

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

“Safely on Leave”

Recommendation to the Dutch State Secretary of Justice, dated Februari 13 2009

With the amendment to the Regulations governing the use of restraint on detainees in correctional institutions for juvenile offenders, a new form of supervised leave will be implemented, aimed towards re-integration into society. The legislative proposal provides for the possibility to use restraint during leave to prevent the detainee from absconding. As restraint devices, handcuffs or a ‘leg to waist restraint’ may be used. While on leave, the detainee is escorted by a supervisor and a security guard who, if necessary, may use restraint to prevent absconding. The supervisor *may* use restraint and the security guard *must* use restraint in this context. The Regulations are particularly aimed at detainees under a custodial treatment order for juveniles — the so-called Pij-order — who are still thought to be liable to reoffend at the end of the Pij-period.

The Council rejects the amendment, arguing that the reasoning behind it is giving the wrong signal to the correctional institutions for juvenile offenders as well as to society. In order to substantiate its opinion, the Council puts forward the following arguments:

- these Regulations are not in line with the policy pursued by the correctional institutions for juvenile offenders. These institutions want to focus on the treatment of young offenders. Not wanting to show similarity to prisons for adults, where the focus often mainly lies on security, the juvenile institutions will nevertheless be made to apply measures used in prisons for adults;
- it has not been demonstrated that this type of leave would actually result in detainees to be less likely to abscond. There are no data to prove this. Moreover, a study conducted by the Dutch Forensic Psychiatric Expertise Centre (EFP) in 2007 revealed that additional security measures to prevent absconding only contribute to this to a very small extent. The EFP concluded that entirely different measures are required to prevent detainees on leave from absconding;
- the Council understands from employees of the correctional institutions for juvenile offenders that the initiative for these regulations does not originate from the field and that they do not really feel the need for measures of this kind.