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STUDY OF YOUNG OFFENDERS

SUMMARY FOR THE FINAL REPORT

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Study of Young Offenders

Summary for the final report

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Background and objective of the study

In 2018, the Estonian offence proceedings for children and young people were updated to foster the implementation of restorative justice[1]. The preparations for these changes began in 2015 due to domestic and international trends of making the specialised juvenile justice systems more child-friendly, incl. guaranteeing the fundamental rights of children during the proceedings and increasing the use of non-penal measures. For example, the assessment of the UN Committee on the Rights of the Child of the previous specialised juvenile justice system, published in 2017, indicated an excessive tendency towards punishment and recommended to increase the use of measures which would encourage the child to develop law-abiding behaviour through age-appropriate and socially acceptable measures[2].

In 2018, many other reforms concerning the social protection system of Estonia took place (administrative reform and reforms related to the provision of social services). Their mutual interaction might have impacted the results of the reform of the specialised juvenile justice system. This analysis focuses primarily on how the new procedure for conducting proceedings for offences committed by children and young people and the related changes, which took effect in 2018, affected offence proceedings and their results as well as cooperation between specialists. On the one hand, the purpose of the study was to assess the impact of the reform from various aspects, and on the other hand, to describe Estonia's current procedural and penal practices and the pre-trial assessment system in the context of the best practices in the world.

Several methods were combined for conducting this study, such as quantitative (descriptive statistics based on registry data) and qualitative analytical methods (interviews with individuals and focus groups, documentary analysis).

The following is the summary of the main results of the study.

The most important changes

- Overall, the juvenile justice system for children and young people became more child-friendly.
- The police and prosecuting authorities decide the scope of intervention in each individual case and impose various sanctions stipulated by law on the minors. Among all else, the use of restorative justice measures is also becoming more popular.

[1] Eestis luuakse alaealiste õigusrikkujate erikohtlemise süsteem. (A system for the special treatment of juvenile offenders will be created in Estonia.) (2017). Kriminaalpoliitika.ee. https://www.kriminaalpoliitika.ee/et/kriminaalpoliitika/eestis-luuakse-alaealiste-oigusrikkujate-erikohtlemise-susteem, accessed on 21 February 2021; Committee on the Rights of the Child. (2019). *General comment No. 24 (2019) on children's rights in the child justice system. CRC/C/GC/24*. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f24&Lang=en, accessed on 21 February 2021.

[2] Committee on the Rights of the Child. (2017). *Concluding Observations: Estonia. CRC/C/EST/CO/2-4*, 48-49. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/EST/CO/2-4&Lang=En, accessed on 21 February 2021.

- In general, specialists are satisfied with the changes. The number of options has increased for the prosecutors and the police and they have more possibilities for imposing a measure on a child or young person based on their needs.
- The workload of prosecutors has somewhat increased and the workload of the judges has dropped. The consultants of the prosecutor's offices decrease the workload of the prosecutors, help find suitable interventions, and participate in the networks.
- The number of minors in prison has dropped.
- The attitudes of the parties to the proceedings towards the measures of restorative justice tend to be positive. The use of measures of restorative justice has increased. For example, a conflict mediation service has been established.
- Youth workers have been added to the network working with children and young people who have committed offences. Their inclusion and significance in the proceedings has grown.
- The need for cross-sectoral networking has increased and it is used more widely. For example, the 'Out of the Circle' model is used as a pilot project.
- Child protection workers have begun to receive information about juvenile offenders as children in need, but the formation of the respective practice is still in its initial stages.
- The Estonian National Social Insurance Board offers services designed for juvenile offenders at the national level (including 'Out of the Circle', conflict resolution, consultations for closed child care institutions, social rehabilitation services, multi-dimensional family therapy, and the local governments).

Post-reform practices

The most important legal changes following the reform:

- a new requirement for implementing non-punishment sanctions in the case of minors;
- when reacting to a criminal offence committed by a minor, having the offender understand the detrimental effect of their act and take responsibility for it (not imposing a punishment) is a priority;
- the list of non-penal measures in section 87 of the Penal Code was extended;
- the treatment of young adults changed;
- prosecutor's offices now have a wider choice of measures for terminating the proceedings;
- instead of detention, the child can now be referred to a closed youth institution;
- assigning the costs of the proceedings (to the minor or the state) became more flexible.

Formally, most of the changes corresponded to the recommendations described by Tamm and Salla (2016)[3] which included, among all else, increasing the responsibilities of the Estonian National Social Insurance Board and the child protection system when dealing with offences committed by children, increasing the options for risk assessment (everyone in whose case behavioural

[3] Tamm, K. and Salla, K. A. (2016). Laste toime pandud süütegudele reageerimise analüüs. (Analysis of the response to offences committed by children.) *Kriminaalpoliitika analüüs*, 5/2016. https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/tamm._k_salla_k-a_2016._laste_toime_pandud_suutegudele_reageerimise_analuus.pdf, accessed on 21 February 2021.

interventions are used should be subjected to a risk and needs assessment; the assessment and its scope should be based on necessity), a more widespread use of the practices of restorative justice when dealing with offences committed by children and young people (conciliation, cautions, reducing fines, etc.), the use of punitive measures should be decreased, and the awareness of bodies conducting the proceedings should be increased.

The changes to the risk assessment system of children and young people have not been properly implemented yet, although discussions about the issues related to assessments are ongoing and various institutions are piloting new assessment instruments. The study indicated that legislative amendments resulted in changes in the practice, but not always in the intended direction. This, in turn, pointed to a need to go back to the legislation and evaluate whether the current regulations need new amendments due to problems which were revealed during the implementation. For example, the function of child protection officials changed during the reform. According to child protection laws, juvenile offenders, particularly children who are incapable of guilt (under 14 years of age), are classified as children who need assistance, making them also clients of the child protection system under special terms. In practice, notifying child protection workers of a minor is the discretionary decision of the body conducting the proceedings and child protection officials are not informed of every juvenile offender. Child protection workers of local governments must prepare a case plan for a juvenile offender which includes a risk and needs assessment of the child as well as an action plan. The action plan is evaluated once a year and the child protection worker functions as a case manager. However, the Social Welfare Act, which regulates the details involved in the preparation of case plans, does not contain specific provisions which would take into consideration the specific nature of young offenders, i.e. what differentiates them from other children who need assistance. Provisions on the role of the minor in the preparation of the case plan and implementing the action plan are lacking. **Therefore, the part of the Social Welfare Act concerning the preparation of a case plan for a juvenile offender as a child who needs assistance must be reviewed and improved. The role of a child protection worker as a case manager should be unambiguously expressed, so that other institutions active in related domains (the police, prosecutor's offices, courts, educational institutions) would also take that into consideration.**

Provisions of the Child Protection Act regarding putting the best interests of the child first and the right of a child to be involved also need improvement and clarification. Interviews with specialists demonstrated that the current wording of the law allows for too broad an interpretation, which may cause a simplified understanding of these provisions or for them to be ignored entirely. First, it should be specified that not just the interests, but the best interests of a child must be put first in every issue involving a child. As such, this principle would require the decision-makers to weigh various interests and give reasons for the results of this deliberation so it be more in compliance with article 3 of the Convention on the Rights of the Child (best interests). Second, the wording of section 21 of the Child Protection Act must be made clearer. It states that the right of participation of the child is limited by the child being allowed to express their opinion, and if the opinion differs from the opinion of the adults regarding making a decision in the best interests of the child, then the child's opinion may be ignored. This allows adult decision-makers consider a child's opinion on their best interests unimportant. However, ascertaining the opinion of a child does not mean that the child participates in making the decision because it has not been determined which kind of information the child receives under which circumstances and from whom. The participation of a child requires several conditions being met: a safe environment, trustworthy people, informing the

child in an age-appropriate manner while taking into account the child's development level, and understanding the child based on an analysis of the information relayed by the child. In order to consider a child's opinion, the specialist must know how to listen to the child and not simply ask for information from the child. **Similarly to the Convention on the Rights of the Child and the recommendations for improving the Child Protection Act, the Social Welfare Act must also define the involvement of a child or young person and their family when approaching the case plan for juvenile offenders. A child cannot be expected to be responsible for a decision when they were unable to participate in making it and do not understand its particulars or the objectives of the activities.**

The opinions and needs of specialists

During the reform, cooperation between specialists working in various fields improved. This is indicated by the data from individual and focus group interviews. Cooperation between the police and child protection services improved primarily due to the fact that tackling the problems of children under 14 involves the police, who register the offences, and the child protection workers, who must assess the need for assistance of such children and prepare case plans. Other institutions working with children are also involved in this work, including schools, youth workers, Rajaleidja centres, etc. Networks emerged consisting of specialists who meet regularly to discuss the situation in their respective districts and are actively involved in prevention in addition to processing specific offences. Unfortunately, it is not possible to evaluate based on this study whether this cooperation exists in various regions of Estonia, because the number of people participating in the interviews was limited, all regions were not represented, and the participants were more open to innovation and more aware of the principles of the reform than average. Based on the collected data, it is possible to state that the police and child protection workers of local governments are good at handling offenders who are incapable of guilt by working together and using the restorative justice approach as well as other non-penal methods. This is particularly true in areas that provide a sufficient number of services for children and their families (enough psychologists, a functioning mental health centre, a strong and inclusive school, programmes and treatment for underage addicts, Rajaleidja, strong youth work, efficient substitute care services, and a strong and inclusive community). **Child protection workers as case managers and representatives of the children should handle offenders who are incapable of guilt in the future. They need more support from the representatives of other fields to bear this responsibility as well as efficient non-stigmatising preventative services, the development of which should be the responsibility of the Social Insurance Board, the local municipality, youth work specialists, integrated schools that promote well-being, and the local communities.**

In case of minors who are capable of guilt (between the ages of 14 and 18), a prosecutor joins the network. However, the responsibilities of the prosecutors do not currently require close cooperation with the representatives of other fields and they are primarily seen as decision-makers. The prosecutors who participated in the study admitted that their workload has increased due to the responsibility of imposing suitable sanctions on minors who are capable of guilt. However, they expressed that they were completely satisfied with this opportunity because they can monitor better what happens with a young offender after the sanctions are implemented – they did not have this insight in the previous system, where they transferred cases to the juvenile committees. In the past, they did not receive this type of feedback from the juvenile committees. Due to the

increased workload, all prosecutor's offices were able to hire a consultant on a project basis who helps to manage the workload better. In some districts, the consultants work specifically with juvenile offenders, incl. participate in networking. However, they also have additional functions in other districts. **Based on this positive experience, the positions of these consultants should be made permanent and more clearly linked to the juvenile offenders. In addition, providing similar support to the child protection officials of local governments should be considered. In addition, child protection workers specialising on working with minor offenders, as is currently the case in the child protection services of the Tallinn City Centre District, for example, should be contemplated.**

Regarding the measures in use, the prosecutors stated that they can now opt for sanctions which were included in the list of sanctions as 'Other', i.e. they can choose sanctions that are more individually tailored for children. In addition, they receive initial feedback about the imposed sanctions. However, there is still no single and systematic assessment method for evaluating the suitability of a sanction and how well it fulfils its purpose. For example, if the imposed sanction entails community service, it is frequently impossible to tie it with the offence committed by a specific young person and see the connection between the nature of the work and the offence or its preventive function. Likewise, the pre-trial reports of probation supervisors do not contain concrete reasoning for the recommended measure and an analysis of the presumed impact. In addition, the probation supervisors described cases where a sanction imposed on an underage probationer was unsuitable for that minor, meaning that the special needs of young people are ignored. There is also no systematic feedback from the juvenile offenders themselves indicating that a concrete sanction or measure impacted them to be more law-abiding and aware. **This demonstrates that the decision-makers need an instrument or background knowledge about the expected effect to assess the impact of the sanctions and measures, which would help to analyse how efficient a sanction or a measure was in the case of a specific offender, thus making the work of the prosecutors and probation supervisors more expeditious.**

Interviews with the specialists revealed an interesting need which was shared by practically all participants. The specialists were bothered by their work resembling a factory where a young offender moves from one specialist to another and each expert completes a task but no one has a clear picture of the fate of the minor and their successes on the journey to becoming a law-abiding person. A full picture only emerged in areas that hold regular meetings of the members of the network or use the means of conflict resolution and restorative justice more frequently. However, participating in the network also requires additional time and effort. Often, networking is related to projects with a term. A great example of the cooperation was using the 'Out of the Circle' model. However, there are also cases where the specialists need urgent feedback and commonly shared databases would facilitate obtaining that.

The specialists also mentioned problems with the compatibility of the databases. Currently, separate databases are kept by the police (MIS), prosecutor's offices (PRIS), the child protection system (STAR), the probation supervision system (KIR), and the courts (KIS). The police have limited access to the STAR information system, where police officers can enter information about minor offenders in need. However, they do not have access to the information already contained in STAR about the offender. A statistical analysis indicated that the police seldom uses STAR to send notifications on children in need in the case of juvenile offenders. In addition, this notification does not automatically result in action being taken by the child protection officials. Due to the separation

of the databases and restrictions on access, information and work operations are duplicated (for example, the same child may be interviewed by the police, a child protection worker, a prosecutor, a probation supervisor, and a judge), whereas the information that is collected could already be found in STAR, for example. On the other hand, it would increase the workload of child protection officials, for example, who have the most thorough information on a child and their family. All other officials contact them with queries for information regarding a child or young person. The problem with the increase in the workload could be solved by combining the databases. Another option would be granting access to STAR to the specialists working on a particular case. However, the child protection worker as a case manager also needs access to the information on the fate of the minor contained in other databases. Therefore, they would also need access to information on a minor in MIS, PRIS, and KIS. **For this reason, the issue of granting access to databases to the specialists working on the same case needs to be resolved. This would reduce the workload of the specialists, increase the child-friendliness of the proceedings (one evaluation would suffice because all other parties could use the data gathered during it), and save resources.**

Tamm and Salla (2016) recommended the establishment of a system for assessing the risks related to a child; however, the study demonstrated that Estonia has not yet created or implemented an evidence-based and child-friendly system for assessing risks and needs. The study indicated that a few individual assessment tools are currently used for evaluating minors and the specific tool that is selected depends on the specialist and the field. There is no detailed information on most tools (not all risk assessment tools are public) to evaluate them and there is no data proving that they are evidence-based (culturally suitable and age-appropriate). Globally, there are many scientific instruments that have been developed and evidence-based recommendations that are described for evaluating the well-being and needs of a child and risks related to him or her. In Estonia, research has been conducted on this topic and manuals have been written[4] (for more information, see chapter 4). Unfortunately, not everything has been implemented in Estonia. International experience points to the fact that using a single tool that is available to all parties to a proceeding which can be used for assessing the risks, needs, and strengths comprehensively is more beneficial[5]. One of the recommendations of Tamm and Salla (2016) was the development of a new assessment system. Based on the results of our study, it is possible to claim that the assessment system has not been updated in Estonia. **It is important that an assessment tool package for juvenile**

[4] For example, Akkermann, K. (2014). Lapse heaolu ja vaimse tervise hindamisvahendite kaardistamine. Rakenduskava standardiseeritud hindamisvahendite kohandamiseks Eesti praktikale. Lõppraport. (Mapping the assessment methods of children's well-being and mental health. An implementation plan for adapting standardised assessment tools in Estonian practice. Final report.) OÜ Kognitiivse ja Käitumisteraapia Keskus. https://www.sm.ee/sites/default/files/content-editors/Lapsed_ja_pered/Lapse_oigused_ja_heaolu/hindamisvahendite_loppraport_veebruar_2015.pdf, accessed on 21 February 2021; Lapse heaolu hindamise käsiraamat. (Manual for assessing children's well-being.) (2017). https://www.sotsiaalkindlustusamet.ee/sites/default/files/content-editors/Lastekaitse/Noustamisteenused/lapse_heaolu_hindamise_kasiraamat.pdf, accessed on 21 February 2021.

[5] For example, Loide, K. (2021). Riskihindamine – tuleviku prognoosimise vahend ja juhtumikorralduse alus. (Risk assessment – a tool for forecasting the future and a basis for case management.) *Sotsiaaltöö*, 2, 32–36. https://www.tai.ee/et/sotsiaaltoo/riskihindamine-tuleviku-prognoosimise-vahend-ja-juhtumikorralduse-alus, accessed on 21 February 2021. See also the introduction of the assessment practices in other countries included in the report.

offenders and an assessment system compliant with international standards but based on Estonian research, suitable for Estonia, be developed in the future.

Interaction of several reforms

In addition to subjective experiences, documentary analysis confirmed that there have been changes in the work and procedural operations of the specialists after the reform which are not out of the introduction phase just yet. One of the reasons is the interaction of several reforms. The administrative reform created a situation where the logic of providing various services of the local government changed, as did the relationships between the specialists and cooperation networks. For this reason, in the first half of 2021, it is impossible to assess the importance of the changes in the practice of processing offences committed by children and young people implemented in 2018 and the changes caused by the administrative reform, because the formation of a network, provision of services, and the response of the local governments take more time. The child-friendly nature of the proceedings also has some shortcomings – the children's points of view and opinions did not appear to matter to the specialists when imposing the measures. Likewise, children are still not involved in a meaningful way in each stage of the proceedings as an active subject. Active involvement of children in conflict resolution and the new 'Out of the Circle' network are the exceptions.

The impact of changes in the international context

During the study, the practice and research literature on special juvenile justice systems and the assessment of minor offenders of other countries (Finland, Norway, Latvia, and the Netherlands) were also analysed. The analysis of international experience revealed that Estonia has made similar strides towards the implementation of restorative justice as other countries. At the same time, when determining the level of development of a child, Estonian officials mainly use the age of the child as an indicator and a minor is not subjected to thorough evaluation by a psychologist, a psychiatrist, or some other mental health or behavioural specialist, which would help to select the most suitable intervention measure based on the level of development and the needs of the child. The practice in other countries demonstrates that if a mental health specialist is included in the assessment in the majority of cases, the evaluation process might drag and a long period might lapse between the act and the implemented measures. The measures implemented in Estonia are still largely based on the opinions of the prosecutors, judges, or police officers. According to the scientific literature, the global trend is moving towards the implementation of risk-need-responsivity (RNR) model[6] and methods derived from it, which would help impose a measure on every offender (regardless of age) that is suitable for risks related to them and their needs, thus helping with the development of law-abiding behaviour and the reduction of recidivism.

There are countries where the majority of sanctions and measures used for responding to minor offenders rely on the principles of restorative justice among all else. A conflict mediation pilot

[6] Polaschek, D. L. (2012). An appraisal of the risk–need–responsivity (RNR) model of offender rehabilitation and its application in correctional treatment. *Legal and criminological Psychology, 17*(1), 1-17. https://doi.org/10.1111/j.2044-8333.2011.02038.x.

project has been ongoing in Estonia since 2020. In the course of the project, volunteer conflict mediators are included to help respond to the behaviour of juvenile offenders with the permission of the latter and measures of restorative justice are negotiated between the offender and the victim. Many decision-makers are still unaware of the existence and efficiency of this tool and the use of this measure differs between regions. In addition, this project has a term and its sustainability is not guaranteed. There is also a lack of volunteers who speak Russian. The results so far indicate that conflict mediation is efficient; **therefore, the measure of conflict mediation should be made permanent, it should be introduced more widely, and its utilisation in a larger variety of cases should be promoted.**

Conclusions and recommendations for policy changes

In conclusion, the 2018 reform took a step towards a more child-friendly justice system in Estonia. Measures of restorative justice were adopted but their final implementation in practice was not yet completely clear during the study. The reform attempted to increase the scope of applying special juvenile justice measures to young adults (between the ages of 18 and 20). Based on the analysis, it is possible to state, however, that the reform was somewhat incomplete. In addition, it is possible to speculate that not all changes happened due to the procedural reform of 2018 because of the interaction of several reforms. The study period also included the impact of COVID-19 in 2020 and it was difficult to pinpoint its effect during the analysis. In 2020, the conflict mediation service was also introduced.

The study indicated that the interaction of various reforms was not sufficiently analysed before the reforms. A more thorough analysis of the interaction of the reforms would help plan changes in stages and foresee obstacles to the reforms. In addition, the study demonstrated that several developments which had a positive effect were project-based (incl. the 'Out of the Circle' model, which received extremely positive feedback, and conflict mediation) and their future was uncertain.

Generally, it became clear that despite the specialists being more aware and having better tools, the cooperation between various institutions should still be promoted, the objectives of the pre-trial assessment of the children and young people should be reviewed, and the optimality of the current assessment system should be weighed and its possible alternatives considered. Moreover, the training of all specialists who participate in the proceedings on understanding the developmental and social peculiarities of children and young people and a better inclusion of the children should be fostered to place the child and their needs, well-being, and rights at the centre of the process.

Recommendations for legislative amendments

- Extending special treatment (subsection 34 (11) of the Code of Criminal Procedure) to youths aged 18–21 who have not been diagnosed with developmental disorders should be considered.
- The text of section 201 of the Code of Criminal Procedure should be amended so that the termination of criminal proceedings would not be ruled out for individuals aged 18–21 who committed an offence as a minor.

- An option should be added to misdemeanour proceedings (clause 30 (1) 4) of the Code of Misdemeanour Procedure) to refer young adults (ages 18–21) to a conciliation service after the conclusion of the misdemeanour proceedings or impose another relevant obligation. Social programmes and interventions for children who have committed violations of alcohol, tobacco, and traffic laws should be developed and tested. When responding to a misdemeanour (except for the violations of the Act on Narcotic Drugs and Psychotropic Substances and Precursors thereof), the option to refer a child to a social programme finds little use because such programmes do not exist.
- The option to obligate a minor to compensate the material damage caused by their crime should be used more widely. According to the current practice, young people must usually compensate the damage financially when such an obligation is imposed.
- The Social Welfare Act should be supplemented with descriptions for preparing a case plan and completing an action plan. The role of the child protection worker as the case manager should be defined clearly. The law should treat juvenile offenders as children in need.
- It should specify whether a provider of closed child care institution service that is not a state school should provide an education and the level of that education.
- The Child Protection Act should stipulate specific instances when initiating case management, preparing a case plan, and checking the implementation of an action plan is obligatory in the case of juvenile offenders.
- The assessment of needs and risks in misdemeanour proceedings should be considered.
- Recommendations for improving cooperation and raising awareness in putting the best interests of a child first. When processing juvenile offenders, the principles of child-friendly administration of justice should be observed, including being compliant with the right of a child to participate that is stipulated in article 12 of the Convention on the Rights of the Child.
- Regular informational events should be held for judges or, for example, a mailing list for the implementation of the principles of restorative justice for the parties to the proceedings should be created, which could be used by the Social Insurance Board and other parties for sending information on trainings, existing programmes, new interventions that are being offered and their expected results, etc.
- Information in the databases and access to them should be reviewed. It is important that data security be ensured while also facilitating cooperation and information exchange between specialists. An excellent practice is the infrastructure of the child protection index of the Netherlands. Estonia should consider developing and implementing a similar system. Access to databases should be organised on a case-by-case basis. For example, granting prosecutors working on juvenile cases access to the STAR database should be considered.
- The assessment, selection, and implementation of sanctions should be followed by an evaluation of whether the purpose of the sanction was achieved, which could form part of the networking.
- Specialists who work with minors should complete updated trainings on restorative justice and conflict mediation, which would help them see conflicts and young people as children in need from a wider perspective. A recommendation should be made to the specialists

working with children that they should also pass refresher training on developmental psychology and childhood trauma.

- Networking should be uniformly coordinated. This means that a case manager is a person who has established rapport with a child (e.g. a child protection worker). Instead of an institution, the Social Insurance Board could be in the role of the coordinator.
- The child should be (voluntarily) involved in the networking so that they can actively take part in the work. The participation of the family is also important, because often, work involves the entire family. However, it should be determined first whether the inclusion of the family would reduce the participation and contribution opportunities for the child.

Recommendations for improving the assessment system and implementing suitable intervention measures

- The involvement of the children and young people in all decisions concerning them should be facilitated, thereby supporting children's social maturity. If possible, restorative justice measures should be used.
- In the case of young people between the ages 18 and 20, sanctions meant for minors are rarely used. The response to the violations of law committed by the children and young people is still based on age, although the definition of 'young people' has been extended to include young adults up to age 21. The reason for this is the inability to evaluate immaturity. An expert with special training should evaluate the mental state and social circumstances of all offenders who are children and young people (the thoroughness of the assessment should be based on the degree of severity of the offence, whether it is a repeat violation, and whether the evaluation is necessary), which would help ascertain the best possible intervention for developing law-abiding behaviour.
- The Estonian risk and needs assessment system does not comply with the best contemporary solutions described in research literature, such as the RNR (risk-need-responsivity) model. This risk-need-responsivity model should also be adopted in Estonia (several different tools based on the RNR model have been developed, such as the RNR simulation tool[7]). The system forming a whole is important: interventions tailored to the individual which are uniformly available and correspond to the risks, needs, and strengths of the young individual are a good fit. Guidelines should be prepared for all officials who work with young people, not just probation supervisors. Regular trainings, support personnel, but also legislation (as exemplified by the Netherlands, Norway, and Finland) should be harmonised with the RNR model.
- Information on minor offenders as children in need should, in most cases, reach the child protection workers of the local governments through STAR and this notification should result in the assessment of the need for assistance of the child and a preparation of a case plan which, among all else, evaluates the need for services for influencing the behaviour of the child (such as psychological counselling, support person services, social programmes).
- The preparation of the pre-trial report on a minor offender should be the responsibility of a child protection official with the necessary training, who relies on the information gathered during an interview. In the case of the current system, the family of a juvenile

[7] https://www.gmuace.org/for-the-field/

offender is obligated to participate in several consecutive (largely similar) assessments. Probation supervisors should continue to be in charge of issues related to their specific field (such as electronic surveillance, etc.).

- Stigmatisation should be prevented when assessing a child or young person. This can be achieved by providing training for specialists and organising general awareness campaigns.
- The assessment methods used for child and juvenile offenders (tools and the training of the specialists) need updating and their quality must be harmonised between regions (and specialists), e.g. like in Finland.
- Using restorative justice methods should be even bolder in child protection as well as when processing crimes committed by minors and preventing violations of law.
- Similarly to the consultants in prosecutor's offices, creating the position of a child protection specialist should be considered. This consultant would help child protection officials in the prevention of offences committed by minors and in the organisation of work with an offender under 14 years of age.
- When working with minor offenders, greater attention must be paid to ascertaining the risks and needs related to the family of the minor and to intensifying social work with the parents and family of the juvenile offender.
- Estonia does not regularly implement special juvenile justice measures for young adults between the ages of 18 and 21. In several other countries, this special approach has proven to be beneficial (such as in Norway). Which special approach to young adults would best suit Estonia needs to be analysed.

Topics that need further research

- The causality of changes in the interaction of various reforms and COVID-19 needs further research.
- An in-depth study on the cooperation between the police and child protection officials is needed regarding the assessment of risks and the planning of interventions related to young people and children under 14 years of age who have committed an offence.
- The issue of whether the harmonisation of assessment tools is possible and necessary also needs to be examined.
- The function of the pre-trial report and the current practices of probation supervisors must be analysed (duplication with child protection workers), taking into account the needs of the parties to the proceeding and the actual practical implementation: who needs this analysis, for what purpose, and in which form, the person responsible for preparing it, and the standards that need to be followed.