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CHILD PROTECTION
and
Juvenile Justice in Holland

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Child Protection and Juvenile Justice in Holland

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1 INTRODUCTION

The Dutch Juvenile Justice System is essentially a welfare model. As such it forms part of the more encompassing child care and protection system and it is interwoven with the more general system of services -both ambulatory and residential- offered to Dutch children. The justice model emphasizes the committed act, the responsibility of the offender, the punishment related to the offence and the guarantees for due process. The welfare model emphasizes in the first place the needs of the child, irrespective of the act committed or its seriousness; much attention is given to social and psychological conditions surrounding the offence and efforts are made to take decisions aimed at the individual interests and needs of the juvenile. The implications of this orientation for protection care and welfare are many.

One of these is for instance the fact that what are called status offences in the USA, that is problem behavior such as habitual truancy, incorrigibility, running away and alcohol use are not considered as offences by Dutch law, and so they cannot lead to a record. However, this behavior may lead to judicial intervention if "the child is threatened with moral or physical danger". The judge will then take a civil measure -a supervision order- a measure comparable to the French "assistance educative" wherein a familyguardian supervises the child and assists the family in its educational tasks.

A second implication is that much delinquency -especially at younger ages and at first appearance- is concealed under the heading "child threatened with moral or physical danger". The objective is to protect the child from getting a record, and the measure itself is considered less serious and less stigmatizing than a penal measure.

Another consequence is that -except for the seven state institutions- in a total of about 300 private homes and institutions, the population is mixed: half of the children are placed by the juvenile judge, the other half by welfare-, medical-, or school authorities. The latter are voluntary placements, which means that parents freely agreed to placement.

In fact in the Dutch system the line between children with delinquent behavior and children with other kinds of disturbances has become more and more blurred with an emphasis on eliminating as many children as possible from the official juvenile justice system.

Although this orientation is by no means new, and has been characteristic of our country since the twenties -when supervision was introduced into Dutch law- it has received a new impetus in the sixties and led to a massive decline in the number of children entering the system and in a reduction of residential placements.

There seem to be several reasons for this decline in terms of changing social conditions, growth of scientific knowledge and changed conceptions about youth and youth behavior norms.

One of the reasons appears to be the growing awareness that juvenile misbehavior in general and juvenile delinquency in particular are not exceptional forms of behavior. Self report studies of delinquent behavior have shown that such behavior is very common among all classes of the youth population, that most of it is never detected and that it is generally abandoned after adolescence (1).

The realization that in general this behavior constitutes but a phase in a youngster's life as well as the fact that the juvenile justice system handles only a minor selection of all misbehaving juveniles, has made authorities far more tolerant of both problem behavior and delinquency. It also has made the police, prosecutors and juvenile judges far more reluctant to interfere in the lives of children.

Another reason for the reduction of official intervention may be found in the impact of the "labelling" theory and especially the concepts of "stigmatization" and "secondary deviance" (2).

Although there is hardly any empirical foundation for this theory, its basic principle has become very popular among practitioners in Holland, and there is a wide-spread belief among juvenile justice authorities processing and treating juveniles, that official intervention can have only negative effects and thus should be avoided at any price.

A third reason probably is the general feeling of disillusionment among youth authorities with effects of official intervention, more specifically of institutional treatment. In particular the conclusions about a lack of relationship between institutional treatment and lasting behavior change has been severe blow to the faith that officials have had in institutions. A final reason for the decline in the number of children processed might be the emancipation of youth itself which can be seen as a result of wide-spread economic prosperity and the high level of educational achievement of all social classes.

This emancipation has found its expression not only in the new consumer power of youth but also in more consultation and more democratic decision making in such settings as the universities, the schools and, last but not least, the child care institutions.

In this chapter I will try to give an overview of the way the Dutch juvenile justice and protection system operates, its interactions and overlap with other systems, the changes that have been modifying the system the last twenty years, and the options that will be chosen for the next twenty years.

JUVENILE JUSTICE AND CHILD PROTECTION SYSTEM

Delinquency and problem behavior

< 12 y

System entry

Schools

residential
care

Psycho-social/medical
authorities

Welfare authorities

ambulatory
services

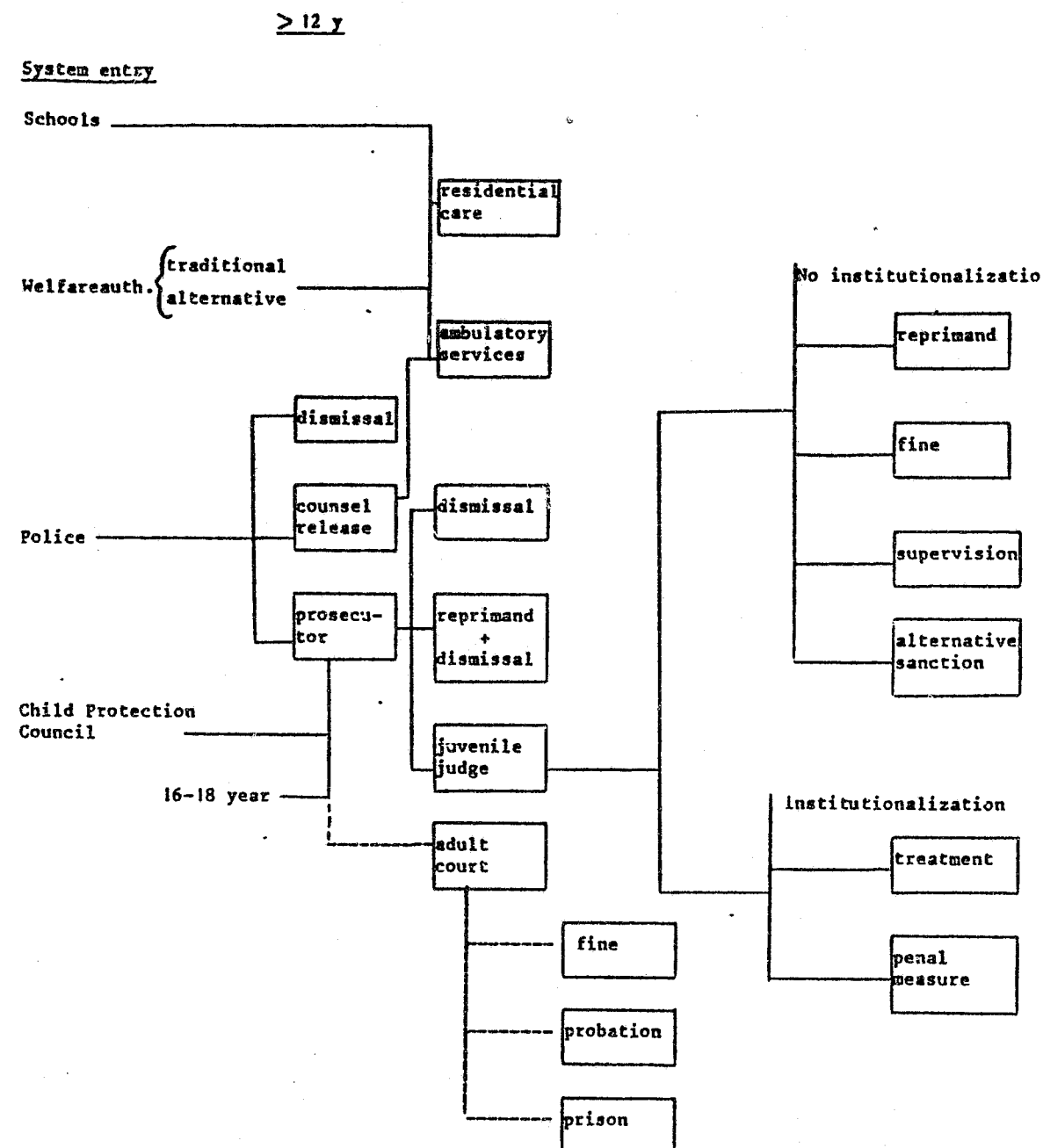
**Child Protection
Council**

juvenile
judge

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JUVENILE JUSTICE AND CHILD PROTECTION SYSTEM
Delinquency and problem behavior

CNTND. P. 3



2 THE OPERATION OF THE DUTCH JUVENILE JUSTICE SYSTEM

As can be seen from figure 1 the systems operate differently for children under 12 years than for older children.

Under 12 years, a child cannot commit an offence and so, if in very rare cases delinquent behavior of these young children comes to the attention of the police, the case is automatically dismissed.

Young children come to the attention of youth authorities for two main reasons: their own disturbed behavior, or extreme family circumstances which lead to neglect or abuse. In general, emotional disturbances will be brought to the attention of school-, medical- or mental health authorities. In these cases efforts will be undertaken to treat the child policlinically by different forms of therapy, in day clinics or day care centres. If the child is considered as too disturbed to stay home he may be placed in one of the child care homes or in a medical home.

Dependency, neglect and abuse cases are of a different nature. Although they may be referred by the family, neighbours, the school or a physician they have to pass through the Council for Child Protection. The 19 Councils for Child Protection -one in every court district- are under the authority of the Ministry of Justice. They form a link between official judicial authorities and the private service organizations of child protection. Since 1956 -when their powers were enlarged- their main tasks have been:

1. to collect information and present a social report to the juvenile judge in cases where a sanction might be considered regarding:
 - matters of parental authority (deprivation of rights; divorce; adoption);
 - criminal prosecution of a minor;
2. to make recommendations to the juvenile judge on the action to be taken;

3. to make a petition in order to bring a case to court;
4. to inspect the execution of sanctions imposed by the juvenile judge.

So whenever dependency and neglect cases are referred to the Council a social inquiry is made and a report is presented to the juvenile judge.

The juvenile judge will then consider a civil measure, which is taken when there is evidence that the parents of the child do not fulfill their parental obligations. The judge may order one of three possible dispositions:

1. a supervision order if the child is "threatened with moral or physical danger";
2. (temporal) release from parental rights when parents appear to be unable or unfit to educate their children (in this case parental rights can be restored);
3. removal from parental rights when there is evidence of serious abuse, ill-treatment or deprivation.

In general the juvenile judge will impose the least serious disposition, which is the supervision order. Under this order both family and child can get assistance and guidance. The measure does allow the judge to place the child in a children's home. In severe cases of neglect or abuse he will do so, while at the same time taking care not to stigmatize the parents too much. This concern of the juvenile judge explains why the supervision order is a privileged tool for him. The option of withdrawing the parents' rights is considered to be so stigmatizing and degrading that there is much reluctance to impose it. When there is no other choice the juvenile judge will prefer the reversible measure of release over the complete removal of parents' rights.

All three measures are carried out by specialized private organizations employing social workers. Family guardianship societies provide for family guardians, whose mission it is to assist and support families under a supervision order. The supervision order was created to give assistance to child and family without placing the child in an institution. In practice, however, children under supervision can and are placed in institutions. When the juvenile judge orders parents to be removed or released from their rights, the child is placed under the care of a guardianship society. This society is then completely responsible for the health, education and instruction of the child and can decide to place the child in a home, institution or foster family. All of the decisions are taken without judicial intervention and neither parents nor child can appeal against a decision

of the guardianship society. In other words the societies have large responsibilities as well as much discretionary power.

Criminal responsibility is fixed at 12 years and criminal majority at 18 years.

Youngsters between the ages of 12 and 18 can of course present a great number of different problems. Looking at these problems as they are defined by the authorities at different ages, one sees shifting from the main problem being defined as essentially family disintegration or family dysfunction towards the problem being defined as mainly related to the youth's own behavior.

Again, a youth may enter the system through school- or welfare authorities and this may lead to the offering of ambulatory services or to voluntary placement in one of the special boarding schools financed by the Ministry of Culture and Social Work, or in a child care institution. But what about problem behavior such as repeated running away or habitual truancy. As these are not criminal offences the behavior will not lead to criminal prosecution but may lead to judicial intervention, such as the supervision order. However, we will see in the next section that in most of these cases extrajudicial solutions are sought.

Where delinquent behavior is concerned, nearly all cases pass through the juvenile police, a section of special police officers who handle exclusively juvenile cases.

The children's police have three essential tasks:

- the handling of criminal cases involving minors;
- the detection of missing and run-away minors;
- the handling of social problems regarding minors (civil cases).

The police have great discretionary powers: although not stipulated in Dutch criminal law, police dismissal policy has become officialized and institutionalized. The police make an official report and send it to the prosecutor only in a limited number of cases.

Those cases are regularly discussed in the so-called "three parties" consultations by the prosecutor, the juvenile judge and the Council for Child Protection, who decide together whether the case will be prosecuted or dismissed with an unofficial reprimand by the prosecutor. If the case ends up before the juvenile judge, the most important decision is whether there will be institutionalization or not.

In the case of non institutionalization the judge has a number of measures at his disposition such as a reprimand, a fine or a supervision order.

Institutionalization can be ordered as part of a supervision order (it is called treatment then) or as a sanction (and then it is punishment). This is a very important distinction. I have mentioned earlier that juvenile judges show an inclination to impose a supervision order rather than punish a youngster. The formula "child is threatened by moral or physical danger" is a kind of wonder-formula: it can cover anything from neglect by the family, serious conflict with parents, problem behavior or delinquency. The judges prefer the supervision order because there will be no record, and the measures are considered to be less stigmatizing.

But we have a paradox here.

When the judge imposes deprivation of liberty as punishment, the maximum length of stay can never be more than a borstal sentence of 6 months. But when there is institutionalization under a supervision order, the measure may extend to two years, and can be renewed. So, many youths prefer to be punished rather than to be treated, the latter being more like an indeterminate sentence.

Although all this holds true for minors between 12 and 18 years, a special case has to be made for the age group of 16 to 18 years.

In exceptional cases

-for which the criteria are the seriousness of the offence, whether or not the offence is committed in cooperation with adult offenders of 16 and 17 years may be transferred to adult court. In most of these cases the juvenile judge decides to put the offender in pre-trial detention and then transfers him to the adult criminal justice system.

In general the youth will then get a prison sentence equalling the detention period, but he may also be sentenced to a fine, to probation or to a combination of these.

Having followed the chart infigured and exposed the formal operating of the Dutch Child protection and juvenile justice system, I will now examine some of the major changes that have been modifying the system, as well as the ways in which the changes have affected its nature.

3 CHANGES IN THE CHILD CARE AND JUVENILE JUSTICE SYSTEM

We may distinguish three main lines along which the modifications came about.

1. The limitation of the system's input.
2. Change in the nature of judicial intervention.
3. Diversion from the system.

The questions we want to develop here are: how did these changes materialize, what was their impact, what expected and unexpected consequences did they have for the juveniles concerned.

3.1 The limitation of the system's input

A key role in the whole process of limiting the system's input is played by the police. Many police departments have developed a policy employing two practices: either dismissing cases and reprimanding youngsters, or referring cases to other agencies.

The annual report of the Amsterdam Children's police indicates that 75% of all juvenile cases that come to their attention are dismissed. This practice is not limited to the large cities. A study of a Northern rural district indicated that only 42% of all offences led to an official report (2). Reporting depended primarily on the age of the offender and on the nature and seriousness of the offence. As for so called status-offenders, efforts were made to refer these cases to existing social agencies.

Although informal police dismissal and reprimanding is widespread, the practice is not anchored in the law. No official guidelines exist and consequently the police have great discretionary power. Indeed, even in such a small country as ours, there is much variation in the extent to which the police dismiss juvenile cases. This does not solely depend on police attitudes, but also on attitudes of the prosecutors, the juvenile judge and the local population.

In a recent study combining official and self-report data on app. 2000 juveniles, we compared delinquency and offi-

cial contacts with the juvenile justice system in two cities: a large city in the west of the country and a smaller provincial town (3).

Delinquency patterns were the same in the two cities. What differed, however, was the percentage of children coming into contact with the police and being recorded: 3.2% of the youth population in the large city and 2.3% in the provincial town were contacted.

But the police in the large city dismissed and reprimanded 80% of these cases, where this was only 30% in the smaller town. The difference in policy was essentially related to the level of handling the cases: in the large city prosecutors and juvenile judges had delegated much power to the police, but in the small city the prosecutor remained the sole authority to decide whether a case should be dismissed or prosecuted. Thus, in the small city it was the prosecutor who reprimanded and dismissed a great number of cases, but of course this means that the children penetrated the system further than was the case in the large city. Relating police contacts to self-report data showed that it is essentially the frequency of offending that is related to police contacts: of those who admitted to 1 offence, 25% also reported police contacts, whereas of those who admitted to 4 offences this was 77% reported police contacts.

Of special interest is the question of selection criteria. Based upon labelling theory we looked for relationships between police decision making and background variables such as social class, education, ethnic origin, sex and age of the juveniles.

Results of our analysis suggest that sex is not, but age is a definite selection criterion: many more 16 and 17 years olds have official judicial contacts than 12 and 13 years olds, considering the offences committed. Social class -as defined by fathers profession- also had an effect: middle class kids more often had unofficial police contacts whereas lower class kids had officially recorded police contacts. However, this effect appears only at low frequency of offending: when frequency is high, the class effect is nil, and the overriding factor in decision making is offence frequency. Education level of the juvenile showed to have a much stronger relationship with judicial contacts than social class did. Keeping frequency of offending constant the relationship remained strong.

Finally, ethnic origin showed a slight but definite relationship with extent of judicial contacts: at the same level of offending more members of ethnic minority groups had official contacts than Dutch juveniles. We conclude that frequency of offending and nature and seriousness of offence are the overriding factors in determining police decisions, secondary factors related to social class and age do also have an impact on those decisions. On the

whole, however, it must be said that -especially in the large cities and somewhat less elsewhere- large numbers of juveniles are kept outside juvenile justice system, even when they have had several police contacts.

In addition to the police, the Councils for child protection play an important role in bringing cases to court.

To understand the role of the councils, one should look at the way they have developed in the last twenty years. The original councils were created in 1901 to form some sort of prosecution office in cases of minors. The board of administrators decided in each case what kind of action would be appropriate. But the founders of the new councils in 1956 decided that the tasks of information, recommendation and bringing cases to court should be done by professionals, i.e. by trained social workers.

This decision had two major consequences. One was that the social workers slowly developed a sense of role conflict due to the impossibility of serving two clients: the judicial authorities on the one side and their young client (or family) on the other side; the second consequence was that more and more emphasis was put on social assistance on a voluntary basis, with full cooperation of the parties involved. Two other important developments contributed to changing the council's tasks. Since 1956 for example numerous civil law tasks have been assigned to the councils: they now handle more civil than criminal cases (divorce, adoption, guardianship).

Here too we see a tendency for practitioners trying to keep as many children as possible out of the justice system. For the councils, this meant that their demands for court action have dropped from 40.000 in the sixties to some 23.000 in 1976 (4), whereas their social advisory task in civil matters has been growing in importance.

In 1975, reviewing the number of recommendations and petitions for a judicial action issued by the three largest Councils of the Netherlands (Amsterdam, The Hague, Rotterdam) it was found that the number of recommendations to the judiciary in criminal cases covered 25% of all cases that come to the Council's attention (5).

In only 12.5% of all cases the council did introduce a petition for restriction or deprivation of parental authority, or for supervision.

One may conclude that the Councils have developed a different conception of what their task should be.

The social workers do not consider their role as only information gathering for the authorities. They feel that they should also supply guidance and counseling when needed. They try to reduce court intervention to a strict minimum and demand court action only in those cases where parents absolutely refuse to collaborate in finding a solution for the child's problems.

It seems clear that the councils underwent a quite a radical change since the fifties: from a form of prosecutorial office they developed into an institution with a much wider social mission.

As explained earlier guardianship societies employ social workers who are responsible for the execution of a supervision order or to remove the parents' rights. There are about 77 societies in Holland. Half of them have created "Consultation centres for juveniles and parents" which do extend to youth services other than supervision or forced intervention.

Their objective is to offer assistance with problems of growing up and gaining independence to juveniles aged 12 to 18 years. Thus their work may fairly be characterized as real prevention. The centers are characterized by easy access, a guarantee of anonymity, direct availability and the absence of a waiting list.

The problems that are encountered are the following:

- individual problems (identity problems; sexual problems; loneliness);
- problems with parents, friends, school and work;
- social problems (housing, unemployment, problems with the law).

Direct assistance is given in the form of individual or group discussions, first aid in crisis situations, advice, information or referral. Consultation and guidance is also offered to juveniles who are placed in homes or with foster families.

In 1977 7.502 juveniles aged 14 to 20 years were assisted in this manner.

Half of the population were self-referrals; for 30% parents initiated contacts, and 25% were introduced by family, friends or teachers. There is no evaluation of the centers' activities, so we can say nothing about their effectiveness. However, the interesting point here is that semi-official institutions like (family) guardianship societies have created a form of alternative agency to assist adolescents with very concrete problems. In this way they try to help them stay out of trouble and consequently out of the juvenile justice system.

But the paradox of a juvenile justice system that tends to develop more and more along the lines of welfare-model is the fact that one is stuck with a residual group of extremely deviant and/or delinquent juveniles for whom there seems to be no place left. One of those groups is formed by the so-called hard-core delinquents, who have had repeated contacts with the juvenile justice system

for more or less serious offences. There is a definite tendency in our country as in other countries (6) to treat these youngsters more harshly and even to reject them to the adult penal systems. Thus we have noted since 1965 an increase in the number of youths in pre-trial detention: in 1965 this was 1% of all penal cases of minors, in 1972 the number was 8% (7). These changes took place in a period where juvenile delinquency rose considerably, but did not become more serious: most of the increase is due to property offences (8). Since the 70's there appears to have been a certain stabilization, except with respect to vandalism.

In our nationwide study on pre-trial detention, we found that of all penal cases of minors coming to the attention of the prosecutor in 1977, 27% were held for some time at the police station and 11% were put in pre-trial detention. Moreover, about half of these youngsters were not sent to one of the specialized detention homes but to a jail. Our material suggests that pre-trial detention in a jail is used as a short, sharp shock, as an immediate punishment and deterrent. Why do authorities push these youths out of the juvenile justice system and into the jails?

The findings suggest that the reason for this is the extreme difficulty of this category of juveniles: about 40% of them had at least 4 preceding official police contacts, and 17% had 8 or more official police contacts before their detention. Average number of police contacts was 3.6; average number of police reports in the file was 6.3. More than 20% had 2 or more convictions; 25% had been detained before and about half were on some form of probation.

The decision of pre-trial detention was essentially determined by the number of previous convictions, seriousness of offence and whether or not the juvenile was still in school, or unemployed. I would conclude that one of the serious shortcomings of our child care and juvenile justice system is that there is apparently a small but intractable residual category of very difficult youngsters that cannot be helped and integrated in society. All the social services and institutions fail to recuperate these children and so finally we admit our defeat and transfer them to the adult criminal justice system.

3.2 Changes in the nature of intervention

We have seen that different devices are used to keep children out of the juvenile justice system. But at least as important are the changes that have affected the nature of intervention.

When we look at residential care, it must be remembered that in addition to the child protection homes and institutions, children are placed in other types of homes,

such as medical homes or special boarding schools. Whether a child ends up in a child care home or in one of the other homes very often is a question of chance or depends on the referring agency. In the case of child care homes this is often the juvenile judge or the Child protection Council. As to the medical homes, referring agencies are the school medical services, the municipal health services, the family doctor or pediatrician. Children are referred to the special boarding schools by school guidance and child guidance clinics.

A consequence of differing referring agencies is the fact that the problems of the children are defined differently: depending upon the agency the children's difficulties may be defined as medical problems with an emphasis on early medical history, as school- and adaption problems, or as behavior disturbances and anti-social behavior problems.

But one study examining population differences between different types of institutions found more similarities than differences: all children shared a common background of urban living, low status, and unemployed, deprived, broken or problem-laden families. There was not so much difference in the nature of problems or in their intensity. The children in the medical homes - on the average the youngest - presented the least serious problems, whereas children placed under a court order presented the most serious problems (9).

One of the significant changes in the last 15 years is the reduction of placements under a court order.

In 1971 they constituted 74% of all placements in child care homes, in 1977 this was 55% and in 1980 the number decreased to 48%.

Another change is the overall reduction of the imposition of judicial measures. Let's see what happened with respect to three different types of measures: the supervision order, the removal of parents' rights, and criminal cases.

The number of children placed under supervision declined from 20.000 in 1967 to about 10.000 in 1978, a reduction of 50%. But the proportion of placements under a supervision order did not vary: it was 28,5% in 1967 and 29% in 1978.

There also has been a sizable reduction of children whose parents are deprived of their rights: from app. 19.000 in 1967 to app. 11.000 in 1978. And still more significant, the proportion of institutional placements under this measure dropped from 42% to 25,5%.

An interesting fact to note is that the number of adjudicated delinquents hardly varies: it was app. 6.000 in 1967 and app. 6.000 in 1975. However, the proportion of unconditional sentences to a youth prison or a state institution has increased from 11.7% in 1967 to 19.8% in 1975.

But what alternatives have been developed for institutional placement? In the first place more children now than 15 years ago just keep on living with their families instead of being removed. In the second place there are relatively more placements in foster families. Finally there is a growing tendency to place children in small residential units, such as Browndale homes, therapeutic units, family homes or training centers for independent living. Actually there are 265 small units of 15 beds per unit, covering 8,5% of all residential places. This means an increase of 170% since 1975 (10).

In sum we may say that since the sixties there has been a substantial reduction of institutional placements. This reduction has been especially spectacular in child care homes: placements decreased 66% in the age-group of 0-6 years, 40% in the age-group of 6-13 years, and 15% among older youth.

Given this large decrease in institutional placements, one would expect comparable increases in semi residential and ambulatory services.

Unfortunately this does not seem to be the case. At this moment the total capacity of semi-residential care, including medical day-care for pre-school children and day-care for schoolchildren is app. 4.000 places, whereas the total capacity of residential care is app. 26.500 places.

Although registration in this field is quite inadequate we know that in 1980 the general social services network served 89.000 persons of whom 13% was younger than 20 years.

Child guidance clinics served another 25.000 children, but we don't know how many juveniles entered the mental health system. Although the picture is vague, the handling of waiting lists by most agencies seems to show that the official network of ambulatory services does not fill the gap between the need for assistance of young people and the concrete services that are offered to them.

This is one of the reasons for the fact that the official network of social services has been slowly abandoned by young people since the sixties and the number of so-called alternative assisting agencies has been growing considerably.

3.3 Diversion from the system

The alternative social agencies came into existence out of dissatisfaction with official social work agencies.

The centers attracted a young clientele that could not find help anywhere else: juveniles who had run away from home or from an institution, youngsters with alcohol or drug problems, girls wanting an abortion, young men who objected to military service, young people who did want

to live on their own but did not know how to organize this.

These agencies differed from the traditional ones in two important respects: first of all in the way they define a problem and thus the social work response to it; second in the way they approach their clients.

The traditional social work view is to see a client as having a problem and social work as helping him to adapt and adjust to an outside situation. In other words the situation being basically unchangeable the client has to be changed. The social order is positive evaluated, whereas the clients problem of maladaptation might easily lead to "deviant behavior" (11). The client is perceived as a kind of troublemaker who should be made as quickly as possible to adjust to the existing social order and obey its laws. The philosophy of "alternative" social workers is quite different. Far from accepting society as it is, they view the social order as the principal cause of their clients problems. It is not the client who is deviant or sick but the society in which he lives. So one of their objectives is to make their clients realize that many of their problems lie in the social order and should be resolved by adequate social action (for more employment, housing and educational possibilities, for example).

In the way they work they also differ on essential points from traditional agencies:

- initiative for help seeking is always originated by the client himself and not by any authority;
- anonymity is guaranteed and there often is no record keeping;
- the problem is examined as defined by the client and not by some abstract social standard;
- steps in the problemsolving process are only taken with the clients full consent and after consultation;
- there is no wish to maintain society's value-system, and the juveniles search for new values is recognized. This leads to a realistic and non-moralizing attitude that is much appreciated by their clients.

There has been a substantial development of different types of alternative agencies all over the country: centers for information and advice, for youths that have run away, for drugusers, and for juveniles in some crisis-situation.

One of the agencies with a relatively long history and stable organization, the Youth Advisory Center (JAC) in Amsterdam, has -like most of the others- the following objectives:

- to provide for information, advice and assistance to individual or groups of juveniles with individual and social problems;
- to give note of existing needs, lacks, developments and expectations in society with respect to young people;
- to cooperate in necessary processes of change in society related to social assistance for the young.

Another center (RBS-38) is based on the idea that "penal law" cannot work out solutions for problem youths, so one should look for extra-judicial possibilities (13).

Their objectives are

- to solve problems that lead to criminality, unemployment, lack of housing, family conflicts, so as to avoid contacts with the juvenile justice system;
- to provide for alternatives to judicial intervention once there have been such contacts. When efforts are undertaken to solve a youth's problem, an important motive for intervention disappears.

Contacts with these programs are on a completely voluntary basis. Life style and value system of juveniles are accepted and no attempts are made to resocialize or rehabilitate.

What is the population that comes to such centres? When the JAC started its activities (in 1970) clients were primarily middle-class. This has changed considerably: two thirds of clients now have little education or are unskilled; more than half are unemployed and have not independent income. The same is true for RBS-38: most of the boys (girls form a minority) have only had some years of vocational training and did not complete their training.

The advice function of the JAC was slowly reduced in favor of the assistance function. A growing group of youngsters has come to consider the JAC as a kind of club where they drink coffee, chat with friends and organize their lives through -free- telephone calls.

Main problems presented to the JAC were: running away, housing problems, justice problems, unemployment, psychological problems. Special mention should be made of the run-aways: almost one third ran away from an institution.

tion; the group included relatively more girls, many of whom were under 16.

The RBS-38 center noted as most important problems: family problems, justice problems, school-, financial- and housing problems.

As far as assistance is concerned we should distinguish the JAC -a first line organization- from RBS-38.

The JAC gives information and advice in simple cases. These contacts do not take much time. Requests for assistance related to running away or psychological problems take more time.

The JAC also works with temporary guest-families for run-away children and creates self-help groups which juveniles could join after period they spend with a guest-family. The objective is to create solidarity between run-away juveniles -so they might take collective action- and to further independence and self-reliance. This type of politicizing assistance is frequently offered by alternative agencies because it is expected to be more effective than individual help.

The RBS-38 program is different in nature. Assistance is mostly concrete and material. Workers consult with schools, assist in getting jobs, arrange for social security payments and help in getting a place to live. The program mediates and has contacts with juvenile justice authorities such as the Child Protection Council, the police, the family guardian or the lawyer. The program initiated the American "big brother" system, where adult volunteers engage in a companionship and support relationship with youngsters.

Most of their clients have problems with the law: an annual police report on pre-trial detention of juveniles noted that 75% of these juveniles were known to the RBS-38 program. This means that they deal with a difficult clientele. Concluding this section, I would like to underline the common characteristics of these alternative agencies. They all start from the problem situation as defined by the client, they all try to give concrete solutions and in and their sympathy goes more to their clients than to society, but they vary in the extend to which they wish to collaborate with existing services and authorities. Some of them opt for conscience raising about dysfunctions in the social structure and their hope is to change these structures by collective actions.

The question is whether they don't impose their definition of the problem situation on their clients too much. Another question is whether their clients are up to that most difficult task: changing the society in which they find it so difficult to function adequately.

4 PROBLEMS AND OPTIONS FOR THE FUTURE

4.1 The problems

The changes that have taken place in the processing of children in the Netherlands since the sixties have indeed been considerable. The number of children under some judicial control decreased from 42.000 to 22.000, and the number of institutional placements decreased from 26.000 to 14.000, whereas our population of minors slightly increased from about 4.560.000 to 4.760.000. One first question that comes into our mind is: where did these children go, did they receive assistance or was nothing done? On the assumption that many of these children would indeed need some help, where could they have turned to? We have seen that the official non-residential sector has limited receiving possibilities. Most of them work with waitinglists and sometimes clients have to wait months before they will be admitted. Moreover, most agencies use strict admittance criteria and thus limit their client population still further. On the other hand although there is a wide variety of alternative agencies covering our country, we do not maintain of quantitative data, indicating the total number of agencies or the number of clients served. Registration is erratic, not uniformed and of variable quality.

What we know is that alternative agencies also select their client population, and refer a lot of youngsters to other agencies.

There are indications that the non-residential sector -official and alternative- is unable to meet the needs of all young people that should get real help.

Four categories of problemgroups seem to be especially vulnerable in this respect.

1. minors that have run away from a home or institution
2. juveniles who are roaming around; vagrants
3. drug-users
4. members of ethnic minority groups

Concerning the run-away kids we know that about 35% of them come from institutions. Average ages are 15,16 years. Girls more often run away from their family, boys from an institution. Yearly 22.500 minors run away; most of them are not recorded by the police because they return home quickly, or their hiding place is known to the police (14).

A study of 101 girls that ran away from three rather large institutions indicated that many of them turn to alternative agencies for help. Compared to their counter-parts that did not run away they lived more often in the large cities and have stayed in more institutions. They are more often placed by the juvenile judge and among them there is more drug-use, sexual deviant behavior, truancy, unfavorable social contacts and staying out late among them.

Follow-up data about this group of girls were not very favourable: only 31,5% of them earned their own income, 13,5% lived with family and 41,5% lived on welfare; 25% were replaced in an institution within one year, which seemed to be related to their inability to find a place to live; problem behavior was, among others, druguse (22%), prostitution (23%) and registered crime (33,5%). Compared to the pre-institutional period registered criminality had increased by 50% (15).

If we have certain estimates about the number and nature of youth's that run away and come frequently to the alternative agencies for shelter and assistance, we have little or no idea about how many youth's participate in the so-called drugscene. We know they operate in certain areas of the large cities, in certain youthclubs, cafes, or reception homes, but it would be pure speculation to estimate the extent of this subculture. We also know that druguse is related to such delinquent behavior as theft, burglary and prostitution, but again we have not quantitative data on this subject.

It is clear, however, that run-aways and drugusers are overrepresented in the irregular groups of young people that roam about the city, hang out in certain inner-city areas, often have no place to sleep, and are either on welfare or employ criminal activities to get some money, or both.

One of the problems in meeting the needs of young people is the dispersion of social agencies and their lack of collaboration.

Different efforts have been undertaken to promote better cooperation but the characteristics of the agencies make this particularly difficult. Problems are numerous. Clients come to one of the agencies without having any idea about the services they can expect; so they are sometimes referred several times to other centers, which is of course discouraging. The agency wants clients that can be helped by the specific services they offer: cli-

ents who seem to need other services or who are perceived as "hopeless" cases are rejected; so are clients who need help for a long time and whose problems are hard to solve. Finally the subsidizing authorities have little information on the spreading of resources, the way they complement each other and fit the needs of clients the effects of offered assistance.

These elements characterize the official as well as alternative agencies. This led some 13 agencies to initiate a more structured level of cooperation (16) on behalf of their clients.

The failure of this experiment is, I believe, due to two basic problems: the absence of any clear theoretical basis in social work principles, and the differences in ideology with respect to the ultimate objectives to be reached. The absence of solid theoretical underpinnings of social work practice opens the door for individual preferences vague talk about empathy, a preference for endless talking and an emphasis on each worker's autonomy. Every agency tries to create its own specific clientele which leads to endless referring to other agencies. This is accomplished by application of strict intakecriteria (such as being motivated, having a fixed address, being without drugs, etc.). The consequence of this practice is that the most problematic and vulnerable groups are rejected from the network, and this leads in turn to the demand for new resources!

One of the factors that impairs cooperation between alternative agencies, and that leads to an endless turnover of social workers within agencies is the ideological debate on the issue of individual assistance versus collective action. Sometimes the emphasis is on individual assistance but on other occasions dissatisfaction about results leads to more socially oriented actions such as invading empty houses or occupying child care institutions. In the latter case the objective is to achieve changes in existing policy with regard to housing, or with respect to prevailing institutional treatment. Frustrations about the inertia and the rigidity of social structure are translated into social action that is expected to be more effective than individual assistance. Unfortunately these actions also suffer from a lack of coordination and clearcut goal setting.

However, another serious impediment on the working of social agencies in general is the essentially non-scientific and non-specific nature of social work itself. Up until now we don't really know how to diagnose a person's needs or how to treat adequately those who need assistance. Lemert reports a relevant study on social work techniques in a prevention experiment. A number of girls were selected on the basis of indications predicting a strong probability that they would become court

problems. In the first place the predictions proved to be false; and in the second place both the selection and the interview procedures caused much anxiety and resistance among the girls.

Lemert adds that giving more power to social workers to decide on treatment could produce more problems than solutions, because of their preference for longterm treatment (17).

The solution we looked for in the Netherlands is to build in a number of guarantees to optimize the voluntary character of accepting help and social assistance.

But the question remains whether this is sufficient. A study among 75 clients of 3 social agencies (a crisis-intervention unit, a night clinic and a socialpsychiatrist centre) compared stated objectives both by clients and by treators (18).

The study revealed considerable discrepancies in treatment objectives. Treators repeatedly mentioned objectives that were not indicated by clients, or their objectives were quite opposed to those of clients. In 88% of client-treator pairs there was a lack of consensus on treatment objectives. In two thirds of cases the treator was unable to predict the client's priorities. But, still worse, in nearly all cases (89% of the 73 client-treator pairs) treators placed their own priorities higher than those of their clients. Once their goals established, more than half of treators did not review their ordering of priorities, and relegated their client's priorities to a lower order.

In all three agencies discrepancies between treators and clients were present to the same extent: they preferred their own objectives and admitted only half of the top-priorities of their clients as valid. It was clear that the treator's objectives were to a large extent determined by the specific nature and tasks of the agency, and by its function within a network of other agencies to which the client could be referred. It may be concluded that despite democratization, openness and professed willingness to accept the client's views and goals, helpers and treators seem to have other treatment objectives than clients. The question remains whether they are prepared to let the clients' objectives really prevail. It seems more likely that the treator assumes, that his own objectives are also the client's, and this assumption may lead both to ineffective treatment and to client frustration.

A final problem is the question of evaluation of effectiveness.

How effective are the different agencies in solving the problem of their clients as seen by them, and how effective are they in terms of a reduction of delinquent behavior or better social functioning?

These are painful questions and up until now social work agencies have not been too eager to evaluate their work -or treatment- outcomes. They pretend that their work, which consists of individual casework, guidance, discussions or group-counseling, is impossible to evaluate in terms of behavioral change or better social functioning. Moreover, failures in this respect are almost always attributed to the repressive nature of the social structure and the malevolent power of the establishment.

4.2 The options

The development of the welfarestate with its healthcare, social security and social work services has had for the child care and juvenile justice system both predictable and unforeseen-, favourable and unfavourable, consequences. Without any doubt the authorities were right in deciding to place as few children as possible in institution. Where no permanent effects on behavior can be demonstrated, and where the measure is so interfering, it is wise to restrain. But this attitude of reticence cannot be maintained when no reliable alternatives are available. At this moment there are no signs that better results are achieved by ambulatory services than by residential care.

On the other hand the fact the philosophy of social work is based on principles such as voluntary acceptance of help and motivation of client, ensures specific categories of juveniles, -especially youngsters with repeated and/or serious delinquent behavior and harddrug users- cannot be reached by the system as it exists now. This has led to a serious questioning of the juvenile justice system and the search for ways to modify it.

In 1975 the Minister of Justice installed a Task Force to make recommendations for changing juvenile criminal law. In an interimreport in 1981, the commission proposed to conduct a number of experiments with "alternative" sanctions.

Actually the juvenile judge has only three types of sanction at his disposition: a fine, supervision and institutional placement. In order to enlarge the sanctioning possibilities of the juvenile judge two "alternative" sanctions were proposed:

1. courses or training sessions that have objective to teach social skills and to enhance the juvenile ability to cope with social life stresses;
2. specific work activities to be performed during leisure time. These activities must have an educative character, be useful for society and limited in time. The juvenile should not be taken out of his own environment.

Two basic premises do underly the thinking about changes of the juvenile justice system as well as the proposition to introduce these new measures:

- considering the harmful effects of institutionalization, measures within the community are preferred;
- considering the problem-laden background of most of these juveniles, are cannot expect any results of assistance based on voluntary participation. Results are to be expected only of interventions in a controlled setting.

The last premise meets with considerable resistance from social workers in the juvenile field as well as in probation. They are convicted that help can only be given a voluntary basis, despite the fact that there is no firm evidence for this hypotheses: there is, on the contrary, some evidence available that help given in a controlled setting does have usefull results (19).

But it is absolutely certain that judicial authorities won't go alone with new measures unless there are some guarantees of guidance, supervision and reporting to the judiciary.

Experiences with volunteer work -sometimes with the objective of preparing and improving the juveniles' participation in the labor market- are actually carried out in a number of European and other countries: Denmark, Switzerland, England and Wales, West Germany, and New Zealand (20). The Dutch experiences are heavily influenced by the English measure of the Community Service Order.

The Community Service Order was introduced in 1972 by a special law. It is a sanction ordered by the judge on persons of 17 years and older who have committed a crime punishable by imprisonment.

The new sanction was met with great enthusiasm; the judge considered it an alternative sanction; the probation officer saw it as a new form of resocialization and rehabilitation, and the general public perceived the CSO as a reparation to the community who had been wronged. Although the main objective of the CSO was to replace imprisonment, a study of the Home Office showed that this objective was realized in only 50% of cases (21).

In the Netherlands experiments with the CSO started in 1981 in 8 of the 19 court districts, and for adults only. It's basic objective is clearly stated: the measure has to replace a short prison term (up to 6 months imprisonment).

The main differences with respect to the English sanction are as follows:

- new legislation will wait till results of the experiments are available;
- there is a preference stated for the measure to be imposed by the prosecutor -in the form of a conditional dismissal-;
- the CSO may take a minimum of 15 and a maximum of 150 hours.

In the autumn of 1982 experiments with the CSO for juveniles will start in 5 court districts.

But the juvenile judges don't want to apply the new sanction exclusively to replace institutional placement, so it remains to be seen whether the CSO will result in a reduction of orders to residential care.

There are other problems too. Although juvenile judges and youth prosecutors are very enthusiastic and want to apply the new measure, the Councils for Child protection are much more reluctant since they would have a coordinating role in the experimental set-up, which means of course an extension of their tasks. An additional problem is the reluctance of social workers to accept a much more supervisory role than they are used to, as well as the obligations to report to the juvenile judge on the case. However, considering the rather unexpected succesful development of the experiments for adults, one may have some confidence in the future with respect to its application to juveniles. A German experiment -started in 1978- (22) concluded that the major advantages of this sanction are:

- its variability, in that the seriousness of the offences can be translated in number of hours imposed (the Dutch experiment also shows the development of a tariff or escalated sanction system);
- the nature of the work can be adapted to the specific problems of the youth, which heightens the educative effects of the sanctions;
- succesfull work experience does have a positive effect on work attitudes, and thus on later work stability.

But succes of the experiment depends heavily on three conditions that have been proved essential in the case of adults as well as juveniles:

- one must have a large differentiated offer of work possibilities, so every juvenile can get work adapted to his skills and his special needs;

- one must take a clear agreement on the nature of the work and on the length of time served, with both the provider of work and the juvenile. This is important in order to limit absenteeism or breaches of the order;
- there must be some form of guidance by the responsible person in the work environment and contacts with the supervising social worker. Experience in England and Holland proved this aspect to be very important in encouraging the offender and bolstering his feelings of self-esteem.

The other alternative sanction -the use of training sessions or specialized courses- has again been inspired by the English program of "intermediate treatment".

This program has been introduced by the Children's and Young Person's Act of 1969 and is a type of intervention between residential treatment and a supervision order.

The English have developed a whole scale of intermediate treatment programs going from the simple local youth club, offering leisure time activities in the evening, to daycare facilities including remedial teaching, vocational training, groupwork and aftercare. In the latter case the program is an alternative to a care order and is addressed to highrisk delinquents who are unable to go to school or to hold a job; in the former case the program is addressed to occasional delinquents, who need some stimulation but who have sufficient social skills and abilities. The programs vary in intensity: in some cases they only take place in the evenings, while in other cases they include weekends, short term residential care (for two weeks), or summer camps.

The main advantages of the schemes are (23):

- the flexibility of the program, making all sorts of combinations possible, such as for instance short term residential care with intensive supervision;
- programmed activities in the youths, own community. Adapted to the needs of the juvenile and the nature of his problems one can offer more or less program structuring, vocational training and remedial teaching, leisure activities and sports;
- a very flexible, gradual and subtle transition from controlled setting of the program to normal provisions for youths, such as youthclubs or evening classes;
- the assumption that these measures not only have less harmful effects to the juveniles but they are considerably less expensive to society.

In Holland this kind of experiments still has to be developed. We have some experience with systematic training sessions of behavior therapy, developed by a university center in Amsterdam (24).

Based on the idea that much delinquency is the result of a lack of social behavior skills, individual programs have been developed for delinquent boys with specific behavior problems in fields such as looking for a job, work attitudes and work performance, behavior with boy- and girlfriends, behavior difficulties with parents and family, money and budgetting problems. These problems are attacked by behavior therapy techniques. Evaluation research on this type of programs -that have been going on for some years- has shown them to be rather successful. Not only did the experimental group show less recidivism, but other psychosocial factors such as the relationship with parents and family and the number of delinquent friends showed considerable improvement.

Like the CSO, experiments with this type of program and with intermediate treatment have started in the second half of 1982.

Finally I would like to stress a new tendency in my country as far as innovations in the penal justice system are concerned. Before introducing legislative changes we now tend to conduct some experiments in the field. Parallel with the experiments an evaluation study will start that closely follows the introduced changes. On the basis of the evaluation results, recommendations are addressed to the Minister of Justice, which are then followed by the process of legislation. It is felt that legislative changes imposed on judicial practice without trying out different solutions to practical problems can have unfavorable consequences, of which the worst of course is that the new law is impracticable.

Thus the new alternative sanctions are tried out in different court districts, where different modalities are applied: in some districts the CSO is imposed by a judge's order, in others by the prosecutor.

The evaluation research will compare the results in terms of selection of offences and offenders, and will examine whether the CSO does indeed replace imprisonment as it should. By operating in this way it is hoped that our legislative process will be improved.

To conclude, the new options that will characterize the next ten to twenty years in the Netherlands will be:

- a certain return to the justice model at the expense of the welfare model;
- a continuing reduction of institutional placements;

- a search for intervention in more controlled settings within the community;
- the development of sanctions which are of a more educative character as well as more meaningful to society and more integrative in the community;
- more experimentation together with more evaluative research, before changing the laws.

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