

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

Recommendation on the Draft Decision to amend the Hospital Orders (Care) Regulations

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.

Recommendation to the Dutch State Secretary for Security and Justice, dated 15 June 2017.

The Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (hereafter: Advisory Division) was asked to advise on the 'Draft Decision to amend the Hospital Orders (Care) Regulations in connection with an amendment to the term for filing mandatory reports and to the intervals of the multidisciplinary reporting cycle upon extension of the court-imposed treatment measure' (hereafter: the Draft Decision).

The Advisory Division takes a positive view of both amendments in the Draft Decision. The amendment to the intervals of the multidisciplinary reporting cycle consists in an increase in frequency from every six to every four years. The Advisory Division views this intensification of the reporting cycle as aligning with efforts to reduce the average TBS treatment duration.

The amendment to the term within which the head of an institution must file a report when someone placed under TBS is suspected of committing a punishable offence consists in an extension of the time limit from 'within 24 hours' to 'within one week'. The rationale is that in practice 24 hours is not enough to conduct a careful investigation into the facts of an incident. The Advisory Division endorses the importance of sound investigation prior to filing a report and therefore issues a positive opinion in respect of this amendment.

The recommendation (in Dutch) can be downloaded from the RSJ website www.rsj.nl.