

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

***- summary -***

offered to:           the State Secretary of Security and Justice  
date:                   2 May 2013

**Draft Bill Electronic Detention**

At the request of the State Secretary of Security and Justice, the Council for the Administration of Criminal Justice and Protection of Juveniles advised on the "draft bill to change the Custodial Institutions Act and the Criminal Code with regard to the re-evaluation of the execution method of custodial sanctions and the implementation of electronic detention" (the draft bill electronic detention).

The plans in the draft bill electronic detention are related to the 'Master Plan National Agency of Correctional Institutions' published in March 2013, in which huge cuts on the execution of sanctions are proposed. To an important extent those cuts are found in the closing of dozens of institutions, the application of electronic detention and the abolition of phased detention. (The Council advised separately on the Master Plan for National Agency of Correctional Institutions 2013-2018 on 2 May 2013).

*Findings*

In itself the Council is in favour of electronic detention as detention damage may be prevented with it. This goes for the electronic detention to replace the short custodial sentence, the electronic detention as part of the suspension of preventive custody and the electronic detention at the end of the detention, prior to the provisional release.

The Council does have some critical comments.

- The Council is of the opinion that electronic detention should not be applied 'just like that', i.e. without any kind of support (like for instance care or training).
- The Council is of the opinion that electronic detention as a substitute for the short custodial sentence should be established in the Criminal Code as a separate sentence.
- The implementation of electronic detention as an execution modality prior to provisional release does not need to lead to the abolition of phased detention, as proposed in the plans of the State Secretary.
- The Council is critical about the conditions and criteria for participation in electronic detention. By excluding vulnerable groups from electronic detention (e.g. addicts and mentally disturbed persons) and abolishing phased detention at the same time, the detainees concerned are released without any kind of preparation for their return into society. In order to prevent this, the Council argues in favour of letting phased detention exist besides electronic detention.