitive order is generally imposed. The most important of these are youth detention, fines, community sentences, and placement in an institution for juveniles. In many cases, the courts impose a combination of sentences and nonpunitive orders.

The most common sentence is the community sentence. This is not only increasingly being made a condition by public prosecutors in the event of a policy dismissal or transaction but is also increasingly being imposed by the courts. Since 1996, it has been possible to make a community sentence the main punishment; before then it could only be imposed as a special condition attached to another punishment. Today, more than half of all juveniles appearing before the courts receive a community sentence. Community sentences may be imposed instead of up to 6 months nonsuspended detention. They are coordinated and supervised by the Child Care and Protection Board. Figure 3 shows that the number of community sentences imposed has increased sharply since their introduction into law in 1995.

A community sentence may consist of a learning order (maximum 240 hours), a community service order (maximum 200 hours), or a combination of the two (maximum 240 hours). Community service orders involve the offender carrying out activities such as working in the kitchens of a care home for the elderly, clearing up litter for a municipal parks department, carrying out maintenance work at a playground or children's farm, and so forth (Wijn, 1997). A learning order involves following a course or training program and can vary from 5 evenings to an intensive program of 40 hours per week lasting 3 months or longer. Examples of learning orders are social skills training; courses on alcohol, drugs, and gambling; and courses on victim recognition. They may also involve intensive supervision programs.

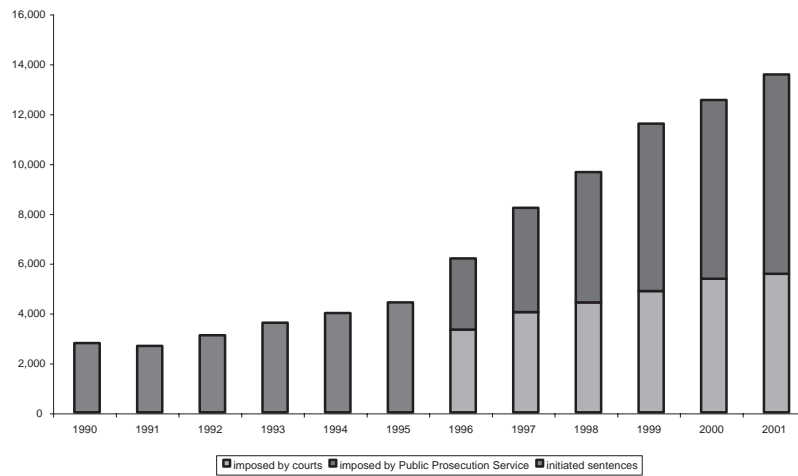


Figure 3: Number of Community Sentences, 1990 to 2001

SOURCE: Child Care and Protection Board and Public Prosecution Service (WODC treatment)

In addition to the more than 5,500 young people who received a community sentence in 2001, more than 4,800 young people received a custodial sentence from the juvenile courts—about a quarter of which were wholly or partly nonsuspended. Almost 200 were placed in institutions for juveniles, whereas more than 1,000 received fines. A few changes have taken place in these figures in recent years. For example, the number of juveniles receiving youth detention sentences increased from 2,814 in 1996 to 4,185 in 2001. By contrast, the number of fines imposed fell from more than 1,500 in 1995 to just fewer than 800 in 2000 (but increased to 1,042 in 2001). In place of a custodial sentence, or as (part of) the implementation of a custodial sentence, it has been possible since 2001 to impose individual counseling orders. This is aimed at the hard-core juveniles, lasts for between 6 and 12 months, and is implemented by the youth probation and after-care service.

### TACKLING JUVENILE CRIME IN PRACTICE

The above overview of penal interventions shows that there is a wide variety of programs available in the Netherlands. However, there is a lack of systematic research into the effectiveness of these programs (Van der Laan, 2001). The Ministry of Justice acknowledges that there is an insufficient understanding of the effectiveness of interventions, and it recently announced that it would be implementing an effectiveness test for programs

and projects in the field of juvenile crime (Tweede Kamer, 2001/2002, p. 52). This follows the practice in several other countries including England and Wales. The intention is that ultimately projects will only be financed if they have been shown to be effective or promising.

The use of preventive and penal interventions is intended to prevent young people committing or repeating offenses. Recently, the Netherlands Court of Audit (*Algemene Rekenkamer*, 2002) published a study that investigated whether:

all organisations involved in preventing and combating juvenile crime pursue a coordinated policy, carry out preventive and repressive activities in line with that policy and act in line with the policy principles in tackling risk groups of young people and juveniles. (p. 8)<sup>11</sup>

In the area of juvenile crime prevention, the Court of Audit concluded that no structural measures have been taken under the present policy to identify risk factors among young first offenders and to ensure their referral to (voluntary) help and welfare services. Gathering information on the background and circumstances of young offenders could enable potential problems in the family or upbringing to be identified at an early stage. Moreover, in 40% of cases, the police fail to obey the guidelines requiring that young offenders be referred to the Child Care and Protection Board thus making early identification impossible. The Juvenile Crime Client Monitoring System (CVS-JC), which links the police, the Child Care and Protection Board, and Public Prosecution Service records, should improve this situation, but it is currently being used too little.

The repressive policy of responding early, rapidly, and consistently to offenses committed by juveniles is also observed to only a limited extent in practice. The Netherlands Court of Audit casts doubt on the earliness of the response, because it is unclear for more than half of the first offenders whether they have been prosecuted or received a caution. The envisaged rapidity of response is also lacking: The targets for processing cases by the various organizations in the chain of criminal procedures are not being achieved. There is also a lack of consistency. For more than 40% of the juveniles studied, it was impossible to determine whether a response had taken place, whereas the composition of this group is no different from that of those who had received a response. On the positive side, juveniles committing more serious offenses are referred by the police to the Public Prosecution Service more frequently than to the HALT bureau, and the policy of imposing as many community sentences as possible is also applied consistently in practice.

The Court of Audit also concluded that the approach to juvenile crime is hampered by a lack of clear regional coordination of the overall policy aimed at prevention and repression. There is also no national or regional overview of activities carried out.

In reality, however, the conclusions of the Netherlands Court of Audit study and the lack of systematic research into the effectiveness of programs to prevent and combat juvenile crime do not justify major changes in the present policy on juvenile crime. The approach to juvenile crime appears to be closely in line with existing scientific knowledge in this area. Much more important, at the moment, is that existing information systems are used more adequately so that a more reliable picture emerges of juvenile crime and responses can be geared more closely to the specific situation of the young people involved. It would, therefore, seem to be the implementation that is currently hampering the chances of success of the juvenile crime policy.

### CONCLUSION

The trend in juvenile crime in the Netherlands over recent decades is comparable with that in other countries in Western Europe: Recorded crime has shown a strong increase since the 1970s (especially violent crime), and self-report studies present a reasonably stable picture (Estrada, 1999, 2001; Pfeiffer, 1998; see also Wittebrood & Junger, 2002). Like the Netherlands, many other countries suffer from a lack of reliable data that are needed for proper insight into the extent and development of juvenile crime. Estrada (2001, p. 647) concluded that "the number of youths registered by the criminal justice system during the 1990s . . . is rather the result of a marked shift in the way society reacts to the action of young people." According to Estrada, attention for juveniles has increased and this attention runs parallel to an ideological shift from *treatment* to *just deserts*. This shift is also clearly visible in the Netherlands in the form of the declining influence of the welfare system and the greater emphasis on the criminal justice system (for a summary of this development, see Junger-Tas, in press).

In the Netherlands, the sharp rise in recorded crime from the early 1970s onward was the main factor behind the increased attention given to this topic. An important policy plan published in 1986 by the Roethof Committee on the subject of society and crime (*Samenleving en Criminaliteit*) placed particular emphasis on relatively common crimes that were committed mainly by young people. The core recommendations of this policy plan involved crime prevention through greater informal and formal social control and stronger enforcement of societal norms by the police and justice authorities. This prompted the development of preventive activities at the neighborhood level

from the end of the 1980s onward together with agreements on the need for more community service orders and HALT referrals and a higher priority for juvenile criminals. Since 1993, the increased police attention for young people has formed an essential part of the policy formulated in light of the recommendations of the Van Montfrans Committee. Given these developments, it is no surprise that the number of young people suspected of committing crimes rose sharply in the mid-1980s. The number of young people suspected of crimes of violence has risen sharply since 1986 and very sharply since 1994. The number of young people suspected of vandalism and public-order offenses has increased, particularly since 1994.

At the present time, attention for greater informal and formal social control has weakened somewhat in the Netherlands and has been replaced by particularly vocal calls for stringent and harsh measures. Recent plans by the Ministry of Justice (TK, 2002/2003) for tackling juvenile crime place the emphasis on repression. For example, the police are expected to adopt a more targeted investigative approach, which, in practice, means that they must concentrate their efforts at times and locations where it is known that young people are likely to commit offenses (high-crime areas). According to the plans, these police efforts should lead to a substantial increase in the number of juvenile suspects.<sup>12</sup> The punishment of young offenders is also becoming harsher. Frequent offenders can be placed in pretrial detention earlier, and if community sentences are not properly carried out, they may be replaced by youth detention orders. To meet these plans, the Ministry of Justice intends to further increase the capacity of youth custodial institutions. (The number of places in the Netherlands has already increased from just fewer than 900 in 1995 to more than 2,100 in 2001.) The number of residential facilities is also being increased—in spite of evidence that similar approaches in other countries have not been effective (see Bol, 2002). The call for a harder approach thus goes against the scientific evidence as to which interventions are effective and which are not in reducing recidivism. Moreover, there is little point in making major changes in the Dutch policy on juvenile crime as long as the implementation practice is not in line with the principles of that policy.

## NOTES

1. In certain cases, the courts may apply the adult penal law to 16- and 17-year-olds. Conversely, it is possible to apply the juvenile penal law to 18-, 19-, and 20-year-old offenders.

2. Young people aged 12 to 18 who come into contact with the police for a minor offense may be offered an alternative to criminal prosecution, known as a HALT referral.

3. Violent offenses are taken to include offenses against a person's life, bodily harm and involuntary manslaughter, grievous bodily harm, threats, robbery, extortion, and sex offenses. Offenses against property include simple theft, aggravated theft, forgery, embezzlement, fraud, and handling stolen goods. Vandalism and public-order offenses include vandalism, public-order offenses, offenses against public safety, offenses against public authority, offenses against public decency, and discrimination.

4. In the self-report studies conducted by Statistics Netherlands (CBS) and the Ministry of Justice's Research and Documentation Centre (WODC), between 40% to 50% of the young people interviewed stated that they had occasionally committed an offense in the year preceding the survey (CBS, 1999; Kruissink & Essers, 2000). This higher percentage is caused mainly by the fact that the CBS and WODC surveys list 16 offenses, whereas in the National Pupil Surveys, respondents are only asked about 9 offenses.

5. These minors are below the age of criminal responsibility and cannot be prosecuted.

6. This is a computerized system that links the current records of the police, the Child Care and Protection Board, and the Public Prosecution Service.

7. Children have to perform small tasks such as writing an essay or offering their apologies. A maximum of 10 hours is available for this, but, generally, the STOP response takes about 2 to 4 hours. The task should be related to the nature of the offense.

8. Boys belonging to ethnic minorities often fail to meet this condition. They refuse not so much because it is not clear that they have committed the offense but because they are acting in accordance with prescribed cultural norms. The Public Prosecution Service therefore waives the requirement for a confession in cases of this type so that young people belonging to an ethnic minority can also be offered a HALT referral.

9. The young people concerned go to school during the day and spend the evenings, nights, and weekends in a youth custodial institution.

10. A community sentence consists of a community service order, a learning order, or a combination of the two. Community sentences for minors can be imposed by the Public Prosecution Service or the juvenile court and can replace both youth detention (suspended or nonsuspended) and fines.

11. The Netherlands Court of Audit is responsible for monitoring whether public money is collected and spent properly and effectively.

12. Given that the number of juvenile suspects interviewed is also used as an indicator for the extent of juvenile crime, this objective has perverse effects.

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