

**Recommendation from the Council for the Administration of Criminal Justice and Protection of  
Juveniles  
Summary for publication**

*title* : The Dutch Persistent Offenders Facilities, *the effectiveness of ISD orders in theory and practice*  
*submitted to* : The State Secretary for Justice  
*date* : 4 April 2007

Since 1 October 2004, persistent offenders in the Netherlands can be sentenced to two years at a Persistent Offenders Facility (ISD). The ISD order is the "successor" to the former SOV order, for the court-mandated treatment of drug-dependent offenders. The primary aim of ISD orders is to promote public safety. This is firstly achieved by virtue of a relatively long period of custody. Secondly, offenders who show sufficient motivation can receive behavioural interventions.

Whereas the SOV programme was designed for drug-dependent offenders only, the ISD's facilities are intended for a wider group. The category of offenders subject to ISD orders include drug-dependent individuals, people with mental illnesses, homeless offenders and non-drug-dependent offenders repeatedly convicted of relatively minor property offences. Unlike the SOV programme, implementation of the ISD orders makes it necessary to have a variety of custodial options available.

In 2006, the Council visited four ISD facilities. Three main themes can be distinguished in the Council's findings following these visits. Firstly: the ISD programme was implemented too hastily. As a result, staff were not properly prepared for their work and the programme is still not effectively understood by either staff or detainees. Secondly: the care, and particularly the mental healthcare, is inadequate. The ISD population needs more care than was foreseen. As a result, the engagement of qualified staff and the integration of participants into care facilities is lagging behind the identified care needs, and this in turn is limiting the potential to provide effective treatment to people with psychiatric or addiction-related problems. Finally, the programme provides little opportunity to achieve lasting changes in the behaviour of persistent offenders. There is a lack of continuity in the treatment programmes and the daily activity programmes do little to motivate the participants. Many detainees are therefore insufficiently prepared for the subsequent programmes offered by treatment and reintegration services.

The Council recommends conceptual level improvements to the programme that will expand opportunities for mental healthcare and contribute more to lasting changes in the behaviour and life patterns that lead to crime. To this end it is proposed that persistent offenders who are known to suffer from severe mental illnesses and receive an ISD order, be assigned for treatment in a psychiatric hospital straightaway. Other offenders should begin their stay in custody with a three-month stabilisation and selection period, during which those with a mental disorder can be distinguished from those who are able to take part in the standard programmes. At the end of the stabilisation period, those detainees with a mental disorder should also be promptly transferred to appropriate treatment facilities. The Council also recommends that offenders sentenced to an ISD order be offered an intensive programme of activities from day one of their stay in custody, so that they are encouraged and motivated from the start to take part in the treatment programmes. During the treatment stage, more differentiated custodial modalities and standardised reintegration programmes should be available. These might include reintegration pathways culminating in admission to a therapeutic community or other in-patient facility for addiction treatment. The Council also makes a number of recommendations for operational improvements.