

SHOULD CLANT GO DUTCH?

**HOW THE NETHERLANDS
SHUT 23 PRISONS SINCE 2014
& KEPT THE COUNTRY SAFE**

JUSTICE JENNY BLOKLAND

Why the Dutch are closing prisons – and what they're doing with empty ones

Words by
Deborah Nicholls
Lee

The Netherlands has reduced its prison population to such a degree that it's now turning old prisons into socially useful buildings, such as schools and refugee centres. What

Share:

Why are there so few prisoners in the Netherlands?

The Dutch justice system is cutting jail populations by offering specialist rehabilitation to people with mental illnesses

Short prison sentences lead to more repeat crime

Adults are more likely to offend again after a short prison sentence than comparable adults with a non-custodial sentence, according to research by Leiden University and the NSCR. This applies to both the chance of repeat crime and the number of repeat offenses. Moreover, the differences do not only apply in the short term, but remain visible over a longer period. For example, a short prison sentence leads to a 55 percent increase in repeat crime in the first five years after release compared to community service.

Dutch Get Creative to Solve a Prison Problem: Too Many Empty Cells

By Dan Bilefsky
Feb. 9, 2017

The Netherlands has a problem many countries can only dream of: a shortage of prison inmates.



Sentencing without a judge

In the Netherlands judges are not the only ones to impose sentences. The Public Prosecution Service and the authorities can also pass sentences. Experts from Leiden research how these sentencing processes work and how they can be improved in order to protect the legal status of the public.

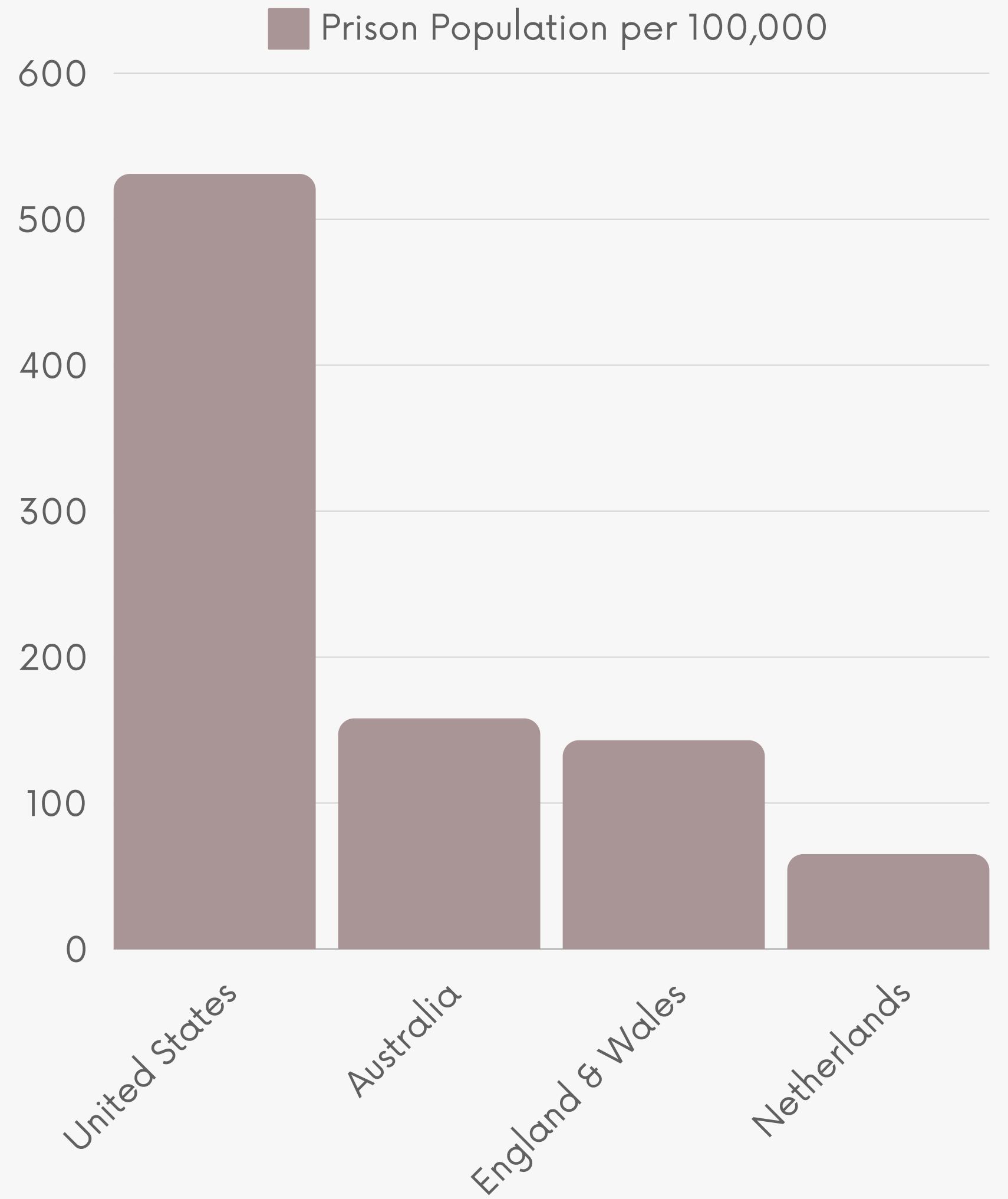
The introduction of the penalty order

Much has changed over the last 20 years in traditional Dutch criminal procedure. Professor Jan Crijns details the most important changes. 'For a long time we have been accustomed to not every offence coming to court. If you steal a bike, the Public Prosecution Service deals with it. Since 2008 this has been with what is known as a penalty order. The public prosecutor looks at the case file and imposes an appropriate sentence. This could be a community sentence or a fine. He does this for misdemeanours or offences for which you can receive a maximum term of six years of imprisonment, ranging from road traffic offences to assault.' If the prosecutor thinks that a prison sentence should be imposed, a case file is then sent to the courts. The judge is the only one who can impose a prison sentence.



PRISON POPULATION RATES

Across the world



THE NETHERLANDS

Population
17.8 million people



Population Density

522 per square km
Amsterdam:
4,908 per square km

VS.

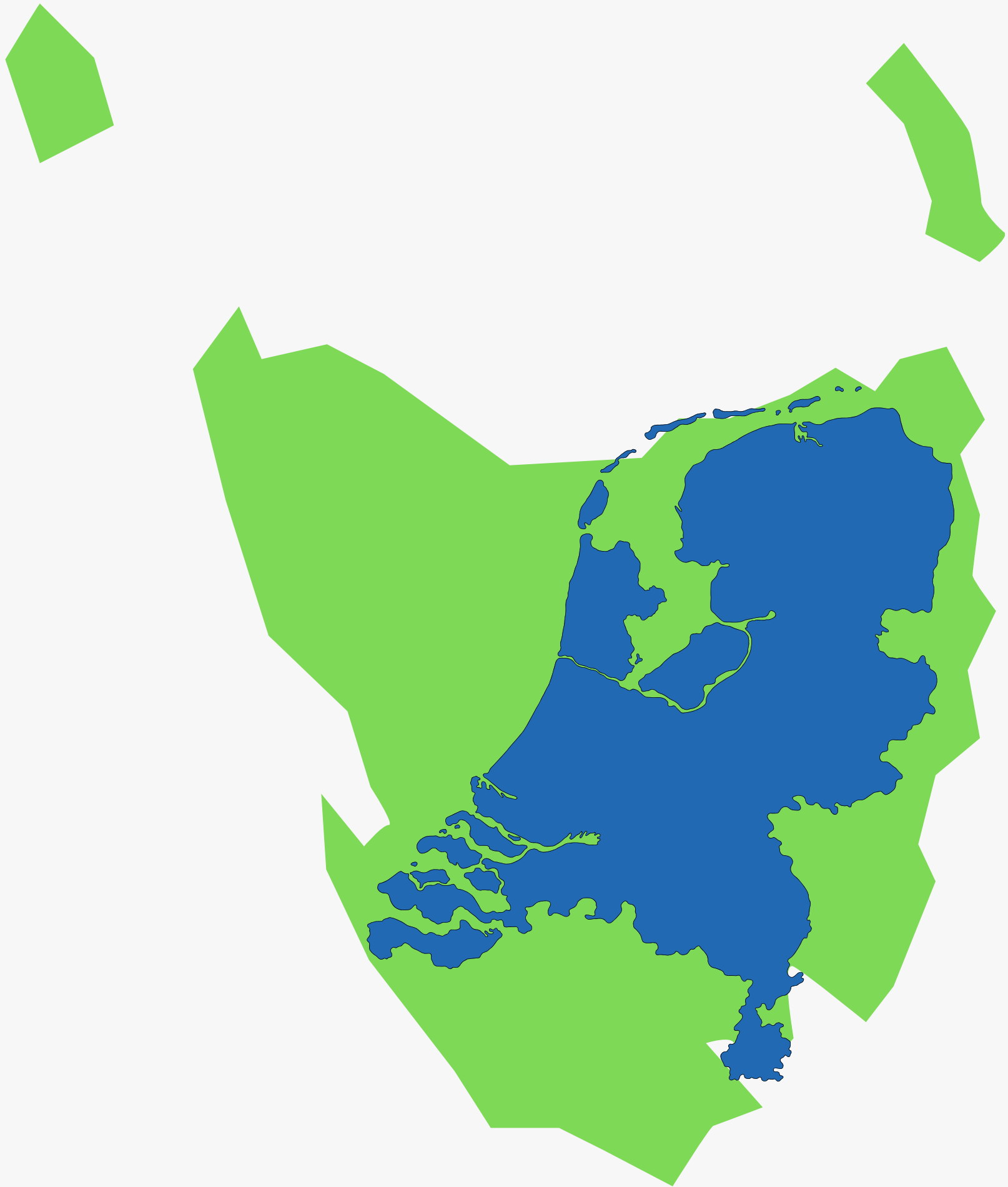
AUSTRALIA

Population
26 million



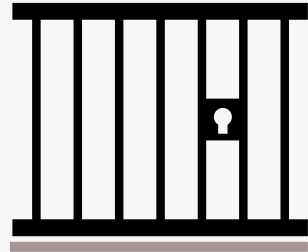
Population Density

3.46 per square km
Melbourne:
521 per square km



The European part of the Netherlands, would cover 60% of Tasmania.

THE NEW REALITY



23 Prisons Have Been Shut Since 2014

8 other prisons were shut in 2009. As of Feb 2024, 5 more prisons are to close in the next few years



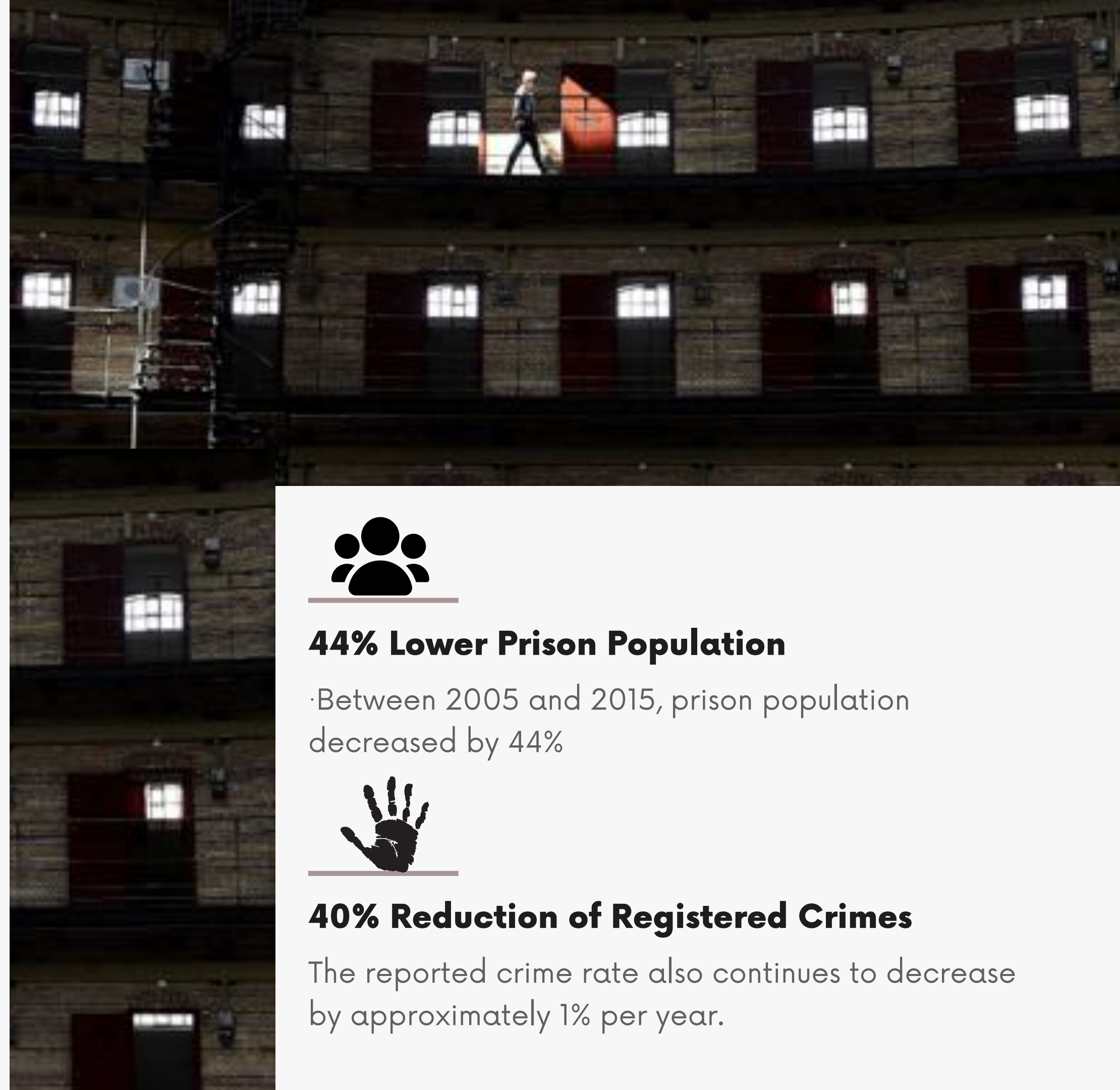
Europe's 3rd Lowest Incarceration Rate

Europe's third lowest incarceration rate
53.9 – 54.4 per 100,000



30% Less Prison Sentences

The number of prison sentences imposed fell from 42,000 in 2008 to 31,000 in 2018.



44% Lower Prison Population

· Between 2005 and 2015, prison population decreased by 44%



40% Reduction of Registered Crimes

The reported crime rate also continues to decrease by approximately 1% per year.



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SENTENCING WITHOUT A JUDGE?!

Available for offences with a maximum penalty of up to six years imprisonment

AN OFFENDER ONLY GOES BEFORE THE COURT IF THE PROSECUTOR HAS THE VIEW THEY SHOULD RECEIVE A TERM OF IMPRISONMENT.

Fines



Community Service



Social Restrictions

eg. banning attendance at football matches

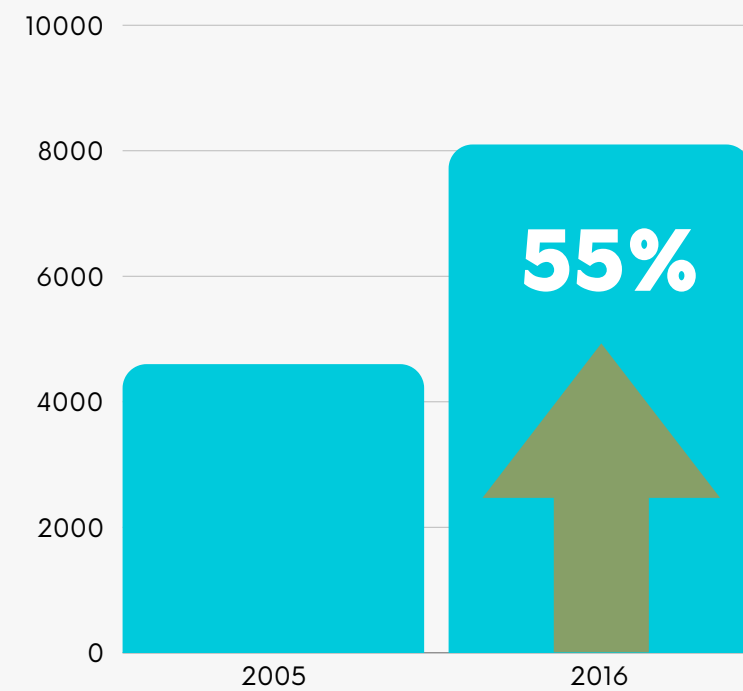


Restorative Justice

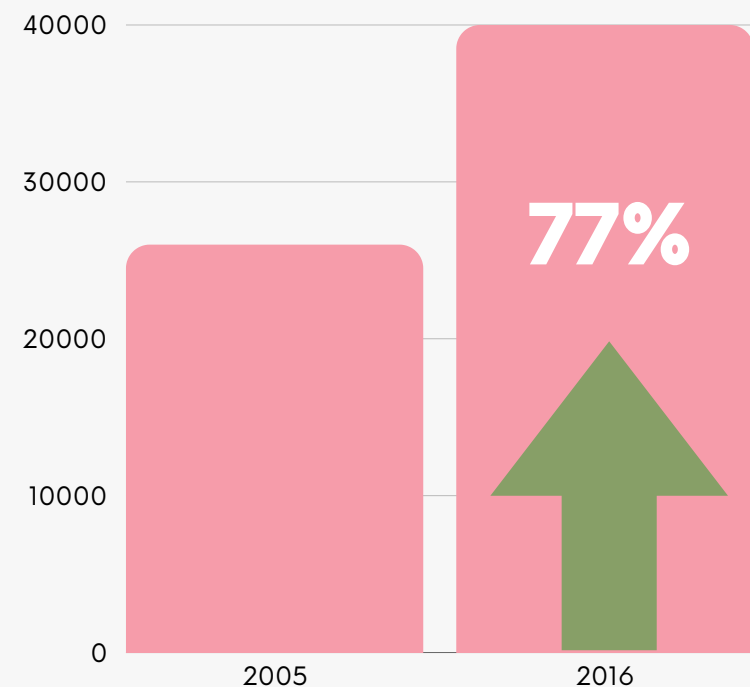
Measures to Compensate Victims



WHAT HAPPENED NEXT



Conditional Waivers



Unconditional Waivers

Increase in Conditional & Unconditional Waivers

Conditional Sanctions | Introduced in 2011, making suspended sentences more attractive.

Measures to Restrain an Offender's Freedom of Movement

Introduced in 2011, long-term supervision for offenders for severe crimes subject to behavioural interventions and restrictions.

Changes in the Judicial Practice of Sentencing

29,000 offenders received prison sentences in 2005; 24,000 in 2016. (Decrease of 19%)

Sentences for property crimes reduced 39%.

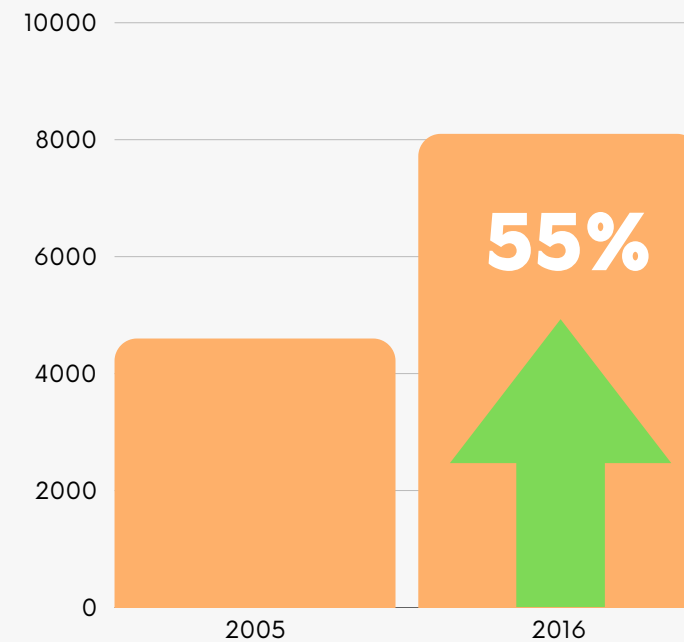
Hard drugs sentences reduced 26%.

Robbery sentences reduced 21%.

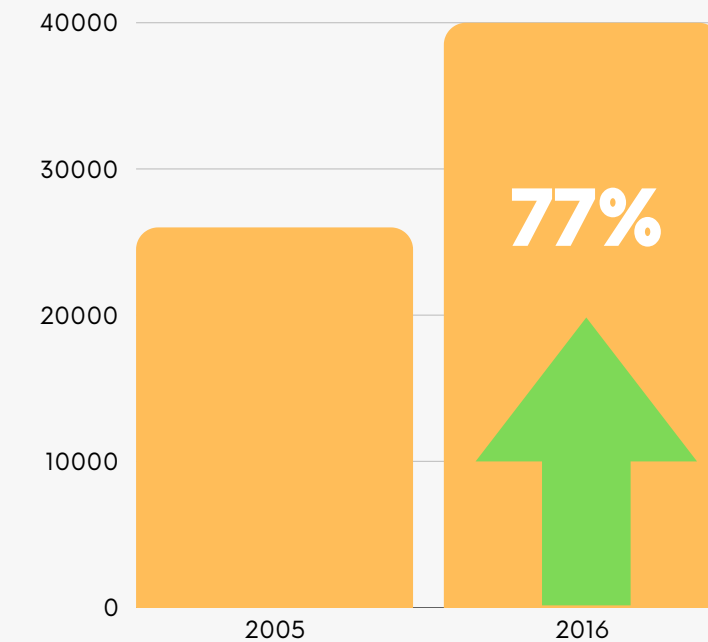
Replacing prison sentences with electronic monitoring.

WHAT HAPPENED NEXT

Increase in Conditional & Unconditional Waivers



Conditional Waivers



Unconditional Waivers

Conditional Sanctions

Introduced in 2011, making suspended sentences more attractive



Restraining an Offender's Freedom of Movement

Introduced in 2011, long-term supervision for offenders for severe crimes subject to behavioural interventions and restrictions

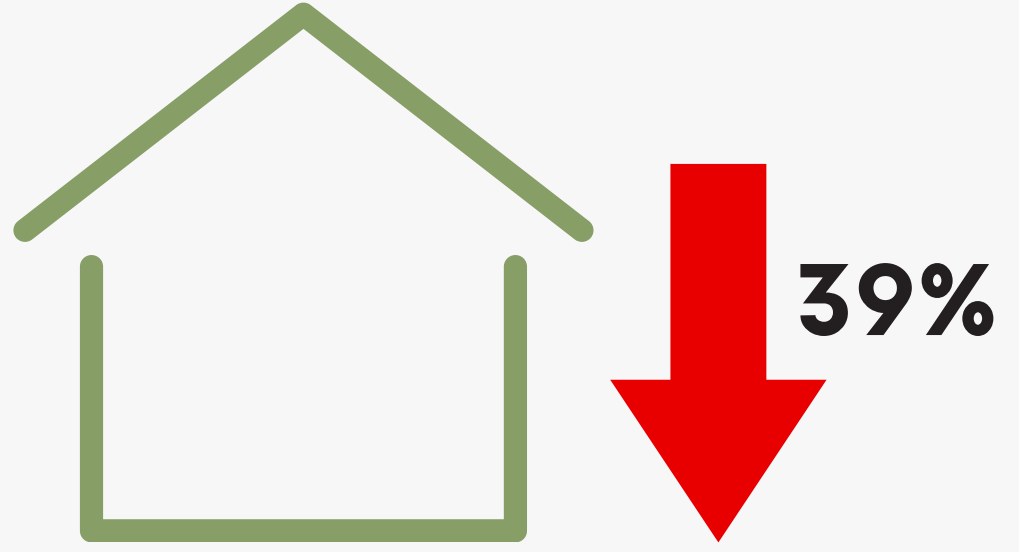
Changes in the Judicial Practice of Sentencing

29,000 offenders received prison sentences in 2005 vs. 24,000 offenders in 2016



19% less prison sentences

Fewer Sentences for Property Crimes



Fewer Robbery Sentences



Fewer Hard Drugs Sentences



Replacing Prison Sentences with Electronic Monitoring



GREATER USE OF FORENSIC ORDERS

TERBESHIKKINGSTELLING (TBS HOSPITALS)

For persons due to mental disorder are partially or fully unaccountable for a serious sexual or violent offence and are considered a high risk of recidivism.



Cared for in high security TBS hospitals.



Provision of psychiatric and medical care to encourage re-entry into society.



Reviewed every two years



Average stay is two years

· 1950's: 1500 patients | 1980's: 400 patients | 2018: 1,300 patients



SHORT SENTENCES LEAD TO MORE REPEAT CRIME

Study of 40,000 adults

A short prison sentence leads to a **55% increase in repeat crime** in the first five years compared to community service

Higher rate of repeat offences after short prison sentences compared to after a non-custodial sentence

We need more...

Training of lawyers and judges



Interrupted sentences



Arjan Blokland
Leiden University

THANK YOU

**LET'S START SHUTTING THEM
DOWN IN AUSTRALIA!**