Summary

Introduction
If an adult person in the Netherlands has committed a crime and is convicted of this crime, the court may impose a hospital order (TBS) involving compulsory treatment. At the request of the Dutch House of Representatives the Minister of Justice has agreed to commission a study into the possible detrimental effects on the psychological condition of TBS offenders of (long-term) detention prior to the compulsory treatment in a forensic psychiatric institution. These effects would occur particularly in TBS offenders who had received a so-called combined sentence (both a TBS order and a prison sentence).

Problem statement
The problem statement that lies at the heart of this study has been phrased as follows:

What is the profile of TBS offenders who received a combined sentence and what (possible) effects might be expected of imprisonment on the psychological condition and motivation of these TBS offenders with respect to the compulsory treatment in a forensic psychiatric institution?

Study design and execution
To answer the research questions various sources of information were used, including:
- Exploration of the literature: care needs, psychological disorders in detainees and effects of detention
- Quantitative data analysis: analysis of MITS (Monitor Informatie Ter Beschikkingstelling) data of all individuals sentenced to a TBS measure in 2005 and 2006, whether or not in combination with detention (hereafter referred to as TBS offenders)
- Additional information on 35 out of 68 TBS offenders, sentenced in 2005 and 2006, who were still in prison on 1 March 2008: problems, care provided and effects of detention
- Exploratory field research: interviews with experts, representatives of penal institutions and site visits

Limitations of the information sources
The exploration of the literature had its limitations in that there were very few comparable empirical studies available that addressed the effects of detention on the psychological condition and motivation for treatment of detainees in general and TBS offenders in particular. In this respect there is a clear lack of knowledge.
One of the consequences of choosing the group that was sentenced to TBS in 2005 and 2006 according to MITS data was that there was no information on the group of offenders sentenced to both long-term imprisonment and TBS. Moreover, the MITS data base was not primarily set up for scientific research purposes, so the choice of variables was limited and not always well suited to the purpose of this study. The additional information asked for concerning the 68 TBS offenders who were still in prison in March 2008 applied to a very specific group; the study results are only indicative and cannot be generalized to the entire TBS population. The same goes for the outcomes of the exploratory field research.

Results
This study is exploratory in nature. The major results from the aforementioned sources of information are:

General profile
In 2005 and 2006 383 individuals were sentenced to TBS. 333 of them (87%) were also sentenced to imprisonment, they received a so-called combined sentence (TBS offenders with a combined sentence). The remaining 50 individuals were only sentenced to TBS (TBS only offenders). The detention imposed was in many cases (212/333; 64%) two years maximum. A relatively small percentage (37/333; 11%) of TBS offenders with a combined sentence were sentenced to long term imprisonment (more than six years). The remainder (25%) were sentenced to two to six years imprisonment.

At the time of the study (March 2008) 79% of the group had moved to a forensic psychiatric institution: 262 out of 333 individuals with a combined sentence and 41 out of 50 individuals with TBS only. At the time of transfer to the forensic psychiatric institution the TBS only offenders had been detained for approximately 25 months on average (preventive custody included); the TBS offenders with a combined sentence for almost 29 months (imprisonment included). It is remarkable that for a large group of TBS offenders with a combined sentence the length of the sentence imposed and served is comparable to the time the TBS only offenders is detained before being placed in a forensic psychiatric institution. Possible explanations might be the time an appeal procedure may take and the waiting times for placement in a forensic psychiatric institution.

The problems of TBS offenders as they emerged in this study are largely in line with previous findings by Van Emmerik (2001). More than two thirds were suffering from personality disorders (Cluster B in many cases) and the remainder suffered from psychotic disorders (mostly schizophrenia). Most of the TBS offenders were male, of Dutch origin and between 25 and 40 years of age. One in six TBS offenders had an IQ below 80. From the moment preventive custody was ordered half of the entire group was placed in one or more special care provisions within the Dutch prison system (such as Individual Support Units).

The profile of the TBS only offenders differs from the TBS offenders with a combined sentence in various respects. The degree of accountability varied between the two groups, which is only logical. The TBS offenders with a combined sentence were characterized by personality disorders (78% versus 22% psychotic disorders) and previous prison sentences
In the TBS only offenders psychotic problems occurred more frequently (80% versus 20% personality disorders), and previous prison sentences were less common (48%). Besides, the TBS offenders with a combined sentence were less often placed in a special care provisions compared to the TBS only offenders. This could be regarded as an indication of the predominance of psychological and behavioural problems during detention in the TBS only offenders. From this study it can be concluded that in the TBS offenders with a combined sentence antisocial characteristics prevailed and that in the TBS only offenders psychiatric problems played a (more) prominent role.

**Prison placement policy and care provided**
From the telephone interviews with representatives of the penal institutions it appeared that there was no specific placement policy with regard to TBS offenders in prisons. There were only some general criteria for placement (sex and legal status, in the sense of sentenced to preventive custody, short-term imprisonment or an alternative sentence). The fact whether offenders are sentenced to a TBS order or not, did not generally play a role with respect to their placement in a penal institution. The answers the psychologists consulted gave to the questionnaire on the 35 TBS offenders who were still in prison in March 2008, however, made clear that the TBS offenders often stayed in Special Care Units. This study did not compare non-TBS offenders and TBS offenders with respect to placement in Special Care Units. Nevertheless, the conclusion can be drawn that TBS offenders in penal institutions need care. The psychologists who completed the questionnaire qualified the care provided as sufficient in general. In some cases the demand for care exceeded the penal institution’s ability to make an adequate offer.

**Problems before and after detention**
The exploration of the literature made clear that detainees might experience problems prior to detention (import model) and that problems might arise during detention (deprivation hypothesis). In any case, TBS offenders suffered from psychological and behavioural problems prior to their sentencing and thus detention. This was also confirmed in the questionnaire part of the study, although the sample studied was small (35 persons). The psychologists thought that the majority of the problems (in terms of disorders, addiction, suicidal tendencies and behaviour) were already present before detention. The group evaluated by the psychologists in the questionnaire almost completely consisted of TBS offenders with a combined sentence. The psychologists stated that their problems would remain during detention or would sometimes become less severe.

**Effects of detention**
It is impossible to draw any straightforward conclusions about the effects detention has on the psychological condition of detainees (with psychological disorders). An important reason is that little empirical research is available on the subject. However, there are indications that detention may have both negative and positive effects on detainees with psychological disorders. From the little literature available it can be concluded that the first period of time in detention could generate (more) mental symptoms in detainees. The psychologists who completed the questionnaires mentioned the long waiting times,
boredom and hardening as factors that might affect the psychological well-being of TBS offenders in a negative way. On the basis of the literature and the interviews with experts it might be concluded that detainees with psychotic disorders suffer most from long-term imprisonment without adequate treatment.

From the research literature the tentative conclusion could be drawn that the effects need not always be detrimental, and detention could be beneficial for some detainees (more structure, better daily routine, healthier diet, et cetera). This seems to be confirmed by the data from the questionnaire. The psychologists thought the positive effects of detention could be (initially at least) the result of providing a clear structure and daily routine and the ban on addictive drug use.

Furthermore, it is not possible to draw a straightforward conclusion concerning the effects of detention on the motivation to be treated at a forensic psychiatric institution at a later stage. In general, it can be said that particularly detainees suffering from antisocial personality disorders are not at all or hardly motivated for treatment. This might be reinforced by (long-term) imprisonment. According to the psychologists interviewed, long-term imprisonment would definitely influence all TBS offenders’ motivation in a negative way.

Further research
This study was exploratory in nature. To be able to examine the effect of detention on the psychological condition and motivation for treatment, an adequate psychological and psychiatric screening process ought to take place at the start of the detention period. Subsequently, in a longitudinal study the group of TBS offenders should be examined periodically as to their psychological condition and motivation for treatment during the entire detention period. At the same time attention should be paid to the social environment (or environmental variables) of the relevant penal institution (nature of the regime, how many months of imprisonment were imposed and served, care provided, et cetera).