

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

*issued to* : the State Secretary of Security and Justice  
*date* : 17 February 2011  
*title* : The increasing duration of TBS

*Placement under a hospital order (in Dutch 'Terbeschikkingstelling' or tbs) is a court-imposed treatment measure for persons having committed a serious offence while suffering from a psychiatric illness or disorder. The aims of tbs are treatment of the disorder and protection of society. Tbs may or may not be imposed in combination with a prison sentence, depending on the person's degree of accountability.*

The Council has issued a report to the State Secretary of Security and Justice concerning the duration of placement under a hospital order (TBS). The report includes recommendations to the State Secretary to reduce the duration of the TBS, which in recent years increased to almost ten years.

Defendants, their lawyers, Public Prosecutors and judges have a negative image of TBS, as a result of the increased duration of the TBS. That's why more and more often a term of imprisonment is imposed instead of a TBS-measure. The danger inherent in this process is that delinquents with serious psychological disorders return to society after having served their term of imprisonment, however without being treated. This endangers the safety of society.

Factors that contribute to the increased duration of the TBS include stricter safety guarantees with respect to the permission to leave and delay that occurs in the treatment or in the run-up to treatment. Another factor is the increasing number of persons assigned to longstay. Moreover, the existence of the longstay unit and the risk of placement in this unit contribute to the negative image of TBS.

The Council is of the opinion that leave should start at an earlier stage, because leave is an essential part of the treatment. The Council considers that this is possible without endangering society. The Council also is of the opinion that it should become clear more quickly how long treatment is likely to take. More importantly, treatment should commence as quickly as possible after placement in a clinic.

Furthermore the Council is of the opinion that the State Secretary should actually commence implementation of the Longstay Policy Framework in order to limit the rise of the number of TBS-patients being placed in a longstay unit. Consequently, the need for staying in a longstay unit is reassessed every three years.

The Council also is of the opinion that the improvement of the quality of treatment methods by means of scientific research should be continued.

Finally, the Council recommends that society is informed properly on the conception and operation of the TBS system and shown that many thousands of leave movements a year occur without any incident. This will be a right opportunity to point out the relatively small recidivism rates of the TBS-clients.

*The recommendation can be obtained from the secretariat of the Council*

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