



Dienst Justitiële Inrichtingen
Ministerie van Justitie

Custodial Institutions Agency

Where freedom ends and may
be regained



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Custodial Institutions Agency

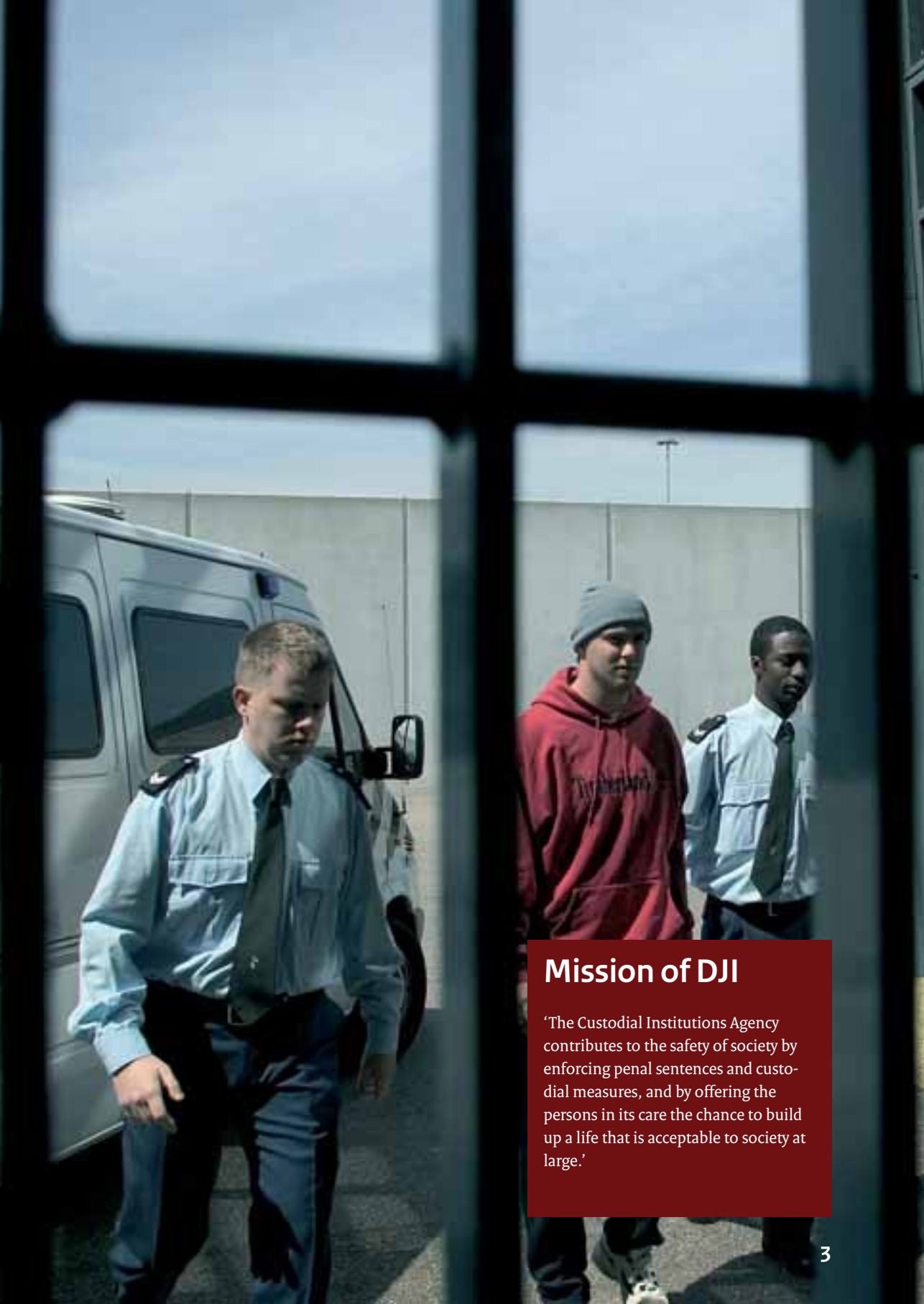
If a Dutch court imposes a sentence or custodial measure, the Ministry of Justice is responsible for the enforcement of that sentence or measure. This duty has been delegated to the national Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*, hereinafter DJI). All correctional institutions in the Netherlands fall under the responsibility of DJI. These include Penitentiary Institutions (remand centres and prisons), correctional institutions for juvenile offenders, forensic psychiatric hospitals and detention and repatriation centres. In addition, DJI procures capacity from other institutions, for example for drug addicts. Every year, tens of thousands of people stay in a correctional institution for a shorter or longer period of time, such as suspects, adult detainees, juvenile offenders, forensic patients and foreign nationals who have been residing illegally in the Netherlands. Such people are either in pre-trial detention, or serving a custodial sentence or measure, or awaiting repatriation. DJI's **most important task** is realising their detention, in order to ensure that justice is served, and to help further the safety of society. In addition, DJI is responsible for the day-to-day care of these detainees and for the task of preparing them to return to society. The emphasis is on efficiency and cost-effectiveness, but also on justice and humane treatment.

The safety of society

Most people end up in a custodial institution (correctional or otherwise) because they are suspected or convicted of an offence. These offences may, for example, include crimes such as drug trafficking, violent crime, sex crime or property offence: in these cases, the safety of society at large, that of its citizens, and sometimes that of the detained persons themselves is at stake. An exception to this is the group of foreign nationals that are staying in the detention and repatriation centres by virtue of an administrative law decision. They are not serving a sentence, but they are being prepared for the return to their country of origin. During their stay in detention, they enjoy as many privileges as can possibly be granted.

A **custodial measure** is the heaviest sentence that can be imposed upon a person in the Netherlands. The aim of the sentence is threefold.

- **Punishment:** the sentence imposed shows that society does not accept violation of the laws and rules. Moreover, most crimes involve victims. In order to help the victims come to terms with, and better cope with, their experience, it is important that the perpetrator of the offence serves his or her sentence.



Mission of DJJ

'The Custodial Institutions Agency contributes to the safety of society by enforcing penal sentences and custodial measures, and by offering the persons in its care the chance to build up a life that is acceptable to society at large.'



- Safety: a prison sentence makes society a safer place, because the perpetrator no longer constitutes a threat when he or she is in detention.
- Prevention of recidivism: institutions offer all detainees order, guidance, training and practical skills. During their stay, the detainees can work on their future and prepare themselves for their return to society. Adult detainees receive guidance, juvenile offenders receive educational training and schooling, and patients in forensic care receive appropriate treatment. It is for good reason that DJI has adopted the following slogan: 'Where freedom ends and can be regained.'

The four groups of detainees

Detainees can be divided into four different groups.

Adult detainees stay in a penitentiary institution. While awaiting the judgement in their criminal case, they are in a remand centre; if they are convicted, they go to a prison. DJI is responsible for their detention and care while in prison, but also prepares the detainees for their return to society.

Juvenile offenders aged between 12 and 23 (maximum) who have to serve a sentence or measure are detained in a correctional institution for juvenile offenders. DJI helps those youngsters to get back on track by creating a pedagogical climate in which they are pro-

vided with the 'baggage' they need for their return to the community.

Patients in forensic care have not only been convicted, but also must undergo special treatment. That may be as an outpatient or in a setting such as a forensic psychiatric clinic or a rehabilitation centre for drug addicts. There is a large variety of institutions that offer forensic care, treatment and security.

Foreign nationals who are not allowed to stay in the Netherlands may be placed in detention and repatriation centres. During their stay, the various cooperating organisations, together with DJI, work towards a successful completion of the return procedure. Foreign nationals who have committed a crime must first serve their sentence in the Netherlands before returning to their country of origin.

The organisation

DJI is an agency of the Ministry of Justice. That means that it is an independent body of the Ministry with its own central management, budget and financial records. The General Director of DJI reports to the Director General for Prevention, Youth and Sanctions of the Administration Department with which DJI sets its annual targets. The Minister of Justice has the ultimate authority with respect to the activities of DJI. The agency falls under his ministerial responsibility.

Sectors and Directorates

The national custodial institutions are controlled by two sectors and two directorates from the head office in The Hague, in accordance with the groups that DJI works with.

- **Prison Services (Sector Gevangeniswezen, hereinafter GW):**

GW is responsible for the administration of sentences and measures for adult detainees in correctional institutions (remand centres, prisons, women's prisons). This is by

far the largest division of DJI. The penitentiary institutions (PIs) are situated throughout the country. The management consists of a governor and a deputy governor for each institution. All penitentiary institutions are national ones.

- **Correctional Institutions for Juvenile Offenders Sector** (*Sector Justitiële Jeugdinstellingen, hereinafter: JJI*):

JJI administers the prison sentences and custodial measures imposed upon juvenile offenders aged between 12 and 23. At the same time, it tries to offer those youngsters new stability, and new opportunities for the future. There are both national and private institutions for juvenile offenders, spread across the country.

- **Directorate for Forensic Care** (*Directie Forensische Zorg, hereinafter: DForZo*):

DForZo is responsible for all forensic care provided to adults subject to a criminal court order. It deals with quality development, procurement, placement and funding of mental health care to such detainees, including care for drug addicts and care for individuals with a mental impairment. To that end, it procures care from institutions, including mental health-care institutions that offer forensic care. There are two national Forensic Psychiatric Centres (FPCs) that fall under the direct control and responsibility of this Directorate.



- **Directorate for Special Detention Facilities** (*Directie Bijzondere Voorzieningen, hereinafter DBV*):

DBV is responsible for foreign nationals who have been refused access to the Netherlands at its borders, and for illegal immigrants and drugs traffickers. DBV has detention facilities (detention centres) and repatriation facilities (repatriation centres). Where necessary, DBV supports the other divisions if they have capacity issues.

Support of Directorates

The boards of DJI's Directorates and Sectors are supported by the Implementation Policy, Operations, and HRM corporate staff, and by the Corporate Communications Department. The Implementation Policy corporate staff consists of the Health Care, Information Analysis and Documentation, Policy Development and Legal Affairs Units. They translate the ministry's strategic policy into practical objectives. The Operations corporate staff is responsible for central management tasks: administration, planning, finances, information management, accommodation, material and control of the Shared Service Centres (SSCs).

HRM develops the human resources policy, in which personal development of employees and coaching leadership are key elements. The Corporate Communications Department advises the boards of the Directorates and Sectors on the use of internal and external communications and handles the policy preparations and implementation of corporate communications activities.

National Services

- **Transport and Support Service** (*Dienst Vervoer en Ondersteuning, or DV&O*)

DV&O transports arrested persons, detainees, and foreign nationals, and also transports goods and criminal case files for the

entire judicial system. DV&O also provides assistance in emergencies, and second security officers to support organisations affiliated with the Ministry of Justice.

- **Spiritual Care Service (*Dienst Geestelijke Verzorging, or DGV*)**

DGV advises DJI on spiritual care in the institutions. In addition, this service monitors, on behalf of the various bodies, the substance of spiritual care, the personnel policy and deployment of the spiritual advisors.

- **Netherlands Institute for Forensic Psychiatry and Psychology (*Nederlands Instituut voor Forensische Psychiatrie en Psychologie, or NIFP*)**

NIFP is the knowledge institute for forensic psychiatry and psychology. The Pieter Baan Centrum, which is a secure observation and diagnostics clinic, is part of the NIFP. The most important activities of NIFP include the provision of opinions and recommendations to the judiciary, mediation, testing, observation and training. NIFP is also responsible for making the clinical assessment for forensic care which is required when the court has ordered that someone needs clinical treatment.

- **Bureau for Integrity and Security (*Bureau Integriteit en Veiligheid, or BI&V*)**

BI&V has an identifying role for the development of integrity policy, and facilitates DJI in handling security and integrity issues regarding staff. To that end, the Bureau checks people's backgrounds and identifies integrity violations, and provides DJI with reports and recommendations regarding these issues.

- **Other services**

The support services, in the areas of personnel, procurement, finance, information and

IT, are combined in five regional **Shared Service Centres**. The **DJI Training Institute** offers training courses for DJI employees. **SSC-I** manages the national computer network and provides DJI with advice on IT issues.

Personnel: 24/7

A custodial institution is a non-stop business; guidance, security, treatment and care are provided 24 hours a day and seven days a week. With thousands of employees, DJI is one of the biggest employers in the country. Most DJI employees are civil servants, in the service of the Ministry of Justice, but DJI also hires staff from private companies. It goes without saying that the qualifications, requirements and terms and conditions applicable to the latter are the same as those applicable to DJI employees. The majority of staff has a hands-on job and is directly involved in security, guidance or treating detainees, juvenile offenders or patients in forensic care. This includes positions such as prison worker, security officer, and socio-therapist or team leader. In addition, each institution has numerous experts, such as physicians, nurses, psychiatrists, psychologists, educators, social workers, sports instructors, teachers, and of course cooks and canteen staff.

DJI is a 'people-people's organisation': the employees are important links in the secu-





rity system. For this reason the organisation focuses a lot of attention on good terms of employment and personal development of staff.

Custodial institutions and safety

Each custodial institution has its own set-up and character, but there are certain aspects which are standard throughout the whole prison system. In addition to cells or rooms, there are always airing yards, sports fields, work shops and class rooms. Each institution also has facilities such as a library, a place of worship, an infirmary and a kitchen.

A **safe working and living environment** for employees, detainees and visitors is extremely important within DJI. This aspect is therefore given ample attention in each institution. All kinds of constructional/technical and logistical measures are taken in order to make sure that the institution and its surroundings are and remain a safe place. However, DJI staff plays a crucial role in the maintenance of a safe environment for working and living. Potentially dangerous situations for staff or detainees are always discussed immediately with each other. Subsequently, the team decides on the best approach. At individual level too, a lot is expected from the employees. Treating detainees in the right way and carefully following the various security procedures reduces the risk that a

situation will get out of hand, or escalate. DJI employees are trained to closely monitor detainees and their visitors. They will immediately spot any different or aberrant behaviour. In most cases, a talk with the person(s) concerned is enough to get the situation back under control. However, employees also have to be able to effectively and efficiently handle an emergency or an event that has escalated far beyond the normal situation. That is why intensive crisis drills are held on a regular basis.

Collaboration with the cooperating organisations

In order to successfully achieve its mission, DJI works closely together with numerous organisations, such as the Public Prosecution Service, the Child Protection Board, the Repatriation and Departure Service, the Dutch Mental Health Care Organisation, the Probation Service and the municipalities. There is a joint responsibility for the **systems** within which DJI is active – the immigration system, the criminal law system, the juvenile (criminal law) system and the health-care system. Within these systems, each organisation has its own task and role. As mutual harmonisation and collaboration is an absolute must in achieving its mission, DJI deems national and regional collaboration with the cooperating organisations to be of great importance.



Adult detainees

People suspected of a crime, who have not yet been convicted, are held in a **remand centre**. During this pre-trial detention, they are awaiting the judgement of the court. On the basis of a conviction, these detainees can then be transferred to a **prison**. **Penitentiary institutions** provide both forms of detention.

The prison a person ends up in depends, among other things, on the length of the sentence, and an assessment of the escape risk and the risk for society, as there are various types of prison. Usually, a detainee will first be transferred to a **closed prison**, where prisoners have few or no privileges and the security measures in place are relatively strict. In a later stage of his or her sentence, and/or under certain conditions, a detainee may go to a **half-open or open prison**. There, the detainees have more freedom of movement and more possibilities to prepare for their return to society. For example, they have more options for being granted leave, and they are allowed to follow a work or training programme outside the institution. Security in half-open and open prisons is not as severe as it is for prisoners in a closed prison.

Security is at its highest level in the **maximum-security prison** in Vught, meant for detainees that are highly likely to try to escape. Sometimes, the court holds that treatment is required in addition to punish-



ment, for example because of a mental disorder. In that case, a detainee can be placed in a **Penitentiary Psychiatric Centre** (PPC). One of these PPCs also has a **FOBA unit**: the unit for Forensic Observation and Guidance. This unit is meant for detainees who are in an acute psychiatric crisis. For repeat offenders (often drug addicts) there is a specific **Institution for Repeat Offenders** (*Instelling voor Stelselmatige Daders*, or ISD). Detainees under a two-year ISD measure kick their habit, if necessary, and follow a programme that helps them return to society.

Being detained

Day programme

Detainees usually have a cell to themselves, but there are also shared cells. They follow a **day programme** which has a number of obligatory elements laid down in the law, such as recreation, airing, sports, work and use of the library. Detainees spend the rest

of the time in their cells. **Work** is offered by external companies. By working, detainees earn some money, which they can use to pay for snack food or the rental of a TV. Detainees are entitled to have **visitors**. Only detainees with a very heavy sentence will receive their visitors behind glass. During their stay, detainees are provided with several forms of **care and guidance**. Some detainees may have more privileges than others, depending on security requirements, individual possibilities, motivation and stage of the sentence. Detainees with more privileges also have more options to be granted leave and may, in exceptional cases, go to work or school outside the institution. Obtaining an educational certificate is highly encouraged, as it increases the chance of work after detention.

Staff

Important positions in a remand centre and prison are those of the **prison workers** (*penitentiair inrichtingswerkers*, or PIW's) and **security officers** (*bewakers*, or Bewa's). Prison workers work all day with detainees and are their first point of contact. They are responsible for the day-to-day guidance and care of the detainees. They motivate them to work on their future, make sure that rules are complied with and take action in a crisis or when someone shows aggressive behav-



our. Security officers make sure that the buildings and people in the institution are safe and secure. They check out people and luggage, manage keys and communications equipment and follow the movements in and outside the institution on a CCTV system. The security officers also supervise during visiting hour, sports and work. In addition, the correctional institutions also provide employment for other personnel, including workshop managers, sports instructors, physicians and social workers.

Medical care and spiritual care

Like everybody in the Netherlands, detainees are entitled to care. All detainees have access to **medical care** (physical and mental), which is equal to the health care provided in the outside world. The situation within the institution does entail limitations, however. If the situation is severe, the detainee in question may be admitted to the prison hospital in Scheveningen. There are also representatives of the various faiths available to the detainees; these care personnel are referred to as **spiritual advisors**. Via the Spiritual Care Service, several faiths are represented, such as the Roman-Catholic church, the Protestant Church, the Association of Humanists, the Muslims and Government Contact Body and the Jewish Congregation.





Sanctions

If a detainee misbehaves or breaches any by-laws, the governor may take **disciplinary action**, for example by placing the detainee in a disciplinary cell, denying him or her any visitors, or excluding him or her from certain activities. The detainee may file a complaint with the Supervisory Committee regarding any disciplinary measure imposed. The last resort is to submit an appeal to the Dutch Council for the Application of Criminal Law.

Tackling narcotics

Many detainees are addicted or are detained in connection with a crime associated with drugs trafficking or use of narcotics. Although **alcohol and drugs** are strictly forbidden, they sometimes do end up in prison, mostly smuggled in by visitors. Despite supervision and checks, there are moments at which visitors have physical contact with detainees, which enables the transfer of drugs. The various **checks for drugs may include:**

- Access control of staff and visitors and their bags upon entry;
- Searching clothing and bags;
- Searching the detainee's body (body search);
- Checking urine samples of detainees for unusual and addictive substances.

Staff also regularly and thoroughly inspect all cells and areas usually used by detainees.

Working on returning to society

Reducing recidivism

During a stay in prison, the focus is constantly on the detainee's **return to society**. That covers many aspects, such as housing, relationship, training, work and finances. Anyone who is sufficiently motivated can follow all kinds of relevant courses and training programmes. The object is to enable the detainee to start anew and to prevent him or her from continuing the criminal behaviour (recidivism). **Reducing recidivism** is therefore an important key focus area of the Ministry of Justice, the Prison Services (GW) and the Probation Service, whose staff work closely together with one another and with the municipalities.

Behavioural intervention programmes

One of the ways to prevent recidivism is influencing the detainee's behaviour with the help of **behavioural intervention programmes**. The first step is to identify the factors that play a role in committing offences. The next step is to change any factors that can be influenced, such as a negative self-image, aggressive behaviour or anger. Behavioural intervention pro-





grammes often consist of a series of training sessions in which detainees work on specific skills.

Aftercare

Another important element in preventing recidivism is proper **aftercare**. The **municipality in which the ex-detainee will take up residence** is responsible for receiving and guiding him or her. The prison makes sure that any relevant information on the



detainee is forwarded to the municipality.

Social workers (*Medewerkers Maatschappelijke Dienstverlening*, or MMD'ers) help to make the transition as smooth as possible. They screen four aspects relating to the detainee upon arrival: identity documents, income, housing and care. In principle, the detainee is responsible for these aspects, but during detention, the institution provides help in sorting out those things, for example by offering the detainee a debt rescheduling scheme, or by helping him or her find a job. When the detainee is released, the social worker will forward information on the situation at that time to the **municipality**. The social workers also pay attention to the follow-up programme after detention and to any referral to other cooperating organisations, such as the Probation Service.

Special forms

Institution for Repeat Offenders

Repeat offenders, who usually have an addiction, cause a lot of trouble and make society at large feel unsafe. The court can impose an ISD measure upon 'revolving-door criminals', who have been reported to the police more than ten times over a period of five years. That means that they will be confined for a maximum period of two years in an Institution for Repeat Offenders. During their stay in the institution, an individual approach is taken, in order to prepare the repeat offenders for their return to society.

Penitentiary Psychiatric Centre

In the Netherlands, there are five **Penitentiary Psychiatric Centres** (PPCs). These are intended for detainees who need psychiatric care, but who, for various reasons, cannot be admitted to a normal mental health-care institution. The PPCs have three levels of



care and security, varying from minimum care to intensive or high security care. For each patient, an individual treatment and guidance plan will be drawn up. The psychiatric care in a PPC is equal to care given in normal mental health-care institutions. A PPC offers employment to people such as Care and Treatment Staff (*Zorg Behandel Inrichtingswerkers*, or **ZBIW'ers**), nurses, health-care psychologists and therapists.

Penitentiary programme outside the institution

Sometimes, detainees with a sentence of up to three months can benefit from **extramural detention**: a sentence or measure outside the prison walls. This form of detention prevents people from losing their job or disrupting family life. A special form of extramural detention is the **Penitentiary Programme**. This programme is developed



for detainees with a custodial sentence of at least six months. They can spend the last stage of their detention outside the prison walls and get their lives back on track. The programme focuses on the combination of work, training and other activities in order to prevent the participant from reverting to his or her former criminal behaviour. During the penitentiary programme, the detainee lives at home and follows a compulsory work or training programme while supervised by way of **electronic monitoring**. During this period, the detainee is supervised by the Probation Service. A prerequisite for all forms of extramural detention is that the detainee in question does not constitute a safety risk to society.

Release on parole

Detainees serving a prison sentence of at least twelve months will be released **under certain conditions** after having served two thirds of their sentence. The convict will be released on parole, during which period he or she is not allowed to commit any new offence. In addition, special conditions may be attached, such as following a training course or treatment. If the convict fails to fulfil the conditions, he or she has to serve the rest of the sentence.

Juvenile Offenders

Young people aged between 12 and 18 who have committed an offence are tried under juvenile criminal law. Serious cases will be brought before the juvenile court, which may order, among other things, that the young offender be placed in juvenile detention, or in a correctional institution for juvenile offenders. In cases of **juvenile detention**, young people up to fifteen years old can be sentenced to a maximum of a twelve-month term of imprisonment, and sixteen and seventeen-year-olds can be sentenced to two years maximum. If the court holds that the juvenile offender needs treatment, it may order a so-called **PIJ-maatregel**, meaning that the young person is placed in a correctional institution for juvenile offenders. In principle, this measure is for two years, but under certain circumstances, the term may be renewed.



Being detained

Correctional institutions for juvenile offenders accommodate young people aged twelve to twenty-three. There are separate groups for girls and boys, and some special groups, such as groups for individuals with a mild form of mental impairment, and for young people with serious sexual issues. The maximum stay in a correctional institution for juvenile offenders – even after renewal of the order – is six years. There are national institutions, but DJI also subsidizes beds in private institutions for juvenile offenders. Such an institution holds both young offenders who have not yet been tried, and young people already subject to a custodial order. Young people in pre-trial detention may be eligible for **night detention**. That means that they can go to school or to their job during the day and spend the evening, night and weekend in the institution. This limits the detrimental effects of being in detention, and keeps the relationships with the outside world intact. Night detention is only possible if the young person has a structured day-time activity, such as school, work or day treatment.

Kinds of institutions

While staying in a correctional institution for juvenile offenders, the young people go



through various stages. The stay begins in principle in a mainstream closed institution. As soon as he or she is up to it, the young person will be transferred to a half-open institution. A **mainstream closed institution** has more security measures in place, and the young people have fewer privileges. They are always accompanied when being taken from one place to another within the institution, and the door to their room is locked. In a **half-open institution**, there is more freedom. Sometimes, they even go to school or to their apprenticeship outside the institution without supervision. In this way, they can work towards a proper return to society.

Staff

The most essential group of staff members within the institutions for juvenile offenders are the educational professionals. By guiding the young people and exerting their influence, they give their 'pupils' a sense of stability and offer them new opportunities. They do so in close consultation with other dedicated colleagues. The educational staff members play a crucial role in creating a safe and stimulating climate to educate and treat these young offenders. They have intense individual contact with the young people, but also supervise group processes. As mentors, they keep in touch with other organisations and with the parents. They also make a contribution towards the Plan of Prospects and they are responsible for the educational programmes and other such activities.

Education and development

All activities within the institution for juvenile offenders focus on the development, well-being and future of the young people. This is accomplished in various ways.

- **Plan of Perspectives.**

After three weeks in a correctional institution

for juvenile offenders, a plan of perspectives has to be drawn up for each young person. Based on the initial interviews and screening, the pupil's points for attention with regard to learning and development will be identified. The young person and his or her mentor discuss the progress that has been made on a weekly basis in a mentor meeting. The Plan of Perspectives and the Aftercare Plan of the Probation Service together form the **Process Plan**. This specifies the steps the young person has to take during and after his or her stay in the correctional institution for juvenile offenders, in order to make his or her return to society a success.

- **Behavioural intervention programmes**

Behavioural scientists map behaviour: what stage of development is the young person in, does he or she have a mental disorder, and what is the best approach during his or her stay in the institution? Based on this information, the juvenile offenders – either individually or as a group – take part in behavioural intervention programmes, for example a social skills training course or an aggression management course.

- **YOUTURN**

YOUTURN is the basic method which is used in all correctional institutions for juvenile offenders in the country. The method helps youngsters to master skills which will enable them to independently function in society. For example, they learn to better deal with situations in which it is hard for them to make a decision, as well as with practical matters, such as handling money and standing by their word. The programme also offers methods that influence a young person's behaviour, which reduces the risk of recidivism. As all correctional institutions for juvenile offenders work with the same method, the youngsters can be easily trans-



ferred to another institution to continue their progress in the programme without interruption.

• Education

Each correctional institution for juvenile offenders has its own teaching facility, which is similar to the educational system in the outside world. Every day, they are taught four to five hours. Where possible, the education will be in line with the educational activities that were followed before staying in the institution.

Medical care

Upon arrival in a correctional institution for juvenile offenders, all young people are seen by a nurse or general practitioner. When they are ill, it is possible to see a doctor, nurse or dentist. The youngsters can also go and ask a **Medical Service** staff member any kind of health-related question.

Checks

The staff will carry out checks, either announced or unannounced, on a regular basis, in order to check for the possession or use of narcotics and forbidden items. Staff is allowed to open **mail** in the presence of the young people in order to check for forbidden items. Special rules have been laid down in the law for mail from and to parents or the lawyer. **Room inspections** are always allowed, for example to check them

for forbidden items, such as mobile phones, drugs or weapons. To further monitor the possible use of drugs, alcohol and other narcotics, **urine samples** are regularly taken if there is a suspicion of usage, or when detainees have had visitors or have been on leave. **Searches** (only checking clothing or bag) is done whenever a juvenile offender leaves the institution or has had visitors. **Body-searches** only take place upon arrival in the institution or if the juvenile offender is suspected of having forbidden items in his or her possession.

Working on return to society

Very few juvenile offenders stay longer than two years in a correctional institution for juvenile offenders. To prepare them for their return home, they will be granted **leave** in gradual steps. In the beginning, leave will be fully escorted; after some time, the level of supervision will decrease until the juvenile offender is capable of being granted unsupervised leave.

Forms of leave

• Leave during a PIJ-maatregel

Under a PIJ-maatregel, a juvenile offender will in principle be first granted leave after six months. If that goes well, the juvenile offender may continue his or her treatment in a unit that has less security measures in place. At the end of treatment, it is possible





to obtain parole. In that case, the young person stays outside the institution, with parents or on his or her own, supervised by the Youth Probation Service. Parole is only possible on condition that the juvenile offender follows an educational or training course, or works at least 26 hours a week.

- **Leave during juvenile detention**

Leave during juvenile detention depends on the length of the sentence, and will first be escorted and later unsupervised. During the stage of unsupervised leave, the young person can follow a training course or apprenticeship outside the institution.

STPs and Work Wise

Schooling and Training Programmes

(STPs) are preparatory steps for the purpose of returning to society. At the end of his or her sentence period, the young person will follow an individual programme to gradually get used to everyday freedoms. An STP consists of at least 26 hours of schooling, training or work every week. In that programme, the young people will no longer stay in the institution, but will be supervised and coached by the Youth Probation Service or the family supervisor.

Within the STPs, there are also **Work Wise processes** which help the young people find suitable employment, a professional training course or an apprenticeship, as well as accommodation, and which will teach them how to spend leisure time and build a social network.

Aftercare

All young people that end up in a correctional institution for juvenile offenders by virtue of a criminal court order will be given appropriate **aftercare** or resocialisation

upon leaving the institution. This aftercare includes every form of supervision/coaching by the Youth Probation Service, immediately following the adolescent's stay in the institution. The Child Protection Board, the correctional institutions for juvenile offenders and the Youth Probation Service work closely together on coaching the young people in network and process meetings. For each young person, they make arrangements on the steps to be taken during the stay in the correctional institution and during the aftercare stage. Stay and aftercare upon discharge must be in alignment, to the greatest extent possible. This is of crucial importance in preventing recidivism.

Special forms

Special units and specialisations

DJI also has special units for young people who need treatment which requires specific know-how. Examples are:

- Forensic Observation and Guidance unit : for young people in a mental crisis who have to be stabilized;
- Unit for persons with a mild mental impairment: for young people with a low IQ (between 55 and 80);
- Very Intensive Care unit (VIC unit): for young people who need extra supervision as a result of a psychiatric disorder or personality disorder;
- Unit for young people with serious sexual issues (ESP unit);
- Individual Process Unit): for young people who disrupt the process in the group to such extent that they have a negative impact on their group members.

Patients in forensic care

Apart from punishment, a court may also order forensic care. Every involuntary or forced form of care requires a careful balancing between **treatment and security**. There are 22 conditional sanctions which fall under forensic care. The best-known care measure is a placement under a hospital order (*terbeschikkingstelling* or TBS). This measure is imposed upon adults who have committed a serious offence and have been declared entirely or partially unaccountable for that offence. **Forensic care** is also given to detainees with a mental impairment and offenders with an addiction. Patients may, for example, be placed in a mental health-care institution for treatment in an outpatients' clinic. If forensic care is required while the offender is in prison, that person can be placed in a **Penitentiary Psychiatric Centre** (PPC) or in an **Institution for Repeat Offenders**. Information on those institutions is given on page 12/13. Treatment of forensic patients focuses



on changing their behaviour in such a way that they will not reoffend. Patients will be given a treatment for their disorder or addiction, or they will follow a therapy to learn to responsibly handle their disorder.

Placement under a hospital order (TBS)

If the offender of a serious crime has a psychiatric illness or disorder, the court may hold that he or she is not – or only partly – accountable for committing that crime. In that case, the court may order that this person be **placed under a hospital order (TBS)**. The court may sentence him or her to a term of imprisonment for that part of the crime for which he or she can be held accountable. This results in a **combined judgment**: first a prison sentence (the punishment for the offence) and then TBS (treatment). A placement under a hospital order can only be given if there is a risk that this person will again commit a crime, putting society in danger. This has to involve a crime which carries a minimum four-year term of imprisonment, or for which the court may issue a placement under a hospital order regardless of the maximum term of imprisonment. Every two years, the court reviews whether the TBS measure must be renewed.

Placement under a hospital order including a treatment order

TBS including a treatment order is a **custodial measure**. The TBS patient is under the obligation to stay in a closed Forensic Psychiatric Centre (FPC) and to cooperate in his or her treatment. Obligation and voluntariness are at odds with one another in these cases. Under Dutch law, compulsory psychiatric treatment is not allowed. A placement under a hospital order including a treatment order means that treatment, focusing on the risk of recidivism, is therefore in principle on a voluntary basis. However, if such person fails to cooperate in their treatment, the risk of recidivism is not reduced, and the need to protect society still remains. In that case, the court will renew the TBS order until it is no longer necessary. That in fact is **indirect coercion** to cooperate in the treatment.

Placement under a conditional hospital order

If someone is placed under a conditional hospital order, that person will not be admitted to an FPC, but the court will attach certain conditions to his or her behaviour, e.g. that the person will have to undergo compulsory treatment (which may be in an outpatients clinic) or that he or she is not allowed to use any alcohol or drugs. If the person breaches these conditions, the court may convert the conditional hospital order into a placement under a hospital order including a treatment order. A court will only give a placement under a conditional hospital order if the risk of recidivism can be curbed with treatment in an outpatients clinic.

Being admitted

Kinds of institutions

TBS patients are treated in a **Forensic Psychi-**



atric Centre (FPC). This is the umbrella term for all TBS custodial clinics. In addition, there are the Forensic Psychiatric Clinic (*Forensisch Psychiatrische Kliniek or FPK*) and the Forensic Psychiatric Unit (*Forensisch Psychiatrische Afdeling or FPA*). The FPK is a special facility in the mental health-care system which provides treatment and has security measures in place. If treatment is successful, the patient can be transferred to an FPA, usually a separate unit within a normal mental health-care institution which has less security measures in place. Other institutions offering forensic care are: the normal municipal mental health care agencies, institutions for mentally impaired people, institutions providing care for drug addicts, regional sheltered housing institutions, psychiatric penitentiary centres (PPCs) and forensic outpatient clinics. All institutions can be found on the Forensic Care National Map (*Landkaart Forensische Zorg*) to be downloaded from the following website: www.dji.nl.

Forms of leave for patients placed under a hospital order

The aim of the treatment of the TBS patient is to achieve a safe return to society. That cannot be achieved, unless the risk of recidivism has been reduced to an acceptable level. By gradually granting the patient more privileges, he or she will get used to society again. If a patient's behaviour has changed for the better following a period of treatment, the patient will be granted **leave**.



The independent **Leave Review Advisory Board** determines in all cases whether leave is granted. This Board is made up of ten forensic psychiatrists and psychologists, four jurists and an academic consultant specializing in risk assessment. These people hold meetings to assess the applications for leave. In doing so, they consider all of the risk-assessment related information that is available at that time. On the basis of this independent review of the application's merits, the Board gives the Minister its opinion on the application. If leave is granted, it will be in successive steps, with decreasing levels of supervision and security measures: **secure and escorted leave; unsupervised leave; transmural leave (living outside the clinic); parole**. Where parole is granted, the patient is allowed to return to society 'on trial'. He or she will live independently, and will be an ex-patient as of that moment; the clinic assigns supervision to the Probation Service. Leave is only granted if the custodial clinic can demonstrate that the risk of recidivism has been reduced to such extent that it is responsible to grant leave. For a visit to the court or to a hospital, an occasional escorted leave may be granted.

Long stay

If a TBS patient remains liable to reoffend despite intensive treatment, he or she will be transferred to **the long-stay unit**. Patients in this unit no longer receive intensive treatment. The essential aspects in this unit are mental and physical care, and the necessary security measures.

Forensic care

Care assessment

Every patient has their own tailor-made care process. That is the aim of forensic care in



the criminal law system for adult offenders. Independent experts diagnose the disorder pursuant to a court order, in order to establish the required treatment and the period of treatment. This assessment forms a significant part of the basis for **care assessment** and the appropriate security level.

Procurement and placement

Many institutions in the Netherlands offer forensic care services. DJI procures these services by entering into contracts with the institutions. These contracts include aspects such as price, quality and volume. As soon as the care assessment is known, DJI will decide in which institution the patient can be best placed.

Return to society

After treatment or measure, most patients are ready to return to society. In this resocialisation process, patients begin, step by step, to engage in activities in society. DJI's Forensic Care Department and the institutions providing forensic care cooperate with one another in a specific system. Other links in the systems involved in forensic care include the Public Prosecution Service and the Probation Service. The better the various organisations work together, the smaller the risk of recidivism.

Foreign nationals

Foreign nationals who have been residing illegally in the Netherlands or who have been denied access at the border may end up in a detention centre for foreign nationals. This concerns people who refuse to voluntarily return to their country of origin. Based on an administrative law order they are placed in a detention or repatriation centre.

In principle, it is the foreign national's responsibility to leave the country if he or she is not or no longer permitted to stay in the Netherlands. If the application for a residence permit is denied, the foreign national will be given the opportunity to leave independently. Compulsory departure only occurs if the foreign national fails to take any action. In that case, he or she will be put in custody in one of the detention centres in order to prevent him or her from evading supervision. Foreign nationals who have committed an offence will be confined in a DJI custodial institution pursuant to a measure ordered by the Dutch criminal court. They will serve their sentence in the Netherlands before returning to the country of origin.



Being in custody

Detention and repatriation centres

If the prospect is repatriation, a foreign national is transferred to a **repatriation centre**. This is, for instance, the case when all travel documents are available and the only aspect that is lacking is a seat on an airplane. If repatriation in the short term is not possible, for example because the identification process is still under way, the foreign national in question will be transferred to a **detention centre**.

In principle, people in detention and repatriation centres share cells. Usually these cells accommodate two people. Anyone who would like to share a cell with a fellow citizen or someone they know can file a request to that end. The Medical Service will also check whether there are any medical reasons for placing someone in a cell by themselves.

During their stay in a detention or repatria-



tion centre, foreign nationals can take part in **activities**, such as sports, seeing visitors, recreation or watching a film. Outside these activities, they stay in a shared residential unit. During the day, the cell doors are open. **Security officers** are responsible for guidance, security and the day-to-day care for the foreign nationals in detention or repatriation centres.

Legal Aid Office

All detention centres regularly have a 'legal surgery', where staff members of the (independent) **Legal Aid Office** hold consultation hours. Foreign nationals can go there with any immigration-law related questions and obtain legal advice.

Families

For **parents with minors**, there is a special unit available with activities for the family. In principle, these families will stay no longer than fourteen days in custody. Parents always have the option of leaving their children with relatives or others looking after the children outside the institution until their departure from the Netherlands.



Medical and spiritual care

Upon arrival in a centre, an initial medical interview will be held within 24 hours. Nurses from the Medical Service examine the foreign national's physical and mental



health. Where necessary, they will take action and/or refer them to another professional. The starting point is that the **medical care** provided in the detention and repatriation centres is equivalent to the health-care provisions in the outside world, taking into account the custodial situation. Foreign nationals can count on care provided by professionals, including a general practitioner, a dentist, psychiatrists and psychologists. Nurses are also present in each centre during the day, from early in the morning until late at night. Like all other individuals in detention/custody, foreign nationals also have the right to practice their belief or faith, either individually or as a group. To that end, they can talk with staff members of the **Spiritual Care Service**, who represent the various faiths and religions. These staff members also regularly organize services of prayer and other meetings, for almost every religious denomination or spiritual orientation.

Repatriation

The aim of being in a repatriation or detention centre is returning to the country of origin. In order to prepare the foreign nationals for that step, guidance is provided by so-called **repatriation officers**. These officers focus primarily on supporting the repatriation process, to minimize the time during which the foreign national is in a detention or repatriation centre. They do so by liaising with the various relevant bodies, by providing the foreign national with the necessary information, and by solving practical problems which may impede repatriation.

Collaboration with cooperating organisations

To make sure that foreign nationals actually leave the Netherlands, the Directorate for Detention and Special Facilities (DBV) works closely together with the various **cooperating organisations**, who are, just like DBV, a link in the immigration process.

Important links in the **repatriation process** are the police, the Royal Military Constabulary (*Koninklijke Marechaussee, or KMar*), the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst or IND*), the



Repatriation and Departure Service of the Ministry of Justice and organisations such as the Dutch Council for Refugees and the International Organisation for Migration (IOM).

The IND, the police or KMar provides the file of the foreign national, with regard to whom it has been established that said person is not allowed to stay in the Netherlands. On the basis of this file, DT&V draws up a departure plan. DT&V is active in all detention and repatriation centres. Foreign nationals are held in a detention centre as briefly as possible, but the duration of their stay depends on the willingness of the authorities in the country of origin and of the foreign national himself/herself to collaborate in repatriation.

IOM is an independent organisation that supports migrants all over the world. In the Netherlands, IOM is dedicated, among other things, to providing assistance to people who voluntarily want to return to their country of origin. IOM can help these individuals, for example, by applying for a replacement travel document, paying for the airfare to the final destination or receiving them in the country of origin.

If there are clues that the person involved will resist repatriation, DT&V requests KMar to escort the foreign national on the trip. In most cases, however, repatriation is carried out without any problems.







Glimpses from day-to- day practice

The prison worker

Inside, Jolanda takes the women to their cells, wishes them a nice meal and locks the cell doors. Halfway down the corridor, a woman asks, in a whispering voice, whether she can share a cell with someone else. “I’ll get back to you on that one after the break, okay Sana?” In principle, Jolanda never complies with a request to change cells. “Otherwise, we would never be finished with switching cells. But the women still keep on trying.”

In the residential unit, Jolanda does a headcount, aloud. “I am missing someone. Hey girls, is Dési in yet?” At the top of the staircase, a girl peeks around the door. Her face is reddened; she has obviously been crying. “Ah, there you are”, Jolanda calls upstairs. “I couldn’t find you. Are you all right?” Dési blows her nose loudly and waves to Jolanda. In the kitchen, the women talk about Dési. “She is not doing so well”, an older woman says. “She has been to the information session, we had another school class in here visiting today. Those kids always ask us what we are doing time for and that sort of thing. That makes you stop and think again, right?” “I’ll talk to her later”, Jolanda promises.

Jolanda Snepvangers is a prison worker in the women’s prison in Breda. She accompanies detainees to all their activities in prison, and takes them back again to their unit. In addition, she is the first point of contact for the women and arranges all sorts of practical matters.





The prison nurse

'Feel ill.' 'I have a question.' 'Rash, it started on my arse.' During her rounds along the team rooms of the units, Marieke collects notes from detainees who want to come to the surgery. In unit B, prison worker Ingrid takes Marieke to the cell of an Italian detainee. He injured his ankle when playing football. "How is your Italian?" Ingrid asks cheerfully. "He does not speak a word of English." Marieke grins; that will be something else. The Italian, Fredo, is lying on his bed. His ankle and foot are quite swollen and bruised. Marieke is a bit shocked at the sight. She carefully manipulates the bare foot. Fredo does not twitch. "Pain?" she asks. It appears that the ankle ligaments have taken quite a severe blow; they are possibly torn, Marieke thinks. But how do you say that in Italian? "Gra-ve?" The Italian pronounces it very slowly. "Whether it is serious" Ingrid interprets. Marieke nods her head. She looks worried. "A doctor needs to have a look at that."

Marieke Harwig is a prison nurse in the remand centre in Almere. She diagnoses problems and coordinates the care detainees need, or provides the care herself.





The coach

It is busy at the town hall. When it finally is Yasmina's turn, she helplessly looks at Karel. Do it yourself, he gestures. Yasmina stammers something to the official, and crumples up her ticket. "You first have to ask whether it is possible, a Dutch ID", Karel helps her. "Yes, whether that is possible", Yasmina repeats after him. The official looks at her ID and slowly shakes his head. "You have to be eighteen. Or your parents have to consent. I'll get you an information leaflet." Yasmina leans against the desk, looking bored. She pulls the ticket with her number through the slit of the pin machine. "You better be careful, money may be debited from your account", Karel teases her. "Do you get it, about the ID? Are you going to ask your parents?" the internal coach asks her on the way back. Yasmina nods, absent-mindedly. She is very busy with other things. "Yes! Get moving!", she yells as the light turns green and Karel does not respond straight away.

Karel Huijsmans is coach in the juvenile institution Den Hey-Acker in Breda. He coaches his pupils every step of the way in building an independent life after their detention period. He helps them to move forward with a job or training course, accommodation, money and a social network.





The socio-cultural worker

“Not so long ago, I took home a model sailing boat made of wood. I told my sons: ‘look boys, fat Frits made this.’” Marco Boersma pulls a few boxes from a shelf in the hobby club’s storage room. They are all model kits. “Popular stuff, you know. However, most patients do not want to keep their final creation. Don’t you think that’s weird?”

It is Friday afternoon. It is already starting to get dark outside. The light in the creative area is blazing. It is quiet in the hobby club, at least as far as signs of interest are concerned: one patient is mixing water and plaster to the right consistency with a noisy, huge mixer, and an invisible radio is blaring away. Colleague Frank is complaining about Abel, a patient who has not shown up. “I just saw him in the unit”, Marco nods. “He said that there was nothing for him to do here. I had to speak to him in a fatherly tone. Poor guy, he’s a bit ‘down in the dumps’.”

Socio-cultural worker Marco Boersma works in the Oostvaarderskliniek forensic psychiatric centre. He helps TBS patients to get through the day with leisure and activities. By training social skills, patients gradually learn to deal with leisure time, and especially with ‘the outside world’: people they meet in the street or in a shop while they are on leave, situations they end up in, an environment they are not familiar with.





The detention officer

“Would you like some coffee or tea?” Ryan asks. The man in the cell is tying the shoelaces of his combat boots. He does not look up.

“Coffee please”, he answers in a soft voice. A leather jacket is lying next to him. On the floor is a light blue bin bag with all his worldly possessions. On the way to the coffee machine, Ryan takes off his rubber gloves. He has just performed a body search on the African, Jov. The man will be transferred this morning, to Rotterdam. A minibus of the Transport and Support Service is already under way to pick him up. Why does he have to leave here? Ryan does not know. “That may be for several reasons. We are not always told what the reason is.”

When the cup of coffee is ready, Jov motions Ryan to sit next to him. “Why are they taking me to Rotterdam?” he asks. “I have a Dutch wife and two children, you know. I came from Zeist and now I have to move again?” The man throws up his arms and shakes his head. Ryan explains that he does not know what the situation is. Perhaps he is still in the asylum proceedings? “Did you talk to your lawyer? Please ask your lawyer, okay? Here’s your coffee.” He gives the man an encouraging nod.

Ryan Vasila is a detention officer in the detention centre in Zaandam. This primarily accommodates foreign nationals. Ryan’s main activities are custody, care and security. Maintaining order is also part of his duties.



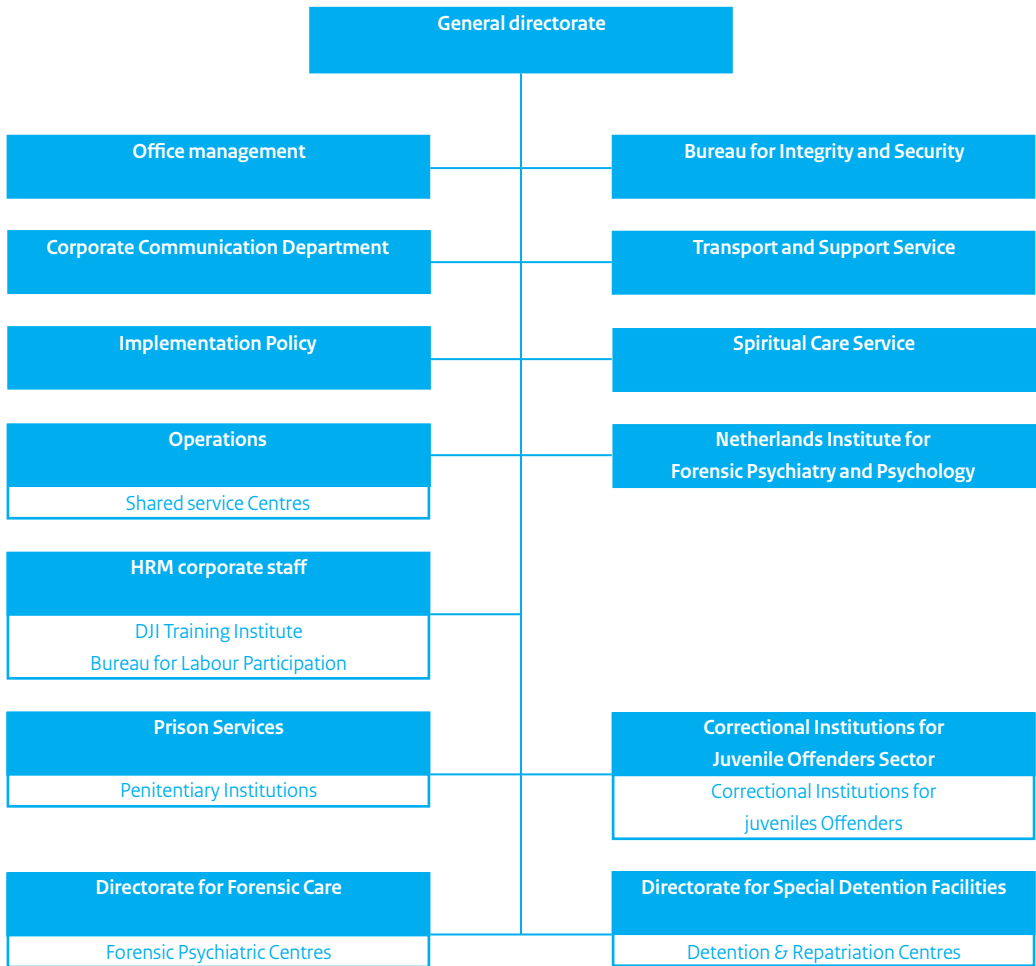


The transport officer

In the maze that comprises the detention centre, we have finally found the right building. Before Hans and Robin go inside, they put their fire arms in a safe behind the passenger seat of the five-person cell mini-bus. There are three security officers inside. Hans raises his hand and pulls out the list. “Good morning, gentlemen. We are here to pick up two ladies. One is to go to the Foreign Nationals Division and the other to Juvenile Court.” One security officer goes to collect Mrs. B. from the visitation department. Her name on the list is followed by the word ‘ordered’. “That person is obliged to appear. In all other cases, you need not go to the court” Hans explains. Shuffling, the woman follows the security officer into the hallway. Somewhat shy, she is staring at the floor. Hans is given a bag with cheese sandwiches and small cartons of juice to carry. “I hope that you speak some French” the security officer says to Hans. He motions towards the door. “Bonjour madame, on y va?” The woman answers with a half-smile.

Transport officer Hans Loenen is employed by the Transport and Support Service. He transports, guards and accompanies detainees from the correctional institution to court, to hospital or to another location and back. Sometimes he escorts a detainee who is paying a visit to his or her home.

Organisational chart



Colophon

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