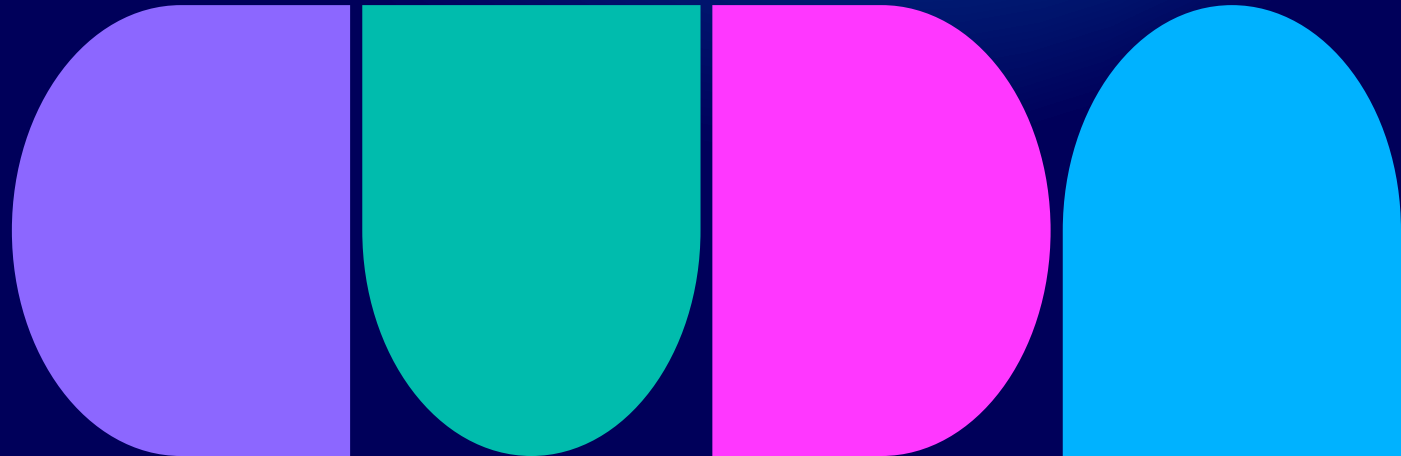


■ European Conference on Drug-Related Violence

- This presentation was delivered at the European Conference on Drug-Related Violence on 26-27 November 2024 in Brussels. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.

26-27
November
2024





Treatment instead of jail
-
Recovery instead of recidivism

The Ghent Recovery Court

Annemie Serlippens
Chair Ghent RC

2007: Search for an alternative approach on court level

Our traditional approach (prison, community service, probation) failed to efficiently address the underlying issue

- Underlying problem persists
- No time to develop a treatment plan adapted to the defendant that takes into account the complexity and multifactorial causes of drug addiction.
- Often rigid and sometimes unattainable conditions are imposed on the defendant
- Large time lag between sentencing and actual treatment
- Recidivism



→ We made a study visit to the Drug Treatment Courts in the US & Canada

- Critical at first (common law system vs continental law)
- But: Eye-opener: using the criminal justice system to change behavior by focusing on the individual
- That way, they were more efficient in addressing underlying issues
- TJ: Therapeutic Jurisprudence

2008: DTC Ghent



Drug Treatment Court (DTC)

The Drug Treatment Court is a specialised chamber within the Court of First Instance offering the accused the possibility to work on their (drug)issues under the supervision of that chamber.

The probation officer – who attends the court's sessions – provides the link to the drug rehabilitation services

The duration of supervised drug treatment varies from six to twelve months, depending on the defendant's commitment and progress.

Admission criteria

1. Criminal offenses caused by drug use/alcohol abuse

→ Drug users who commit criminal offenses/ criminals who also use drugs

→ Any criminal offense (including violent crimes)

2. Confess the facts

3. The defendant acknowledges his drug problem

→ Public Prosecution Office selects files/suspects

→ Defense lawyer can ask for a referral

→ The chair checks the criteria

Preliminary hearing: the chair points to the importance of honesty and motivation

Drug Treatment Court

Preliminary hearing

- explanation + verifying willingness to follow treatment plan
- Contact probation officer – defendant
- Victim/civil party!



Orientation hearing

- defendant presents treatment plan
- discussion



Follow-up hearings

- Adjust treatment plan
- positive incentives / sanctions



Closing hearing

- Assessment of the case taking into account the treatment plan

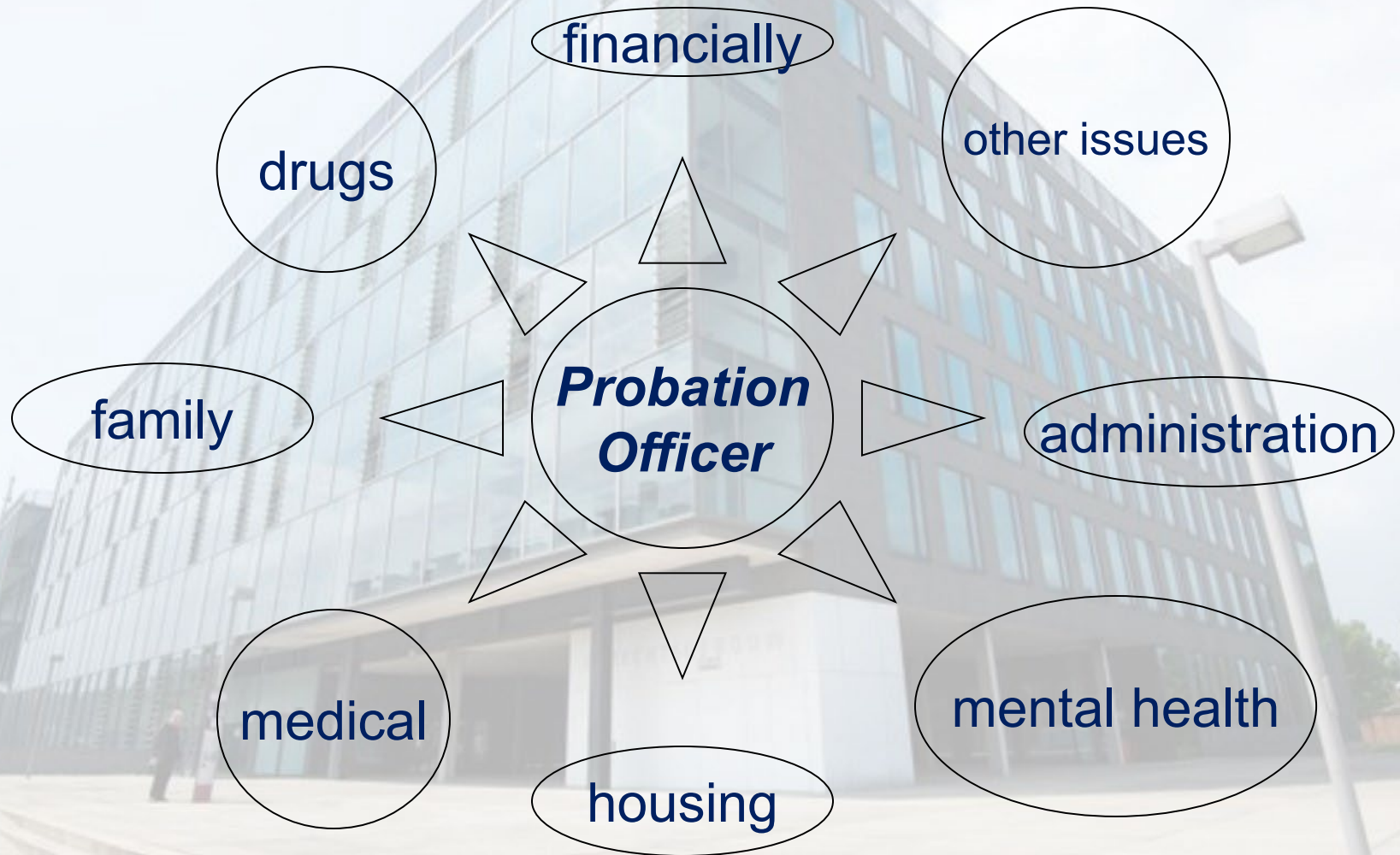
Position civil party/victim

- At preliminary hearing
 - if civil party is in person: Chair explains DTC-process
 - opportunity to tell his/her part of the story
- Inclusion of undisputed part in programme DTC (payment if possible)
- Civil party is always invited to the final hearing
- If possible room for restorative mediation with 'confrontation' at the final hearing
 - probation officer prepares this with accused
 - victim support services can prepare this with victim

(DRUG) TREATMENT

- Regular drug treatment (actor)
- Ghent: large number of different services organised in one network
- Not only DRUG treatment, but also many services competent for other areas of life (partners) – importance of social embedding
- **Probation officer = bridge between justice & aid**

BRIDGE TO REGULAR TREATMENT



CONCLUSION

- Each actor has the same goal but a different role, a different responsibility and a different approach to achieving that goal
- Respect for each other's roles
- Independence
- Multidisciplinary approach is necessary
- First treatment, then assessment

Evaluation and impact on probation and appeal

- In 80% of cases, recidivism decreases:
 - 3/4 do not reoffend in first 18 months
 - 1/4 commit fewer offences than before DTC
- Same results for DTC clients with extensive criminal history

Evaluation and impact on probation and appeal

- Repeat offenders are more likely to reoffend, but this chance decreases when following a DTC-process
- For DTC clients who have started treatment, an improvement is observed in various important areas of life (referral to drug treatment, financial guidance, labour market)

Recovery project in the Criminal Code

→ Law of 18 JANUARY 2024

- The criminal courts and the courts of appeal are provided with the possibility of imposing a recovery project to accused persons
- Offenses related to addiction, aggression or psychosocial problems
- Judge can propose this ex officio- at the request of the Public Prosecutor's Office - at the request of the accused or his lawyer
- Always with the consent of the accused, who must be sufficiently informed

Recovery project in the Criminal Code

- Every court can set up a specialised chamber
- The chamber concludes a protocol with the Public Prosecutor's Office, the bar association and the partners responsible for the implementation of the recovery project
- Duration of the process max 18 months
- Assisting services (Probation Officers) present at the hearing
- Totally based on the DTC-process

Recovery project in the Criminal Code

September 2024: first Recovery Court in Ghent

