

Recommendations

In view of the shortcomings identified, it would be possible to make a great many recommendations. However, the Board prefers to restrict the number of its recommendations to the main issues and refers to the report with regard to other safety deficits, given that the findings speak for themselves.

1. The Board recommends to the Minister of Justice that:
 - Within one year, all penitentiary institutions be investigated on fire safety (including the arrangements with the fire brigade) and the in-house emergency and first-aid organization, this be put in order as necessary and the results be reported to the House of Representatives;
 - (Fire) safety be made an explicit point of policy regarding management of the institutions working under its authority and that the recently appointed Sanctions Application Inspectorate be given an integral supervisory role (employing the expertise of other inspectorates, supervisory committees, etc.) and that periodic reports be made on the state of (fire) safety;
 - The allocation of responsibility within the Ministry of Justice, particularly within the DJI between central and local management, be subjected to a critical enquiry and review, focussing especially on the responsibility of site management, and that the conclusions of such an enquiry be clearly established;
 - The emergency plans of receiving facilities and penitentiary institutions be subjected to a critical assessment in terms of their degree of usability in day-to-day practise. Also that particular attention is devoted to the relief and aftercare of detainees and its supra-local coordination be vested explicitly with DJI.
2. The Board recommends to the Minister of Housing, Spatial Planning and Environment (VROM) that:
 - The building regulations for special building complexes be made more accessible. In addition, the Board asks attention to be given to advice, instruction, regular tuition, etc. to support the correct application of the building regulations and the advancement of national expertise.
 - In view of the indicated shortcomings of the Detention Centre Schiphol-Oost as a building, the role and responsibility of the Government Buildings Agency be subjected to a more detailed specification such that construction quality can be guaranteed at all times and the discharge of its service provision duty is not at the cost of the quality delivered.
 - In the case of temporary constructions, in which the 2003 Buildings Decree sets lower requirements on construction plans for buildings with high-risk functions, additional conditions are set so that safety levels are equivalent to permanent constructions.
3. The Board recommends to the Municipality of Haarlemmermeer that:
 - It ensures sufficient expertise such that building applications, which depart from the Buildings Decree but which do propose equivalent structural alternatives, (can be) are subjected to thorough assessment.
 - It avoids acting as a consultant for the permit applicant thus not endangering the independence necessary to undertake the specific supervisory role.
 - The fire brigade and in-house emergency and first-aid teams be carefully coordinated regarding high-risk subjects and to have them perform joint exercises.
4. The Board recommends to the Minister of The Interior and Kingdom Relations (BzK) that:
 - In consultation with the Minister of Justice as the party responsible for legislation and regulations, reconsider whether the status of unofficial regulations, such as the Directive for Cells and Cell Blocks Fire Safety, is adequate for safety risks.
 - The content of these unofficial regulations be updated.

- It be ascertained with the Association of Netherlands Municipalities how, in practice, municipalities are able to discharge their role as a supervisory body professionally in the case of buildings with high-risk functions, such as a Detention Centres. Combining expertise on and experience with specific buildings should be taken into consideration in this regard. In line with safety practices in other sectors, turning around the onus should be considered, thus expecting permit applicant organizations to demonstrate that they operate as safely as possible.

Finally, the Safety Board wishes to make just one reference to the premature publication in the press of its draft report. The right for involved parties to be heard by the Board has been included in the legislation that constitutes the foundation of the Board's operations. Based on a ruling from the European Court of Human Rights, the legislature infers that the parties, on whom criticism is laid, even when it does not concern bringing criminal charges against them, should be given the opportunity to respond to the content of a report constituted by the Dutch Safety Board. The preliminary report was made public by a third party in the course of this process. This draft report inevitable contained deficiencies and inaccuracies, which have been amended following receipt of the comment, thus enabling a final report to be published that was as carefully balanced as possible. No negotiations concerning conclusions have taken place during this process.