

Ministry of Justice and Security

Learning from the Dutch experience

Lessons from the past, current challenges and structural measures for the future

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Introduction

Facts about the Dutch prison system

- 26 prisons on 33 locations for adult prisoners
- Around 50% of capacity for pre trail detention
- Annual inflow around 27,000 (2023)
- Over 10,000 beds (2025)
- Average duration of detention upon outflow: 5 months
- 64% with a sentence up to three months
- Low detention ratio compared to European countries: 45 per 100,000 inhabitants (2023)
- Current occupacy above 99,5%, maximum occupancy normally 91,3%
- Emergency measures are in effect: waiting list, early release

The Dutch system has reached its limits

Three forces come together in 2023

1. Growing demand

- Longer average time in custody
- More forensic patients in prison
- Fewer people receiving conditional part of intramural sanctions

2. Reduced usable supply

- Staff shortages
- Renovation backlog
- Labour market pressures

3. Limited flexibility

- High occupancy
- Limited buffer capacity
- Slow infrastructure decisions

We looked backwards before looking forwards

Three connected pieces of work

1. Learning from the past (TNO, 2025)

- System analysis: 2000–2025
- Policy, legislation, demand, supply and implementation
- Prison capacity treated as a complex adaptive system

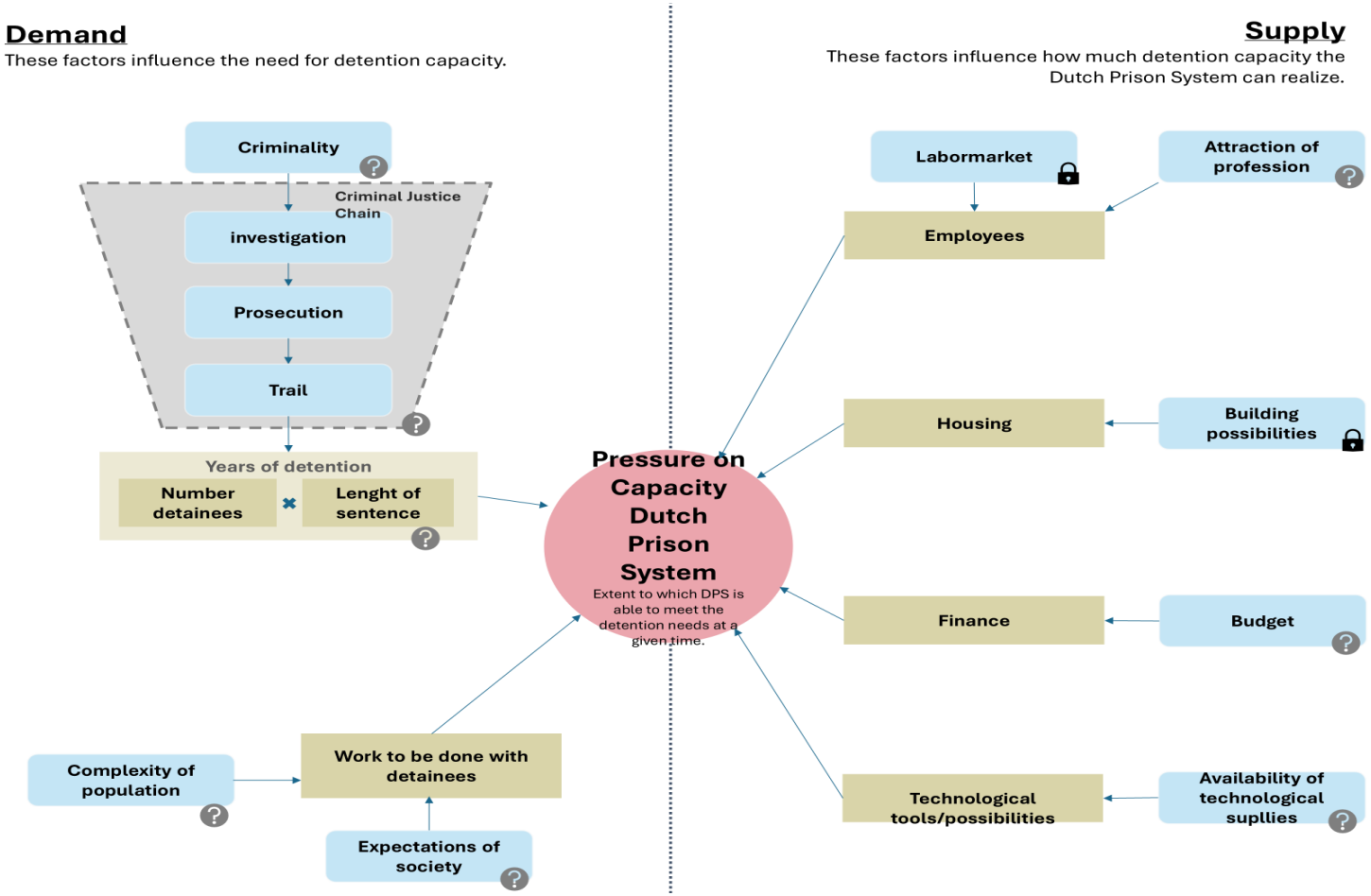
2. Policy exploration: Long-term scarce prison capacity (Ministry of Justice and Security, 2025)

- Causes and future demand
- Three strategic future scenarios
- Possible structural measures

3. Action Plan: Room for Justice (Ministry of Justice and Security, 2026)

- Translates the analysis into a multi-year approach with focus on the criminal justice chain

Visual system analysis



The best use of scarce capacity

considering the range of possible futures

A. Lower demand for prison capacity

- Prevention
- Inflow-restricting measures
- Measures to promote outflow

B. Dealing with fluctuations in demand and supply

- Flexibility in execution

C. Raising supply of prison capacity

- Developing new detention concepts
- Capacity expansion of the prison system

So what are the choices?

Three strategic options identified in the policy exploration, depending on budget available

1. Budget locked

- No substantial additional structural investment
- Capacity shortages increase
- Emergency measures become more extensive
- Increasing pressure on the objectives of the sanction system

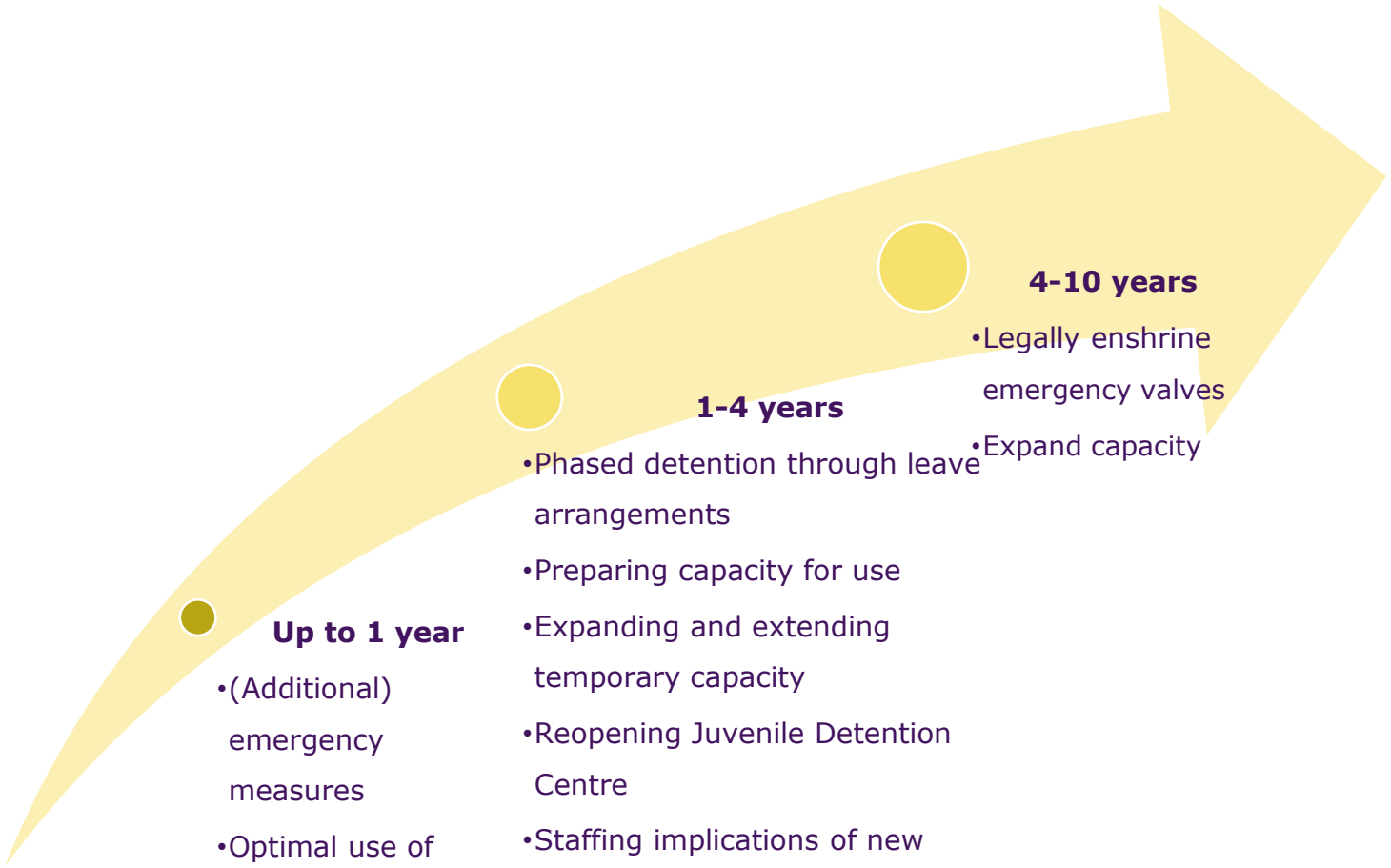
2. Build our way out

- Renovate
- Expand capacity
- No major changes to sentencing or demand

3. Room for Justice

- Renovation + expansion
- Reduce demand where possible
- New detention concepts
- More tailored sentencing
- Better rehabilitation and reintegration
- Better use of forensic care

Room for justice: action plan 2026



Five take aways from the Dutch experience

1. Think in systems

Capacity is an outcome of the wider criminal justice system. Solving problems in a system askes for an aligned package of measures.

2. Flexibility

Avoid operating permanently at maximum occupancy

3. Match capacity to risk

Not every prisoner needs the same regime

4. Combine supply and demand measures

Have choosen for a combined and sustainble approach to manage prison capacity

5. Align policy, finance and implementation

Ambitions must match operational reality and be considered in the time to effect

Conclusion

Prison capacity is not a question of how many cells you have. It is the outcome of a complex system of sentencing policy, demand, infrastructure, staffing, budgets, rehabilitation, forensic care and policy and political choices. This asks for a system approach for bettering the situation.