

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

Title : Detainees with mental disabilities
Issued to : The State Secretary of Justice
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1. Reason for the recommendation

Depending upon the type of ward or regime, the percentage of detainees with a mental disability is estimated to differ from 15% to just over 25%. In practice, a mental disability, especially if combined with other problems, can cause several problems.

Boards of directors, behavioural experts and policy officials recognise the prevalence of those with mental disabilities in detention and are aware of specific problems in this context, in particular if other problems occur next to these disabilities.

The Council concludes that in spite of this, each institution has to make the best of it in the current detention situation. A regime that focuses upon the target group (detainees with a mental disability, combined with psychological or behavioural problems) only exists to a limited extent. This is only the case in the correctional institutions that have a Special Care Ward, an Individual Support Ward or a similar ward. These types of departments have an environment that is low in stimuli, and has a clear structure and targeted assistance for self care and programs that teach this approach.

2. Risk

The Council states that the most significant risk is that those with a mental disability may be harmed in the regular regime and may return to society without suitable aftercare. The fact that their disabilities were not noticed (in good time) and that no suitable regime was available for them play a role in this observation. The Council notices risks for detainees with mental disabilities especially when they are placed in shared cells, on account of their vulnerability and the fact that they can be easily influenced.

3. Increasing range of care

There is still insufficient structural collaboration with the Netherlands Institute for Psychological Care and in particular with the organisations for the care of those with mental disabilities.

The Netherlands have five so-called SGLVG institutions¹ founded by the De Borg Foundation, with a special programme for individuals who have a mental disability or behavioural problems. The placement of the detainees referred to above in these institutions only occurs on rare occasions, however. Ignorance with the range, the long waiting lists and the absence of an obligation to place these detainees are possible factors that may hinder this placement. It must also be noted that 60% of the detainees are in detention for less than four months, as well as the fact that up to now it has been difficult to identify mental disabilities in a detention setting.

The Council can confirm, to its great satisfaction, that the National Agency of Correctional Institutions and the administrative department are developing policies to

¹ SGLVG stands for: *Sterk Gedragsgestoord Licht Verstandelijk Gehandicapt* [Highly Behaviourally-Impaired Slightly Mentally Disabled]

improve the care of detainees in general and the care for detainees with psychological disorders, addictions or mental disabilities in particular. The number of places in care institutions will increase within the context of the Modernisation of the Prison system programme and screening will be introduced to so-called 'care target groups', including the group of individuals with mental disabilities. The regular correctional institutions will each acquire a so-called Facility for the Provision of Additional Care in each branch of the new detention organisation. As far as the level of care is concerned, this is comparable to the current Special Care Department, with one difference, namely that particular requirements are placed on the Facility for the Provision of Additional Care by the National Agency of Correctional Institutions.

4. Recommendations

Taking into account the preceding information, the Council makes the following recommendations:

1. The Council recommends that the policy development stated above be in line with the specific characteristics and problems of the detainees who have mental disabilities. There seems to be a need for mapping out in detail the problems of individuals with mental disabilities, and also to differentiate between these mental disabilities and those disabilities that are combined with other problems.
2. In addition to the plan to realise a Facility for the Provision of Additional Care for each branch, the Council recommends raising the expertise of the associated personnel. Knowledge of mental disabilities (in addition to those of addiction and of psychiatric disorders) among those individuals who provide daily support in this department must be at least of mbo (intermediate vocational education) level.
3. Due to the risks for mentally disabled detainees in cases when they are placed in shared cells, the Council recommends taking this aspect into account when selecting detainees for shared cells.
4. It would appear that for detainees in a so-called ISD-prison² having a mental disability stands in the way of following a programme; therefore this programme should be adapted to this target group.
5. Aftercare and reintegration can be improved, taking into account the extent to which the new conditional release measure can be used in order to support and guide the detainees' re-entry into society or a transfer to special facilities. In particular, the organisations that specialise in ambulant support of the mentally disabled can play an important role in this effort.
6. The mentally disabled are not a particular target group in the development of the amendment to the conditional release measure. The Council requests to pay attention to the recent recommendation concerning the Conditional Release Implementation Regulations.
7. Finally, the Council recommends structural collaboration between the prison system and organisations providing care to the mentally disabled. The supply of care represented by the De Borg Foundation and the five SGLVG institutions deserve particular attention.

² ISD= Inrichting voor Stelselmatige Daders, (prison for persistent offenders)