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THE PRACTICE OF EARLY INTERVENTION

final report

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of Justice The Hague - Netherlands
1981

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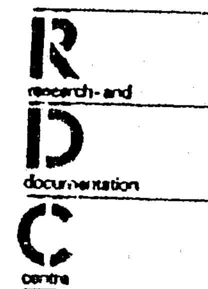

Ministry of Justice The Hague - Netherlands
1981

Summary

Introduction
When the Act restricting pre-trial detention came into force on January 1st 1974 a form of probation and aftercare known as the 'early intervention' scheme was also introduced to provide immediate assistance to people detained in police custody. As information was needed on the way in which early intervention works in practice, and on whether its aims were being achieved, the Research and Documentation Centre of the Ministry of Justice was asked to carry out an investigation into this.

In order to obtain a clear idea of early intervention, it is necessary to deal very briefly with the concept of pre-trial detention and the rehabilitation of offenders in the Netherlands. After an explanation of the research plan, the results will be given and their significance discussed in relation to the objectives of early intervention.

Pre-trial detention
When the police suspect a person of a serious crime, he may be detained at a police station for six hours for questioning ('verhoor'). Next, he may be kept in police detention ('inverzekeringstelling') for a further period not exceeding 48 hours by an order of an Assistant Public Prosecutor. The Public Prosecutor may order the period of detention to be extended, for a further maximum of 48 hours.

Before the end of the period of police detention the Public Prosecutor may bring a suspect before the Examining Magistrate with a request that the suspect be remanded in custody for a maximum period of six days ('in bewaring'). On the application of the Public Prosecutor the Examining Magistrate may extend the period of custody for a further maximum of six days.

Before the end of the first or second six-day remand in custody the Public Prosecutor may apply to a District Court for the suspect to be remanded in custody for a maximum period of 30 days ('gevangenhouding'). This period may be extended twice on the application of the Public Prosecutor, on each occasion for 30 days.

The case must be brought to trial before the 102nd day of custody (excluding police detention). Remands in custody may be suspended conditionally (provisional release) at any time.

Rehabilitation of Offenders in the Netherlands
In the Netherlands, care for people coming into contact with the criminal law is allotted to a special social work agency. This agency is active on behalf of offenders from the time that they first come into contact with the police up to and including the time when they receive aftercare, if they are convicted.

This period can be devided into phases (of assistance): early intervention work, pre-trial detention, trial, imprisonment and aftercare. Assistance to clients is important in all these phases.

Besides this, services are rendered to the judicial authorities, mostly by making pre-trial reports for the purpose of trial, but also in connection with release on licence if the offender has been sentenced to a lengthy term.

The clients usually come into contact with the probation and parole agency because the Public Prosecutor or the Examining Magistrate asks for a pre-trial report. In practically every case the client has the right to choose whether or not to remain in contact with the agency.

Early Intervention Work

In January 1974, changes in the law became effective in the Netherlands which enabled early intervention work to be done at police stations. Provisions were added to the Penal Code to the effect that the Secretary of the Probation and Aftercare Board must be notified forthwith of detentions by the police (police detention) and that, if a report has been drawn up with reference to this, the Public Prosecutor must take cognizance of the report before asking for a remand in custody.

The incorporation of these provisions formed only a minor part of a fairly extensive amendment of the Penal Code aimed at limiting the use and duration of remands in custody.

The members of the Lower House of Parliament therefore understandably regarded early intervention work mainly as a means of reducing the frequency and duration of remands in custody. The probation and parole agency would presumably be able to gather information on the suspect's personal and social circumstances and on possible means of help. This information could be taken into account in the decisions regarding a remand in custody (e.g. decision not to remand the suspect, to terminate or suspend the remand). The information thus provided is known as the early intervention report. From the outset, the probation and parole agency has placed the emphasis on other functions of early intervention work. It has attached great value to giving support to the suspect and - if necessary - starting a process of assistance. To sum up, three main objectives of early intervention work can thus be defined:

1. to contribute to the decision on whether a person should be remanded in custody;
2. to provide support in dealing with immediate problems;
3. to initiate a process of assistance.

Research plan

When the plan was being drawn up, the research was divided into three phases.

The *first* phase concerned the way in which early intervention is organized in the various districts and the level of assistance given to suspects under the early intervention scheme. To obtain this information, a questionnaire was submitted to the secretaries of the Probation and Aftercare Boards. This phase was completed with an interim report (L.C.M. Tigges, De organisatie van de vroeghulp, 1978; for a summary of the results see: Research Bulletin of the Ministry of Justice, The Netherlands, Bulletin no. 3, The Hague 1979, pp. 60-61). The *second* phase of the research covered the views of social workers involved in the rehabilitation of offenders, members of the judiciary and police officials and the experience they had gained of early intervention directed at rehabilitation. The results of this study have been published in an interim report (L.C.M. Tigges, Opvattingen over en ervaringen met reclasseringsvroeghulp, 1981, with a summary in English). In the *third* phase people detained in police custody themselves were interviewed, while at the same time interviews were also conducted with the probation officers dealing with these clients. Information was also obtained from the Probation and Aftercare Board and from probation teams.

For the details of the first two phases of the investigation please see the relevant reports which have already been published. As this report is on the results of the third phase of the research a brief description of the way in which it was organized is included below. In discussing the results of this third phase, we will refer (wherever possible) to the results of the first two phases.

The primary intention of the investigation was to find out whether the aims of early intervention were being achieved.

Interviews were held with suspects kept in police detention in The Hague, Dordrecht, Gorinchem, Middelburg, Goes and Vlissingen in order to find out what early intervention entailed and what those concerned thought of it. The towns in question were chosen partly for practical reasons, and partly because a comparison could be made between The Hague, which has a permanent team, and the other towns, where the team varies. These interviews provided information on whether the aim of supplying support in dealing with immediate problems was being achieved.

The aim of contributing to the decision on whether a person should be remanded in custody is of relevance to suspects who are brought before an Examining Magistrate because the verbal or written early intervention report can be submitted to the Magistrate. In order to establish the connection between the report and what was discussed in early intervention contacts the probation officers who dealt with the suspects were also asked whether an early intervention report had been made, and, if so, what effect it had had.

The third aim was investigated using short questionnaires to find out from probation and aftercare teams in the six towns whether there was any further contact with the suspects after early intervention.

Results

A total of 166 adult suspects detained in police detention - 34% of the total number of early intervention contacts made during the period of the investigation - were interviewed: 95 in The Hague and 71 in the other towns.

94 suspects were brought before the Examining Magistrate - 61 in The Hague and 33 in the other towns. 83 of them had discussed an early intervention report with their probation officer and such a report had actually been drawn up for 80 of them - 55 in The Hague and 25 in the other towns.

One of the aims of the investigation was to find out whether there were any significant differences between suspects who were interviewed and those who were not. The main difference appears to be that the persons interviewed had been brought before the Examining Magistrate rather more frequently than the members of the group as a whole. Thus the investigation included in relative terms a slightly higher proportion of people for whom the aim of contributing to the decision on pre-trial detention is relevant, and probably also of people with problems resulting from being in custody, as they were detained by the police for the maximum period and were not released (80 of the 94 who were brought before the Examining Magistrate were remanded in custody). This in itself does not give a distorted picture of the effects of early intervention reports, but it does mean that the problems of those who were interviewed were possibly greater than those suspects kept in police detention in general, as the latter tend to be released sooner.

The different aspects of the results of the research will now be discussed individually.

Background Characteristics

Of those interviewed only nine were women. The age of the group as a whole ranged from 18 to 57, the average being about 25. Over two thirds were Dutch, and one sixth Surinamese or Dutch Antillian. The remainder were of other nationalities. Two thirds were unmarried, about a quarter were married and living with their spouse and children and the remainder were divorced. About a half of those who were not married were still living with their parents, and the other half either had homes of their own such as lodgings or were squatters. One third of those who were interviewed had a job at the time they were remanded in custody.

Just over half had had previous contact with the probation services; often this was not in the form of early intervention, but as a result of probation reports being requested. On average this applied more often to those who were Dutch.

Just over half had been kept in police detention for burglary or (non-aggravated) theft, and a good number for offences under the Opium Act or for crimes of violence.

Organisation of Early Intervention
As referred to above, the towns included in the investigation differ in the way in which they organize early intervention assistance, The Hague being the only one to have a permanent early intervention team.
In The Hague more time elapses before suspects are contacted by the early intervention team than in the other towns and the same may be said of further contact after early intervention. The investigation seems to show that, partly because there is no weekend service, not only do suspects in The Hague have to wait longer before being visited, but also that it takes the early intervention team there longer to transfer cases to the 'normal' probation and aftercare service.

Early Intervention Interviews
Those interviewed were asked what problems had arisen as a result of their being kept in police detention, whether they had mentioned these problems to anyone (i.e. police, lawyer, probation officer), and what had been done about them.
There were a great many problems and these have been classified into the following five main categories:

1. contacting people close to them in order to inform them that they had been kept in police detention, to get them to take care of things at home and to ask them to bring things to the police station;
2. appointments and obligations which cannot be met and must be cancelled;
3. concern about their family and other close relatives, and relationships with them, and about their own situation;
4. worries about work or study;
5. fears and uncertainty about having to stay in custody for a long period.

The various problems seem to be more or less equally common, but there are differences in the degree to which suspects talk about them, and the people to whom they do so. The more practical problems, such as contacting friends and relatives, and worries about appointments, obligations and work were discussed more frequently (in more than 3/4 of cases) than the more emotional problems (just over half). The former were also mentioned more often to the police than to probation officers. The police seem to play a more obvious role in such matters than probation officers, which is probably due in part to the fact that they come into contact with the suspects at an earlier stage. It is only in areas of 'typical' social work that probation officers play an important role. Problems are discussed markedly less with lawyers than with probation officers or the police and there is no clear preference to discuss any particular problems with lawyers.
The investigation showed that the police tend to deal with the more practical problems, giving promises of assistance whereas the probation officers place greater emphasis on showing interest in the situation of the suspect. It also showed that the suspects often either did not know whether the promises of assistance had actually been kept (e.g. things collected, relatives informed) or that if they did know they were unaware who was responsible (police, probation officer or lawyer). From the interviews with the probation officers the impression was also received that they do more for suspects in the early intervention phase than the suspects are aware of.
Probation officers had also discussed the possibility of early intervention reports with just over half of the suspects, and the course of criminal proceedings with one third of them. Further contact with the probation service was discussed with the great majority of suspects, though arrangements for such contact were generally vague. It was thus often left to the clients themselves to decide whether any further contact should take place, and even in those cases where it was agreed that there should be further contact frequently either no arrangements were made about who would initiate it, or if the probation services were to do so, it was unclear which probation officer would make the contact.

Views on Early Intervention
About half of the suspects said they had benefited much or very much from early intervention; the other half had got little or nothing at all from it. The unfavourable views were largely based on the fact that the early intervention had been only a brief interlude without further significance, or on the fact that the suspects did not know what early intervention could achieve. The favourable views were based for a large part on the moral support which the suspects had received, as a result of having been able to talk properly to someone who took the time to be concerned about their problems. Whether or not the promises of assistance had been kept was not of paramount importance and, as some suspects pointed out, at the time of their interview with us it was still to early to pass judgement on this. One factor which affected the evaluation of early intervention was whether those kept in police detention had had previous contact with the probation services; it was clear that those who had had none viewed early intervention in a more favourable light.

Early Intervention Reports
The research data on early intervention reports were based on only 80 people, most of whom (55) were kept in police detention and brought before an Examining Magistrate in The Hague. In the majority of cases the Public Prosecutor or Examining Magistrate received verbal reports on the suspects which covered a variety of subjects, the most common being:

i. whether the prisoner should be remanded in custody;
ii. his state of health;
iii. the crime and the prisoner's criminal record;
iv. the need for probation and/or psychiatric reports;
v. the psycho-social consequences of pre-trial detention.

The number of subjects covered in the reports varied depending on the form of the reports, more being included in written reports. According to probation officers early intervention reports influenced the decision in three-quarters of cases. On closer scrutiny, however, such reports seem to be simply a way of passing on information on suspects to the Public Prosecutor or Examining Magistrate, rather than a means of influencing the decision to remand a suspect in custody. Early intervention reports included little information on concrete alternatives to pre-trial detention, and such alternatives as were suggested seemed to be too vague, or lacking the necessary guarantees of observance for the judiciary.

Continued Assistance
Half the suspects were contacted again after the early intervention stage. In a quarter of the cases it was more than a month before the 'normal' probation services contacted the suspect; fairly long delays were especially common in The Hague, despite the fact that clients were easily accessible as they were still in detention. Closer analysis shows that continued contact depends less on the problems discussed and the arrangements made during early intervention contacts than on requests for background reports, usually after suspects have been brought before the Examining Magistrate. It seems therefore that contact is continued with a specific group of suspects as a result of requests for background reports from the Public Prosecutor or Examining Magistrate rather than on the initiative of the probation services themselves.

The Aims of Early Intervention

The significance of the results of the investigation as regards the degree to which the aims of early intervention are being achieved is as follows:

(a) Contribution to the decision on pre-trial detention

As a result of early intervention interviews the probation services may draw up a report (early intervention report) to be given to the Public Prosecutor or Examining Magistrate, or at a later stage to the judge sitting in chambers, in order to assist the decision on whether a suspect should be remanded in custody. Such reports may question the advisability of granting the prosecution's demand for (continued) pre-trial detention by providing information on the suspect's personal and social circumstances or by suggesting a plan for care or treatment.

There are no precise national statistics on the frequency and form of early intervention reports, as there is no national uniform system of registering them. In our opinion it is partly due to the inherent nature of early intervention reports that they are usually verbal and therefore not registered with the Probation and Aftercare Board. They usually deal with such things as impressions of the individual and of his crime, state of health, and the desirability of a pre-trial report, rather than with those which might be considered relevant to the issue of pre-trial detention, such as the psycho-social consequences of pre-trial detention or alternatives to deprivation of liberty. The information is more of a review of the suspect's situation than an attempt to decide whether or not he should be remanded in custody. If the information which the probation services are able to provide can have no influence on the Magistrate's decision because it is not relevant to the criteria for pre-trial detention, and this is recognised by the probation services, they will be less inclined to pass it on to the Public Prosecutor or Examining Magistrate in writing. Verbal contact will suffice, not in the least because it is easier and quicker.

The next question is why is so little attention paid in early intervention reports to things which might affect the decision whether or not a suspect should be remanded in custody, and going one step further, how realistic is it to expect an early intervention report to prevent pre-trial detention.

The answer to these questions depends on *three* things. *Firstly* there is the degree to which the judiciary applies strict criteria in its remand policy. The less strict the criteria, the more likely it is that the probation services will be able to argue successfully that the coercive measure of pre-trial detention should not be used. The criteria for imposing pre-trial detention were defined more closely in the statutory amendments of October 26th 1973, which also introduced the early intervention scheme (although the latter played only a very small part in the amendments). Partly as a result of this there has been a quite considerable drop, nationally, in pre-trial detention figures. In addition, while the number of crimes dealt with in the courts has grown over the last few years, there has been a shift towards more serious crimes. Thus suspects against whom the coercive measure of pre-trial detention is used are generally suspected of more serious crimes and/or have already been before the courts several times. The influence which the probation services are likely to have would seem then to be even more restricted than before. Moreover it has not escaped the notice of a considerable number of probation officers that the judiciary operates a restrictive policy as far as the application of pre-trial detention is concerned, as the second report indicates. This phase of the research has also shown that there are cases where the probation officers regard pre-trial detention as both reasonable and unavoidable in view of the seriousness of the crime.

This brings us to the *second* factor which restricts the possible influence of early intervention reports, that is the degree to which the criteria (already strict in themselves) are strictly applied in imposing pre-trial detention.

According to other investigations by the Research and Documentation Centre, the decisive factors as far as the judiciary is concerned in imposing pre-trial detention are the seriousness of the crime, whether the suspect has a criminal record, and whether he is addicted to alcohol or drugs. The seriousness of the crime and a criminal record are actual facts, and although the risk of recidivism is usually difficult to determine, it is true that the judiciary is having to deal with an increasing number of drugaddicted suspects, who have often been in contact with the courts before and/or for whom the chances of recidivism may be considered great. Taken together the seriousness of the crime, a criminal record and the likelihood of the crime being repeated, generally indicate that the suspect will be remanded in custody, and information from the probation services is unlikely to change this. There are also, however, borderline cases where there are no such clearcut indications and the offence is often not considered serious enough for pre-trial detention to be imposed, but too serious for no measures whatsoever to be taken against the suspect. It is possible that in such cases information from the probation services might tilt the balance against pre-trial detention.

Finally the *third* factor which restricts the influence which early intervention reports might have is the fact that alternatives to detention are rarely available. The results of the second and third phase of the investigation into early intervention indicate that in cases where concrete alternatives can be suggested, they will only be accepted by the judiciary if sure guarantees can provided that they will achieve the same as pre-trial detention, that is to reduce the risk of recidivism and flight. In the very few cases where the probation services involved in this investigation themselves suggested alternatives, such as the admission of a suspect to a clinic, they were not very concrete. Alternatives need to be more precise and more convincing; as far as the judiciary is concerned it must be clear that they can be implemented immediately, and they must provide sufficient guarantees that the conditions laid down by the judiciary will be observed.

All things considered it is clearly unrealistic to expect early intervention reports to lead to any significant reduction in the number of pre-trial detentions. Nevertheless probation officers and members of the judiciary do consider early intervention reports to be important; many probation officers even believe that they do have some influence. Thus the aim of early intervention reports is seen not so much as being the prevention of pre-trial detention as the provision of information on the suspect's character, the crime, previous contact with the probation services, and the necessity of drawing up a pre-trial report. Both the probation services and the judiciary primarily expect early intervention reports to increase their understanding of the suspect and his or her circumstances, independent of the decision on pre-trial detention. The question is whether this was the original intention of early intervention reports, as official police reports also include much information of this sort.

Before we examine the purpose of early intervention reports and ways in which it can be achieved we would like to mention an important subsidiary effect of such reports. Before early intervention was introduced contact between the probation services and the judiciary was restricted mostly to written communications; pre-trial reports were requested by the judiciary in writing and of course submitted in writing by the probation services. If cases came to court the probation services were very often present, but, because of the formal nature of the proceedings and the presence of various parties, each with their own interests, it was not the most suitable opportunity for the judiciary and the probation services to acquaint themselves with each other's thought processes and problems. Because the role of the probation services in the first phase of the criminal process was stressed so emphatically in the

1973 statutory amendment, contact between them and the judiciary has noticeably increased. In particular contact by telephone has led to communication becoming much more informal, and according to a considerable number of probation officers mutual understanding has also improved. It may be assumed that both sides now have a much more realistic picture of each other's function, which in our opinion is a considerable gain, as it can only benefit the administration of justice.

The conclusion that the ability of early intervention reports to prevent pre-trial detention should not be overestimated does not mean that it is not worth considering how they can best be used. So we would like to make a few suggestions. Firstly the purpose of early intervention reports, in our opinion, is to provide information which may show that pre-trial detention is not necessary. It would therefore seem sensible to introduce some form of selection of the cases which require early intervention reports, particularly borderline cases where there is some doubt as to whether or not pre-trial detention will be imposed. It should be possible to identify borderline cases through direct contact with the Public Prosecutor or Examining Magistrate; the probation services in each district might also keep a record for a time of those cases in which pre-trial detention is imposed and those in which it is not, in order to get some understanding of the judiciary's policy. Such a selection, would allow more time and energy to be devoted to the borderline cases.

It is also desirable that the probation services examine serious practical alternatives to pre-trial detention. One example might be the admission, enforced or otherwise, of alcoholics and addicts to special clinics. The probation services should also be able to demonstrate to the judiciary that they are able to provide strict and thorough-going supervision of suspects, so that the latter may remain at liberty. Finally it might be possible to avoid or reduce terms of pre-trial detention by encouraging suspects to take part in community service projects. All these alternatives and the methods by which they are to be implemented and supervised should be formulated as precisely and in as much detail as possible. This is the only way that suggestions made by the probation services can have any cogency.

One last comment concerns the fact that intervention reports can help to speed up the completion pre-trial reports. Although little research has been done on this, we have the strong impression that work on pre-trial reports is only begun once requests for them have been received by the probation services from the judiciary. If pre-trial reports on persons remanded in custody can be produced quickly, it can help to reduce the time spent in pre-trial detention.

(b) Support for suspects in dealing with immediate problems

One of the aims of the amendments made in the Lower House of Parliament to the Bill concerning modifications to pre-trial detention was to provide 'support in dealing with immediate problems'. Spokesmen from different political parties highlighted the fact that while remanded in police custody suspects 'are in an extremely precarious position' and need social as well as legal assistance. One of them used the term 'crisis intervention' to describe this. Although Parliament considered that the other aim of early intervention reports, namely helping the Magistrate to decide whether or not to remand a suspect, was more important, it is noticeable that both the probation services and the judiciary disagreed.

The investigation has shown that a rough distinction can be drawn between practical problems and emotional problems. More than half of the people interviewed had practical problems which required immediate attention. Thus these were almost always discussed with the police and much less with lawyers or the probation services. There were also a lot of suspects who experienced emotional problems. These emotional problems are more likely to be discussed with the probation services than with the police.

Thus, as the police themselves pointed out in the second phase of the research, they have as definite a role to play as the probation services in the provision of immediate assistance. The probation services, however, also help with emotional problems, which they clearly consider to be more important than attending to the more practical problems of those kept in police detention. Assistance given by the police is even more significant when compared with that given by lawyers, with whom problems are discussed much less.

Suspects' opinions varied on whether early intervention interviews had benefited them at all. About half were pleased or very pleased with early intervention, particularly those who had had no previous contact with the probation services. The moral support provided by the probation services was mentioned especially. The other half, who were primarily suspects who had already had some contact with the probation services, felt they had derived little, if any, benefit from it. From the point of view of making the administration of justice as humane as possible, it is in itself a good thing that suspects feel they have benefited in some way from the moral support they received from the probation services. The stress to which people remanded in custody are subjected and their resulting need for emotional support is, however, temporary and it should be noted that only about half of the suspects seem to need such moral support. Such support does not in itself, however, constitute a sufficient guarantee of continued contact with the probation services.

From the comments of suspects with previous experience of the probation services it appears that they judge them largely on how much practical help they receive. Moral support comes second, a fact which is readily admitted by most suspects. Whether early intervention amounts to anything more than just the interview itself is in fact dependent on whether the probation services actually do the things they say they will. A strong indication that early intervention does not go much further than the initial interview - which in many cases is considered useful in itself - may be concluded from the fact that arrangements for further contact are generally very open-ended and vague.

In conclusion it can be said that although the aim of 'providing immediate support' is achieved in a large number of cases, there is some doubt as to whether this leads to the assistance being continued in those cases which require so. The investigation revealed that people in police custody attach great value to the fact that the probation services are actually seen to be doing things for them. For this reason we believe that it is of considerable importance that the probation services keep suspects informed of things they have done for them after the early intervention interview. We felt that this could be done more effectively than is the case at present.

The indistinct and vague nature of arrangements for further meetings brings us to our second suggestion. The probation services should specify whether they will contact the suspect or vice versa and in the former case which particular probation officer will be responsible. Definite arrangements should be made about when and under what circumstances this is to occur. The probation services would then be able to keep in contact with prisoners actually in need of assistance and not merely selected on a random basis. This will be looked at further in the discussion of the third aim.

Before examining the third aim of early intervention, namely initiating a process of assistance, we would like to point out another important side-effect of early intervention. The investigation revealed that a sort of tacit agreement has come into being between the police and the probation services regarding the division of responsibility for dealing with the problems faced by suspects remanded in custody. It is unlikely that this is the result of discussions between the police and the probation services or of joint decisions taken on the subject. Far more probable is that it resulted from

what the police and the probation services themselves see as being their jobs, and from the order in which they have access to the suspects (the police first and the probation services second). Nevertheless, because of the contact that there is between the police and the probation services there is a fairly frequent exchange of views on the character of suspects, their problems and what can be done for them. Both sides consider such exchanges to be useful, particularly if they are put on a more regular footing, as the results of the second phase of the investigation revealed. Thus, relations between the police and the probation services have improved so much that there is now a certain rapport. This is just as useful, in our view, as the increased contact between the judiciary and the probation services which is also attributable to the early intervention scheme. The judiciary, police and probation services may have their own tasks, but in our opinion it is important for an efficient administration of justice (and therefore also for the suspects) that the activities of all these bodies are properly coordinated.

(c) Initiating a process of assistance

This was not considered to be an aim of early intervention by the Lower House of Parliament, although it was made clear that contact with those remanded in custody would enable the probation services to begin work on pre-trial reports immediately. This would speed up the judicial process, and, in cases where suspects are remanded in custody, might result in shorter periods of pre-trial detention. Parliament shared the view of many people within the probation services who had voiced complaints at the beginning of the seventies about the fact that they came into contact with suspects at too late a point in the judicial process. It was mainly up to the Public Prosecutor or the Examining Magistrate to decide which suspects would be seen, who were usually those on whom a pre-trial report was required. Considerable time would elapse between the hearing and remanding in custody and the preparation of the report, during which the suspect might already have been placed in detention. The fact that the persons to be seen by the probation services were chosen by the judiciary and that contact was established at a late stage was thought to make clients view social workers with mistrust, thereby hindering the establishment of the necessary relationship.

The probation services themselves, however, regard the initiation of a process of assistance as one of the express aims of early intervention.

From the results of the investigation it can be concluded that there are serious doubts as to whether the third aim of early intervention - initiating a process of assistance - is being achieved. If no pre-trial report is requested, and the suspect is not brought before the Examining Magistrate there is unlikely to be any further contact with him, and even if there is, it is not as a result of the early intervention, but because a pre-trial report has been asked for. Moreover it seems unlikely that the introduction of the early intervention scheme has given the probation services any additional influence over whether or not a pre-trial report is requested by the Magistrate.

The investigation did not reveal whether pre-trial reports are now prepared more quickly than before, but the deadlines are still often exceeded by considerable margins. In The Hague, Dordrecht and Middelburg districts the fourweek deadline is exceeded in 87%, 71% and 59% of cases respectively.

Another question to which there is no simple answer is whether it is realistic to expect the probation services themselves to take the initiative and contact suspects again if the latter do not do anything about it themselves, and no pre-trial report is asked for. On the one hand the probation services should be aware of the dangers of forcing assistance onto people who might be quite capable of sorting out their own problems, but on the other hand they should also realize that suspects might get into even greater problems if they do not receive any assistance.

In our opinion it is important that the probation services pay more attention to remind each individual suspect who has been released from police detention

that assistance is available from the probation services; not in order to force help on him, but to make the probation services ever more accessible.

Establishing contact with suspects in cases in which no request has been received either from the suspect for assistance or from the judiciary for a pre-trial report requires an outreaching attitude on the part of the probation services. It means that their services have to be taken to the suspects, rather than being available on request. The second phase of the investigation on early intervention showed that such an attitude is not very prevalent among probation officers.

Points for discussion

The question is how much importance should be attached to the results of the investigation into whether the aims of early intervention are being realized, and what effect will they have on future practice. We should say first of all that early intervention in practice, six years after its introduction, does not present a very encouraging picture. The most important aim - assisting the Examining Magistrate to decide on whether suspects should be remanded in custody - is hardly being achieved at all, and there are serious doubts as to whether early intervention helps to initiate a process of assistance. Only the aim of providing help with urgent problems is being achieved to an significant degree.

One solution to the problem would be gradually to dismantle the early intervention scheme entirely or to restrict it to people who are to be brought before the Examining Magistrate. It would then only be necessary to contact suspects who appear in court before the Public Prosecutor or Examining Magistrate.

Despite the problems, we do not feel that either alternative is realistic. The relevant sections of the Act which formally introduced early intervention alloted a definite place to the probation services in the early stages of legal proceedings. The introduction of early intervention has meant that the probation services no longer work separately from the police and the judiciary as they did before. We think this to be a considerable improvement; the nature of the probation services demands that they have a central place in the administration of justice, and nothing would be gained by isolating them.

In our opinion the only conclusion to be drawn is that there is no point in continuing the scheme unless every effort is made to achieve its objectives, although it should be remembered that some are more difficult to achieve than others. We do not intend to examine in detail here every single way in which present practice could be improved, as the matter was dealt with at some length above, but we would like to touch upon the most important points again.

The probation services have only a limited scope to help the Prosecutor and and the Examining Magistrate decide whether suspects should be detained in police custody. Nonetheless attention should be given to developing real alternatives to pre-trial detention, in other words to reducing the risk of recidivism in the short term and to ensuring that suspects attend court hearings and meetings with the probation services. In other words there must be some sort of proper supervision, either by the probation services themselves or in a clinic for treatment. This necessitates firm agreement between the judiciary, the probation services and suspects on what action to take if suspects fail to attend for treatment or supervision. We would like once again to point out the possibility of avoiding custodial sentences or reducing them if a suspect is already remanded in custody by arranging community service projects as soon as suspects are kept in police detention.

As regards the aim of helping suspects with urgent problems it is important that they be informed of what the probation services have done on their behalf, even if nothing has been achieved. Suspects attach great importance not only to being able to talk to probation officers, but also to the things of a practical nature that are done for them.

Arrangements for follow-up contacts also need to be clear and definite, not

to force suspects to accept help from the probation services, but so that both suspects and probation officers know what is happening, and to ensure that suspects who need the assistance of the probation services do get it. It is important that further contact should not be dependent on whether a pre-trial report is requested. A confident and independent probation service should take the initiative.

Finally, the procedures for early intervention and the preparation of pre-trial reports should be closely coordinated to avoid delay.

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END