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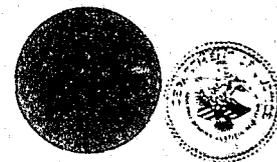
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# International Summaries

A Series of Selected Translations in Law Enforcement and Criminal Justice

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From The Netherlands

## Freedom in Prison: An Inventory Inside the Institutions With a Half-Open Regime\*

*The lack of space in closed facilities is changing the nature of half-open regimes*

By M.M. Kommer and M. Brouwers

### Introduction

Dutch prisons are categorized according to various criteria. One of the most frequently used standards is the duration of the detention; thus, there are institutions housing prisoners for short, medium, and long terms. A second category is the type of regime; i.e., closed, half-open, and open. Another criterion is the level of security; i.e., high, normal, and limited. Finally, there is a measure determined by the designation of the prisoners: those in preventive detention, those who were released after sentencing and later given a date for commencement of their sentence, and those who should have reported at a later date but failed to do so and were subsequently arrested.

These categories can overlap in that there may be two subdivisions in an institution for short-term detainees; e.g., one with normal security, and one with limited security. In practice, however, the

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\*These institutions usually house short-term detainees, are minimum security, and are comparable to work release programs in the United States.

categories are not so clearcut, and problems developed with some prisoners in half-open regimes. The main problem was drug use, but crowding of all institutions also presented increasing difficulties for half-open facilities. Higher security institutions were short of space and had to transfer prisoners to half-open regimes. As a consequence, the character of prisoners in half-open regimes has changed to being more hard core.

### The inventory

In May and June 1984, the Scientific Research and Documentation Center (WODC) of the Ministry of Justice of the Netherlands decided to conduct an inventory-research study on seven Dutch prisons with half-open regimes. The prisons examined were Nieuw Vosseveld in Vught, PTK de Corridor in Zeeland, De Raam in Grave, Ter Peel in Sevenum, PVI Nederheide in Doetinchem, Oostereiland in Hoorn, and Bankenbosch and Nieuw Bergveen in Veehuizen.

The goal of the study was to inventory and categorize the types of prisoners who might cause particular problems. Initially, the focus of research was to be alcohol or drug use, aggressive behavior, and behaviors related to ethnic background. However, after discussions with the administrators of the prisons other potential research factors evolved, including

prisoners' refusal to work, feelings of lack of privacy because they are housed in dormitories, and lack of motivation to participate in training programs. One privacy-related problem identified was that prisoners who could not cope with the half-open regime and requested transfer to a closed regime could not be accommodated due to lack of space. Since these additional factors were not issues in all seven institutions, it was decided to focus on drug and alcohol use and ethnic-related problems for the present study.

Research questions were formulated as follows:

- What are the problems that occur?
- To what extent do they occur?
- Under what circumstances do the problems appear?
- Which prisoners have these problems?

Data collection took place in two phases: first, a quantitative inventory of the prison population and incidents that have occurred; second, a series of discussions with the administrators and staff. For the quantitative part of the study a questionnaire was developed, which was completed for each detainee with data provided by four sources:

1. The administration of the institution.
2. The executive staff.

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3. The medical service staff.
4. The general documentation registry.

Questions sought the following information:

- Date of birth.
- Ethnic background.
- Criminal background.
  - Number of known previous offenses.
  - Number of previous convictions.
  - Diversity of previous offenses.
- Date of sentence.
- Date detention began.
- Planned date of discharge.
- Whether the prisoner reported to the institution or was transferred.
- Whether the prisoner was in custody previously, and if so, the reason.
- Timespan between sentencing and detention.
- Whether the prisoner received or requested an administrative review of the penalty.

The first phase of the study took place in May and June 1984, while the discussions with the administrative and executive personnel took place in May, June, and September 1985. The second phase helped to clarify the data obtained in the quantitative phase; some of the questions had not been fully answered, giving an inaccurate impression of some of the institutions. The discussion phase was used to find out about problems related to drugs and alcohol, the adaptability and suitability of the prisoners to half-open regimes and communal living, and the organization of the institutions.

## The institutions

Half-open facilities differ in the extent of communal activities they feature. In some, the detainees are together day and night; in others, they are together in the day and have privacy at night. However, the principal characteristic shared by the institutions examined for this study is that the prisoners were together day and night. Other shared characteristics are:

- A lower than normal or minimal degree of security.

- Weekend leave once every 4 weeks for prisoners whose sentences are more than 32 days.

- The possibility of working outside the institution. (Participation in a work and/or training program is compulsory; the consequence of refusing to participate is transfer to a closed institution.)

### *PVI Nederheide*

The Penitentiary Training Institute (Penitentiare Vormingsinrichting—PVI) Nederheide in Doetinchem is an institution for prisoners who fail to report to custody and have to be arrested. Detainees serve between 5 weeks and 4 months, and are required to participate in a training program. The main building, which dates back to 1866, is surrounded by a canal. The facility has 40 hectares of land, a church, a gymnasium, and an agricultural area. There are three living areas for 90 inmates—each area has two dormitories for 10 people and two smaller ones for five. Each dormitory has a dining room and a living room.

### *PTK de Corridor*

The Penitentiary Training Camp (Penitentiare Trainingskamp—PTK) de Corridor, a juvenile facility, was built in Zeeland in 1966. It is composed of low buildings surrounded by woods. There are six pavilions, each accommodating 10 detainees for a minimum of 35 days and a maximum of 6 months. The detainees must be able to speak Dutch to participate in the required group activities. The PTK was the first Dutch institution to divide detainees into groups and designate group leaders, who stimulate the detainees' interest in programs that teach them how to function socially and find legal solutions to their problems. For the first 6 weeks, the program combines half days of lumber work with half days of team sports and vocational training. After completing the 6-week program, detainees are eligible to work in outside projects such as building playgrounds. The PTK was a model for other institutions.

### *Nieuw Vosseveld*

This complex in Vught was erected in 1942 as a concentration camp called Herzogenbusch. It was taken over by the prison system after the war. The detainees are divided into two categories: youths

who are serving a sentence following preventive detention and detainees who reported to custody at the required time. A maximum of 125 inmates are housed in a main building and several pavilions. The daily activities are the same as at the PTK de Corridor, but the training focuses mostly on metal working, painting, and construction.

### *Ter Peel*

This prison in Sevenum is located in a post-war cloister and houses detainees who report to custody as required. They serve 1- to 6-month terms. Ter Peel's capacity is 80 detainees, who sleep in large dormitories, each of which is subdivided into 28 small areas. The program alternates full days of work with full days of training. The work is in the lumber industry and landscaping.

### *Oostereiland*

This prison building was erected in the 17th century for the United East-India Company on an island in the harbor of Hoorn. The island is linked to the mainland by a bridge. The prison's capacity is 128 detainees. Detainees are those who report for custody when required to do so. The maximum duration of the stay is 6 months; the average is 3 to 4 weeks. Detainees are housed in dormitories that are subdivided into small rooms. The work is mostly related to the lumber industry. At the time of the study, a program was underway to disseminate information on alcohol use and traffic code violations.

### *De Raam*

This prison was built in 1820 in Grave although part of the complex dates back to the 16th century when it was used as a royal stable. It is divided into four areas and has a 90 space capacity for short-term detainees, mainly traffic code violators who report for custody on the required date. They participate in a program of information on the relationship between alcohol use and traffic code violations. This is the most open of the seven institutions; the detainees work in the town of Grave.

### *Bankenbosch*

This institution, with a capacity of 160 detainees, is part of a larger complex in

Veehuizen called Groot Bankenbosch. Bankenbosch consists of eight pavilions, each of which has two divisions for 10 people; however, some detainees have private rooms. There are no selection criteria for detainees except that they have been sentenced to an open institution. Many of the detainees serve longer than 6 months and work in landscaping jobs outside the prison.

### **Nieuw Bergveen**

Nieuw Bergveen is also a subdivision of Groot Bankenbosch and is located in the Esserheem Prison's old hospital, built in 1894. The maximum custody in this facility is 30 days and the detainees are predominantly traffic violators. The main criterion for selection in this facility is that prisoners are not drug addicts. The detainees are housed in four groups of 12 and, like those in Bankenbosch, work in landscaping.

### **Population**

The average age of the population in all the institutions was 31 years. Compared to the general Dutch population, young people were over-represented. However, 20 percent of the detainees were older than 38 years. The majority of the detainees were Dutch. The major offense categories were tax evasion (50 percent), traffic code violations (20 percent) and opium law violations (9 percent). Only 2.7 percent were without previous contacts with the justice system.

It was impossible to determine the age at which detainees had their first encounter with the justice system because such encounters are not documented for youths under 12 years of age. It can be shown, however, that half of the detainees were younger than 18 years at the time of their first exposure to the justice system. Seventy-five percent of the detainees committed three or four types of offenses. The questionnaires indicated that 10 percent of the detainees were considered socially unsuited for group activities and the communal nature of the facilities. Detainees' nationalities varied from one institution to the next. In Nieuw Vosseveld and PTK de Corridor, there was a high percentage of Dutch detainees; in PVI Nederheide most were from Surinam (formerly Dutch).

The study's conclusion of the population overview is that generally the institutions are similar, except for some minor differences, including the average age of detainees and the racial composition of the facilities.

### **Drugs and alcohol**

Drug and alcohol addiction was perceived as a problem among the long-term detainees. However, a quantitative comparison among the institutions could not be made because it was impossible to determine the exact number of addicts in the penitentiary system. Moreover, medical staff and executive personnel were reticent to answer questions relating to detainees' drug or alcohol use. Questions concerning drug addiction and use were interpreted differently in the institutions, depending on whether an inmate admitted to being an addict at the time of detention, or was considered an addict because he was caught using drugs or alcohol after entering the facility.

According to the information gathered from the medical staffs, 20 percent of the detainees had used drugs before their detention; staff noted drug withdrawal symptoms in 14 percent of the detainees. However, the executive personnel estimated that 25 percent had previous drug use. The medical staffs reported that 15 percent of the detainees consumed large amounts of liquor before detention, with 7 percent experiencing withdrawal symptoms. Drug and alcohol abusers received treatment for withdrawal symptoms during detention, and all institutions offer a methadone program.

Another discrepancy in staff reports concerned the use of alcohol on the premises. Medical staffs estimated that 1.2 percent of detainees used alcohol; executive personnel estimated 9.8 percent. Staffs reported that drug and alcohol use creates tensions within the institutions since users are considered aggressive and threatening to nonusers; nonusers, in turn, aggressively defend themselves. One source of tension was the pressure that drug and alcohol users exert on nonusers to bring back liquor and hard drugs from their weekend leaves. This was reported difficult to control due to the half-open nature of the regime.

The sanctions for drug and alcohol use vary according to available space in other institutions. The sanction for open-system detainees is transfer to a closed regime; however, due to lack of space, these prisoners usually cannot be transferred. After repeated use of drugs or alcohol, they are put in isolation. If space becomes available in a closed institution, detainees are immediately transferred.

### **How detainees adapt to their custody**

The study examined the ways in which the detainees adapt to the communal nature of their custody, and whether they can adapt for an extended period of time. Staff response to questions distinguished between adapting to the community, adapting to the other inmates, and adapting to the program of activities. The questionnaires showed that 15 percent of the detainees were considered by the staffs to be unsuited for the programs due to physical or psychological ailments, illiteracy, or because they are foreigners (from Surinam or the Dutch Antilles).

Questions concerning aggressiveness indicated that 32 percent of the detainees have been aggressive, mostly toward other detainees (rather than staff), and mostly verbally (rather than physically). Foreigners were found to be highly aggressive. It was also revealed that detainees who previously were confined in closed regimes had a negative influence; their sentences often were long and their constant need to adjust to new groups of short-term inmates created tension.

Lack of privacy was found to be a problem, with 18 percent reporting difficulty adapting to the communal nature of the facilities.

The final issue examined was the possibility of escape during weekend leave. The study found that of the total number of inmates processed by the institutions each year, an insignificant number used this opportunity not to return to the institutions, to get drunk, smuggle drugs, or return late. The main reasons reported for not returning to the institution were to escape from other detainees to whom money was owed for gambling, or because of the lack of privacy. Weekend leave was not considered high risk for escape because half-open regimes offer

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many possibilities for escape; therefore, detainees did not have to wait until weekend leave to do so.

## Organization

The lack of space in closed regimes is changing the nature of the half-open regimes. Detainees who belong in the closed system are being sent to the half-open institutions; as a result, the number of hard-core criminals in half-open institutions is increasing. This, combined with a lack of trained personnel, has led to an increase in incidents of aggression, and drug and alcohol use. The possibilities for sanctions are limited—due to the lack of space in closed regimes, offenders in half-open institutions cannot be transferred. Isolation is the only possible sanction, but it was felt that detainees could not be isolated for long.

The last complaints pertained to the age of some of the buildings; they were seen as fire hazards and the dormitories lacked heat. Because the older buildings are protected by preservation laws as historic monuments, they cannot be altered.

## Conclusion

Overall, the study concluded that the line separating half-open from closed regimes is fictitious due to the lack of space in the closed facilities. It recommended that the long-term detainees in half-open systems be placed in facilities that would permit them to be separated from other detainees and allow them more privacy. The short-term detainees would thus be in more favorable communal settings, which would minimize their problems in adapting to communal life.

Based on information gathered in the study, detainees were classified into several categories of problems, as reflected in Table 1.

The numbers of detainees falling into the different categories varied among the institutions; what was perceived as a problem in one institution was not necessarily seen that way in another. It was felt that the extent to which activities were communal was a factor in this variance. It was not considered useful to categorize detainees based on sentence length because the way in which such confinement affects inmates depends on

Table 1

Category of problem	%	N (=100%)
Repeated delinquency	61	588
Drug addict	19	498
Withdrawal symptoms from drugs	17	498
Drug user during detention	22	498
Excessive alcohol user before detention	14	498
Withdrawal symptoms from alcohol	10	498
Alcohol user during detention	10	498
Not suitable for the half-open regime	15	389
Not suitable due to physical problems	5	389
Mentally handicapped or of low intelligence	6	389
Illiterate (cannot write Dutch)	7	392
Illiterate (can neither read nor write Dutch)	3	392
Aggressive behavior	32	392
Physical violence	3	392
Perceived as potentially aggressive	12	392
Complained of lack of privacy	35	392
Hard-core detainee	25	390

the institution they are in. A detainee who has been in Ter Peel for 3 months would be considered a veteran whereas in Bankenbosch he would be a relative newcomer. It was found that some detainees cause problems during long stays that they do not cause during short stays. Therefore, institutions intended for short-term detention may experience fewer problems.

The communal living arrangements and institutions' inability to segregate detainees was found to be a specific problem in dealing with drug addicts. Addicts often need to be isolated and can cause problems in dormitories.

Withdrawal symptoms, drug deals, and thefts are the main sources of tension among prisoners who are drug addicts or alcoholics and those who are not.

The degree of structure in training programs may also cause problems depending on the category of participants and their ability to adapt to the communal character of the institution. These problems can be eliminated with a greater degree of flexibility and by making better

use of prisoners' individual capabilities. Written materials sometimes used in the training programs caused problems for illiterate detainees, and it was recommended that illiterate detainees be placed in agricultural activities, where there was no need to be able to read.

Although the study was initiated mainly to inventory the populations and identify problems caused by detainees, it was difficult not to examine some of the problems inherent in the organizations. In general, it was felt that problems pertaining to the detainees could be managed by the institutions, whereas problems inherent in the organizations or the system could not.

It was recommended that a prisoner selection process be instituted for half-open regimes—even as late as arrival time—to determine whether a prisoner would be a good candidate for the communal setting. It was concluded that a selection process would greatly reduce the problems within half-open regime institutions.