

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

***Amendments to the Selection, Placement and Transfer of Detainees Regulations in
connection with the Prison System Modernization Policy Programme***

Recommendation to the Dutch State Secretary of Security and Justice, dated 10 March, 2011

***Amendments to the Selection, Placement and Transfer of Detainees Regulations in
connection with the Prison System Modernization Policy Programme***
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The Council broadly endorses the proposed amendments to the Selection, Placement and Transfer Regulations. These amendments result from the Prison System Modernization Policy Programme. One of the objects of this programme is to adopt a more person-oriented approach to handling detainees. In connection with the proposed amendments the Council has some critical comments and also makes proposals for adjusting the Regulations.

In the Regulations the category of women is precluded from district placement. The Council is against such preclusion, which is also inconsistent with the principles of the Prison System Modernization Programme. The Council is of the opinion that it should be examined in which way regional placement can be realized also for this small target group. In this connection the Council refers to the positive experiences with the former small wards in existing institutions.

The Council is also of the opinion that the concept of differentiation in the explanation to the Regulations is used ambiguously. The Council recommends that this concept shall be clarified, including the relationship between differentiation, security level and regime. The legislative proposal for the Reorganization of the Territorial Division of the Judiciary, the Public Prosecution Service, the Police and safety regions in the Netherlands is currently before the Lower House. When the new Act has entered into force, the existing districts will be extended considerably. For that reason the Council is concerned that after this Act has entered into force, the person-oriented approach for detainees will be at risk. Therefore, the Council proposes to use another criterion, namely 'regional placement' instead of 'district placement'.

In connection with the resocialization interests of prisoners serving a long sentence the Council also recommends that prisoners of this category be placed in the region of residence earlier than in the last four months of their detention. Because prisoners serving a long sentence experience the prolonged absence from society, successful resocialization will in most cases require a longer period than four months. In the opinion of the Council resocialization is more likely to succeed if prisoners are placed in the vicinity of their future home, working environment and such.

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