Summary

Introduction

Between 2000 and 2006 a number of TBS (hospital order) detainees absconded with serious consequences. In response to subsequent social unrest and the wishes of the Dutch Lower House (Tweede Kamer), the Minister for Justice pledges to improve the supervision of leave. The most important measure taken is to order the Forensic Psychiatric Centres (FPCs), as of 1 July 2007, to deploy specially trained personnel to safeguard the first phase of supervised leave, which is part of a social readjustment programme. The FPCs are permitted to use their own staff for this purpose or to make free use of the security services of the National Special Assistance Unit (LBB in Dutch), which is part of the Transport and Support Service (DV&O in Dutch). With the exception of the FPCs Dr. S. van Mesdag and Van der Hoeven Kliniek, all FPCs have taken up the LBB’s offer.

The Amsterdam based research and consultancy company DSP-groep, commissioned by the Research and Documentation Centre (WODC in Dutch), has conducted an evaluation of the guarded phase of supervised leave. The principal objectives of the evaluation were to establish how the measure is implemented in practice, the experiences of those involved with the measure and the expected effects, intentional and unintentional, of the measure. Secondary objectives of the evaluation were to gain more insight into the use of pepper spray during guarded leave, to establish whether one guard is sufficient and to gain insight into the cooperation between guards and supervisors. The study’s objectives are translated into the following research questions:

1. What is the aim of the guarded phase during supervised leave?
2. What are the expected effects and side-effects of this measure?
3. How are the guarded phase and modified instructions for the use of force (with respect to the guarded phase) carried out and experienced during supervised leave?

Research methodology

Different approaches are used to answer these research questions. To start with, the following six FPCs were selected for a round of interviews: FPC Dr. S van Mesdag, FPK Drenthe, FPC de Kijvelanden, Pompestichting, AMC de Meren and FPC Oostvaarders.

Note 1 This secondary objective originates from the National Agency of Correctional Institution’s (DJI) pledge to the Groups Works Council DJI (GOR DJI) at the time of the measure’s implementation to conduct an evaluation into the necessary guards, the use of pepper spray and the cooperation between guards and supervisors during the guarded phase of supervised leave. As an interim response to these questions, a report was presented to GOR DJI on 15 December 2008. The content of this report, dated 15 December 2008, is processed in the report which this summary pertains to.
The following relevant parties were interviewed at each of these FPC: ten tbs detainees, two employees given the task of guarding, eleven social therapists (supervisors), seven treatment coordinators and six representatives from the board of directors.

At DV&O interviews were held with five members of the LBB, three managers and one employee from the Planning Department. Two members of the DV&O works council were also spoken with. Furthermore, a coordinator from the Leave Unit, the secretary of the Advisory College for Leave Testing TBS (Avt in Dutch) and two members of the GOR DJI were interviewed.

In addition to these interviews, the following sources of information were used:

- Random sample of the leave evaluation forms filled in by the supervisor and guard concerned after every incident of leave. This form includes information on the goal, duration and any additional details concerning the leave, as well as the restraining implements carried. A random sample of 153 leave evaluation forms was analysed out of more than 900 incidents of leave in 2008. These forms originated from the following institutions: FPC de Rooyse Wissel, FPC Dr. S. van Mesdag (organized own security), FPC Oldenkotte, FPC Oostvaarders, FPC Veldzicht, GGz Eindhoven, Hoeve Boschoord and Pompestichting.
- Service instructions of all FPCs.
- Patient dossiers kept by the Forensic Care Board (DForZo in Dutch) on TBS detainees who absconded during supervised leave in the years 2004, 2005, 2006 and 2008. Patient dossiers, supplemented by consultation with the FPC on the absconded patients’ whereabouts during their escape, were used to assess whether the escape occurred during the first phase or later phases of supervised leave and/or whether the absconder reoffended during his/her escape. In total 47 dossiers were examined.
- All written requests for the deployment of the LBB in the period between April 2008 and October 2008 which the DV&O judged to require a different form of security than that asked for by the FPC. In total six requests were examined.
- Unaltered registration file from the Leave Unit which contained all 151 leave authorizations from 1 January until 10 October 2008. Based on this file it was possible to establish the extent of decisions taken not to include a guarded phase in the request for leave, and to which extent the leave authorization took account of the FPC’s preference.
- Report from the Avt with justification for contrary advice to the Head of the Leave Unit.

General findings

In 2008 there were more than 900 cases of supervised leave. Approximately 80% of these were guarded by LBB employees. Responsibility for the remaining cases was given to employees of the two FPCs that choose to implement their own security arrangements. FPCs are permitted to request authorization for supervised leave without a guarded phase. This option is not utilized very much in practice, however, which means that after the introduction of the measure most supervised leave starts with a guarded phase.
According to the findings of the evaluation, no TBS detainees absconded during the guarded phase of supervised leave and no notable incidents were reported. From this evaluation, however, it appears that there were also very few incidents of detainees absconding in the three years prior to the measure’s introduction (2004 – 2006). The only two cases of detainees absconding (without recidivism) during the phase which is now guarded took place in 2006.

Preparation of guards for the guarded phase

DV&O has currently trained 24 LBB staff as guards for the first phase of supervised TBS leave. One of these is no longer available for guarding supervised TBS leave. The training, provided by the training centre Expertisecentrum Pompeii, lasted a week and consisted of four days of theory, supplemented with practical role-playing exercises and one day of work experience at a FPC. The aim of the training was to provide the aspiring guards with sufficient knowledge of forensic psychiatry, the FPC and the leave policy regarding patients. The training was also intended to prepare LBB staff properly for cooperation with the FPC leave supervisor and to provide them with the necessary tools to deal with crisis situations.

The FPC, Dr. S. van Mesdag, which deploys five of its own guards, did not give training of this nature. Instead, an information meeting and training for the use of pepper spray were organized. This more limited preparation is due to the fact that this FPC works with its own security staff who, thanks to their experience in the institution, are already reasonably familiar with TBS detainees and their clinical picture.

Form and content of the guarded phase of supervised leave

There are strong similarities between the FPCs in the way they carry out the guarded phase of supervised leave. The immediate surroundings of the institution and nearby shopping centres are the most common destinations. There is also little variation in the duration of leave, which is generally kept to one or two hours at a maximum.

Substantial differences exist between the approaches taken to guarding. In some cases batons are carried, while in others handcuffs are taken, or even nothing at all.

The use of pepper spray was permitted between 1 August 2007 and 1 August 2008, as part of a national experiment approved by the Minister. Although nine FPCs were formally able to participate in the experiment by virtue of their service instruction, only four of the twelve institutions eventually took part. With the exception of the FPC Dr. S. van Mesdag, the carrying of pepper spray appeared not to be standard practice and towards the end of the experiment this tool featured less and less among the restraining tools carried.

Progress guarded leave

Experiences with the guarded phase of supervised leave are mainly positive. Up until now there have been no incidents or attempts to abscond and according to the supervisors, cooperation with the guards has gone
smoothly. The guards in turn consider this extra task as an enjoyable supplement to their regular work.

The verdicts of the TBS detainees vary. One group of patients experience the contact with unknown, and generally male, guards as an enjoyable interlude. Another group of TBS detainees is less enthusiastic. This group feels as though it is being scrutinized, or even criminalized. They also have the impression that the often large physical build of their guard gives their identity as a TBS detainee away to passersby during leave.

**Intentional and unintentional effects of the measure**

The measure was introduced with the aim of limiting the risk of detainees absconding during TBS leave with serious consequences. Since the introduction of the measure 1.5 years ago in 2007, no TBS detainees have absconded during the guarded phase. At the same time, research indicates that there were only two cases of detainees absconding (without recidivism) during the guarded phase of supervised leave in the three years prior to the measure’s introduction. Based on this finding, the measure is expected to have only a minimal effect on the level of escape incidents.

From the evaluation it would appear that the FPCs do not expect the measure to influence the situation with respect to safety. On the other hand, at an organizational level they have noticed a slight increase in the amount of administration work, due mainly to the (external) requests for guards, the drawing up of leave plans and the completion of leave evaluation forms.

The guarded phase appears to have little influence on the course of treatment. It is expected that the duration of treatment will not be, or will barely be, influenced and that supervised leave will not be requested any earlier or any later in the treatment process. During the research, however, one individual raised the point that the higher level of safety guaranteed by the deployment of external security makes it possible to experiment with liberties more than in the past.