

## Summaries

*Justitiële verkenningen* (Judicial explorations) is published nine times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in cooperation with Boom Juridische uitgevers. Each issue focuses on a central theme related to judicial policy. The section *Summaries* contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (nr. 4, 2007) is *Detention*.

### **The prison cell boom; detainees, convicts, aliens, youths and persons under Dutch tbs-order**

*L.M. Moerings and M. Boone*

For years The Netherlands was a shining example for the West because of its low prison rates and alternative modes of dealing with criminal offenders. Since its prison rates have quadrupled since 1985, The Netherlands can no longer boast of this front runner position. On a year-to-year basis, the authors show the figures of six categories of imprisonment since 1985, accompanied by short explanations based on information from official documents on crime and punishment. Attention is paid to the extent to which aspects as crime rates, prosecution and sentencing policy really contribute to the rising prison rates. At the end the authors analyse their findings within the perspective of some societal developments of the past twenty years.

### **Dutch prison policy since World War II**

*G. de Jonge*

In this article the development of Dutch prison policy since the Second World War is tracked by analysing various 'green papers' published on this subject by or on behalf of the ministry of Justice. Immediately after the war a spirit of renewal reigned: the outdated cellular regime system finally was replaced by a regime of joint, meaningful activities during the daytime. The enforcement of prison sentences primarily should lead to rehabilitation and integration into free society of the offender. Economic duress and growing numbers of prisoners toned down the post-war optimism and led to less ambitious goals in the late sixties and early seventies of the past century, though the rehabilitation of the prisoner remained the focus of all efforts. Budget cuts were to be reckoned with however

and society got more critical towards offenders. A real 'no frills policy' characterised the policy change made in the eighties when a series of centre-right cabinets set the tone for a more austere regime for all categories of prisoners. The rehabilitation ideal was to a great extent replaced by the more objective ideal that prisoners at least should not get worse in prisons. At the top managerism has replaced empathy. Efficiency had become the new fetish. Positive prison reform seems an ideal of the past. Perhaps not all is lost, however. The author suggests that the quality of imprisonment could be enhanced by making the prosecution service and judiciary more responsible for the content of prison sentences and the way they are enforced. The results of the enforcement should be fed back to them as to confront these judicial authorities systematically with the results of their sentencing, so they can learn from their faults and successes.

### **Prison of the future?**

*M. Kruissink, B. Post and S. Stoltz*

This article deals with the *Detention Concept Lelystad* (DCL). DCL is a new prison providing accommodation for short term detainees. DCL is different from regular prisons. It is characterized by the use of six-person cells, the application of many electronic devices, an architectural design, fewer prison workers, a regime based on the personal responsibility of detainees. The cells are equipped with all kinds of facilities. For instance, each detainee is free to use a touch screen of his own, enabling telephone calls to the outside world, watching television and communication with the prison staff. To find out the detainees' perception of DCL, a survey has been carried out. In addition, detainees were interviewed. The detainees like the social contacts, the social control and the contacts with the outside world. They dislike the lack of privacy. The staff's perception of DCL has been surveyed by means of a standard questionnaire and a group interview. The results roughly correspond to those of comparison groups.

### **What's in your heart and in your head, nobody knows; detained women in the Netherlands**

*A. Slotboom and C. Bijleveld*

In the Netherlands the number of imprisoned women has increased more strongly than the number of imprisoned men. It is known from literature that women experience different problems when imprisoned than men, like trauma's, psychological problems, drug abuse, and the

responsibility for children. Developments in Dutch prison policy and practice and studies on women's experiences with the prison system show that policymakers seem to deal with these problems sparsely. Dutch women mainly experience health and medical care problems, difficulties maintaining a relationship with their children and family, problems with the prison program and a lack of social support. Compared to e.g. England, the United States and Canada, there are hardly any particular programs for imprisoned women to deal with these problems.

### **The detention regime for illegal migrants; making up the balance after 25 years**

*A. van Kalmthout*

During the last 25 years more and more use is made of detaining irregular migrants who are awaiting their removal. It was 15 years ago when two researchers of the WODC stated critical questions regarding the legitimacy, justice and efficiency of this form of deprivation of liberty. At present, 15 years later the situation has not changed. Tested against the principles of ultima ratio, minimum restrictions and the social rehabilitation it is to be concluded that the introduction of alternatives for the detention of illegal migrants, as also laid down in national legislation and international documents, urgently needed. At the same time, this form of detention has to be removed from its criminal context.

### **Smooth transfer, or rude awakening? What goes right and wrong in the aftercare for ex-prisoners**

*H. Moors and L. Balogh*

The social integration of ex-prisoners is a hot topic against the background of the persisting high rate of recidivism – and a difficult problem to deal with in practice. By focussing on the vital link between preparing a prisoner's return in society (a responsibility of the National Agency of Correctional Institutions) and the organization of support and care after the prisoner's release (a responsibility of local / municipal authorities), this article elaborates upon what goes right and wrong in the aftercare for ex-prisoners. The current penal system and its recently reoriented treatment of adult prisoners (DBMV) may itself provide for some problems. The main bottlenecks, however, have to do with ambiguous financial agreements; with the transfer of correct information in time, with the sharing of information

on the local level; sometimes with insufficient experience in the assessment of the specific, multi-faceted symptoms and needs of ex-prisoners; and with instructions and regulations that hamper a swift use of existing (local) arrangements in the fields of housing, debt-restructuring, (vocational) education and employment-finding. And with a lack of creativity to experiment with ways of 'living the rules'. A lot of problems have been dealt with successfully. However, most bottlenecks seem to be persistent. Both local authorities and parliament should be attentive that agreements between stakeholders are complied with and followed through.