Alternative sanctions for juveniles in the Netherlands by Peter H. van der Laan

In the Netherlands alternative sanctions for juveniles have a relatively short history. Much shorter than, for instance, in the United States, England and Wales, and the Federal Republic of Germany. It is argued that this is caused by the tolerant attitude in general towards crime in the Netherlands, as is expressed by the relatively small number of custodial sentences (Newton, 1981). For that reason, no urgent need was felt to search for alternatives. But things have changed. Rising crime
The short history of alternative sanctions is definitely a turbulent one. In less than ten years, the alternative sanction has become the most frequently imposed penal sanction for juveniles. In 1991, the number of alternative sanctions reached almost 2,700. This is still more remarkable, since alternative sanctions for juveniles still lack a formal legal basis.

**How it started**

In March 1983, 6 out of 19 court districts were selected to host an experiment with alternative sanctions. The experiment was conducted by a working party appointed by the Minister of Justice. The idea of alternative sanctions was not entirely new. In February 1981, an experiment commenced with community service as an alternative to short-term imprisonment for adults (Bol, 1985). The experiment for juveniles, however, took a somewhat different form. In *Guidelines for experiments with alternative sanctions* (Raamwerk van uitgangspunten en richtlijnen voor experimenten met alternatieve sancties voor jeugdigen, 1983) the working party proposed two different types of alternative sanctions. Not only *work projects*, as community service for juveniles is called, were introduced, but also *training projects*. Furthermore, alternative sanctions for juveniles were to be imposed not just to replace custodial sentences, but to replace all existing, traditional sanctions, including fines and suspended sanctions.

**Types of alternative sanctions**

The working party described *work projects* as follows: "To carry out within a fixed period of time, certain well defined tasks, beneficial to the community and of an educational character, preferably during leisure time. The educative impact might be increased if the nature or contents of the activities to be developed is related to the committed crime and/or damage done to society or individual". Among the tasks are repair, maintenance and painting activities, kitchen and cleaning works, repair of damage done to public buildings, public transport and private property. In the majority of cases work projects are carried out in nonprofit organizations like schools, hospitals, homes for the elderly, neighbourhood centres, community greens, forests and the like (Van der Laan and Van Hecke, 1985). In work projects the image of the English Community Service Order can be clearly recognized (Pease et al., 1975).

The working party described *training projects* as follows: "To undertake, within a fixed period of time, some form of training, courses, or other educational activities, aimed at improving social and/or practical skills, needed to face life's stresses." Training projects were rather new for the Netherlands. There was some experience with a social skills training programme, developed by the Institute of Pedologics in Amsterdam for youngsters who were placed under a supervision order (Bartels, 1986). Such programmes had not yet been used in a penal context and, therefore, had to be modified for use as a penal sanction. Therefore, these programmes now consist of eight sessions of two hours each, in which alternative ways of behaving are practise. The training is based on behavioural principles, aimed at preventing police and judicial contacts in the future. The philosophy behind this training programme is that youngsters do have certain shortcomings in their social behaviour and that, as a result, they run the risk of getting into trouble. By filling up these gaps by means of practical training, future problems may be prevented. Although these social skills training programmes today are the most frequently imposed training projects, there are other training projects as well. These include more practically oriented educational activities such as courses in reading and writing, or participating in more or less regular programmes for school dropouts.

Furthermore, training programmes have been developed for young sex offenders. Incidentally, youth-adventure activities like those developed by Outward Bound Schools, are used as well (Van der Laan, 1987).

The idea of introducing training projects originated from the English experiences with intermediate treatment (Thorpe, 1978; Thorpe et al., 1980). Although the Dutch training projects evolved in their own Dutch manner, some training projects can to some extent be compared to the English high intensive intermediate treatment programmes. In Amsterdam, Rotterdam and Eindhoven, special day programmes are organized, only to be used as an alternative to at least six to eight weeks of detention. Youngsters must attend the programme five days a week and every now and then a weekend, for a period of three months.

**Objectives**

The general objective of the introduction of alternative sanctions was to promote a more educational and pedagogically oriented juvenile justice system. Such a system contributes to changes in behaviour, resulting in less re-offending.

On the one hand, this could be achieved by limiting the use of traditional sanctions, since their impact is considered to be far from optimal. Detention fails to have any positive impact in terms of positive behavioural changes. Not to speak of negative side effects like stigmatization and temporary separation from home. Suspended custodial sentences hardly function as reliable sentences, since they are seldom followed by actual detention when a youngster fails to meet the conditions. Suspended sentences do not actively enforce positive behaviour. The significance of fines may be questioned as well, since it is believed that many fines are not paid by the youngsters themselves but by their parents. On the other hand, alternative sanctions contribute to an educative justice system, because of their specific underlying principles. Youngsters are held personally responsible for their acts. They themselves have to fulfill certain tasks useful to others. Real commitment is demanded, otherwise a traditional and unconditional (i.e. not suspended) penal sanction will follow. Whenever possible, youngsters are confronted with the harm, injury or damage they have caused. They must repair this damage, or make symbolic repairs of benefit to the community. Thus, there is some sort of compensation, retribution, or restitution. Furthermore, by carrying out specific work projects youngsters may have positive experiences they never have had before: being appreciated, keeping appointments, working in a team, gaining work experience. Most training projects, in contrast to work projects, are not so
much directed at the committed offense, but at both the personal and situational circumstances of the young offender. Specific personal and situational conditions create a situation in which a juvenile runs the risk of getting into problems. By helping to change these circumstances, youngsters may more easily refrain from committing offenses. One might say that training projects are more future oriented than work projects.

**Conditions**

The working party also stated a few conditions for enforcing alternative sanctions.
- Alternative sanctions should only be imposed in cases where criminal procedures would have been started if alternative sanctions had not been available. Cases which would have been dismissed by the prosecutor - i.e. before the introduction of alternative sanctions - should not be assigned an alternative sanction.
- An alternative sanction should be proposed by the suspect himself (or his defender) in order to prevent the alternative sanction being characterized as ‘forced labour’.
- Alternative sanctions may last up to 150 hours and in very serious cases up to 200 hours. A rigid handling of the maximum number of hours for training projects may be undesirable, but the projects should be carried out within a period of six months.
- Alternative sanctions can be imposed by the public prosecutor as well as by the juvenile judge. The prosecutor can do this by means of dismissing the case after completion of work or training project; the decision to prosecute is suspended until completion or non-completion of work or training project (prosecutor’s model). Alternative sanctions can be imposed by the juvenile judge by means of suspending pretrial detention, or by postponing judgement (judge’s model). Alternative sanctions under the judge’s model follow adjudication; they are clearly penal sanctions. Under the prosecutor’s model, alternative sanctions may be seen as a kind of diversion. There will be no annotation on the juvenile’s criminal record, and an appearance before the judge will be avoided by the prosecutor dismissing the case.
- Alternative sanctions can be applied to all sorts of crimes (property offenses, violent offenses, sexual offenses and drug offenses), to all juveniles who come into contact with the law (first offenders, recidivists, boys and girls), and may replace all other sanctions (reprimands, fines, and custodial sentences, conditional or unconditional). In this, the alternative sanctions for juveniles differ from those for adults. For adults community service may replace up to six months imprisonment, but may not replace fines and suspended sentences.
- Work and training projects not properly completed should be reported immediately to the judicial authorities, so that a decision can be taken to prosecute (prosecutor’s model), or to impose a traditional penal sanction (judge’s model).

**Organization**

In each court district a co-ordinator is appointed for the executive work concerning alternative sanctions. He has his office at the Child Protection Council. He is responsible for a smooth working of the scheme. His tasks include: recruiting work and training projects, creating a placement pool, drafting concrete proposals for alternative sanctions, introducing the juvenile at the location of employment or training and mediating when problems arise, reporting to the judicial authorities on proceedings and results, giving information to the youngsters, their parents and their lawyers. As soon as a prosecutor or a judge has agreed upon an alternative sanction, an insurance is effected by the Ministry of Justice to cover for legal liability.

**First outcomes**

During the first 15 months of the experiment (April 1983 - June 1984) the six court districts were able to organize an increasing number of alternative sanctions. Of a total of 2,610 penal sanctions in these court districts, 432 alternative sanctions were imposed: an encouraging result. Only 11% of the youngsters receiving an alternative sanction, failed to complete their work or training project. They frequently showed up too late or not at all. Some youngsters re-offended and for that reason were not permitted to finish their alternative sanction. The older the juvenile, the less chance of completion of their respective alternative sanction. Although one out of every four alternative sanctions was imposed by the public prosecutor (prosecutor’s model), net widening was not evident. From a comparison between alternatively and traditionally sanctioned juveniles, it became clear that there were hardly any differences between both groups with respect to type of offense, damage or harm caused, judicial past of the offender etcetera. On the other hand, juveniles who received their alternative sanction under the prosecutor’s model, clearly differed from those juveniles whose cases were dismissed by the prosecutor. Furthermore, all parties involved, albeit judicial authorities, juveniles, lawyers, co-ordinators or staff from locations where alternative sanctions are carried out, were positive and showed confidence in a further elaboration of the scheme. It proved possible to find organizations prepared to act as a location for a work or training project. Shortage in this respect nor other problems were reported.

Less positive findings, like the underrepresentation of girls and of youngsters from ethnic minorities among alternatively sanctioned juveniles, or the relatively small number of alternative sanctions directly linked to the offense committed, were not considered very problematic. They should be overcome in due time.

Little attention was given to the fact that alternative sanctions seldom seemed to replace custodial sentences. Most alternative sanctions substituted fines and combinations of fines and suspended custodial sentences. This outcome however, was not contrary to the conditions formulated by the working party, and therefore probably did not raise that many questions.

Other court districts too, were interested in participating in the experiment. And only two years after the official start in 1983, the experiment was formally extended to all 19 court districts. Funds were made available to appoint co-ordinators in every court district. In some of the larger court districts even a second co-ordinator could be appointed, so that the large numbers of alternative sanctions could be handled in proper time. In the meantime, preparations for legislation began.
Further developments

After the extension of the experiment to all court districts, the number of alternative sanctions jumped (see table 1). The sudden drop in 1991 is perhaps only a temporary one. The use of the prosecutor's model remained fairly stable for some years (20% of all alternative sanctions). The last couple of years, there was a slight increase to almost 30%. The use of work projects went on without serious problems. The average duration of a work project was slightly longer: from around 50 hours to almost 60 hours. The initial concern that there would not be enough work locations was not established.

The development of training projects took considerable time, since the concept had to be developed almost out of nothing. There was only some experience with the social skills training programmes, developed by the Institute of Pedalogics in Amsterdam. Until 1986, training projects formed only 5% or less of all alternative sanctions. Since then, several other types of training projects were introduced. For instance, a specific training programme for young sex offenders (eight sessions of two hours each) in which, according to the type of offense committed, certain sex and emancipation issues are discussed. Furthermore, Focus on Victims (Slachtoffer in beeld), a training programme (five sessions of two hours each) in which information on victims and victimization is passed to young offenders. Both programmes are financed by the Ministry of Justice and are available in each court district. As a result, today some 25% of all alternative sanctions are training projects. One quarter of those training projects are imposed in combination with a work project. This applies particularly to Focus on Victims.

Intensive intermediate treatment

Perhaps the most important development with respect to both training projects and alternative sanctions in general, was the introduction in November 1986 of the Quarterly Course (De Kwartaalkursus) in Amsterdam. This is a three months day-programme, to some extent comparable to intensive intermediate treatment programmes in England (Van der Laan and Essers, 1990). The idea sprang from disappointment about the impact of alternative sanctions on driving back the use of custodial sentences. According to many prosecutors and magistrates, it seemed, regular work and training projects failed to match detention. Therefore, a more intensive and lengthy type of alternative was needed. The Quarterly Course is only to be imposed instead of detention of at least six to eight weeks, and not to replace suspended sentences and fines.

Since the number of non-suspended custodial sentences is relatively small, one may conclude that they cover fairly serious cases. As a result, the Quarterly Course is attended by, what one may call, the most serious group of young delinquents in the system. This is illustrated by the offenses they have committed, like armed robberies, repeatedly breaking and entering, use of serious violence against people and so on. Research indicated that in the year prior to their referral to the Quarterly Course, they committed 40 crimes on average, of which only 10 were detected by the police. The financial damage they caused, approximated 15,000 guilders (9,000 dollars) on average per case (value of stolen property and damages). That the Quarterly Course deals with a specific group of young offenders, is also shown by their judicial past. Almost 85% of the youngsters attending the Quarterly Course have a record of at least one appearance before the prosecutor or the court. Almost 65% of them have at least four prosecutor and/or court appearances prior to the Quarterly Course. Also 65% of them have received at least one custodial sentence in the past. Because of their lengthy judicial past and/or the serious crime they committed, they are all taken into pretrial detention. Preceding the Quarterly Course they have spent, on average, six weeks in pretrial detention. Over half of the youngsters do not attend school or have a job. Many of them are not familiar with a 'normal' day routine anymore. So it comes hardly as a surprise that more than one third of the youngsters attending the Quarterly Course fail to complete the programme. Compared with the regular work or training projects, this is a three times higher. Nevertheless, the Quarterly Course is given the benefit of the doubt. It is no longer an experiment, but has been given a full status. Today, similar projects are in use in Rotterdam and Eindhoven. These programmes, however, serve a slightly different age category (17 to 24). They are meant to be used in both the adult and juvenile penal system.

Halt

Yet another important development worth mentioning here, concerns the introduction of Halt (Kruissink, 1990). Halt

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Table 1: Alternative sanctions for juveniles

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>304</td>
</tr>
<tr>
<td>1984</td>
<td>780</td>
</tr>
<tr>
<td>1985</td>
<td>872</td>
</tr>
<tr>
<td>1986</td>
<td>1,398</td>
</tr>
<tr>
<td>1987</td>
<td>1,690</td>
</tr>
<tr>
<td>1988</td>
<td>2,160</td>
</tr>
<tr>
<td>1989</td>
<td>2,351</td>
</tr>
<tr>
<td>1990</td>
<td>2,776</td>
</tr>
<tr>
<td>1991</td>
<td>2,666</td>
</tr>
<tr>
<td>1992*</td>
<td>1,513</td>
</tr>
</tbody>
</table>

* January to June
Figure 1: Traditional and alternative penal dispositions

<table>
<thead>
<tr>
<th>Level</th>
<th>Traditional</th>
<th>Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>police</td>
<td>informal caution, police report</td>
<td>Halt programme, Halt programme</td>
</tr>
<tr>
<td>prosecutor</td>
<td>dismissal, prosecution</td>
<td>Halt programme, work or training project</td>
</tr>
<tr>
<td>court</td>
<td>reprimand, suspended fine, non-suspended fine, suspended custody</td>
<td>work or training project, work or training project, work or training project, intensive intermediate treatment</td>
</tr>
</tbody>
</table>

started much earlier than the Quarterly Course. The first Halt bureau, initiated in 1981 in the city of Rotterdam, even preceded the introduction of the regular type of alternative sanctions. Halt, in Dutch meaning 'the alternative', is a programme for juveniles under suspicion of offenses of vandalism. These offenses were seldom prosecuted in the past. Though these offenses are not considered too serious, and therefore do not justify a criminal record, some form of informal reaction was felt to be necessary. Instead of having his police report sent to the public prosecutor, a youngster is referred to the Halt programme by the police. Incidentally, youngsters are referred to Halt by the public prosecutor. In such cases Halt operates as an alternative to prosecution. Halt organizes work projects as closely linked to the committed offense as possible. With the staff of the Halt programme the prosecutor discusses the task the youngster has to perform, as well as the duration. Furthermore, a possible financial compensation to the victim is deliberated. The kind of projects mentioned above. However, the duration is much shorter: seven hours on average. Halt programmes have become very popular. Today, they cover 60% of all Dutch cities and towns. A further extension is expected in the near future, since Halt is not only considered worthwhile as a disposition for offenses of vandalism, but for shoplifting as well. In 1990, over 6,000 juveniles were referred to Halt programmes. It is recognized, that not all of these cases would have resulted in an official police report, had Halt not existed. Some form of net widening can not be denied. However, more and more officials prefer a referral to Halt to an informal police caution.

Covering up the system

Having at one's disposal Halt, regular work and training projects and intensive intermediate treatment programmes like the Quarterly Course, the whole Dutch penal system has been covered up by different types of alternatives (figure 1). At the level of police and prosecutor, we have Halt. At court level (i.e. replacing fines, suspended sentences and, in a small number of cases, relatively short custodial sentences) there are work and training projects. At the 'highest' level of the system (custodial sentences of at least six to eight weeks imposed by the judge) there are programmes like the Quarterly Course.

In 1989, a proposal was submitted to Parliament (draft nr. 21 327) which included, among other things, statutory regulations for alternative sanctions. In this proposal the maximum duration of Halt was set at 20 hours and that of work or training projects under the prosecutor's model at 40 hours. The maximum number of work or training project hours that can be imposed under the judge's model has been reduced from 150 to 100 hours (under special circumstances at 200 hours). For technical-judicial reasons, no specific maximum for intensive intermediate treatment programmes is mentioned. However, a maximum of 400 hours is informally agreed upon.

Alternative sanctions and other dispositions

Having available alternatives at all levels, it is important to know what impact alternatives have on other dispositions. For instance, a smaller number of police reports sent to the prosecutor's office could be the result of successful referrals to Halt. The same applies to a smaller number of adjudications. This can be caused by an increasing use of alternative sanctions under the prosecutor's model. Replacing custodial sentences by alternative sanctions can result in a smaller number of non-suspended custodial sentences and a higher number of suspended sentences. However, changing trends over the years in dispositions can also be caused by other factors, like demographic changes or changing criminal policies.

The number of juveniles, aged 12 to 17, coming into contact with the police for criminal reasons, has dropped substantially over the last couple of years. Between 1983 and 1989 it decreased by 16%. The number of official police reports sent to the prosecutor's office dropped even more sharply (by 24%). In the same period, the size of the juvenile population in the same age category dropped by 20% (see table 2).

Part of these trends seems to be explained by demographic changes. However, to some extent the growing discrepancy between police contacts and police reports may be caused by the increasing use of Halt programmes. With an ever growing number of Halt dispositions, particularly after 1988, in the future we will be in a position to determine whether or not the impact of Halt on police reports will be such a substantial one. Table 3 shows the number of cases either dismissed or prosecuted (adjudications) by the prosecutor in the same period. The number of dismissals by the public prosecutor has dropped sharply by 35%; much more than could be expected from demographic changes (20%). This can partly be...
Table 2: Police contacts and juvenile population*; 1983-1989

<table>
<thead>
<tr>
<th>Year</th>
<th>Police contacts</th>
<th>Police reports</th>
<th>Juvenile population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>index</td>
<td>n</td>
</tr>
<tr>
<td>1983</td>
<td>45,440</td>
<td>100.0</td>
<td>33,630</td>
</tr>
<tr>
<td>1985</td>
<td>46,490</td>
<td>102.3</td>
<td>33,150</td>
</tr>
<tr>
<td>1987</td>
<td>41,860</td>
<td>92.1</td>
<td>29,700</td>
</tr>
<tr>
<td>1989</td>
<td>38,140</td>
<td>83.9</td>
<td>25,560</td>
</tr>
</tbody>
</table>

* rounded off

Table 3: Dismissals and adjudications*; 1983-1989

<table>
<thead>
<tr>
<th>Year</th>
<th>Dismissals</th>
<th>Adjudications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n</td>
<td>index</td>
</tr>
<tr>
<td>1983</td>
<td>19,890</td>
<td>100.0</td>
</tr>
<tr>
<td>1985</td>
<td>17,600</td>
<td>88.5</td>
</tr>
<tr>
<td>1987</td>
<td>15,720</td>
<td>79.0</td>
</tr>
<tr>
<td>1989</td>
<td>12,860</td>
<td>64.7</td>
</tr>
</tbody>
</table>

* rounded off

explained by a changing criminal policy since the mid-eighties, under which prosecutors were urged to bring down the percentage of dismissals. It was believed that the credibility of the penal system was undermined by large numbers of dismissals. To those whom it concerns, dismissals have no meaning as an official judicial reaction to criminal behaviour; the consequences of such a reaction are difficult to distinguish.

Another explanation is to be found in the use of alternative sanctions. Since alternative sanctions have no legal basis, it is difficult to recognize them in the official statistics. However, we do know that some 20% to 30% of all alternative sanctions are imposed under the prosecutor’s model. Therefore, in reality a growing part of dismissals consist of work and training projects (in 1987 an estimated 3% and in 1989 5%). Without alternative sanctions the drop would have been even bigger. We believe, however, that the diminishing number of dismissals is partly a result of net widening due to the use of alternative sanctions. The number of adjudications over the years, shows a trend comparable to that of the size of the juvenile population. Should we add those alternatives imposed under the prosecutor’s model, then the number of adjudications would not have diminished, but instead would have grown. For that reason we conclude that in an increasing number of cases, alternative sanctions are imposed, where as in the past such cases would have been dismissed by the prosecutor.

The impact of alternative sanctions on traditional sanctions is not easy to determine. Most of the alternative sanctions are officially annotated as suspended custodial sentences. However, in some cases, when a juvenile has spent some time in pretrial detention, the official annotation in the juvenile’s record can (but does not have to) be a combination of a suspended and a non-suspended custodial sentence, the non-suspended part being the period spent in pretrial detention. Table 4 gives an overview of traditional and alternative sanctions during the years 1983-1989. The alternative sanctions include both those under the prosecutor’s model and judge’s model.

In case alternative sanctions replace non-suspended custody, we should notice a considerable drop of non-suspended custodial sentences in the statistics. This, however, is not the case. On the contrary, taking into account the demographic changes mentioned before (a drop by 20%), there is no decline in the use of custody, but instead a relative increase. If there would have been any impact, then it would only show in a shorter period of detention. That, however, has remained rather stable over the years. At best, therefore, we should conclude that to only a small extent, alternative sanctions have replaced custody. It is indicated that in particular short custodial sentences (up to two weeks) are replaced. It is said that in reality the impact has been minimal, since those short custodial sentences, due to a shortage in capacity of detention facilities, were seldom executed.

Relative to demographic changes, the number of suspended sentences and other sentences (mainly fines), most alternative sanctions seem to have replaced these dispositions. In particular, suspended custody seems eligible for replacement. The motivation is comparable to the one for replacing dismissals: a meaningful reaction is preferred to no substantial reaction at all.

The large drop of other sentences (fines) may have been caused by the introduction of a disposition by which a prosecutor can offer a financial settlement to the offender instead of taking him to court.

**Alternative sanctions and re-offending**

Having discussed the impact of alternatives on other, more traditional dispositions, we shall now look at the effectiveness of alternatives in terms of re-offending. Kruissink (1990) came to the conclusion that, according to self-report data, Halt had a positive impact on offending behaviour. Juveniles referred to Halt, reported less offenses of vandalism and other petty crime for the year after the Halt settlement, than in the year prior to their referral. Compared to a group of juveniles that
Table 4: Traditional and alternative sanctions*; 1983-1989

<table>
<thead>
<tr>
<th>Year</th>
<th>Custody</th>
<th>Suspended custody</th>
<th>Other</th>
<th>Alternative</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>index</td>
<td>n</td>
<td>index</td>
</tr>
<tr>
<td>1983</td>
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<td>2,720</td>
<td>100.0</td>
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<td>1985</td>
<td>1,260</td>
<td>93.3</td>
<td>2,230</td>
<td>82.0</td>
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<td>1987</td>
<td>1,250</td>
<td>92.6</td>
<td>2,440</td>
<td>89.7</td>
</tr>
<tr>
<td>1989</td>
<td>1,140</td>
<td>84.4</td>
<td>2,270</td>
<td>83.5</td>
</tr>
</tbody>
</table>

* rounded off

Table 5: Re-offending: in general, frequency and speed

<table>
<thead>
<tr>
<th>Disposition</th>
<th>Re-offending</th>
<th>Number of reports</th>
<th>Number of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Custody</td>
<td>86%</td>
<td>8.7</td>
<td>242</td>
</tr>
<tr>
<td>'High tariff' alternative</td>
<td>81%</td>
<td>6.6</td>
<td>301</td>
</tr>
<tr>
<td>Suspended custody</td>
<td>76%</td>
<td>5.8</td>
<td>289</td>
</tr>
<tr>
<td>'Medium tariff' alternative</td>
<td>63%</td>
<td>4.2</td>
<td>382</td>
</tr>
<tr>
<td>Fine</td>
<td>63%</td>
<td>3.6</td>
<td>430</td>
</tr>
<tr>
<td>'Low tariff' alternative</td>
<td>65%</td>
<td>3.8</td>
<td>385</td>
</tr>
</tbody>
</table>

received an official police report, Halt seems to have the effect of reducing delinquency. Of the Halt clients, over 40% reported less vandalism than before, against 25% of a group of youngsters not referred to Halt. Over 20% of the Halt clients reported no vandalism at all; this was not reported by a single juvenile from the control group.

In the case of work and training projects, official data with respect to re-offending (at prosecutor’s level; data on police contacts without an official police report are not available) were collected on all juveniles (1,032), who received an alternative sanction in 1985 and 1986 in one of the six former experimental court districts. The period under study, varied from 3.5 to 5.5 years. Of these juveniles 69% came into contact with the judiciary again at least once (no data are available on police contacts). The outcome of alternative sanctions under the prosecutor’s model (51%) was much better than that of alternative sanctions under the judge’s model (76%). This is hardly surprising, however, since cases under the prosecutor’s model seem to be less serious.

For reasons of comparison, the same kind of data were collected from a randomly sampled group of 1,140 juveniles, that received a traditional sanction in the same period. In order to compare the outcome, several difficulties had to be overcome. Since alternative sanctions are replacing both custodial as well as non-custodial sentences and therefore are not comparable to each other in all respects, a measure had to be developed in order to make a standardized comparison possible. This was done in the form of so-called seriousness-scores (Van der Laan, 1991). Deciding on the sanction to be imposed, a magistrate takes several aspects into account: type of offense committed, number of offenses, damage and/or injuries caused, judicial past and former penal sanctions. These aspects can be made into a formula that corresponds to the final disposition. On the basis of this formula, alternative sanctions can be divided into three groups, one of which is comparable to fines (‘low tariff’ alternative sanctions; n= 197), one to suspended custody (‘medium tariff’ alternative sanctions; n= 513), and one to non-suspended custody (‘high tariff’ custodial sentences; n= 322). (Based on seriousness-scores, 31% of all alternative sanctions matches custodial sentences.)

Looking at re-offending data, we distinguish re-offending in general, frequency of re-offending, speed of re-offending, and gravity of re-offending. As far as re-offending in general is concerned, the results of alternative sanctions are only partly better (see table 5). On the whole, the results of juveniles receiving a fine are slightly better than those receiving a ‘low tariff’ alternative sanction, though not statistically significant. Only the differences between ‘medium tariff’ alternative sanctions and suspended custody are statistically significant (at 5% level).

In terms of frequency of re-offending (i.e. number of official police reports sent to the prosecutor’s office after the case, which was alternatively or traditionally sanctioned), ‘high tariff’ and ‘low tariff’ alternative sanctions show better results than custody and suspended custody (statistically significant) (table 5).

Similar results are gathered with respect to speed of re-offending in terms of number of days between the traditionally or alternatively sanctioned case and the first police report after that (table 5). Alternatively sanctioned juveniles tend to re-offend less fast than traditionally sanctioned juveniles. Again, the difference between ‘low tariff’ alternative sanctions and fines is not significant, though better for receiving a fine. The result of the ‘high tariff’ alternative sanctions is the more promising, since juveniles who received a custodial sentence, were in custody for some time, and therefore had less opportunity to re-offend. Properly speaking, the days spent in custody should have been deducted.

Taking into account the total period under study, varying from 3.5 to 5.5 years, juveniles who received a ‘high tariff’ alternative sanction, re-offended once every 18 months, and juveniles who received a custodial sentence, once every 15 months. For ‘medium tariff’ alternative sanctions and
suspended custody, the results are 26 months and 38 months, respectively. "Low tariff" alternative sanctions show the same outcome as "medium tariff" alternative sanctions: 38 months. For fines, this period is slightly longer: 38 months.

As far as gravity of re-offending is concerned, the outcomes are positive. On the one hand, a larger group of alternatively sanctioned juveniles committed a less serious type of offence than the one for which they received an alternative sanction. On the other hand, a smaller group committed a more serious offence. Nevertheless, the outcomes are somewhat confusing. Not only because they only apply to "high tariff" and "medium tariff" alternative sanctions, and not to "low tariff" alternatives. But also because the less serious the case, the less positive the outcome. This must be due to the type of offence they committed originally (i.e. for which they received an alternative sanction). The more serious this offence, the less likely it will be suspended. For example, it is hard to think of an offence which is more serious than armed robbery. Shooting or burglary that is on the other hand, for which perhaps a fine or a "low tariff" alternative sanction is imposed, is more likely to be followed by a more serious offence.

With respect to intensive intermediate treatment, the picture seems to be comparable to that of regular work and training projects (van der Laan and Beyers, 1997). Of those juveniles who attended the Quality Course and completed the programme successfully, 73% re-offended, compared to 77% of the juveniles who were in custody for, on average, ten weeks. Furthermore, those attending the Quality Course, re-offended less frequently, less fast, and a larger group of them committed less serious offences than they did before. In the long run, it is likely that the results will be much less positive, for both the intermediate treatment group and the control group. The period under study, varying from 1.5 to 3.5 years, was much shorter. Furthermore, in terms of seriousness-scores these cases are far more serious and the offence of a much greater gravity.

The outcomes of these juveniles, who did not complete the programme successfully, were excluded. Everyone of them re-offended. An analysis of their judicial past showed, among other things, that they not only differed from those who completed the programme, but also from those who were in comparison. They turned out to be a much more problematic group of young offenders, and therefore should not really be part of this study. For these youngsters, one should look for other, and probably even more intensive alternatives.

Conclusion

In the Netherlands alternative sanctions for juveniles have become very popular. In less than ten years, the alternative sanction has surpassed the fine as the most frequently imposed penal sanction for juveniles. As a result of this popularity, rape and stabbing has appeared. Each year several hundred of juveniles receive an alternative sanction. Imposed either under the prosecutor's model or under the judge's model, instead of being dismissed by the prosecutor. Though this is contrary to the guidelines of the working party and the proposal for legislation, not everybody considers this to be a problem. Some seem to prefer a meaningful reaction to no reaction at all, as dismissal is sometimes seen. Most of the alternative sanctions replace suspended sentences or fines in combination with suspended sentences.

31% at the most, replace non-suspended custodial sentences. In terms of re-offending, the outcomes are not spectacular. However, in particular compared to suspended and non-suspended custodial sentences, the results of alternative sanctions are far from bad. In general, alternatively sanctioned juveniles show a re-offending behaviour only slightly better, though they definitely re-offend less frequently, less fast, and the offences they commit seem to be of less gravity. From these outcomes, there is no reason to be reluctant where it comes to imposing alternative sanctions. To put it carefully, they should be given the benefit of the doubt. Even the less spectacular outcomes of the study on an intensive intermediate treatment programme like the Quality Course, give support to this. Though one cannot be too enthusiastic about these outcomes, they are an improvement on long-term custody.

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