

## **Draft change to the Regulations on the Selection, Placement and Transfer of Detainees (Regeling Selectie Plaatsing en Overplaatsing van Gedetineerden or RSPOG) in connection with the regional placement of short term detainees**

### **Summary**

Recommendation from the Council for the Administration of Criminal Justice and Youth Protection (Raad voor Strafrechtstoepassing en Jeugdbescherming or RSJ)

*made to: the State Secretary for Security and Justice*

*date: 8 February 2013*

The State Secretary for Security and Justice asked the RSJ to make a recommendation on a draft change to the Regulations on the Selection, Placement and Transfer of Detainees (RSPOG). The proposed change relates to arrested persons with a remaining sentence of no more than eight weeks (short term detainees).

#### *Regional placement*

According to the state secretary, the number of arrested persons in the Randstad conurbation is so large that there is not enough room to place all long-term prisoners serving the last four months of their sentence in their own region (i.e. the region where they will take up residence). The state secretary believes that this adversely affects the after-care and social reintegration of the long-term prisoners. In order to make room available for the long-term prisoners in the Randstad conurbation, the state secretary proposes that short term detainees will not be placed in their own region.

The Council does not understand the argument of capacity, as reports from the Custodial Institutions Agency (Dienst Justitiële Inrichtingen) show that a lot of detention capacity is vacant or will be closed, also in the Randstad conurbation. The Council recommends to use the vacant cells, if necessary after redesignation.

#### *Regime*

According to the same proposal, short term detainees are not given the opportunity to perform work and are offered "more limited" reintegration activities.

The Council points out the fact that excluding a group of detainees from work is unlawful. Furthermore, the Council believes that re-integration activities are very important for short term detainees as well. Part of this group lives on the 'fringe' of society (homeless, addicted). According to the Council, it is this group in particular that could benefit from (after-care) activities aimed at housing, debts, income and care. Although the Council regrets that in the proposal, short term detainees qualifies for reintegration "to a more limited degree", it does support the fact that the mentioned after-care activities are offered. However, the Council notes that for these activities, contacts with relevant parties in one's own region are actually very important. The Council recommends that the state secretary reconsiders the proposal.