

# Summary

Advisory report on increasing security measures in a wider perspective. Advice on the security measures of detainees in high level security regimes.

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

#### **Background**

Hardening of crime is a current problem for society. This also has consequences for the situation inside prisons, where suspects or convicts should be prevented from continuing their criminal activities while being detained.

Heavier security measures are especially required for a small group of detainees posing a major threat, for instance because of the risk of undermining the rule of law or threatening of persons. To limit this risk, the minister has recently prepared and partly implemented certain specific measures. The RSJ has formulated two advices on these measures previously.1

## A well-substantiated and coherent security policy

According to the RSJ, the need for additional security measures requires a coherent and well-founded security policy, which takes into account the important basic principles of the prison system. This is important in order to be able to guarantee security both inside and outside the penal institutions, also in the long run. It requires a system with a detailed legal foundation and where policy and practical considerations are wellsubstantiated.

The basic principles of such a security policy are formulated by the RSJ in this advisory report.

## **Key principles for security policy**

The RSJ recognises the essential need for extra security measures for detainees who pose a major risk. At the same time, the basic principles of humane detention conditions and resocialisation also apply to these detainees. This means that:

- freedom is not restricted more than necessary;
- implementation of detention must be aimed at resocialisation;

Postbus 30137 2500 GC Den Haag

<sup>&</sup>lt;sup>1</sup> RSJ, Recommendation on amended Detainee Selection, Placement and Transfer Scheme and adoption Maximum Security Institution House Rules Model Scheme, 4 November 2022 and RSJ, Recommendation on amended Penal Principles Act in regarding additional measures against organised crime during detention, 6 January 2023.

#### - treatment in detention is humane.

Heavier security measures always lead to a further restriction of rights and/or freedoms of detainees. In order to guarantee that the above mentioned basic principles of humane detention conditions are complied with, the RSJ formulates a number of key principles:

#### Coherent and well-founded security policy

When implementing new security measures, it is important that its necessity has been well-substantiated and that it has been demonstrated that these measures actually contribute to security inside the prison.

### Customisation and differentiation

The heavier security measures are, the more customisation is required to fulfil the above mentioned basic principles. Additional security measures must be tailored to the behaviour and risks of the individual detainee as much as possible. This requires a system with sufficient differentiation options to enable a gradual transition from a maximum-security regime to less high security regimes.

### Legal safeguards for detainees

Heavy security regimes have a high impact on detainees' freedom of movement and private life. Therefore, a legal basis, including legal safeguards for the detainees, is required for these regimes. In general, the following applies: the more far-reaching the restrictions, the more legal safeguards should be in place.

## Attention for relational safety

Security does not only consist of physical, electronic or organisational security measures restricting the detainee's freedom. Of equal importance is the so-called relational security, meaning the contact between staff and the detainee.

### Resocialisation - preparing for the return to society

Also detainees who pose a high-risk, will in principle return to society. A safe and sensible return to society from a maximum-security regime requires special attention, with possibilities for a gradual and controlled increase of freedoms.

## Limiting negative effects of maximum-security measures

Severe restrictions of the freedom of movement and contact with the outside world may lead to a high level of social isolation for the detainee. It is important to prevent or minimise eventual negative consequences of security measures.

#### Recommendations

Following from the above stated key principles, special points of attention have been designated regarding four maximum security regimes: the Intensive Supervision Ward (AIT), the Terrorists Ward (TA), the Ward for detainees difficult to control (BPG) and the Maximum-Security Institution (EBI). The complete list of key principles and

recommendations can be found in Chapter 2 of this advisory report, *Conclusions and Recommendations*.

The complete advisory report in Dutch may be consulted on the RSJ website