

Tension in detention

Council for the Administration of Criminal Justice and Protection of Juveniles

Presented to: The Minister for Legal Protection

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Summary

The Advisory Division of the Council for the Administration of Criminal Justice and Protection of Juveniles (hereafter: the RSJ) has issued an advisory report on tension in detention.

Tension in detention arises where practice, rules, policy and societal views do not connect (sufficiently) or counteract each other. This can result in rights being compromised and jeopardise the achievement of the criminal sanction objectives. The government has specific objectives with a custodial sentence: in addition to retribution, the objective of the criminal sanction is to achieve reintegration of the prisoner where the prisoner himself has influence on the course of the imprisonment.

The Prison Officer¹ (PO) plays an important role in daily practice. The workload of the PO has increased in recent years due to, among other things, additional tasks (assessment of behaviour within the context of promotion and demotion, administrative tasks) and as a result of the increasing complexity of the prisoners in the penal institutions (PIs). However, not all POs have the right competencies for this variety of tasks. This puts achieving the (policy) objectives at risk.

Another tension concerns security within detention: security in detention is a bottleneck. This may be due to a change in the nature of the detainees (more complex problems, more aggressive). Moreover, POs have less time for normal security measures such as supervision and checks. Also there is less time for being in contact with detainees, which puts 'relational security' under pressure.

The RSJ notes a tension with respect to complaints and appeals. The number of complaints and appeals has increased in recent years, while the number of detainees has actually decreased. This is probably partly due to the fact that the POs have little time left for contacts with detainees. As a result of this, disagreements are more frequently settled formally (through complaints and appeals) than through the informal route (contacts, discussions). In practice, a 'complain-to-complain culture' seems to have emerged. The RSJ notes that consequently the system of complaints and appeals has been blocked in such a way that the handling of serious complaints from prisoners is beginning to suffer (due to long processing times).

The RSJ has issued a number of recommendations, the most important of which are:

- to qualitatively improve the PO function and, through a reorientation of the range of duties, create more time for the PO to spend on contacts with detainees;
- to ensure the proper recording of violence in PIs towards both detainees and staff, to obtain a clear picture of the nature and scale of violence;
- to intensify the prosecution of detainees who commit acts of violence against the staff of the institutions;
- to run pilots with both imposing court fees and the setting up of an internal, informal (complaints) procedure; the aim of this is to reduce the influx of (petty) cases into the clogged system of complaints and appeals.

This advisory report can be consulted on the website of the Council for the Administration of Criminal Justice and Youth Protection (www.rsj.nl), under the header Recommendations (Advisering).

¹ In Dutch: penitentiair inrichtingswerker (piw-er)