

## **The advisability of prosecuting psychiatric patients for violent acts against staff**

### **Summary**

The number of (severe) violent incidents against staff caused by psychiatric inpatients is high. Victims often do not report these incidents to the police, because of various reasons. But if they do report these incidents, the judicial authorities are often reluctant in prosecuting and convicting these patients. It appears that incidents which have been reported to the police are handled in divergent ways. The central question in this article is 'in which cases is prosecution advisable?' The problem is examined from three perspectives: criminal justice, forensic psychiatry and the victim's perspective.

It depends on the victim whether or not an assault is reported to the police. In this decision, the policy of the institution plays an important role. Subsequently, the Public Prosecutor decides whether or not the offender is prosecuted. In this stage of the process, there seems to be a lack of guidelines.

We argue that in case of a severe incident or repetitively aggressive patients, an independent mental health assessment is indicated, in order to extent the relation between the disorder and the assault. Moreover, uniform guidelines based on empirical research, have to be developed.

Harte, J.M., Leeuwen, M.E. van & Nederpelt, G. van (2009).

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