

Detainees with a minor mental impairment - Summary

Recommendation from the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ),

presented to: the State Secretary of Security and Justice

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In the penal system there are detainees with a minor mental impairment (abbreviated in Dutch as LVB). They make up about 15 to 25% of the prisoners. A minor mental impairment finds expression, among other things, in difficulties with learning, reading, writing, social skills and practical skills (e.g. concerning personal care, transport and health). Furthermore, psychological problems, behavioural problems and substance addiction are found relatively more often in this group than among "normally gifted" persons. Owing to their impairment, people with an LVB experience all kinds of problems during detention in the fields of information supply (house rules), contacts with fellow prisoners (conflicts, bullying), detention staff and the outside world.

In its recommendation the Council discusses four subjects.

1) Screening

Externally an LVB is not visible. A brief, easily applied screening tool does not yet exist in the Netherlands. Leiden University of Applied Sciences is working on one. The Council would welcome the possibility of applying this tool during arrivals, screening and selection procedures in penitentiaries. In its advice the Council also devotes attention to the moment of screening.

2) Regime and task of detention officers

Detention officers have an important task in the daily supervision of detainees and therefore also in the supervision of persons with an LVB. Dealing with persons with an LVB demands a lot from their supervisors. For that reason, and taking into consideration the number of persons with an LVB in detention, the Council believes that more attention for the treatment of LVB detainees in the education of detention officers is urgently required. Furthermore, the Council thinks that the size of "shelter capacity" in penal institutions must be attuned to the size of the number of LVB detainees.

3) Daily programme, security and customized supervision (DBT)

Detainees are increasingly expected to take responsibility for their detention and the period afterwards themselves. The State Secretary of Security and Justice has announced that according to the *Daily programme, security and customized supervision (DBT)* detainees can earn and lose privileges during their detention. This works according to a system of promotion and relegation. Participation in behavioural interventions, for instance, must be earned; if they show enough effort during work, detainees may be promoted to work at a higher level, with a better education and/or higher payment. If they show insufficient effort, someone may be relegated to simpler work, with less payment and without education. In extreme cases someone may even be excluded from work.

The Council notes that such a system, in view of the limitations of detainees with an LVB, does not suit these detainees at all. In view of the principle of DBT, this group would have to be offered a customized programme, in line with their capabilities, according to the Council.

4) Aftercare

Many trainings and interventions are offered in the penal system with a view to the return to society. The Council believes that there should be more trainings and interventions that are suitable for LVB detainees.

An intensive form of aftercare should be organized for LVB detainees. This will allow for intensive counselling of those detainees who approach the end of their punishment and guide them towards work and contact with the municipality (of return). The Council is of the opinion that there is a task in this connection for the Social Services Worker (MMD-er) and the probation and aftercare service. A link could be sought with the care providers for mentally disabled persons.