

## **Electronic court sessions: “In his own environment the client was able to better express himself”**

An article written by Martine Koenders, probation officer and official contact for TBS<sup>1</sup> at Tactus, one of the Dutch probation institutions for addicted offenders.

### **Digital court hearing**

A digital court hearing: until recently this sounded like something for the future. However, the corona crisis has accelerated electronic working and Martine has already experienced twice what it is like to attend a TBS session via video calling. “It is special to do it this way and it was not really disappointing,” is her first opinion.

### **Seeing the client’s face**

“We all tested the connection before holding the first official digital court hearing. Not unnecessarily as in the beginning things did not always work so well. However once the technical problems were solved, the system was actually quite pleasant to work with. Instead of traveling to court, I was now sitting in my daughter’s colourful room – of course with a neat white wall in the background. I have got used to cameras and feel no hesitation anymore to place myself in front of them. What immediately struck me compared to a normal session, was that I could now see everyone’s faces. Normally, for example, I sit next to my client and I can’t see his or her face properly, but now I could, and it made me realize much better how he or she was doing at that very moment.”

### **Familiar environment**

The new way of working also had advantages for clients. “One client has a mild intellectual disability and lives in an institution. Normally the trip to court would put him under a lot of stress, while now he could stay in his own familiar environment with two supervisors in the background. This was much easier for him and he was therefore able to better express himself. Another session had already been postponed twice due to Corona, so the client was extremely happy that it could now finally take place in this electronic way. This client was in the office of his lawyer during the hearing. The preventive custody was terminated without further conditions, so that ended well for him.”

### **Miscommunication**

Despite the advantages, such as less travel time, Martine thinks that not every case is suitable for digital treatment. “The specific TBS sessions that I attended were doable, but I think it might be less suitable for certain criminal cases. By sitting together in court everyone is in the same situation and there is more interaction. Now there was a case, for example, in which a client had misunderstood a question from the public prosecutor due to some noise on the line and this quickly led to miscommunication. These are things we need to be carefully aware of.”

### **Conditions**

“I think it is important to investigate whether the digital court sessions can be continued after corona times. It saves a lot of time not needing to travel all over the country, but it is of great importance that the frameworks and (pre)conditions are clear. What to do in what kind of cases and what to avoid? How to ensure a stable connection? How to guarantee safety? All those kind of things... However as far as I’m concerned, there is certainly a future in it.”

**<sup>1</sup> TBS is a special measure that courts can impose on people who suffer from a personality disorder and/or a serious mental health illness and have committed a serious crime.**