

Summary

Presently there are no legal possibilities in The Netherlands for the involuntary admission of drug-addicted offenders into therapeutic institutions. Under existing regulations drug addicted offenders may be offered a choice between participating in an (intramural) treatment program, or being detained in a normal prison or remand house. This procedure turned out not to be effective for a number of such offenders. Especially a group of 'hypercriminal' drug-addicted offenders with a long history of drug use, who have committed many crimes and who cause a lot of inconvenience, often prefer detention to treatment. This is partly explained by the fact that, due to the petty crime character of their delinquency, they will only be convicted to relatively short prison sentences. Under the recently proposed new legislation drug-addicted offenders may be involuntarily committed to an intramural treatment program for a maximum period of two years. Technically this new option is a penal law measure instead of a sanction. Therefore its application does not depend on the seriousness of the offence. All arrested addicted offenders with an extensive criminal history of drug-related crimes and who have at least served one prison sentence for such crimes may qualify for this new penal law measure. Offenders may be coerced into admission but they may not be coerced to actual participation in the treatment program. If they refuse to participate they may be placed in a special section of the institution with a sober regime, which will hopefully stimulate motivation to enter the treatment program.

In this exploration of the literature attention is given to the experiences in other countries, i.c. The United States, Germany and Sweden, with modalities of involuntary treatment of drug-addicted offenders. Two present Dutch treatment programs are relevant for the proposed corrective measure. In one program drug-addicted offenders are involuntarily committed, but only for a more limited period than is intended with the new corrective measure. In the other program addicted offenders are admitted for the same period of about two years as is planned for the new corrective measure. In this case, however, the offenders have voluntarily opted for treatment instead of detention.

The results show that some drug-addicted offenders benefit from a push to enter and remain in a treatment program. From the literature it appears that coerced admission in a treatment program often has a positive effect on drug use, criminality and other social behaviour of older offenders with a long-standing drug-addiction.

Most importantly there seems to be evidence that coerced admission in itself does not negatively affect the outcomes of treatment.

This may be explained by the fact that retention in the treatment program is a crucial factor for success. The drug-addicted offender should stay long

enough in the program to allow motivation for a change of lifestyle to develop. Many evaluations of treatment programs show that the mean retention period of people involuntarily placed in a program is longer than in the case of voluntarily admission to treatment. Furthermore there are indications that participation in a multi-phased intramural *and* ambulant program with the eventual participation in a self-help group, is more effective than participation in *only* an intramural or an ambulant program.