Prosecution in juvenile criminal cases

Summary

The Public Prosecution Service is responsible for the procedural settlement of juvenile criminal cases. In order to achieve as much procedural equality and uniformity as possible, in 1997 the Board of Prosecutors General decreed a sentencing guideline on how to prosecute in juvenile criminal cases. This study tries to gain a better understanding of how the procedural guideline on juvenile criminal cases is used by the Prosecution. Both the prosecutors and the junior clerks of the Public Prosecutors office make use of the guideline.

The respondents generally want to use the guideline, but they feel, the prosecutors in particular, that in some cases they have to deviate from it. This is brought about by the nature of the cases as well as by organisational problems.

In some of the districts the prosecutors have had the experience that judges punish less severely than the recommended punishment laid down in the guideline. This leads to an adjustment and milder prosecution by the prosecutors. They adapt their charges to the anticipated punishment. Another reason to deviate from the guideline is when there is a long period of time between the offence and the accused' appearance in court.

Apart from these considerations prompted by the nature of the cases, other - more organisational - aspects seem to play a role, like the lack of court capacity and of detention capacity in juvenile offenders institutions. From the interviews it appears that the personal situation of the accused plays an important part in the procedural settlement of cases in juvenile criminal law. The general opinion is that, even more than adults, juveniles require custom-made (pedagogical) measures.

Mainly because so many different functionaries of the Prosecution Service are involved in the settlement of juvenile criminal cases, the introduction of the guideline to functionaries that are new to the job needs special attention. Frequent changes in personnel, especially prosecutors and, to a lesser degree, clerks, influence the knowledge of and the final use of the guideline.

_Eisen in jeugdzaken: een inventarisatie van meningen over de 'requireerrichtlijn in kinderzaken'
A.M.M. van Breugel, L. Boendermaker
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