



## Summary

### Advisory report: An ageing prison population

#### Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ)

##### Background

Dutch society is ageing. In other words: the proportion of elderly people in the Netherlands is increasing. This phenomenon is similarly perceptible in the prison system. Dutch penitentiary institutions (PIs) now house elderly prisoners who suffer from age-related problems and have associated care needs. The situation is playing out at this very moment, and is pressing in individual cases. Due to the fact that the number of older prisoners is relatively small and that any problems are currently resolved through improvisation and a great deal of commitment from staff, the situation at present is still manageable. However, the prison system is not structurally equipped or prepared for the needs of older prisoners. This situation is only set to become more critical as the number of elderly prisoners increases in the coming years, as is expected.

##### A policy for elderly prisoners

In this advisory report, the RSJ posits that policy should be developed and implemented for elderly prisoners and that – where necessary – regulations should be amended, and practical measures should be taken. The key points of that policy are outlined below.

##### Detention – appropriate and necessary

The RSJ is of the opinion that the starting point should be that elderly suspects should be prevented from ending up in detention, with consideration for the safety of society. In the case of older suspects, it should be considered whether detention is appropriate and necessary. If this is not the case, alternative settlement should be chosen in lieu of a prison sentence.

##### Accommodation of elderly prisoners in small-scale wards

Elderly prisoners who are able to function and support themselves in regular prison wards can be accommodated in those wards. However, the more vulnerable elderly prisoners are best off accommodated in small-scale units, where they receive more attention and where there is more monitoring for unwanted confrontations between younger and older prisoners (extortion, bullying). For that reason, small-scale units should be created within PIs where elderly prisoners are accommodated.

### Care for elderly prisoners

Although the medical services within the PIs provide regular somatic and psychological care for elderly prisoners, these services are under considerable pressure, which is set to increase in the coming decades as a result of the increasing number of elderly people in prison. Moreover, the PIs lack specialist knowledge and manpower in the field of geriatrics and (psycho)geriatric care. In addition, assistance with general tasks of daily life and home care tasks is not sufficiently organised and provided at the PIs. It may be that penitentiary staff with additional training in the area of carrying out care duties can provide a solution in this regard. Recruiting home care staff into the medical services of the PIs may likewise be considered.

### Structural and technical modifications to facilities

Additional facilities are required alongside structural modifications of the cells in which elderly prisoners are accommodated, principally relating to practical issues such as walker-accessible cells, height-adjustable beds, elevated lavatories and handles on the wall in the sanitary section of the cell.

### Layout of PIs

The layout of a PI must likewise be tailored to an older population. General areas, work areas and the exercise yard must similarly be easily accessible for older prisoners, which is not the case everywhere now.

### Reintegration

Long-term prisoners are often not able to simply re-enter society after their term of imprisonment, due to the fact that they will have a deficit in terms of using digital resources, such as computers and smartphones. Furthermore, the network of support and protection for elderly prisoners will be more limited than that of young people due to parents and relatives having passed away. These circumstances require additional efforts during the reintegration process.

### In conclusion

The fact that the prison system is not equipped for the problems and (care) needs of elderly prisoners means that enforcement in individual cases does not comply with the statutory requirements in all respects. This refers to situations in which among other things the necessary care is not provided, and the safety of prison inmates is not guaranteed (extortion, bullying). Situations of this type currently occur in individual cases, but may occur more frequently in the years to come and become systemic due to the expected increase in the number of older prisoners. The RSJ is concerned that this may jeopardise the humanity and legitimacy of the enforcement of custodial sentences for elderly prisoners.

The advisory report concludes with a number of recommendations.

*The advisory report is available on the website of the Council for the Administration of Criminal Justice and Protection of Juveniles [add hyperlink to the word 'website'].*

