

CRIME AND LAW

– about victims, offenders and criminal law –

ENFORCEMENT

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SUMMARY

This report contains a lot of data on the present situation in the criminal justice system. In the report comparisons have been made with previous years as well as with other countries. On the basis of this, some conclusions can be drawn and these can then be regarded along with some expectations for the future.

... development of crime ...

1

Some decades ago, crime in the Netherlands was at a very low level. Since then, the number of offences has increased sharply to a level which is not markedly different from the level in other Western countries where crime also increased, albeit not as sharply as in the Netherlands. This increase in crime was most apparent until the mid-eighties and concerned primarily relatively minor offences. Since the mid-eighties, more serious (violent) crime has continuously been climbing - this increase is mainly in violent theft (mugging, robbery).

It cannot be expected that the crime level will stabilize as soon as it reaches a 'normal' European level. An important factor for the crime level is the extent of urbanization of a country (or region), and because the Netherlands as a whole has a relatively urban character, it is not inconceivable that crime could continue growing to an internationally high level.

Crime is not evenly spread throughout the Netherlands: victimization is concentrated in (parts of) urban areas, specific age groups and specific branches of the business community. In these areas, it seems that crime has become an integral part of daily life, whereas in other areas this would more likely be the exception. Given the general development in crime, there is a chance that these areas of concentration will continue to degenerate, which is certainly in part due to (im)migration and acculturation problems.

... a catching up process ...

2

The above implies that in the short term no stabilizing of the pressure on the police and the judicial authorities (incl. cells) can be expected. The provision of facilities in the criminal justice system was previously oriented towards the then low level of (serious) crime: a small Public Prosecutions Department, few cells. Developments since then have meant that the system has had to do some catching up, but seen in an international context, Dutch investment in public order and safety is still modest.

... prevention ...

3

Although overall figures for crime and law enforcement (millions of offences, low clear-up rate, few criminal cases) could initially be interpreted as evidence of the limited significance of the work done by the police and the judicial authorities, this conclusion would be too superficial. The criminal law enforcement system works like a sieve: in particular the perpetrators of serious crimes and extreme multiple offenders are dealt with by the police and the judicial authorities. It is this very group who are brought before the courts and receive stiff sentences. This selective

process puts into perspective the suggestion that law enforcement is seriously lacking. The sieve process leads to the situation where the cases dealt with by the courts and the prison system are no longer a reflection of actual crime. For instance: a disproportionate part of the available capacity is dedicated to serious violent crime.

It can be argued that less serious crime, mostly committed by 'opportunistic offenders', remains outside the scope of the work done by the police and the judicial authorities. Particularly in the second half of the eighties (after the 'Samenleving en Criminaliteit' report) it has gradually become generally accepted that this type of crime must be dealt with using preventative measures and that these measures can be effective. Since then, prevention awareness in society has increased markedly amongst citizens, businesses and (government) organizations. It is likely that the trend of making private security arrangements will continue to persist. The role of the national government in this is small and is restricted to providing incentives; actual investment is made primarily by the citizens or businesses themselves.

... victims ...

4

A considerable proportion of crime has only a limited influence on the life of the victim. However, a minority of victims do suffer grave psychological damage caused by the crime and this can seriously affect their quality of life for a certain period of time.

Although attention focused on the victim has clearly increased, it has still not attained a high level. (Government) expenditure on victim care, for instance, is only a small fraction of what is spent on punishing and helping the perpetrators. However, developments are (slowly) tending towards an increasing role for the victim in and outside of the criminal procedure.

... a targeted approach ...

5

Offending occurs on a large scale, especially amongst adolescent youths, but generally speaking this behaviour stops quickly again. There is only a relatively small group of frequent offenders who continue offending, and these are caught frequently by the police and the judicial authorities. Because crime is part of their lifestyle, intervention by the criminal justice system has only a limited effect (high repeat offender figures), although where a targeted approach is used, this does show clear results. For example, crime levels begin to fall when extreme repeat offenders are incarcerated. Also effective in the long term, though, are measures aimed at stopping career offenders, especially if this done for youths who are at the start of their career.

This approach, targeted at specific groups of (extreme repeat) offenders is an unmistakable development. A quick glance at the figures shows us that at present there are tens of these projects currently in progress or planned. Usually these projects involve other organizations besides the police and the judicial authorities (such as the probation service). It is expected that this strategy will continue.

... law enforcement methodology ...

6

The last five years have seen a marked expansion in the types of punishments and other penal measures imposed by the judiciary (composition, many types of community service). More recent is the attempt to settle criminal cases more quickly (fast justice, immediate imprisonment, 'on-the-spot' summons). It is expected that diversification of punishments will continue as will the attempt to make quicker settlements of cases.

This implies that increased use will be made of pre-trial detention (immediate imprisonment) and that the 'registration procedures' required for deferred sentences are suppressed. In that context, judges can rely more on measures which are already available to them (compensation paid by the perpetrator, community service as a special condition attached when compositions is imposed or the case is dismissed...). For specific types of crime, this could mean drastic new powers for the police (compare settlement in the case of shoplifting, withdrawal of the driving licence for driving under the influence, HALT settlement ...). It is also plausible that in case of (less severe) financial and environmental crimes - the settlement of which produces the least 'surplus value' (often a composition) - use will be made more often of alternative settlements (administrative measures, including the application of administrative penal law).

INTRODUCTION

... integration in three perspectives ...

7

This report attempts to integrate the knowledge of criminal law and crime which stems from a multitude of information obtained from more or less specialist national and international publications. The aim is to give an outline of integration, because it would be an illusion to think that an all-embracing picture could be given (in a limited number of pages) of such a multiform area with its great variety of approaches.

The approach will be made from three different angles which serve to complement each other. First on the agenda are the victims of crime, followed by the perpetrators, and finally a picture is given of the whole law enforcement system.

... limited distinction ...

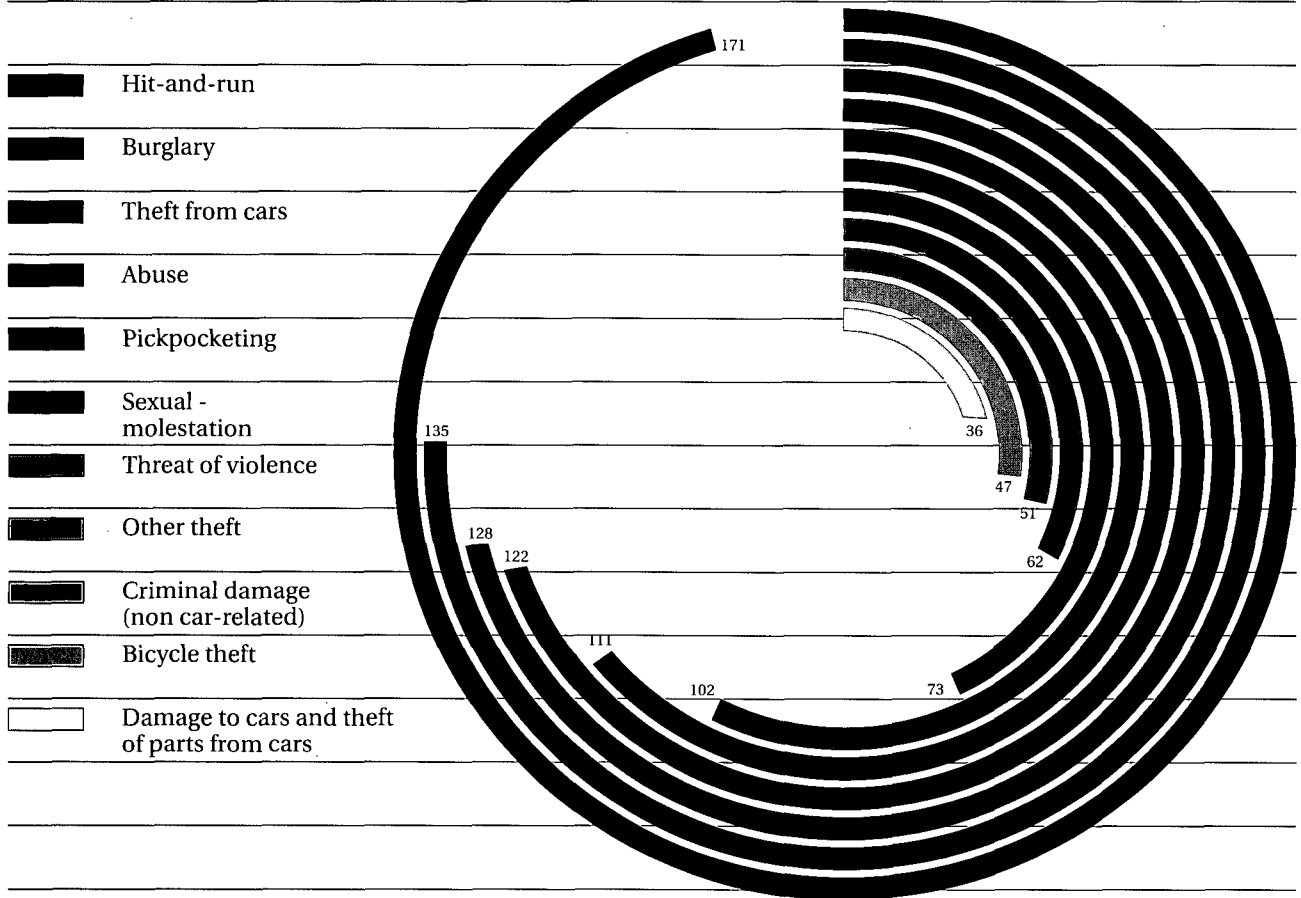
8

The term 'crime' encompasses many types of culpable behaviour, for example, exceeding the speed limit.. To include all offences of this type would make the present subject of discussion rather heterogeneous. It has been decided to only discuss those offences which come under the primary jurisdiction of the District Court: these are criminal offences and financial offences (both criminal and summary offences). Even then, the scope is still quite diverse and for this reason distinctions will regularly be made between the various types of offence. For this purpose, the standard definitions of the CBS¹ (Netherlands Central Statistical Office) will be adhered to.

1 Distinctions are made between the following (sub) categories of offence:

- violent offences
 - violence against individuals (threat of violence, abuse, culpable homicide)
 - sexual offences (indecent assault, gross indecency, rape)
 - theft by means of violence and extortion
- property offences
 - theft (petty theft, aggravated theft, (culpable) handling of stolen goods, embezzlement)
 - fraud (forgery, deception)
- public order and criminal damage
 - criminal damage
 - public order offences (against public order/authority, endangering of public safety, offences against public decency, discrimination)
- traffic offences (driving under the influence, failure to stop after an accident, etc.)
- economy and the environment
 - environmental protection acts
 - other acts
- weapons (Firearms and Munitions Act)
- narcotics offences (Opium Offences Act)

Figure 1.1
A crime is committed every ... seconds



1 THE VICTIM

An offence is a violation of the interests of fellow citizens, businesses and organizations. This chapter contains a description of how often these violations occur, what type of violations these are, where and to whom damage is inflicted, the seriousness of the damage and what is done to address the needs of (potential) victims.

1.1 Extent of victimization

... the citizen as a victim ...

9

figure 1.1

One person in six of the Dutch population becomes a victim of property crime every year. The chance of having your bike stolen is particularly great. The chance of burglary is 1 in 50.

These figures are taken from a survey of victims carried out by the CBS.² From this, an estimate can be made of the total number of offences committed. It can be calculated from these figures that a bike is stolen every 47 seconds and that something is stolen from a car every 2 minutes.

However, this survey of victims does not give a complete picture of criminal activity. For example, the figures do not include citizens under the age of 15 and, for various reasons, no attention is given to special victim populations, e.g. tourists temporarily staying in the Netherlands, low response groups (such as ethnic minority groups). Another limitation is that victim surveys only give a picture of the scope of victimization caused by relatively petty crime. Serious crimes, such as robbery and (of course) manslaughter are beyond their scope and other sources of information need to be consulted for these.

Police statistics give information on offences which come to the attention of the police, including serious crime. It goes without saying that these statistics only give information on offences which are detected by the police or are reported by citizens. Because serious offences are reported relatively often by citizens, these statistics can be used to gain an idea of the extent of serious crime.³ The chance of being the victim of murder or manslaughter in a given year is 1 in 3,700 and the chance of being robbed is 1 in 675. One report of indecent assault is made for every 2,700 women and for rape and gross indecency the figure is 1 in 4,200 women; it is pointed out, however, that figures for this type of crime tend to show an underestimation because of the lack of willingness to report these crimes to the police.

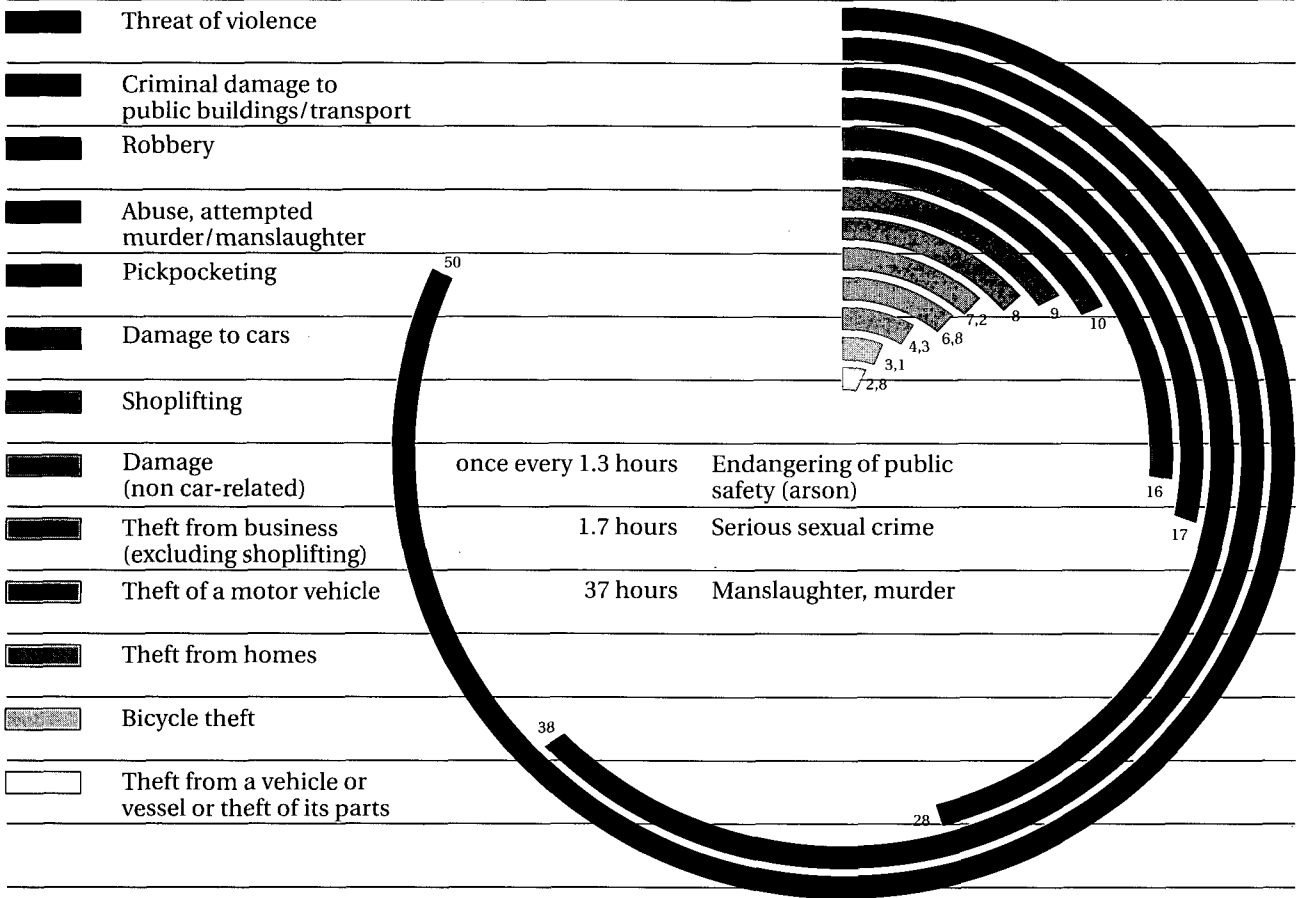
figure 1.2

It can be calculated that a murder is committed on average every 37 hours and a reported break-in every 4 minutes.

2 Enquête Rechtsbescherming en Veiligheid, CBS, provisional figures for 1995.

3 Kwartaalbericht Rechtsbescherming en Veiligheid, CBS, 1995/3. Data on the number of offences per 100,000 inhabitants aged between 12 - 79 have been used. For sexual offences to which practically only women are victim, half of this population was taken.

Figure 1.2
A crime is reported to the police every ... minutes



... businesses as victims ...**10**

A survey conducted among the victims of crime in 1988 shows that 4 in 10 businesses in the Netherlands are victims of vandalism, theft or threat of violence by persons outside the business. Furthermore, 1 in 9 businesses are victims of (suspected) insider crime.⁴

The retail trade in particular is frequently confronted with crime: almost fifty per cent of retail businesses were victims of shoplifting in 1991 (as far as this was discovered, of course).⁵ Recent figures show that 2 in 3 retailers are confronted with theft.⁶ The extent and cost of fraud in businesses has been investigated since 1993.⁷ It would appear that fraud has come to light in approximately 1 in 4 businesses. The total loss suffered due to fraud in the last three years by Dutch businesses with more than 20 employees amounted to around one thousand million guilders. The survey conducted for 1994 shows that approximately 22% of the amount of the loss is due to fraud in expense claims. Other commonly occurring forms of fraud are embezzlement of funds (20%) and theft of goods (13%). Much of this is due to insider crime and in approximately fifty per cent of the cases, the fraud is perpetrated by employees. Management fraud accounts for approximately 30% of the cases.

... victimless crime ...**11**

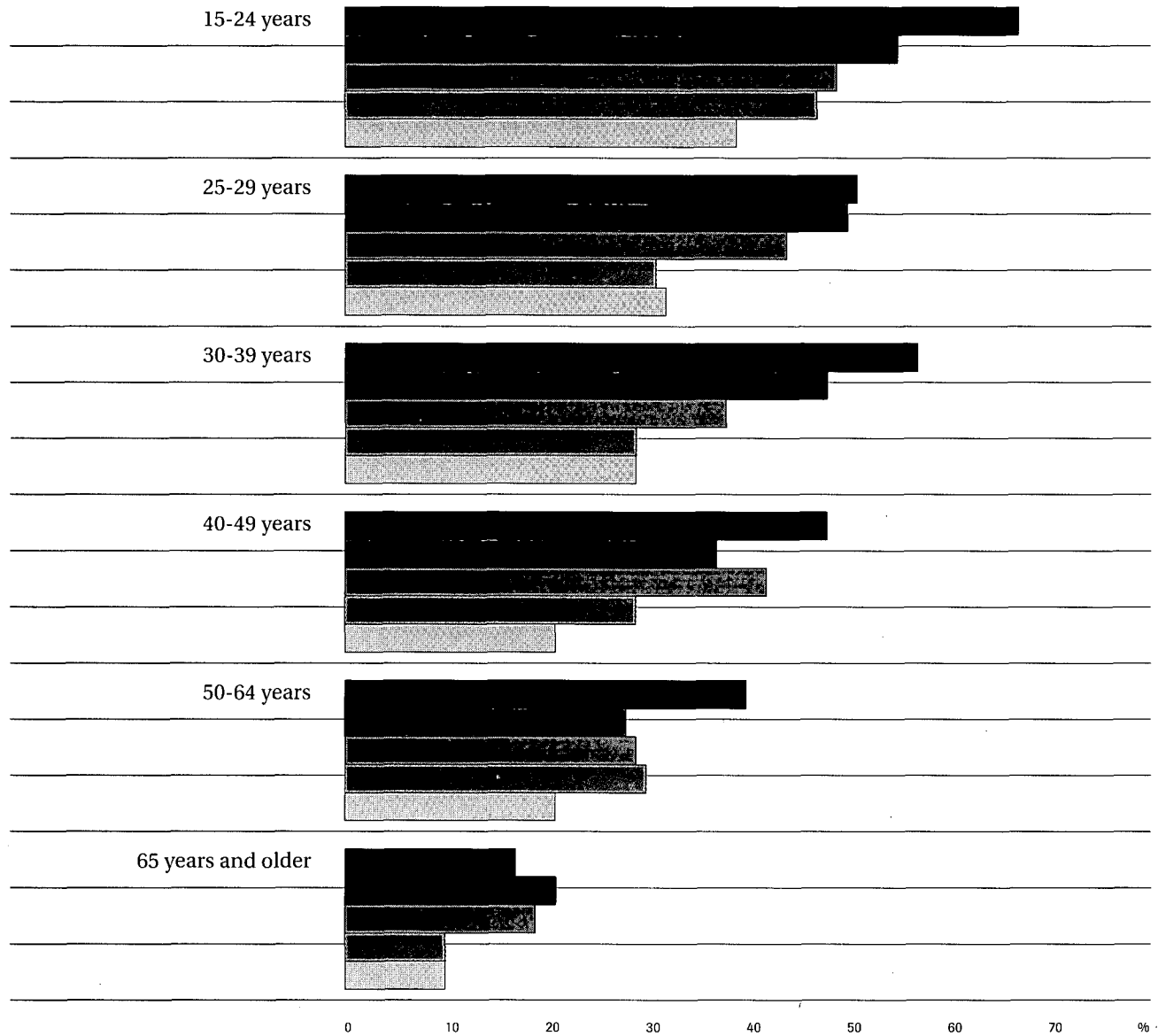
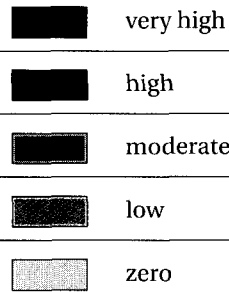
Apart from crimes where citizens, businesses and organizations are victims, there are also the so-called 'victimless crimes' where it is difficult to determine who the victim is or the victim is anonymous or collective⁸, such as the use of narcotics, illegal possession of weapons, handling of stolen goods, (tax) fraud, the illegal sex and gambling industries, environmental crimes, driving under the influence, bribery, tampering with products and contravention of building regulations.

Because there are no individual (legal) persons who can take action on the basis of their being a victim (by reporting an offence to the police or other investigation agency), completely different steps than the usual will have to be undertaken to gain at least some insight into the extent to which violation of the collective interests occurs.⁹ The numbers of offences registered by the police and the special investigation agencies, for instance, are mainly dependent on the efforts made to check these. Generally speaking, the number of crimes investigated accounts only for a fraction of all crimes actually committed. It concerns, for example, the extent to which driving under the influence, social security fraud and breaches of fishing regulations occur, as well as breaches of the thousands of other provisions of 'regulatory legislation'. Their relatively hidden character combined with the rather large gains which are possible generally makes for a high offence rate.

- 4 Bureau Criminaliteitspreventie (1990). *Bedrijfsleven en criminaliteit: Kengetallen uit de eerste Nederlandse slachtofferenqu ete onder bedrijven*, 1988. Den Haag: Ministerie van Justitie, Directie Criminaliteitspreventie
- 5 Van Dijk, Van Soomeren & Partners (1992). *Criminaliteit en de detailhandel. Resultaten van een enqu ete onder detaillisten*, 1991. Den Haag: Ministerie van Justitie, Directie Criminaliteitspreventie.
- 6 Dijk, Jan J.M. van, and Gert Jan Terlouw (1995). *Fraude en criminaliteit tegen het bedrijfsleven in internationaal perspectief*. *Justiti le Verkenningen*, vol. 21, No. 4, pp 119-142.
- 7 KPMG (1994). *Fraude in bedrijven*. Amstelveen: KPMG Forensic Accounting.
- 8 Rutenfrans, C.J.C. (1992). *Slachtofferloze delicten*. *Tijdschrift voor Criminologie*, vol. 34, no. 1, pp. 36 - 40.
- 9 *De eerste stap: een kosten-effecten analyse van een integrale periodieke rapportage van de mate van naleving van beleidsinstrumentele wetgeving*. Den Haag: Inspectie voor de Rechtshandhaving (1994).

Figure 1.3
Chance of victimization per age group and degree of urbanization

urbanization:



It can therefore be said that for a crime such as handling stolen goods the police statistics do not give any indication whatsoever of the type of stolen goods which are sold. Although the sale of stolen goods is an essential step after theft, the number of cases coming to the attention of the police has shown a clear decrease, yet the number of thefts has continued to multiply over the last twenty years.

A second example is the small chance of being caught and convicted of driving while under the influence. It was shown that more than fifty per cent of all motorists had driven once (or often) while under the influence, yet only a small percentage were checked, caught and subjected to any penalty.¹⁰

1.2 Victim characteristics

... Youths, men, large city ...

12

The chance of becoming a victim is influenced by factors such as sex, age, (socializing and drinking) behaviour and the place where you live (level of urbanization).¹¹ This can be seen in the clearly different percentages of citizens who become victims of crime once or several times in a given year. The place of residence and age are particularly important factors; sex appears to be a less important determining factor, at least for the total victim percentages.

figure 1.3

Those with the least risk of becoming a victim are older people who live in the country, whereas youths in large cities have a 2 in 3 chance. This therefore shows that there is an uneven distribution of crime amongst the various population groups.¹²

But even at a lower level than that of the large cities, there seem to be clear differences in the likelihood of becoming a victim: in areas near the city centre with a specific population make-up, victimization is greater than in other areas.¹³ This is generally true, but specifically for violent crime.¹⁴

... which businesses ...

13

Within the business community, the victimization figures for the retail trade, the catering sector and the business service sector are high (42% - 48%), whereas the building, wholesale, manufacturing and transport industries turn out lower figures (30% - 35%). Further to this, it can be said that the bigger the company, the higher the chance of becoming victim once or several times. And if one does become victim to crime, it is often not just limited to the one occasion: the average is 8 times.¹⁵

10 Söder, J.C.M. (1990). *Alcoholgebruik van automobilisten 1989*. Haren: Verkeerskundig Studiecentrum.

11 Von Henting, Hans (1948). *The criminal and his victim*. New Haven: Yale University Press.
Wolfgang, Marvin (1958). *Patterns of criminal homicide*. Philadelphia: University of Pennsylvania Press; Hindelang, Michael S., Michael Gottfredson and James Garofalo (1978). *Victims of personal crime*. Cambridge, Mass.: Balinger
Cohen, Lawrence E. and Marcus Felson (1979). *Social change and crime rate trends: a routine activity approach*. *American Sociological Review*, vol. 44, pp. 588 - 608.
Cohen, Lawrence E., James R. Kluegel and Kenneth C. Land (1981). *Social inequality and predatory criminal victimization: an exposition and test of formal theory*. *American Sociological Review*, vol. 46, pp. 505 - 524

12 Data based on CBS victim survey 1993.

13 Rapportage Minderheden 1995. Sociaal en Cultureel Planbureau (1995).

14 Korpsbedrijfsplan Politieregio Rotterdam-Rijnmond (1995).

15 Bureau Criminaliteitspreventie (1990). *Bedrijfsleven en criminaliteit: Kengetallen uit de eerste Nederlandse slachtofferenquête onder bedrijven, 1988*. Den Haag: Ministerie van Justitie, Directie Criminaliteitspreventie.

... repeated victimization ...

14

More than 1 in 3 of the population (over the age of 15) are victims of crime every year and two thirds of these are victim to only one crime, the rest to at least two crimes. Repeated victimization frequently occurs especially in cases of threat of violence (in 36% of cases); this is true to a lesser extent for vandalism and sexual offences (24%), damage to and theft from cars (19%) and burglary (13%).¹⁶

Recently published articles and studies show that the phenomenon of repeated victimization is very distinct. A (previous) victim has an increased chance of becoming a victim of the same crime once again¹⁷, meaning that a limited number of victims suffer a disproportionate number of crimes. There are places where concentrations of particular forms of crime and repeated victimization can be found¹⁸ These concentrations are determined by the presence of ill-reputed institutions, such as gambling dens, bars and brothels, combined with anonymity.

It is not only groups of individuals who run the risk of multiple or repeated victimization; even within certain areas or on property such as school buildings, industrial estates, retail and catering premises there are manifestations of repeated victimization.¹⁹

1.3 The meaning of victimization

... bagatelles and traumas ...

15

For a not insignificant proportion of the victims, victimization is not a deeply disturbing event. This is usually the case when a business or organization is the victim of crime; often there are no personal consequences for specific employees (as is the case with burglary and theft) and the crime is only regarded as a financial setback.²⁰ Even where people are the victims of crime, they can often put this into perspective:

- 16 De overgang van Enquête Slachtoffers van Misdriven naar Enquête Rechtsbescherming en Veiligheid. CBS, Recht en statistiek, no 16, 1993.
- 17 Waard, Jaap de (1993) Hebben ze nou al weer ingebroken?: herhaald slachtofferschap en criminaliteitspreventie. SEC, Tijdschrift over Samenleving en Criminaliteitspreventie, vol. 7, no. 2, April, pp. 19 - 21.
Kingma, Hans en Ton Eijken (1995) Preventie als kostenbesparende factor: AZG onderzocht herhaald slachtofferschap. SEC, Tijdschrift over Samenleving en Criminaliteitspreventie, vol. 9, no. 1, januari, pp. 40 - 42.
Meer, Martha van der en Hans Spickenheuer (1995). Herhaald slachtofferschap: inventarisatie van het fenomeen. Den Haag: Eysink, Smeets & Etman.
- 18 Shaw, Clifford, Frederick Zorbaugh, Henry McCay and Leonard Cottrell (1929) Delinquency areas. Chicago: University of Chicago Press.
Wikström, Per-Olof H. (1995). Preventing city-center street crimes. In: Michael Tonry and David P. Farrington (eds.) Building a safer society: strategic approaches to crime prevention. Chicago: University of Chicago Press, pp. 429 - 468. (Crime and justice: a review of research, vol. 19).
Trickett, Alan et al. (1995). Crime victimization in the eighties: changes in area and regional inequality. British Journal of Criminology, vol. 35, no. 3, pp. 343 - 359.
- 19 Roneck D. and R. Bell (1981) Bars, blocks and crime. Journal of Environmental Systems, vol. 11, pp. 35 - 47.
Shapland, Joanna (1995). Preventing retail-sector crimes. In: Michael Tonry and David P. Farrington (eds.) Building a safer society: strategic approaches to crime prevention. Chicago: University of Chicago Press, pp. 263 - 342. (Crime and Justice: a review of research, vol. 19).
Spelman, William (1995). Once bitten, then what?: cross-sectional and time-course explanations of repeat victimization. British Journal of Criminology, vol. 35, no. 3, pp. 366 - 383.
- 20 A number of years ago, the loss incurred by the total business community as a result of crime was: in turnover terms: 1% and in profit terms 6%. The highest losses were noted in the retail and wholesale sectors (3% of turnover, 15% of profit), followed by the catering and automobile sectors (2% and 6% respectively). The manufacturing sector was least affected (1% of turnover and profit).
Source: Ministry of Justice (1990). Bedrijfsleven en criminaliteit; Kengetallen uit de eerste Nederlandse slachtofferenquête onder bedrijven, 1988. Den Haag: Ministerie van Justitie, Directie Criminaliteitspreventie.

in 1 in 3 cases, the loss incurred is less than 50 guilders. This type of case is rarely reported to the police: only 1 case in 6. Where the loss is greater than 50 guilders, the police are called in fifty per cent of the cases.²¹

In case of theft, the value of the stolen property is less than 25 guilders in 1 in 10 cases, in 1 in 6 cases it is less than 50 guilders, in 1 in 3 cases less than 100 guilders and in 60% of cases less than 250 guilders. So as far as the value of the stolen property is concerned, we can see that the loss is usually manageable and reasonably limited. In only 1 case out of 4 - 5 is the loss greater than 500 guilders.

The violent crimes recorded by the victim survey (brawling, threat of violence, failing to stop after an accident) seldom go together with injury: injury only occurs in 12% of cases and in these cases, the injury does not usually require medical attention. Only in a small percentage of cases of violent crime is (one-off) medical attention necessary.

The often limited damage indicates the limited consequence which many crimes have. This goes some way to explaining why the police are often not called in: the proportion of victims who do not report the crime to the police is 60% and this is due in part to the opinion that it would not have any point (the police won't do anything about it, it's done now anyway, reporting it won't do any good...). However, heard more frequently is the opinion that the case is not a matter for the police or is not important enough ('triviality', small loss).²²

... mental injury due to victimization ...

16

Being the victim of a (more serious) crime can, however, also cause mental injury, in particular if crimes are concerned which involve violence. Crimes can be experienced as a violation of one's mental or bodily integrity (violent or sexual offences) or as a violation of one's personal space (e.g. burglary). In these cases, the effects are greater than just the damage in material terms (value of the stolen or damaged property, costs of medical treatment), because mental or emotional damage is also caused.²³

Whether and to what extent these effects are due to the crime is not only determined by the 'objective' seriousness of the crime, but also by factors related to the persona of the victim and their circumstances. Age and sex play an important role in this. The feeling of safety which is normally taken for granted, a positive world view and self esteem can all suddenly disappear and stress can begin to dominate, leading to physical and mental complaints. It is perhaps indicative that an increasing number of victims do accept help if it is offered to them; at the moment, this concerns tens of thousands every year (see section [24]).

The term 'post-traumatic stress disorder' (PTSD) is the term most commonly used in literature to describe the mental effects of victimization.²⁴ These effects can be described as follows: the moment of victimization is 'relived', the memory of this event manifests itself repeatedly, the victim withdraws himself from reality with fee

21 Kwartaalbericht Rechtsbescherming en Veiligheid, CBS 93/2.

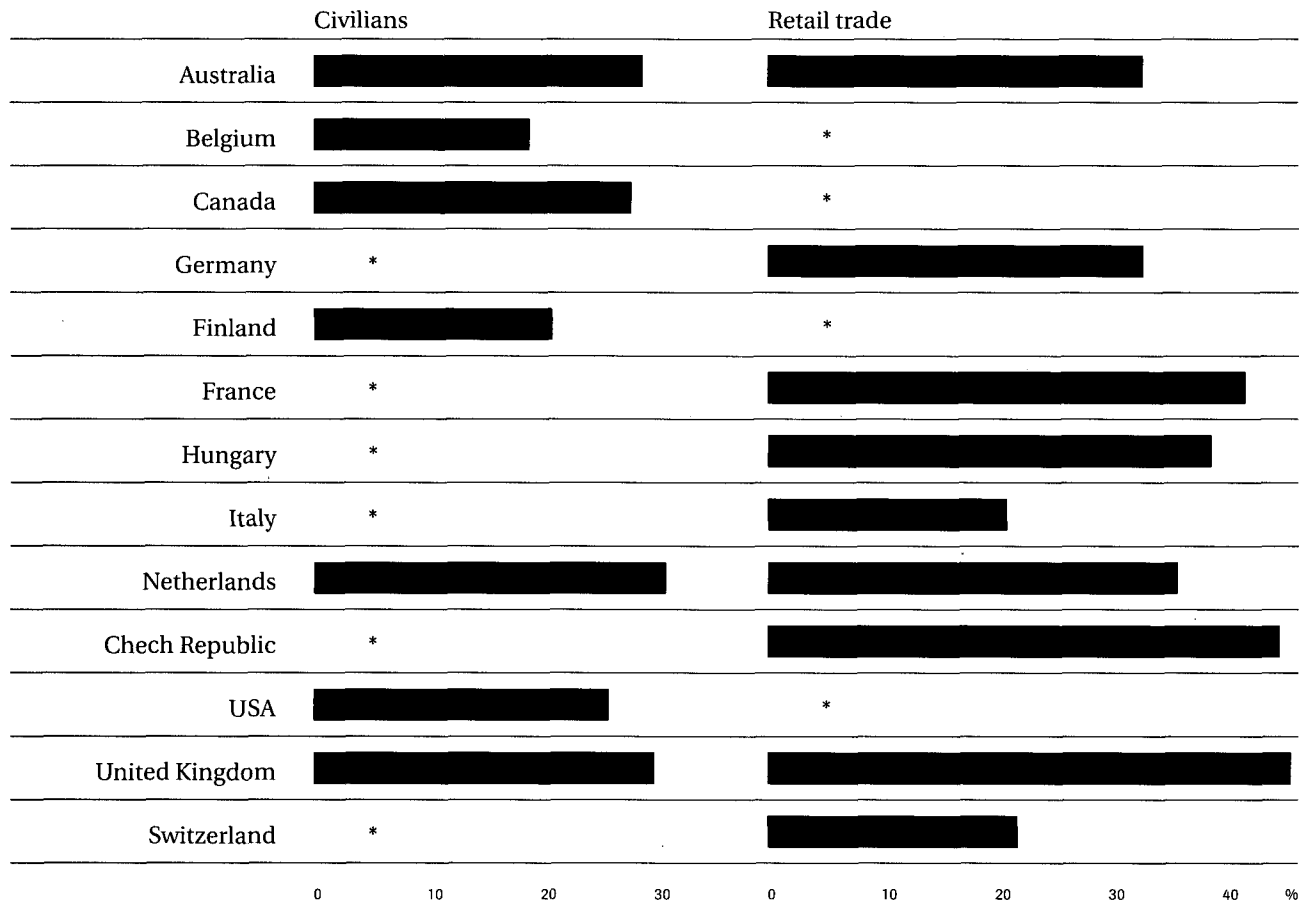
22 Politiemonitor figures 1995. Furthermore, in half of the cases where the crime was reported, (one of) the reason(s) given was that it was necessary in view of the insurance claim.

23 Winkel, Frans-Willem (1990). Slachtofferhulp: Verkenning en sociaal-psychologische analyse. Amsterdam/Lisse: Swets & Zeitlinger.

Hector, Darlene, Cynthia Burke and Susan Pennell (1995). Coping with violent victimization. San Diego, CA: San Diego Association of Governments, Criminal Justice Research Division.

24 Kilpatrick, D.G. et al. (1989). Victim and crime factors associated with the development of crime-related post-traumatic stress disorder. Behavior Therapy, vol. 20, pp. 199 -214.
American Psychiatric Association (1994). Diagnostic and statistical manual of mental disorders (4th ed.). Washington, D.C.: APA.

Figure 1.4
International comparison of victimization



* figures not available

lings of despondency, he is constantly in a physically agitated state combined with sleeping disorders, irritation, concentration problems, anxiety attacks, extreme security, increased use of alcohol and involuntary outbursts. Victims who are traumatized in this way also have the tendency to bring about changes in their lifestyle. These changes will affect their social life and the way in which they spend their time, they will avoid certain places and groups of people, they will stay at home more and begin to change their circle of friends.

It can be seen, therefore, that victimization can leave a deep scar, not just financially, but most certainly in immaterial terms too.

1.4 Victimization: trend, international, regional

... generally reasonably stable, sometimes a large increase ...

17

The victim surveys, which have been held for two decades now, highlight that the chance of victimization clearly increased until the mid eighties, after which the figures did not decrease, but instead reached a plateau.

Police figures show a more or less parallel development. After a sharp increase, the last ten years have shown only a very slight increase in the total amount of crime.

However, this general picture does not hold true for all types of crime. An increase over the last ten years which far outweighs any population growth can be detected for relatively serious crime. The level of theft from homes increased by 20%, the level of violent crime (threat of violence, bodily harm, (attempted) murder and manslaughter) and the level of car thefts rose by 80%, while the level of violent theft showed a threefold increase.²⁵

The development of (registered) crime in the Netherlands shows one of the greatest increases in Europe since 1980, not just in violent crime, but also in property crime.²⁶

... victimization in an international perspective ...

18

Up till now, two international victim surveys have been held and the results of these give a picture of the Dutch position on crime in comparison with a large number of countries from the Anglo-Saxon world and Europe.²⁷

The results of both surveys show that more than 25% of the inhabitants of Australia, Canada, the Netherlands, New Zealand, Poland and the United States were victim to crime once or more within the period of a year. The risk of victimization is increasing with the level of urbanization and welfare. The only exception in these findings was Japan, which has only low victimization rates.

figure 1.4

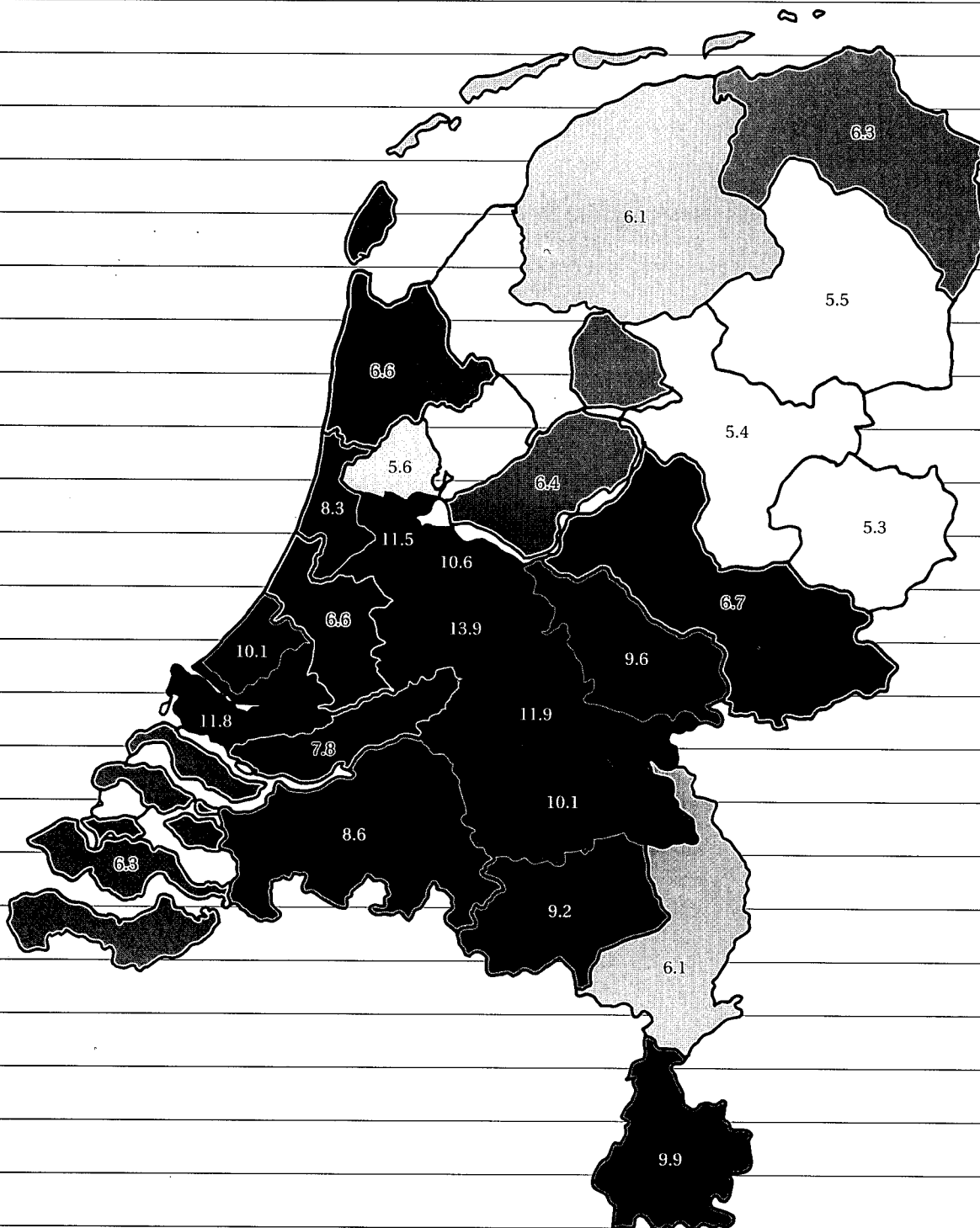
The Netherlands appears to score high in an international perspective, partly due to the theft of large quantities of bikes.

25 Kwartaalbericht Rechtsbescherming en Veiligheid, CBS 95/3.

26 Ger Huijbrechts, Laurens de Jonge en Ronald Meijer. Geregistreerde criminaliteit in Europa stijgt. SEC 1993, No. 1.

27 Dijk, Jan J.M. van, Pat Mayhew and Martin Killias (1990). Experiences of crime across the world: Key findings from the 1989 International Crime Survey. Deventer/Boston: Kluwer Law and Taxation.
Dijk, Jan J.M. van, Pat Mayhew (1996). Victimization by crime in an international perspective: Key findings of the International Crime Surveys 1988-1994. Amsterdam/New York: Kugler/Criminal Justice Press.

Figure 1.5
Victimization - burglary per police region in %



However, if the Netherlands is one of the front-runners in the field of frequently occurring crime, then in the field of murder and manslaughter it takes up a rather modest position. Figures of the World Health Organization show that the Netherlands is one of the safest countries in the world as far as this type of crime is concerned. Of the 27 European countries on which information is available, the Netherlands ranks sixth from bottom.²⁸

In 1992, a survey was conducted amongst the international business community (see section [10]). The stress was placed primarily on the victim experiences of the retail trade, where the Netherlands belongs to the middle category.

... burglary per region ...

19

figure 1.5

The percentage of victims of burglary per region (including attempted burglary) varies from 5% in the province of Overijssel to 14% in the province of Utrecht.²⁹ In general, burglary occurs relatively infrequently in the Northeast of the Netherlands, the tip of North Holland province and in Zeeland province - this is also true for Central Holland and North Limburg (victim percentages between 5% and 7%). In contrast to this, burglary is more prevalent in the area running from Amsterdam-Amstelland through the Gooi and Vecht area, Utrecht down to Brabant North and in the areas around Rotterdam and The Hague where victimization runs at more than 10%.

Victimization rates for burglary seem to correspond with the rates for other types of crime.³⁰ So it can be seen that where burglary is committed, other offences are usually committed too. For example, victimization rates for bike theft, car theft, theft from cars, pickpocketing and bag-snatching are 2 to 3 times lower in the regions with low burglary rates than those with a high rate.

1.5 Preventative measures for (potential) victims

... fear leads to changes in behaviour ...

20

Many of the members of our society lack a feeling of safety: half of the population are afraid to open the door in the evening and a third would rather not go to certain places. Others (almost 20%) have changed their socializing habits. These feelings of fear and behavioural changes are most noticeable in the elderly and in women and are obviously founded on a feeling of vulnerability; there is only a tenuous link between feelings of insecurity and the actual extent to which one becomes victim to crime.³¹

The risk of burglary means that many people have now started taking preventative measures, in particular fitting security locks and exterior lighting. A minority have had a burglar alarm system installed (1 in 20). Generally speaking, people do take preventative measures when they are going to be away for a long period: others keep an eye on things, valuable items are removed.

This indicates that 'prevention awareness' in the Netherlands clearly does exist. However, the fear of crime means that particularly the elderly are reluctant to participate in society.

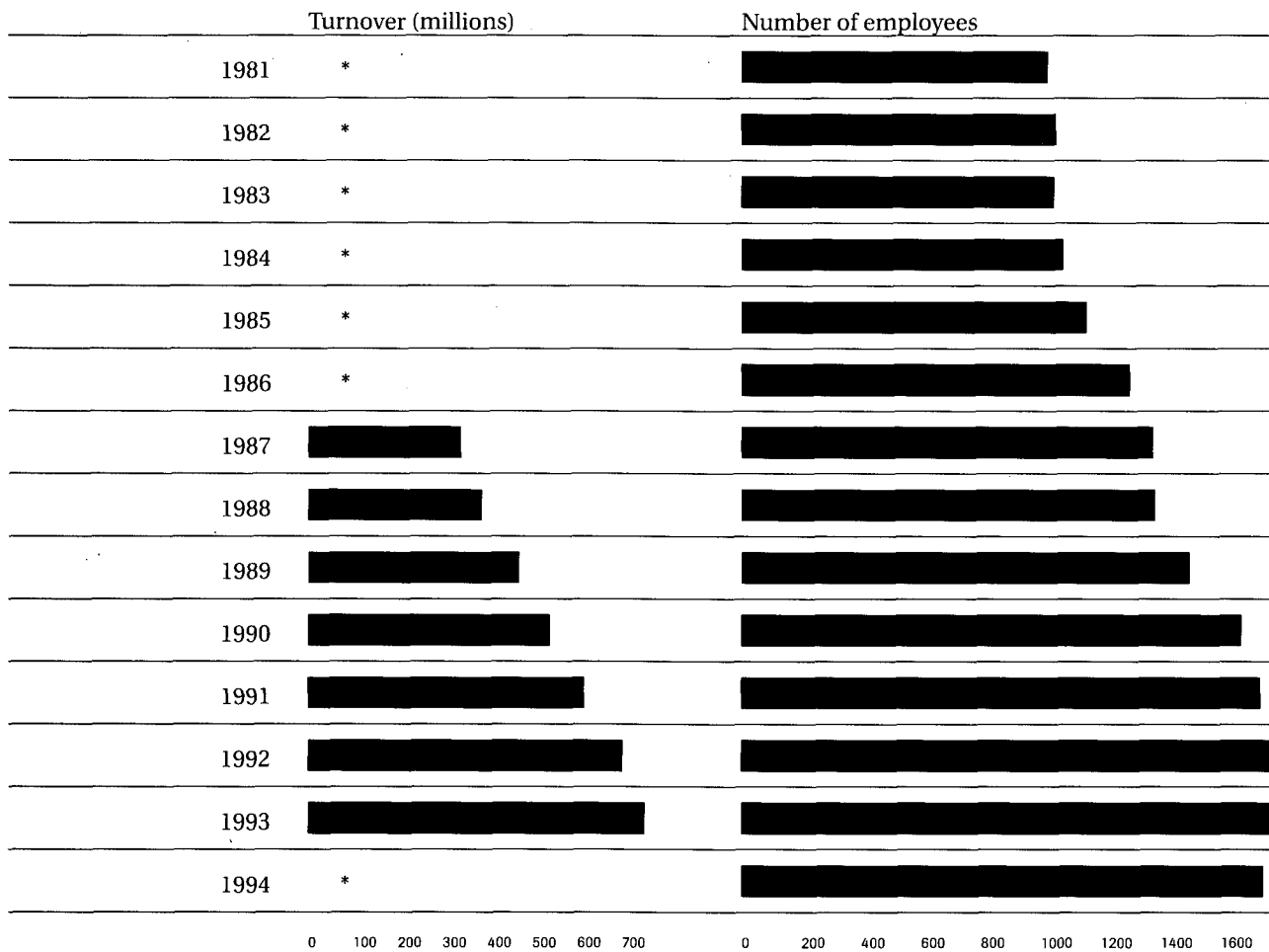
28 WHO (1993). World Health Statistics Annual 1992. Geneva: WHO.

29 Politiemonitor-bevolking, 1995 figures

30 The (Pearson-R) correlation between victimization rates for burglary and rates for other offences averages at 0.57.

31 Kwartaalbericht Rechtsbescherming en Veiligheid, CBS, 92/2.

Figure 1.6
The private security sector



* figures not available

... the private security sector ...**21**

The first private night security services were set up at the beginning of this century and the first business security services were established in the twenties. After World War II, the number of private security organizations showed a sharp increase. The services provided by private security organizations are increasingly in demand, meaning that new types of security and monitoring are created: supervision and protection of movable and immovable goods ('project security' on industrial estates and in shopping centres), supervision of car parks, supervision of housing blocks and supervision in residential areas.

figure 1.6

This is shown by a substantial increase in the number of people working in the security sector, growth which peaked in 1993. However, the turnover is still on the increase: the turnover of this sector was 389 million guilders in 1988, but by 1993 it had increased to 751 million guilders.³²

The growth of the private security sector means that the businesses active in this area are looking for new spheres of activity, such as surveillance in affluent areas (e.g. in The Hague) and the collection of parking fines.

... prevention works ...**22**

Crime-reducing effects have been recorded for a large number of projects. Examples of this are the presence of concierges, measures to stop people travelling without a valid ticket on public transport, security of industrial estates and shopping centres, deployment of civic guards and the prevention of theft from and of cars.³³

In the survey *Politiemonitor Bevolking*, 50,000 respondents were asked whether they leave the light on when they are away from home, have fitted any extra locks and catches, have any additional exterior lighting or have a burglar alarm or a dog. It can be seen that there are zero to five steps which could be taken per household. If no steps are taken, then the chance of becoming a victim to burglary is 1 in 12, whereas if one or more measures are taken, the chance drops visibly. Those who take all five steps have only a 1 in 200 chance of being burgled.

Interviews with burglars have confirmed that the preventative measures mentioned above are indeed effective. Most culprits are opportunists who primarily take advantage of the occasion to commit the crime simply and successfully.

Characteristic is the lack of planning, lack of expertise and a non-calculating, impulsive approach. A dog or alarm system is enough to deter most culprits.³⁴

1.6 Victim care**... compensation payments to victims ...****23**

In 1976, the Criminal Injuries Compensation Fund [Schadefonds Geweldsmisdrijven] was established. This offers victims of (serious) violent crime or the surviving relatives the opportunity to receive a benefit from the government. It

32 Waard, Jaap de (1996). The private security sector in The Netherlands: history, development and future perspectives. *Security Journal*, vol. 7, no. 3.

33 Willemsse, H.M. (1995). Een coup SeC; tien jaar situationele preventie. *Justitiële Verkenningen*, vol. 21, no. 3, pp. 29 - 51.

34 Cromwell, P.F. et al. (1991). *Breaking and entering: An ethnographic analysis of burglary*. Newbury Park: Sage.
Mutsaers, Pauke (1996). *Woninginbraak: Omvang, achtergronden en mogelijkheden voor preventie*. Den Haag: Ministerie van Justitie, Dienst Preventie, Jeugdbescherming en Reclassering.

must be shown that the crime involved deliberate use of violence, i.e. that a certain amount of force or physical and/or mental violence must have been used. The maximum benefits, which had not been changed since the fund was started, were doubled for crimes committed after 1993. The maximum benefits are now NLG 50,000 for material loss resulting from injury and NLG 20,000 for immaterial loss resulting from injury.

The number of claims for damages over the last 18 years has gradually risen to around 2,400 (in 1994). In most cases (80%), the claim is approved. The amounts currently being paid out are around 2,000 guilders in compensation of material loss and between 3,500 and 4,000 guilders for immaterial loss.

Although an increase in claims on the damages fund can be observed, at less than 2500 the number of claims cannot exactly be regarded as high given the number of (known) serious offences. In England, Wales and Scotland (countries on which the compensation fund was modelled), the number of claims (73,000) and approved payments (65,000) are at a much higher level than in the Netherlands.³⁵

... victim aid in the Netherlands ...

23

Over the past ten years, increased attention has been focused on the position of the victims. In the seventies, initiatives were undertaken primarily by the women's movement for a better response to female victims of (sexual) violence. The "real breakthrough" in victim aid came in 1984 when the National Victim Aid Organization (Landelijke Organisatie Slachtofferhulp = LOS) was founded in Utrecht. At that time there were more than 30 victim aid programmes running throughout the country which were then coordinated by the LOS. The characteristics of the working methods within the LOS are: volunteer work, an active approach, free aid for victims, no waiting times and a limited number of individual contacts. Besides victims of crime, in recent years, attention has also been given to victims of road accidents (more than 21,000 in 1994).

Since the LOS was established, it has grown from a "club of friends" to an organization with 180 professional staff, 1400 volunteers and a national network of 72 offices. The total cost of the LOS in 1994 was NLG 11.5 million (alongside local authority contributions of NLG 3 million).

The number of victims approached by victim aid offices rose sharply from 1985, from a few thousand to more than 100,000 in 1994. An equal number of men and women are approached and the age group 20 - 49 makes up almost 60% of all clients.

Around two thirds of the 100,000 victims approached accepted the offer of help and half of these were contacted several times. Particular attention was given to victims of incest, rape and violence. The police are the most important body in referring victims to the victim aid programmes, providing 78% of referrals.

A few years ago, a number of the offices developed special types of aid, such as support groups for victims of robbery, victim aid for tourists and aid to victims of sexual violence by aid workers.

... compensation from the culprit ...**25**

Besides a benefit from the Criminal Injuries Compensation Fund or an insurance payment, an attempt can also be made to extract compensation from the culprit. This can take place voluntarily in an out of court settlement, in which case the outcome is taken into account in the prosecution and trial of the culprit. Experiments (small-scale) are currently being carried out in this area. Another option is for the victim to join in criminal proceedings as an 'injured party'. The judge, of his own accord, could also order the offender to pay compensation. Some years ago, the victim was clearly in the picture in 1 court case in 16 and the average compensation payment was 1,000 guilders.³⁶

This data stems from before 1 April 1995, when the Terwee Act [Wet Terwee] came into force. This Act meant an increase in the number of possibilities of obtaining compensation, such as the 'compensation regulation', a measure which forces the suspect to pay the State a certain amount of compensation for the benefit of the victim. The state then pays out the sums received to the victim.

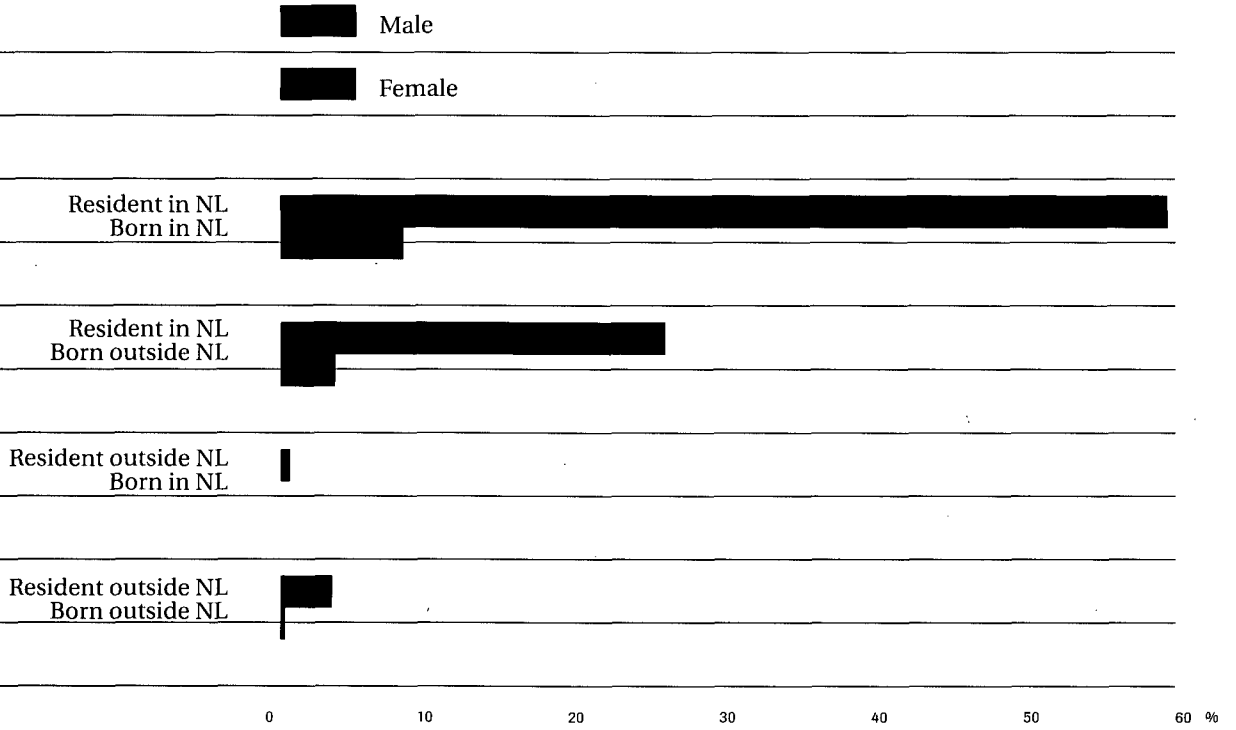
Prior to the enactment of the Terwee Act, the law was carried out experimentally in two districts from 1 April 1993. Figures from one of these districts show that in the period up to 1 December 1995, the courts ordered the payment of compensation in 225 cases, varying between 22 and 5,200 guilders. In total, NLG 150,000 was received.³⁷

... the meaning of victim care ...**26**

Victimization can lead to a certain blurring of the concept of what is normal, certainly if one is repeatedly the victim of crime. This can increase the chance that one becomes prepared to commit criminal acts. For example, if your bike is stolen for the umpteenth time, you could consider buying a stolen bike (i.e. handling of stolen goods). Good victim care is therefore important in maintaining the sense of right and wrong in society.³⁸ Here it is not of primary importance that the offender is caught and (severely) punished, but that the victim considers the way in which he, the victim, is treated by the police and the justice system proper and correct. Serious consideration should be given to his/her report of the crime and sufficient information must be given. These elements contribute directly to the trust which one places in the law enforcement institutions and avoid people taking the law into their own hands.

- 36 Public Prosecutions Department (1993). Annual Report 1992. Den Haag: Stafbureau Openbaar Ministerie
Public Prosecutions Department (1994). Annual Report 1993. Den Haag: Stafbureau Openbaar Ministerie
No systematic information is available on the extent to which the condition to compensate is made when the case does not go to court or when an out of court settlement has been made.
- 37 Claessens, J.C.A.M. and B.A. Stoker-Klein (1995). Het slachtoffer in het strafproces: de wet-Terwee en de ervaringen in de arrondissementsrechtbank Den Bosch. *Trema*, no. 6, pp. 167 - 175.
- 38 Wemmers, Jo-Anne M., (1996). Victims in the criminal justice system A study into the treatment of victims and its effects on their attitudes and behavior. Amsterdam/New York: Kugker Publications.

Figure 2.1
Suspects by sex and origin



Source: Rapsody

2 THE OFFENDER

The aim of an offender is not to get caught and for this reason it is difficult to gather information on them, unless of course they do get caught. The aim of this chapter is to set out clearly all the available information: who are offenders? And what happens to them when they are in the hands of the police and the justice system? And what does the intervention of the criminal justice system mean for the offender?³⁹

2.1 The offender in the justice system

... sex and origin ...

27

figure 2.1

The judicial system deals with some 270,000 suspects of a crime (including financial offences) every year. Mostly, these are natural persons, but in 25,000 cases, a legal person is suspected of a financial or environmental offence.

Of the natural persons, one in every eight suspects are women, one in three were born outside the Netherlands and one in 25 does not live in the Netherlands. The female suspects, numbering 30,000, are mainly dealt with by the justice system for theft (15,000 cases) and fraud (5500). The proportion of these offences committed by women is large: 15% and 30% respectively. Half of female suspects are aged 30 or older, putting women suspects on average in a higher age category than their male counterparts.

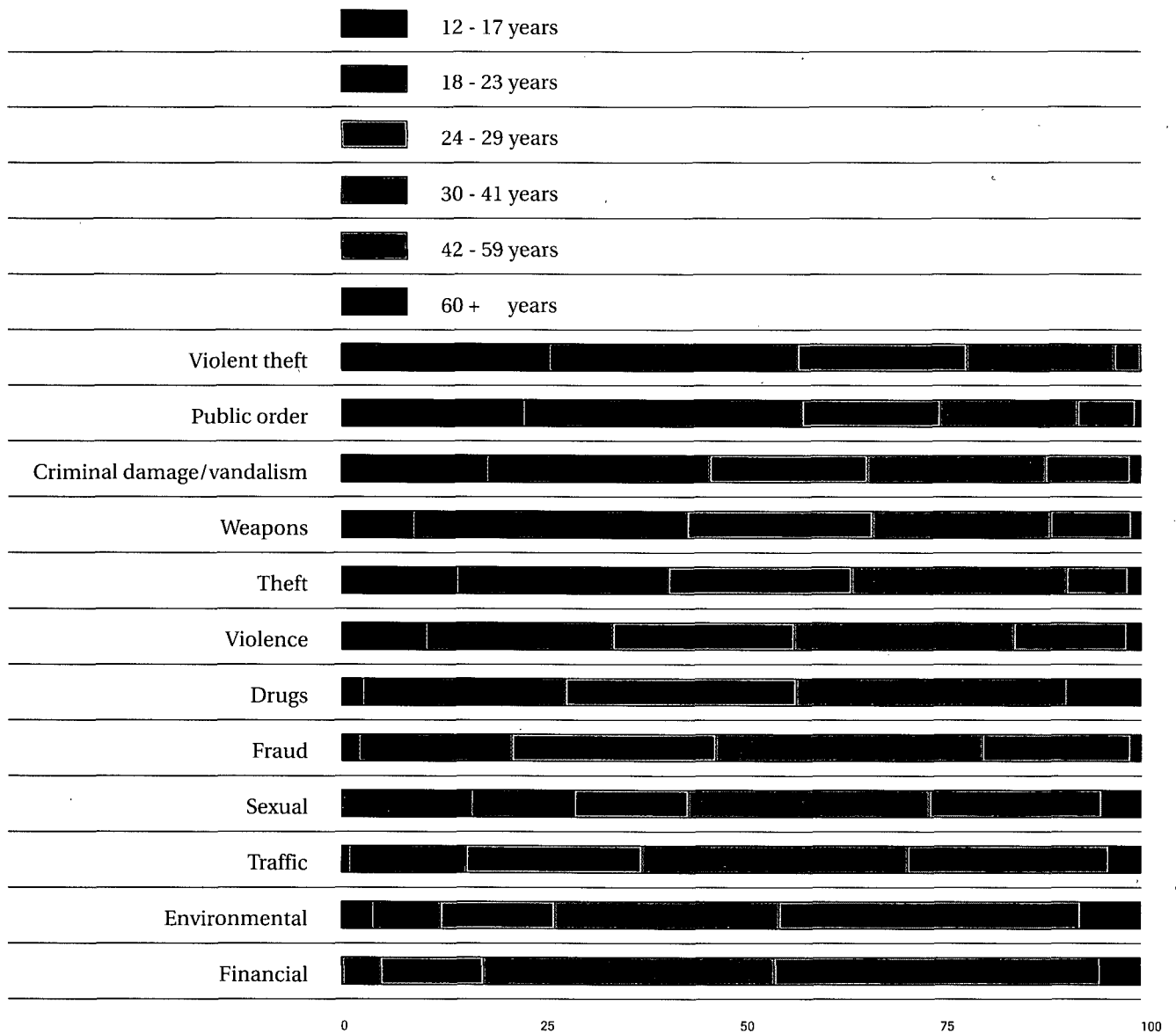
Those suspects not resident in the Netherlands were usually not born in the Netherlands either (85% of cases). They were suspected of a considerable proportion of narcotics and weapons-related offences, accounting for 36% of soft drug offences, 15% of hard drug offences and 23% of weapons-related incidents. As a rule, suspects are above the age of 20 and are resident in the countries neighbouring the Netherlands: Germany (39% of the group), Belgium (24%), France (14%) and Great Britain (7%).

The group of suspects resident in the Netherlands, but not born there is considerable. Some crimes are prominent: their part is large in violent theft (40%), fraud (41%) and hard drug offences (49%). In contrast to this however, they account for few offences involving vandalism, and traffic and environmental offences. The majority of this group were born in Surinam (22% or almost 16,000 people). Next comes Morocco (19%), followed by the Netherlands Antilles (12%), Turkey (10%) and Yugoslavia (5%).

39

The data on the suspects/offenders contained in this paragraph (unless stated otherwise) originate from an analysis of all criminal cases which were known to the Public Prosecutions Department in 1994 or were dealt with by the judiciary. The corresponding files are from the Rapsody criminal justice system (first instance).

Figure 2.2
Age of suspects per crime in %



Source: Rapsody

... ages variations per crime ...

28

figure 2.2

Of all suspects, 10% are younger than 18 years old, 25% younger than 21, 50% younger than 28 and 10% older than 46. However, the distribution of crime amongst the groups varies considerably per type of crime. The number of older people is relatively high for environmental, financial and traffic offences. The reasons underlying this fact are that these crimes require an executive position in a business (environment, finance) or a driving licence and ownership of a car.

Violent theft, public order offences and vandalism are largely committed by youths. It can be seen that sexual violence (indecent assault, rape, gross indecency) is spread largely over all age groups. However, in the case of (very) young suspects, the offence is usually indecent assault and with older suspects, rape and gross indecency.

... group of (super)active offenders ...

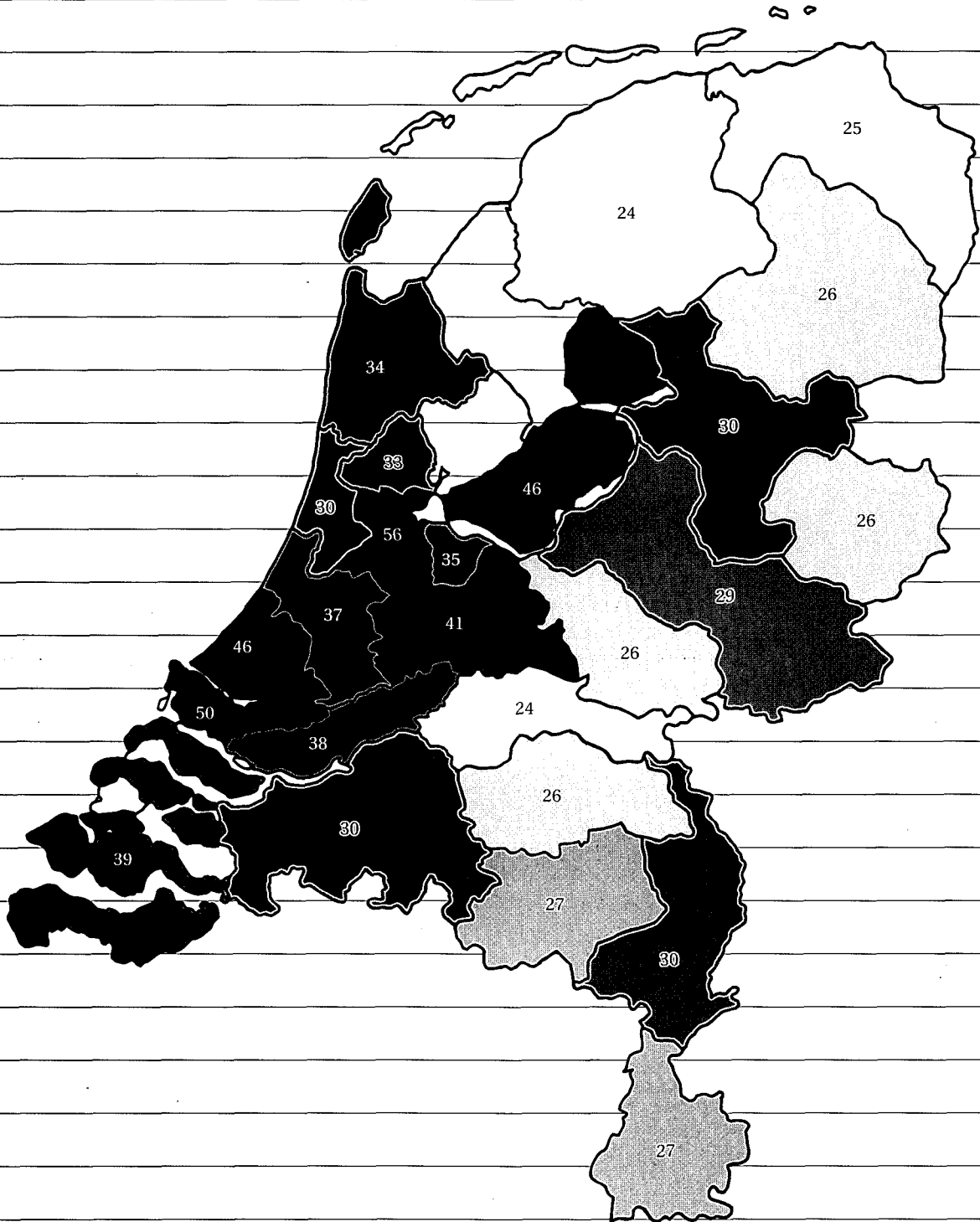
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In as many as 1 in 8 cases, it can be seen that there is another case pending against the suspect concurrently, in which event the cases are combined. This is especially true for suspects of theft (1 in 4 - 5 cases). This indicates that there is a group of criminals committing offences against property who are frequently picked up by the police in a limited period of time.

This picture is confirmed by other sources: it emerges again and again that a certain number of offenders are arrested with disproportionate frequency. The picture emerging from the literature is that 20% of those arrested account for 50% - 60% of arrests and is indicative of the existence of a 'hard core' of criminals.⁴⁰ As an illustration, a group of a few hundred hard drug users in The Hague were booked 9 - 10 times per year on average (around 50 were even booked 17 times; one was caught an amazing 35 times), primarily but not exclusively for crimes against property.⁴¹ There are indications that the group of active offenders is not strictly limited to one type of crime. It appears that arrested offenders often have a history of other offences: besides crime against property, violent offences, for example.⁴² This might be considered an 'artefact' as it only looks at arrested delinquents, but an American study into active burglars (including non-arrested burglars) shows this not to be the case. Two thirds of them admitted having committed crimes other than burglary in the past six months.⁴³

- 40 M.F. Collins and R.M. Wilson. Automobile theft: estimating the size of the criminal population. *Journal of Quantitative Criminology*, 1990, 6, 4.
B.P.M. Janssens. Criminaliteitscarrières woninginbrekers. Gemeente Deventer, Bestuursdienst afdeling Onderzoek en statistiek, november 1992 (draft).
L.J. Riccio and R. Finkelstein. Using police arrest and clearance data to estimate the number of burglars operating in a suburban county. *Journal of Criminal Justice*, 13, 1985, 65 - 73.
R. Tillman. The size of the 'criminal population': the prevalence and incidence of adult arrests. *Criminology*, 25, 1987, 561 - 579.
- 41 P. Versteegh. Criminele harddruggebruikers in Den Haag. Haaglanden Police, bureau Analyse en Research, november 1995.
- 42 Kruijsink, M. and E.G. Wiersma (1995). *Inbraak in bedrijven*. Arnhem: Gouda Quint.
- 43 R. Wright, S.H. Decker, A.K. Redfern and D.L. Smith. A snowball's chance in hell: doing ethnography with active residential burglars. Paper Department of Criminology and Criminal Justice, University of Missouri, St. Louis (July 1991).
B.M.W.A. Beke and W.M. Kleinman. Jongeren en geweldscriminaliteit - een nadere analyse van de 'harde kern', ontwikkeling van preventiestrategieën. Arnhem, Advies- en Onderzoeksgroep Beke, 1992.

Figure 2.3
Suspects of theft not born/resident in the Netherlands per police region in %



... suspects of theft per police region ...

30

figure 2.3

The backgrounds of those suspected of committing different types of theft (petty theft, gang theft, theft after breaking and entering and violent theft) per police region.

The proportion of suspects not born in the Netherlands and/or resident in the Netherlands varies per region from 24% (Friesland, Gelderland South) to 56% (Amsterdam-Amstelland)⁴⁴. In the north, east and south of the Netherlands (and also in Kennemerland), the figure is 30% or less. In four regions, around the three largest cities and in Flevoland, more than 45% consists of this group, which is primarily made up of people resident in the Netherlands, but not born there.

The proportion of those not resident in the Netherlands is modest running at just a few percent and is of course higher in the border regions. Limburg South belongs in this category with an astounding 13%; but Zeeland (7%), South Holland South (7%) and North Limburg (5%) score relatively high too.

2.2 From offender to suspect: selection mechanisms

... serious cases in particular go to the police and the judicial authorities ...

31

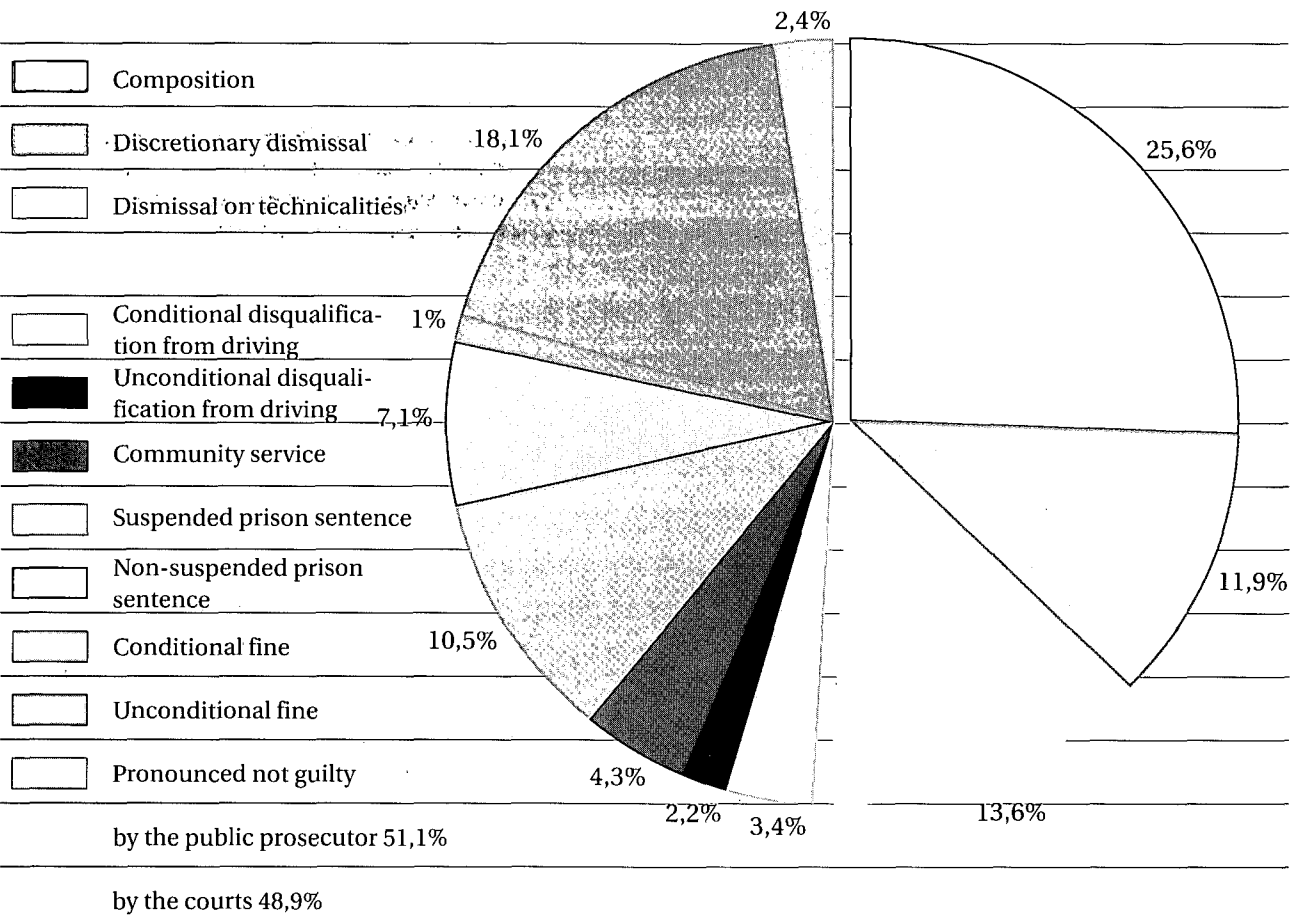
The suspects who are dealt with by the judicial authorities do not provide a true picture of the offender group. In rough terms, it can be stated that perpetrators of serious crimes in particular, perpetrators of crimes in the public domain and multiple offenders run a good risk of being arrested and prosecuted. Various selection mechanisms play their part in this.

The greater the seriousness of the crime, the sooner the crime will be reported to the police and the more often the case will be solved. The readiness to report a crime is 50% for bike theft and 90% for burglary. While the clear-up rate for bike theft is 5%, 85% - 95% of culpable homicide cases are solved. After being cleared up, less serious cases can be followed up more quickly by the police themselves (no further investigation, 'warning by the police', 'Halt' settlement) whereas the more serious cases, perhaps after further enquiries and investigation, are referred to the Public Prosecutions Department.

Further to this, if offenders commit their crime in a more or less enclosed environment, the police are called in less frequently. The readiness to report insider crime within a business or organization (committed by an employee, student, ...) is low: people do not want to hang out their dirty washing and/or the organization has its own system in place to take action. Likewise, victims of a crime committed within a family or by acquaintances do not find it easy to report it to the police because the victim must then report people known to him/her to an 'anonymous' body (bodily harm, sexual crimes).

Also, crimes which are not committed in the public domain are often less visible; they occur in secret, so that the offender is less obvious (often special action is required such as auditing, investigation by supervisors, police).

Figure 2.4
Suspect's chance of various settlements



Source: Rapsody

... and multiple offenders ...

32

'Multiple offenders' in particular end up at the door of the judicial authorities. In this connection, special attention must be given to the term chance of being caught. A distinction must be made between the chance the offender has of being caught for each individual offence and the chance of being caught if several crimes are committed.

If an offender commits a crime more than once (for example, 20 times) and the chance of being caught per crime is relatively low (for example, one in twenty) then the chance is great that the offender will be caught (in this example more than 60%) once or several times.⁴⁵

This explains why recurrent offenders in particular (such as addicted offenders) fall into the hands of the police. It also explains why frequent offenders (hard core) estimate the chance of being caught high: fifty per cent consider the chance of being caught for a break-in (very) high. The belief in a high risk of being caught is therefore not restricted solely to offences with a high clear-up rate.⁴⁶

The multiple offender's chance of being caught is positively influenced by the police getting to know the persons they are dealing with, but is influenced negatively if the offenders become experienced in avoiding getting caught. This means that there are offenders who commit many crimes, but who (almost) never get caught (the 'hidden offender population').⁴⁷ This type of criminal plans his work carefully to avoid risks. A study on perpetrators of robbery shows that only a limited number of criminals do this; most are either scarcely or not prepared at all, but instead act largely on impulse.⁴⁸

... the few do much, many do little ...

33

It can be seen again and again (in all countries) that a majority of 80% - 90% of youths interviewed admitted to having committed a crime, primarily during adolescence. In rough terms, the peak is at the age of 15 - 20 years. It would seem that this is a 'natural' fact that is simply part of growing up: finding (and therefore overstepping) the boundaries. Mostly this involves theft (from shops, for example), vandalism and fighting. However, there are differences between boys and girls, yet these are less than the 7 1/2 : 1 figure suggested by the police's interview figures. Mostly these crimes are committed with an eye for usefulness, sometimes boredom and 'a laugh' play a part.⁴⁹

Some offenders commit a disproportionately large number of crimes and of a differing variety, and continue to do so for a longer period of time. These 'chronic' offenders make up a relatively small group which is more likely to be measured in tens of thousands than hundreds of thousands. In this light, the 'hard core' of criminal youths is estimated at 20 - 25,000. Characteristics of this group are: they are 18 years

45 According to the theory of probability, the chance of never getting caught for 20 offences, if each time the probability of getting caught is 5%, is $(1 - 0.05)^{20} \cdot 100\% = 36\%$.

Research in the US indicates, however, that although the clear-up rate for burglary is low, a large percentage of the burglars are caught in a given year; perhaps up to four times more than the clear-up rate suggests. L.J. Riccio and R. Finkelstein (op. cit.)

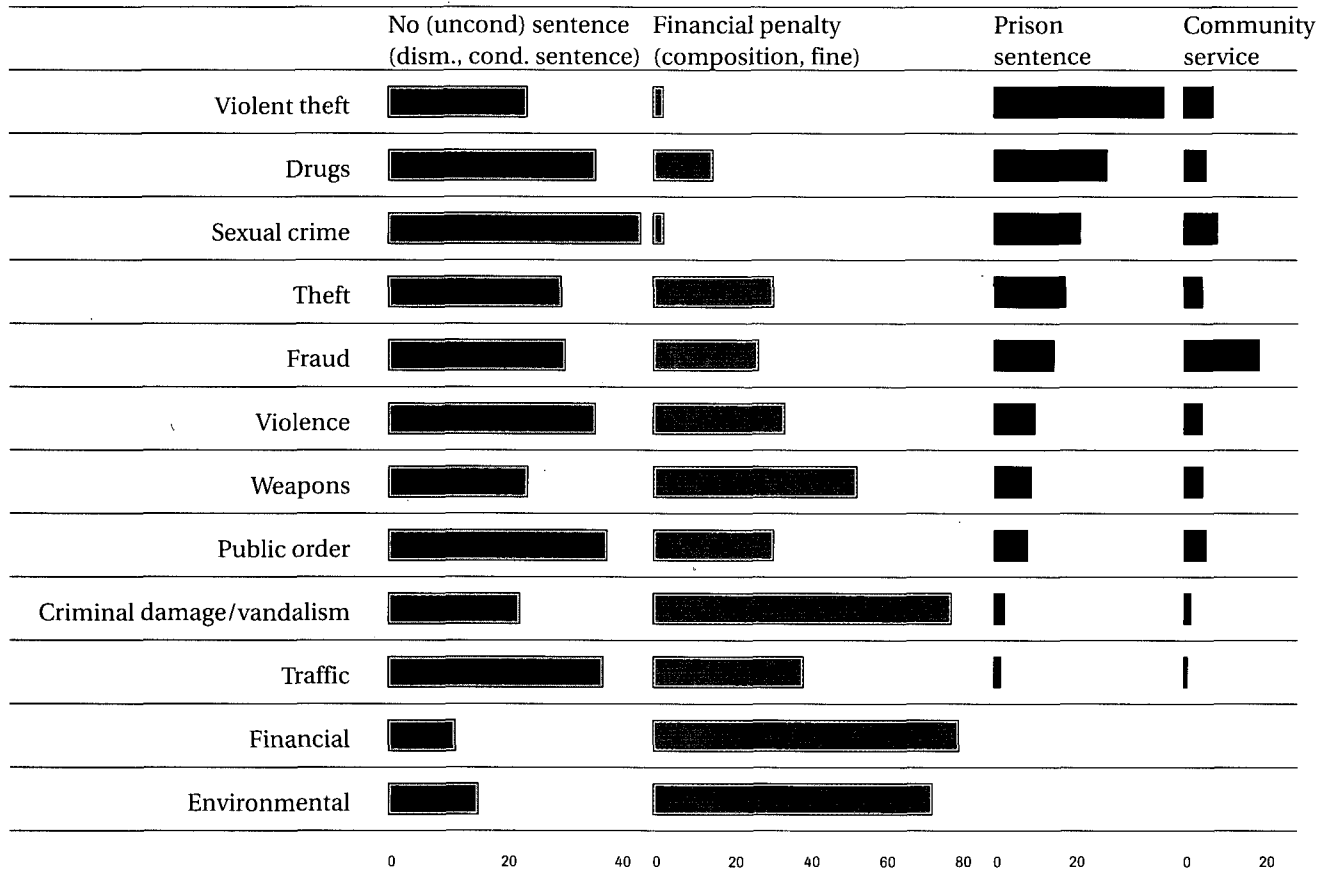
46 B.M.W.A. Beke and W.M. Kleinman (op. cit.)

47 60% of 'hard core' youths admit that they have been picked up by the police for burglary once or several times.

48 Gruter, Paul and Peter Kruize (1995). Tussen geldgebrek en tijdverdrijf: jonge overvallers in de Haaglanden. Tijdschrift voor Criminologie, vol. 37, no. 3, pp. 257 - 272.

49 Delinquent behavior among Young People in the Western World. J. Junger - Tas, G.J. Terlouw and M.W. Klein (eds.). Kuyler Publications, Amsterdam / New York (1994).

Figure 2.5
Method of settlement per crime in %



Source: Rapsody

of age on average, many left school early, those still at school are primarily in schools for lower secondary education or lower vocational training. Half of the 'hard core' were either not born in the Netherlands or have at least one foreign parent. Many carry arms.⁵⁰

2.3 The chance of punishment

... punishment often follows ...

34

The chance that a suspect will be confronted with some form of punishment from the courts is 75% (generally between 65% and 80% depending on the type of crime). In cases where no punishment is handed out, this is usually because a decision has been taken not to prosecute because of a lack of evidence or other technicalities. To a lesser extent, this happens when the public prosecutor sets the case aside for reasons of expediency (discretionary dismissal). In very few cases, the court pronounces the suspect not guilty of the crime which he or she has been accused of.

figure 2.4

The most frequent penalty is a financial one in the form of an accepted composition proposal made by the public prosecutor (on average NLG 800) or a fine imposed by the court (on average NLG 1500). A prison sentence is pronounced in 1 in 5 cases, but this is often only a suspended sentence (e.g. in combination with a fine). The chances of receiving a non-suspended sentence are 1 in 8 - 9, the term of imprisonment being 6 to 7 months on average.

... settlement varies with the crime ...

35

figure 2.5

Those with the greatest chance of receiving a suspended sentence are persons who have committed vandalism, a public order offence, a narcotics offence or a crime involving sexual violence. The latter offence is plagued with legal technicalities: almost half of the cases are set aside by the public prosecutor because of lack of evidence.

Traffic offences, financial, environmental and weapons offences usually incur a financial penalty (composition, fine). On the other hand, the chance of a prison sentence is great for violent theft; community service is often imposed for fraud (social security fraud!).

figure 2.6

The toughest fines are imposed for fraud and narcotics offences, while the toughest prison sentences are passed for violent theft, assault (murder, manslaughter, abuse, threat of violence) and sexual violence.

... dominant factors in the settlement ...

36

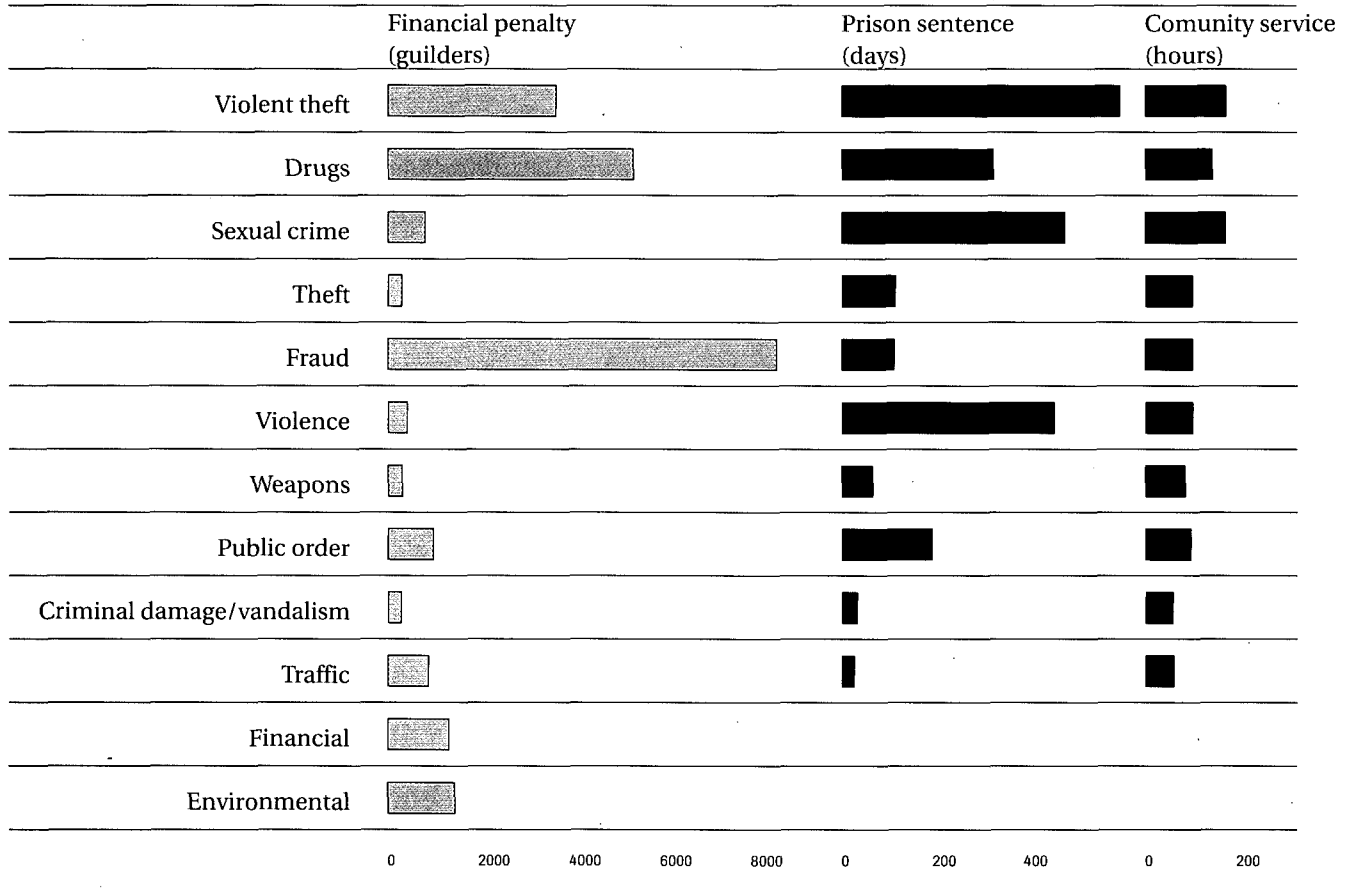
The rough figures for the application of appropriate sanctions give rise to the question of which factors determine the selection of which settlement. Research into practice and the formal wording of the criteria set in guidelines for choosing appropriate sanction reveals two determining factors: the seriousness of the crime and the extent of the offender's guilt.⁵¹

To judge the seriousness of the crime, consideration is given to the extent to which the interests of other members of society or society as a whole have been violated. Violation of the physical or mental integrity of others (violence) weighs particularly

50 Ferwerda, Henk, Peter Versteegh and Balthazar Beke (1995). De harde kern van jeugdige criminelen. Tijdschrift voor Criminologie, vol. 37, no. 2, pp. 138 - 152.

51 Werkgroep herijking boetestelsel, Stafbureau OM (1995).

Figure 2.6
Level of unconditional sentences



heavy. It is for this reason that the toughest sentences are imposed for these crimes (where evidence is available); tough sentences correspond with the extent of the moral disapproval shown. This moral rejection is much less manifest for so-called 'administrative offences' and hence the dominance of compositions and fines. Although the differences in the way in which cases are settled can be explained by the perceived seriousness, it is still apparent that different punishments are given within the various categories of crime. This is of course determined by the variation in actual seriousness of offences within the category of crime, and certainly by the personal nature of the Dutch penal system. This system does not work on the basis of a 'fixed price per offence', but looks at the imputability of the offence to the offender. This includes aspects such as the extent to which the offender is actually guilty of the crime (e.g. active participation or negligence), whether the accused is an occasional or frequent offender, the amount of planning and organization that went into the offence and the financial capacity of the party concerned (youth, large business ...).

This dynamic approach to settlement implies that a further selection is made towards serious cases and serious offenders within the prosecution and trial phase. It is especially these cases which do not end in discretionary dismissal or composition, but are brought before the court which then imposes a stiff sentence, particularly in those cases.

... some trends in the settlement of cases ...

37

Over the past 15 years, there have been some drastic changes in the way in which cases have been settled.⁵²

- * From practically zero in 1982, composition has become the most important settlement standard (quantatively), taking the place of discretionary dismissal and - to a lesser extent - fines imposed by the court. On balance, this has increased the chance that the suspect is confronted with a sanction; in the seventies, the chance of discretionary dismissal was twice as high as now.
- * The chance of a (partly) suspended sentence has fallen slightly over the last decades. This appears to be caused by the development of driving under the influence, which used to be frequently punished with a short prison sentence, but now only sporadically (more often the driving licence is withdrawn and/or compulsory participation in a course for drink-drivers is ordered). For other types of crime, the chance of imprisonment remains relatively constant. However, the number of alternative punishments (community service) has undergone a clear increase.
- * The average duration of imposed prison sentences has increased markedly. This is due in part to the disappearance of extremely short sentences (a few weeks) for drink-driving offences, partly due to the increase in very serious crime (such as robbery) and partly due to the fact that some crimes are now considered more serious (sexual violence).

...international application of appropriate sanction ...

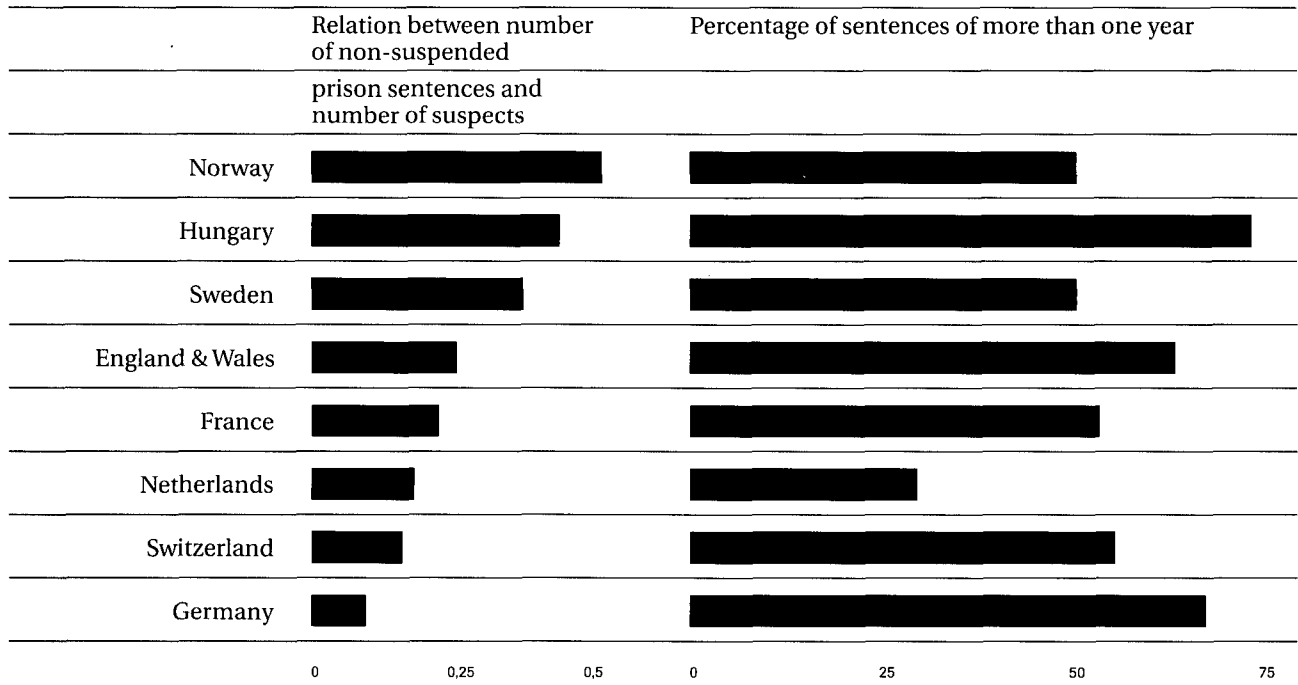
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The Council of Europe recently presented a publication in which a comparison was made (in draft) of the 1990 figures for various countries.⁵³ Comparisons are difficult because of the many system and definition differences between the countries: this could make a comparison of imposed punishments misleading if the prior prosecu-

52 Berghuis, A.C. (1994). Punitiviteitsfeiten. In: M. Moerings (red.) Hoe punitief is Nederland? Arnhem: Gouda Quint, pp. 299 - 311.

53 European sourcebook of crime and criminal justice statistics - draft model. Council of Europe, Strasbourg, 1 March 1995.

Figure 2.7
Extent of application of non-suspended prison sentences
(average for six offences)



Source: European sourcebook, Council of Europe

figure 2.7

tion policy is not taken into account (for example, in the Netherlands a number of cases are 'kept away' from the courts and are settled by means of a composition). An attempt has therefore been made to find an indicator which is least problematic and which makes a correction to compensate differences in case supply.⁵⁴

When the relationship between the number of non-suspended sentences imposed and the number of suspects is examined, it can be seen that the Netherlands does not score high: out of eight countries, the Netherlands comes in sixth place just above Germany and Switzerland. Only for narcotics offences does the Netherlands clearly come out higher: imprisonment is imposed relatively often.

The Netherlands does take up a clearly exceptional position in the extent to which it imposes long prison sentences: no other country imposes such a small number of sentences of one year or more. This anomalous position is particularly pronounced for violent offences, but less so for theft. For narcotics offences, the Netherlands takes up the middle ground.

These findings lead to the careful conclusion that, at least in 1990, the Netherlands has a relatively restrictive policy in imposing (long) prison sentences. As far as the exception of narcotics offences is concerned, this is probably connected with the fact that elsewhere suspects of minor offences (possession) are possibly arrested more often, whereas in the Netherlands the emphasis is placed on dealing. The trend in non-suspended prison sentences mentioned in section [37], however, does indicate that the Netherlands is slowly catching up with other countries.

... regional use of prison sentences for theft ...

39

figure 2.8

A scale was drawn up which shows the extent to which a prison sentence is imposed for the different types of theft (petty theft, gang theft, theft combined with burglary or violence). The percentage of cases in which a non-suspended sentence was imposed and the length of the sentence have both been taken into account.⁵⁵

This shows us that there are nine regions where relatively few and/or short prison sentences for theft are imposed and these are mainly located in the northeast of the Netherlands (the index varies from 20 in Flevoland to 28 in Drenthe and Central Holland). In contrast, there are seven regions which show a high prison sentence index (from 41 to 53): in and around Amsterdam and in the area running from Rotterdam-Rijnmond to North Limburg.

The main difference in the low scoring regions compared to the higher scoring regions is borne out in shorter duration of the prison sentence, while the high scoring regions are characterized by their plenteous use of the sentence. Primarily, a reduction in application of prison sentences seems to go hand in hand with more and higher financial penalties (compositions, fines).

2.4 The effects of the measures

... recidivism and career offenders ...

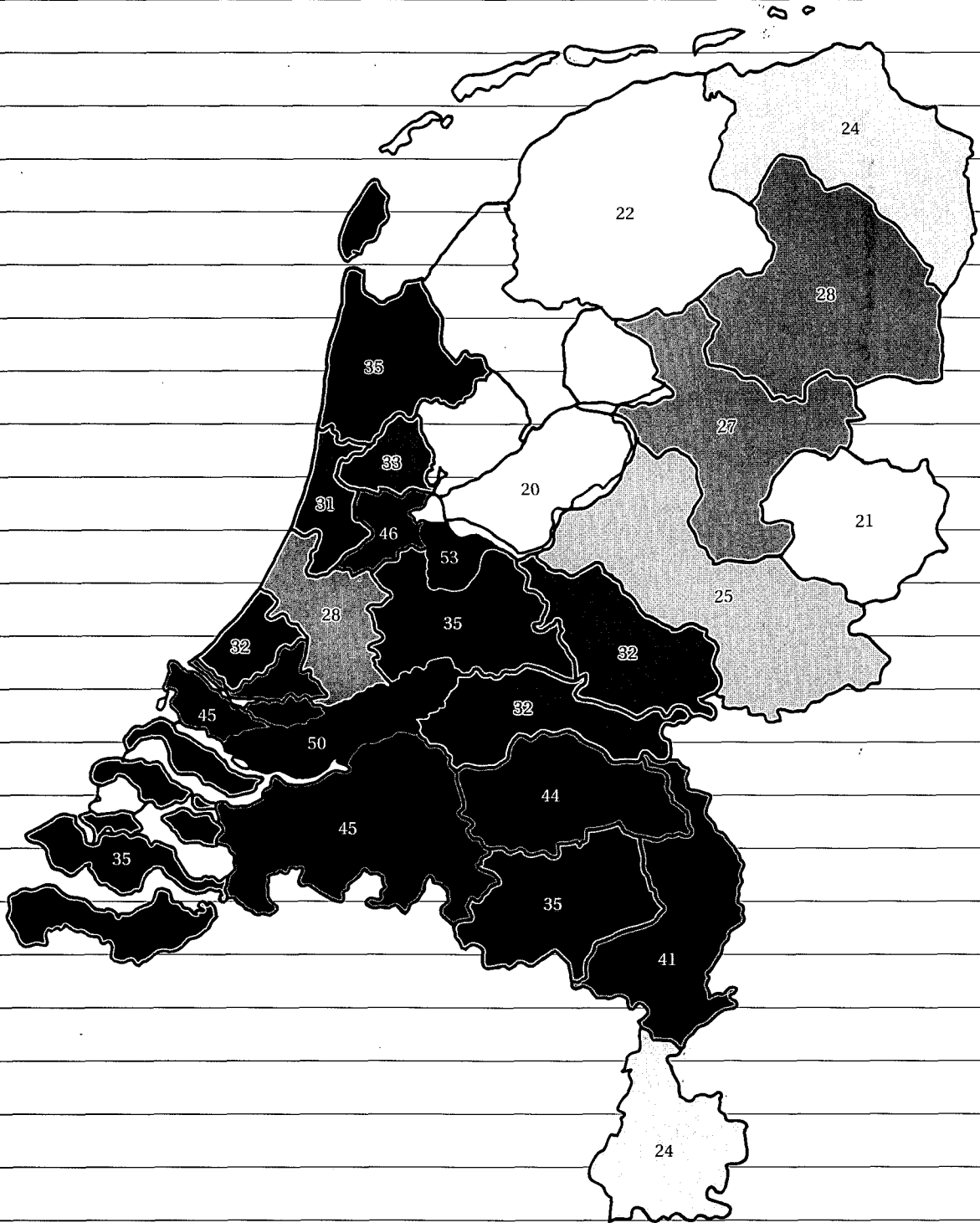
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An initial glance at the available recidivism figures does not give much cause for optimism. It emerges from various studies into recidivism amongst ex-convicts that a good 10% receive a similar sentence once again within a year, increasing to 30%

54 Figures on the separate crimes homicide, rape, assault, rape, robbery, theft and drug offences were taken and averaged.

55 Source: Rapsody 1994, first half of 1995. The proportion of non-suspended sentences is calculated on the basis of the total of all resolved cases excluding transfers and consolidations. This proportion is then multiplied by the average length of the non-suspended sentence imposed.

Figure 2.8
Prison sentences for theft per police region in %



within three years and 50% within eight years.⁵⁶ A Dutch study shows that of those sentenced, 60% are in 'contact' with the judicial authorities once again within six years. Taking only those into account who have been arrested often (at least six times), this percentage goes up to 90%.⁵⁷

However, it must be realized that those who are sentenced to imprisonment form a very specific group of offenders. The recidivism figures are coloured by a considerably small group of perpetrators of not very serious offences with long careers in crime.⁵⁸ These offenders are definitely not representative of all offenders.

*Most offenders stop offending after only a short time, because they are no longer willing to take the risk or they have too little to gain and too much to lose if caught.*⁵⁹ This is particularly true if the offender develops an 'interest in conforming' (work, family). It should be noted here that a large proportion of the crime committed by them is 'opportunistic crime', which is not so much committed as a result of a compulsive urge, but because the situation was 'asking for it' (no obstacles, boredom and the 'kick' as a motive).

A small group of only a few per cent last longer, foundering only after around 25 years as a result of 'burnout': the offender can no longer cope with the hectic life of crime. These offenders often start early and their criminal existence becomes a way of life for them, or they need the crime badly to meet their own needs (e.g. criminal addicts, certain sexual offenders), or they see no other alternatives (any more) for meeting their own needs.

... selective imprisonment ...

41

Looked at from a career perspective, it is understandable that recidivism figures, which are largely influenced by long-term criminals, give a pessimistic picture of the effects of imprisonment. Nothing seems to work. Even alternative settlements (community service, courses for drink-drivers ...) hardly seem to have a positive effect on recidivist offenders.⁶⁰

For recidivist offenders, the primary function of incarceration seems to be to prevent the offender from committing offences during the term of their sentence. This idea of selective imprisonment has attained dogmatic proportions in the US ('three strikes and you're out'), but given the characteristics of criminal careers, generous application of incarceration (as in the US) could lead to overkill, where more imprisonment goes on than is useful or necessary.⁶¹

- 56 The results of several sizeable studies into this are available from several European countries. The definitions and methods may vary, however they do give an indication of the curvilinear relationship between recidivism and time. This also applies to the percentage of recidivism after a prosecution or after being sentenced to imprisonment or other punishment. European Sourcebook (op. cit.)
- 57 Block, C.R. and C. van der Werff (1991). Initiation and continuation of a criminal career: Who are the most active and dangerous offenders in The Netherlands. Arnhem: Gouda Quint.
- 58 European sourcebook (op. cit.)
- 59 Spelman created a picture of criminal careers using empirical data, in which he differentiates between a 'weedout' factor, which plays a large part in bringing about an end to the offending, particularly at the start of the career, and the 'burnout' factor which brings about the rapid end of offending for those who carry on for an extended period. W. Spelman, *Criminal incapacitation*, New York, Plenum Press, 1994.
Graham, John and Benjamin Bowling (1995). *Young people and crime*. London: Home Office Research and Statistics Department
- 60 Martinson, R. (1974). *What works?: Questions and answers about prison reform*. *The Public Interest*, vol. 35, pp. 22 - 45
Pearson, Frank S., Douglas S. Lipton, Charles M. Cleland and James B. O'Kane (1995). *Meta analysis on the effectiveness of correctional treatment: Another approach and extension of the time frame to 1994, a progress report*. New York: National Development and Research Institutes.
Spaans, E.C. (1994). *Appels en peren: een onderzoek naar recidive van dienstverleners en kortgestraften*. Arnhem: Gouda Quint.
- 61 Skolnick, Jerome (1995). *What not to do about crime*. *Criminology*, vol. 33, no. 1, pp. 1 - 15.

However, when the selective imprisonment of extreme repeat offenders is carried out (and not for excessively long terms), positive effects are certainly possible: approaches used for the most active criminals (car thieves, burglars) have shown that crime levels drop when these are locked up.⁶²

... 'career prevention' ...

42

Many studies indicate that special approaches to criminals aimed at their (re)integration in (conventional) society have only limited effect. It is certainly true that short-term programmes which lack intensity have no effect. Programmes of a more radical nature (e.g. treatment of addiction, introduction to work, family/relationship problem counselling) do promise a certain effect, though.⁶³ This suggests that a special approach to the problem of offenders can influence their criminal career. It should be noted here that a relatively small effect shown after a short time can in the long term grow to become a rather large effect, especially where intervention occurs early on in the criminal career.⁶⁴

... situational prevention ...

43

The fact that many offenders are active criminals only for a short period and/or only marginally explains why prevention can be successful (see section [22]). Many hold back from committing crime if the opportunity to do so is restricted by physical means ('school fence') or if the chance of being caught is increased by reinforcing supervision. This also explains why, unless the criminal behaviour is compulsive, crime does not move to areas where fewer preventative measures are in force.⁶⁵

62 Recently for example.: NRC (1996). Daling aantal inbraken in Nijmegen. NRC, 14 March 1996, p. 2.

63 J. Junger-Tas. Alternatieven voor de vrijheidsstraf: een internationaal overzicht. *Justitiële Verkenningen*, 16, 1993, 128 - 158.

64 Corbett, R.P. and J. Petersilia (1994). Up to speed. A review of research for practitioners. *Federal Probation* vol. 58, no. 3, pp. 51 - 57.

65 Hesselting, R.B.P. (1994). *Stoppen of verplaatsen?: Een literatuuronderzoek over gelegenheidsbeperkende preventie en verplaatsing van criminaliteit*. Arnhem: Gouda Quint.

3 THE LAW ENFORCEMENT SYSTEM

This chapter will describe the law enforcement system from a macro perspective, giving attention to the sort of issues one faces at various times, the distribution of the attention amongst the various issues as well as to the expenses incurred for various purposes. At the same time, the damage which crime inflicts on society will also be brought into the picture, but we will start by giving an overall picture with a flow chart.

3.1 Flow chart showing offences and law enforcement

... the extent of crime ...

44

Statements on the extent of crime are surrounded by great uncertainty. The most significant source is provided by victim surveys: total figures are estimated by taking cross-sections. That in itself provides for uncertainty, but it appears that the results of victim surveys are influenced by the research method used. For example, after changing the questioning methodology, the estimate for the total number of crimes committed against citizens was adjusted from 6.5 to 4.5 million.⁶⁶

There are also great uncertainties about the estimate of the number of crimes committed against businesses. A number of years ago, this was estimated at 9 million. A significant part of this was made up by shoplifting (7.5 million) which had not been observed, but was suspected (deduced from stock-takes by the retail trade). Later research, based on data provided by the retail trade, estimated the number of 'thefts of merchandise' at 2 million. In total, the number of crimes against the retail trade was estimated at 2.5 million (see section [10]).

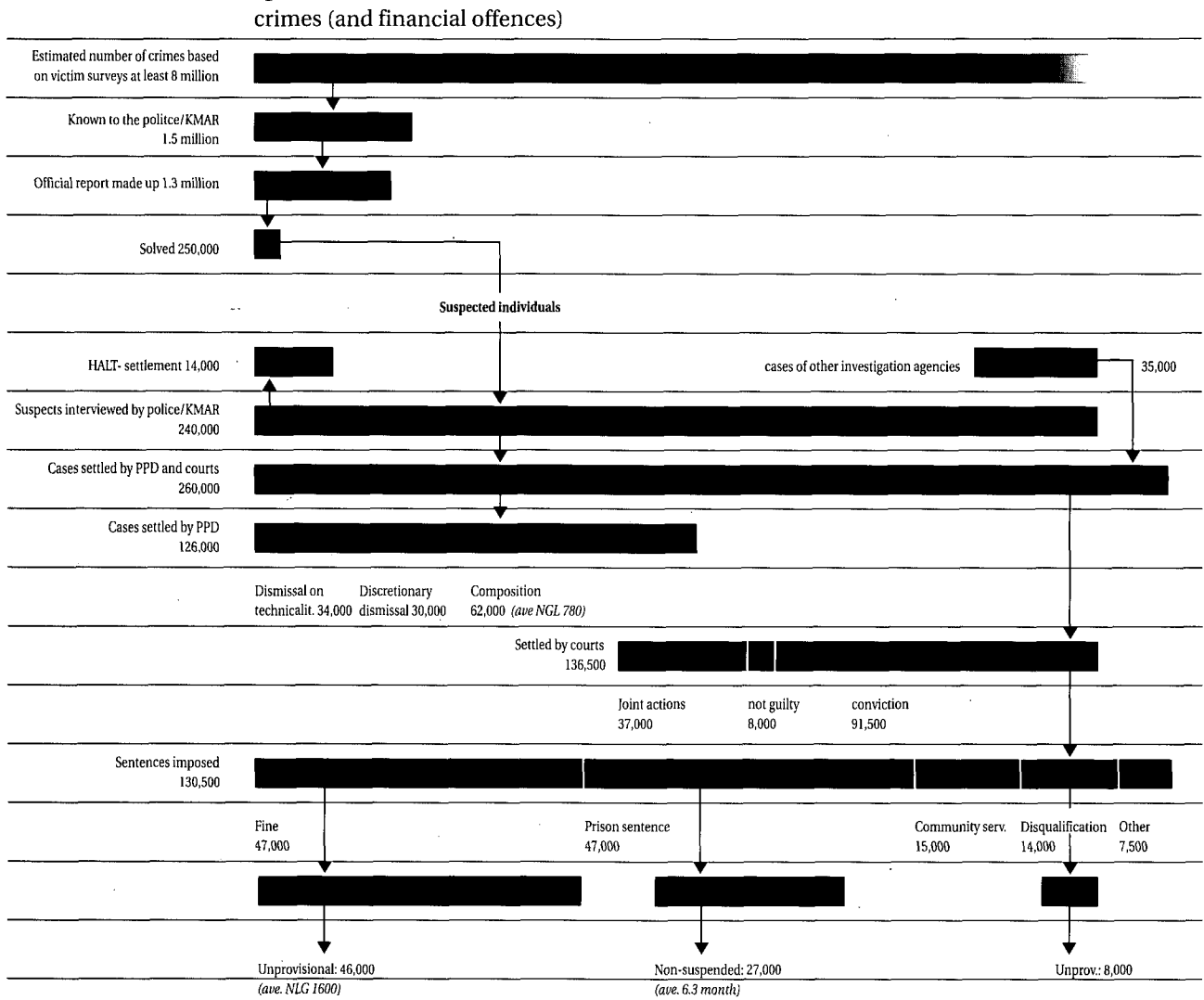
Erring on the side of caution, the total number of offences is estimated at 8 million. This is only a minimum estimate, because crimes against organizations (public transport companies, hospitals, schools ...) are not counted. Likewise, 'victimless crimes' are left out of the picture as are offences which are actually discovered by the responsible body, but for which no official report is made up because, for example, measures are taken by applying administrative law (minor fraud).

It therefore makes sense to refer to '8 million plus', the plus part remaining unknown. This '8 million plus' was taken as the basis for the flow chart.

66

De overgang van de Enquête Slachtoffers Misdrijven naar de Enquête Rechtsbescherming en Veiligheid. CBS (1993). If the Politiemonitor is taken as a basis, the number of crimes works out much higher than the 4.5 million quoted here.

Figure 3.1
Flow diagram showing crimes, criminal cases against suspects, penalties (1994)



Source: CBS/Ministry of Justice estimates based on victim surveys of individuals/businesses
 CBS police statistics
 PPD Gouden Delta-systeem
 HALT-Nederland
 probation service

... an 'immense lack of law enforcement'? ...

45

figure 3.1

The flow chart shows how many offences, criminal cases and punishments the law enforcement system has to deal with. A purely statistical view such as this almost has to lead to pessimism: more than 8 million offences, but 'only' 260,000 criminal cases brought against offenders, and 'only' 130,000 of these result in punishment (27,000 of which involve a prison sentence). The relationship between the number of offences and punishments is 1:60, which leads straight to the conclusion that there is an 'immense lack of law enforcement'.

However, this conclusion is somewhat premature. To make a conclusion only on the basis of a flow chart is superficial and, to a certain extent, misleading. It must be noted first of all that the unit of counting is not the same throughout the diagram. At the beginning, we speak of offences, the Public Prosecutions Department and the courts refer to suspects. The previous chapters have shown that selection processes are constantly ongoing within the law enforcement system, starting when the offence is reported and ending with the imposition of a punishment. One of the characteristic features of the law enforcement system is its use of sieving, whereby the perpetrators of serious crimes and extreme recidivist offenders move further and further along the chain. Those offenders finally caught and sentenced (to imprisonment) are responsible for a far greater part of crime than their number would suggest.

This leads us to the conclusion that a purely quantitative overview of the law enforcement system is unsatisfactory, because the 'flow' is constantly changing. To use a metaphor from health care, the start of the flow shows a cold and at the end shows chronic illnesses and heart attacks.

... some significant trends ...

46

If a similar flow chart were made for the situation ten years ago (1986), then we would see that some noticeable differences would become apparent.⁶⁷

- * The number of official reports made up by the police because of crime is increasing by almost 20%. The number of suspects over the same period shows an increase of not even 2%;
- * The number of criminal cases resolved by the judiciary in the first instance is increasing by 6%. Cases resolved by the courts show the greatest increase with 9%. The number of cases going to appeal is also showing a clear increase (27%). This is the upshot of the increase in serious crimes and punishment.
- * The number of compositions increased by 70% and the average value of this has increased from around 550 to almost 800 guilders. The number of (partly) non-suspended fines has only partially been replaced by the use of compositions: in the same period, the number of non-suspended fines dropped by only 8%. The average fine rose from around 1,100 guilders at the end of the eighties to 1,600 guilders in 1994. In contrast, the number of discretionary dismissals has almost halved (-43%).
- * The number of (partially) non-suspended prison sentences rose from 16,000 to 27,000 or +70%. The average duration of the non-suspended part of the prison sentence rose from 4.7 months to almost 7 months.
- * The attention given to alternative penalties has undergone a huge increase: the number of community service penalties tripled (from 4,800 to 16,000). Besides this, courses for drink-drivers were introduced and in 1994; 6,500 of those convicted participated in these. The number of 'Halt settlements' (a settlement made with the consent of the Public Prosecutions Department intended for criminal cases against minors) rose from 1,100 to 14,000.

Figure 3.2
Cross section of criminal cases by offence type in %

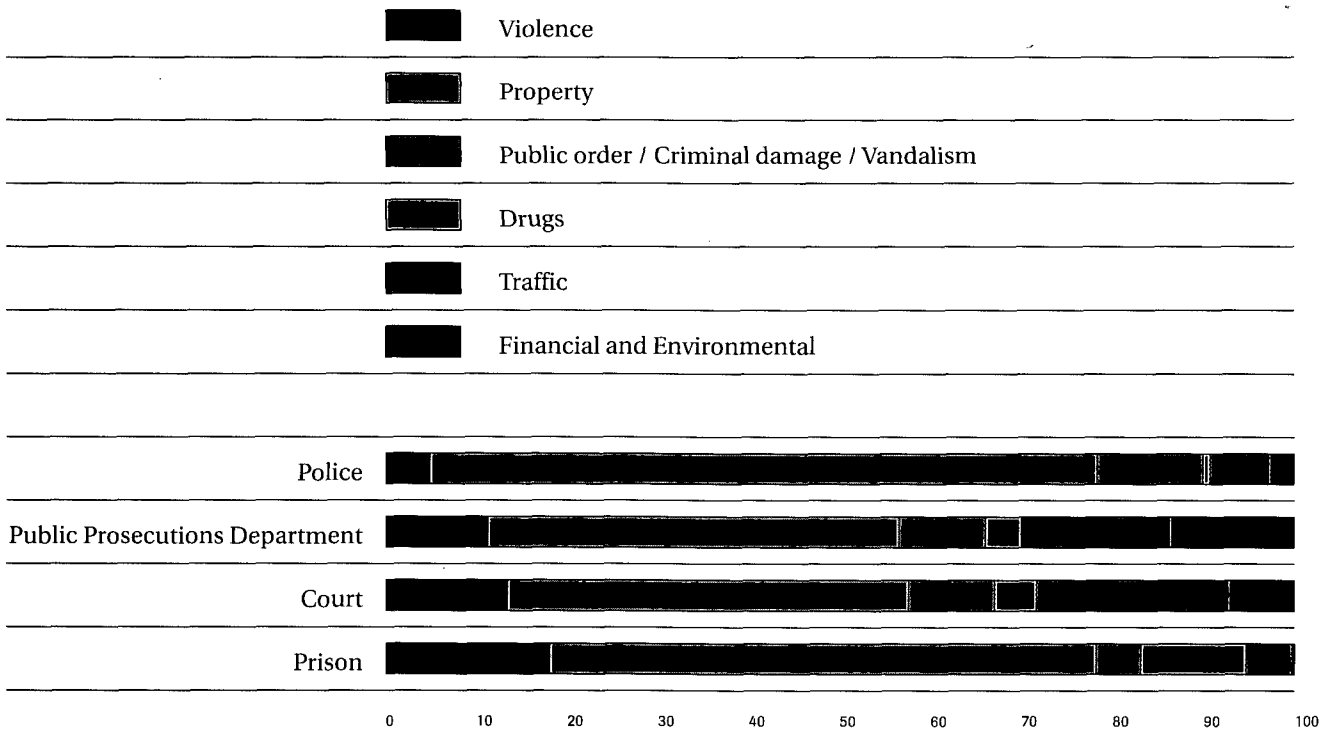
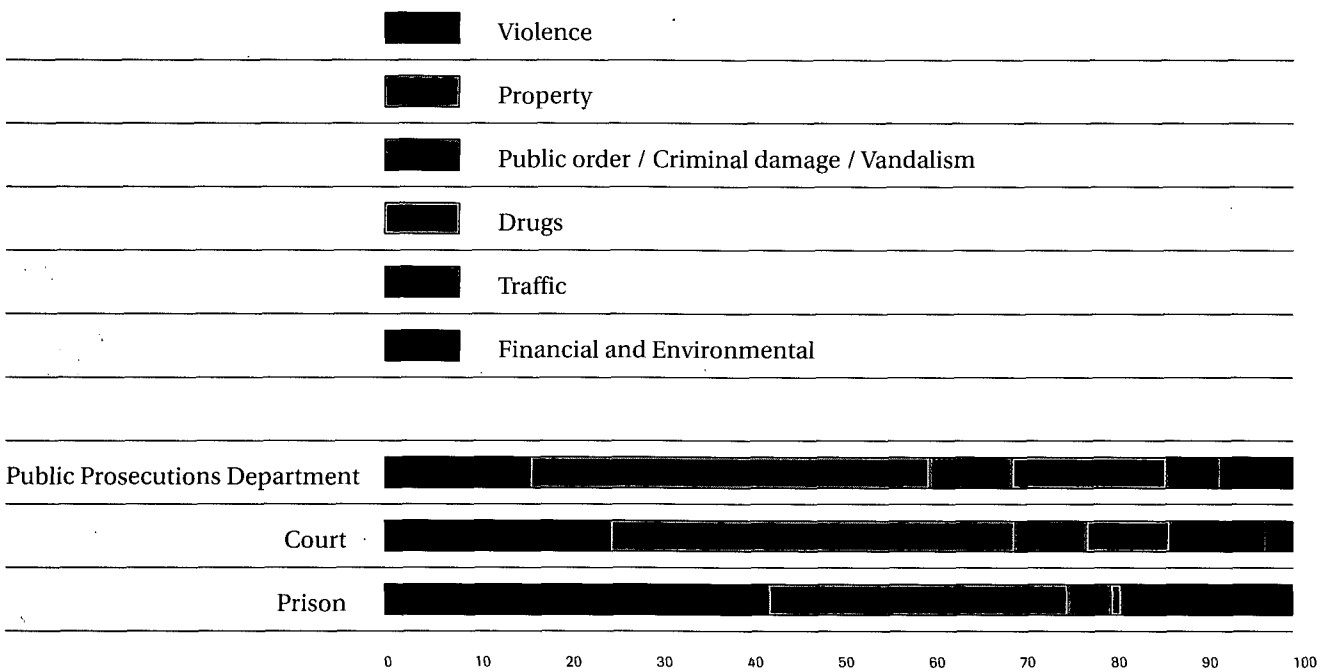


Figure 3.3
Work load of PPD and courts, use of prison cell capacity in %



3.2 Cross sections

... a profile of offences ...

47

figure 3.2

The selective process of crime reporting patterns, investigation performance, prosecution and punishment options means that at various points in the criminal justice chain, the emphasis is put on other crimes.

It appears that the further one looks along the chain of law enforcement, the more violent offences can be seen. One in twenty of offences dealt with by the police are violent crimes, yet of all those receiving a non-suspended prison sentence, this figure increases to 1 in 6. A similar development can be seen for narcotics offences. The other side of the coin is that public order offences, vandalism, financial and environmental offences do not 'penetrate' very far into the law enforcement system. Often, these cases do not come before the courts and even when they do, a prison sentence is rarely imposed. This is not surprising in the case of financial and environmental crimes, as the culprit is frequently a legal person (who cannot be incarcerated).

... a profile of suspects ...

48

As with the profile of offences, the profile of suspects in the consecutive phases of the law enforcement chain can be examined: legal or natural personality, sex, age and origin. The primary findings are:

- * The number of female offenders remains relatively constant at around 10%. Only for community service sentences (social security fraud!) does this figure rise to almost 20%.
- * Young suspects do not 'penetrate' the criminal justice chain very far, their cases do not go to court relatively often. The same applies to those over the age of 45. The proportion of 25 - 35 year olds in particular is on the increase, their cases going to court relatively often. Along with the 18 - 25 year olds, they are relatively frequently sentenced to imprisonment.
- * The number of suspects who were not born in the Netherlands, but who are resident here increases along the chain: prosecution (28%), trial (30%), imprisonment (35%).
- * The number of suspects with legal personality found in the prosecution phase is still relatively high (9%), but low in the trial phase (3%). This is in keeping with the fact that the crime is usually a financial one, which often results in a composition.

... which types of crime demand most work ...

49

figure 3.3

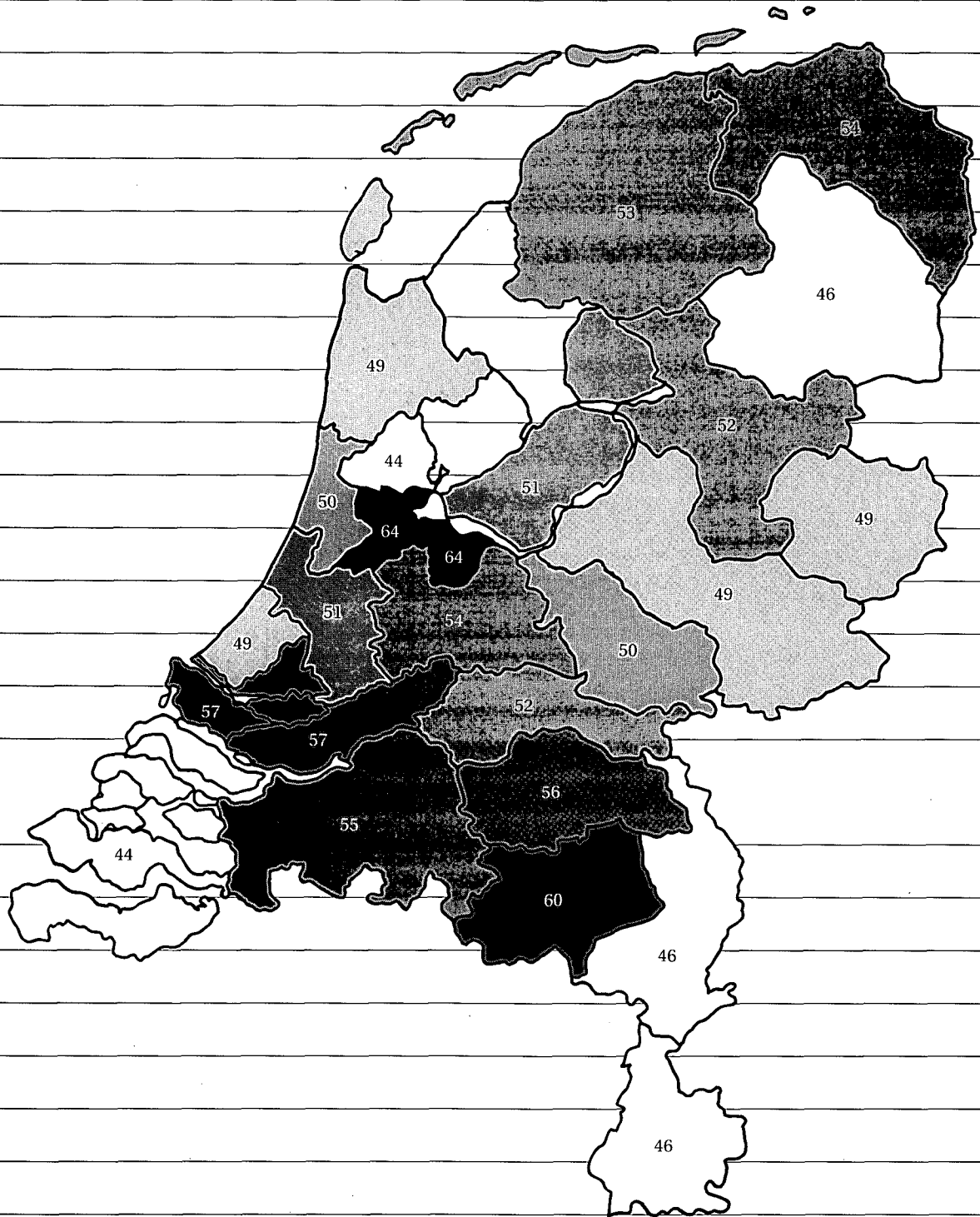
Some cases come to the attention of the Public Prosecutions Department and after a few procedures are either dismissed, end with a composition or are simply settled by the Police Court. In other cases, a preliminary inquiry is begun, a pre-trial detention order is issued, the trial is held in the three-judge section, appeal is made and finally a tough prison sentence is imposed. There are therefore considerable differences in the work load attached to cases which come to the judiciary. Similarly, the capacity of judicial institutions may be required to a greater or lesser degree.

It can be examined to what extent different offences demand the capacity of the judiciary⁶⁸ and the prison system.⁶⁹

68 To do this, use is made of the method employed by the judiciary to settle cases (including support) and the work load factors which these entail for the hearing in the first instance and in appeal (Reports of: Commissies Maatstaven Werklastmeting).

69 Prison statistics, CBS, 1994.

Figure 3.4
Judicial capacity devoted to theft per police region in %



This indicates that the attention of the Public Prosecutions Department is reasonably spread over the different crimes. It is true that almost half of the capacity is dedicated to property crime, but the other half of crime categories expressly form part of the work portfolio too. The attention of the courts is directed almost half the time on crimes against property, but violent crimes and narcotics offences also demand a large share of attention, whereas other offences tend to 'drop away'. This trend perseveres throughout the prison system. Around 40% of capacity goes to the incarceration of violent criminals and 1 in 6 prison places are taken up by offenders in breach of the Opium Offences Act.

... capacity distribution per region ...

50

figure 3.4

In 14 of the 25 police regions, the judiciary devotes more than half of its capacity to theft (petty theft, gang theft, theft after breaking and entering and violent theft). This means that of all the energy the judiciary (Public Prosecutions Department and the courts) spends on cases from the region in question, more than 50% is related to theft. Out in front are Amsterdam-Amstelland and Gooi and Vechtstreek with 64% followed by Brabant Southeast. In contrast, there are 11 regions which dedicate 44% - 50% of their capacity to this type of crime.

The total demand on capacity is determined by the number of cases brought forward and the way in which these are settled. In this way, the average capacity given to the settlement of a case can be calculated, and there appear to be significant differences per region. The average capacity dedicated in the regions with the highest results (Amsterdam-Amstelland and Gooi and Vechtstreek) is 11/2 times more than in the lowest scoring regions (Utrecht, Kennemerland, Haaglanden). It would appear therefore that there are considerable differences in the types of cases which are dealt with and/or the way in which these are settled.

3.3 From offence to punishment: the time dimension

... how long does punishment take ...

51

figure 3.5

After a crime has been committed, punishment can follow quickly or take a long time. This depends on the case processing capacity of the law enforcement system as well as the extent to which the processing facilities are utilised (pre-trial detention, preliminary inquiry, appeal, petition for clemency...).

In this section, the average length of time between the various links in the law enforcement chain will be shown. Where possible, the time spans shown are chosen so that in fifty per cent of the cases (a similar or) a shorter time period is given (and hence in the other half, a longer period).⁷⁰

... two years before the appeal verdict is given ...

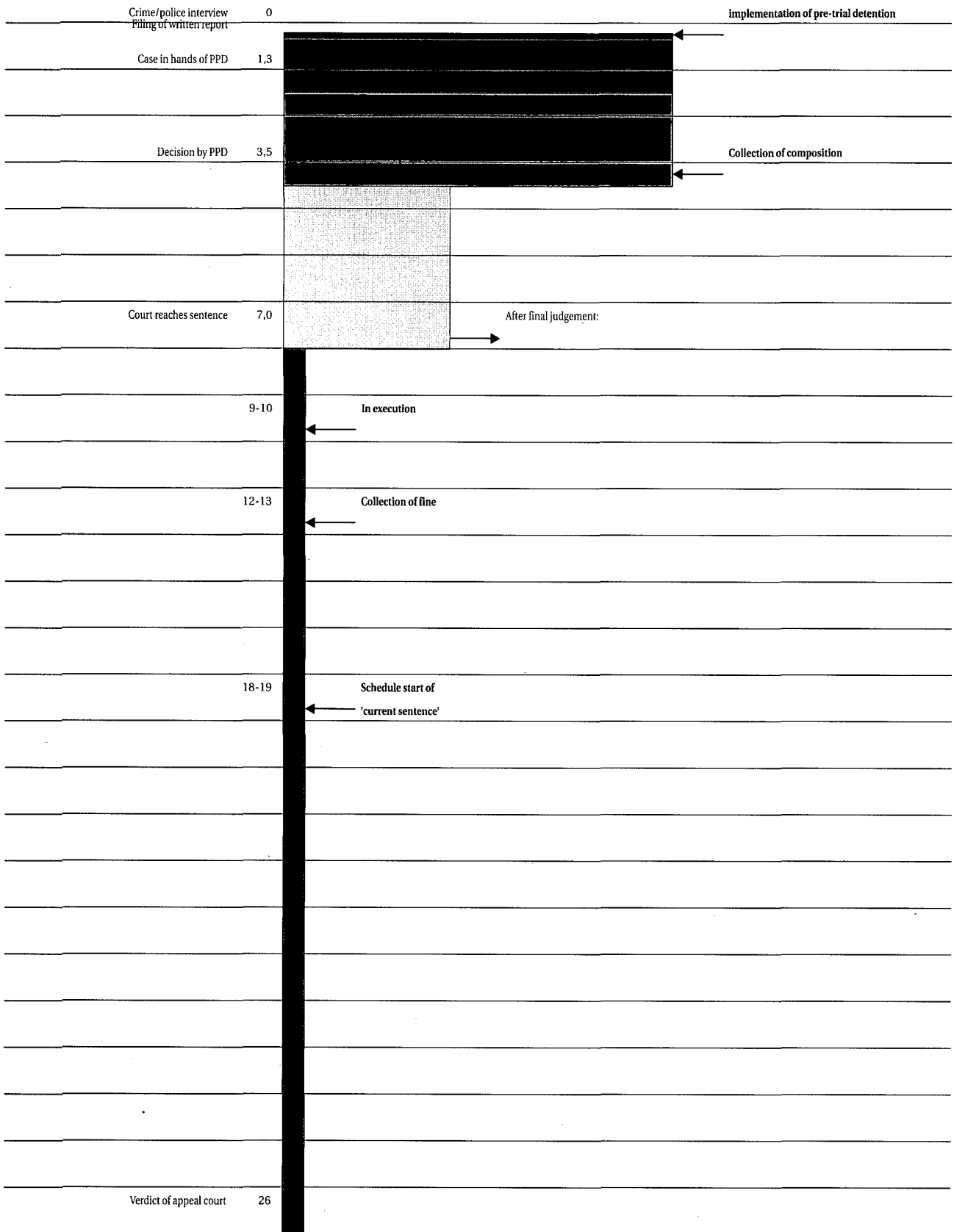
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At least two years go by before a verdict is given in an appeal case. However, it should be kept in mind here that such a long duration does not apply to all cases: only 10,000 cases go to appeal. When no appeal is made, the final verdict is pronounced after 7 months.⁷¹

70 The 'median' is a better measure than the normal average, because the latter is strongly influenced by a small number of cases involving long duration. The distribution is always rather unbalanced: many relatively short durations, few (very) long ones.

71 Source of figures on duration is Rapsody (1994 figures). Police statistics, therefore, only bear reference to cases passed on to the Public Prosecutions Department. Figures for appeal cases are obtained from the CBS.

Figure 3.5
Time perspective on the settlement of cases in months



In general, it takes 3 1/2 months before the public prosecutor is ready to take the decision to dismiss a case, to impose a composition or to issue a writ of summons. Of this period, over 2 months are spent in the decision-making process and the administration at the Public Prosecutions Department. Prior to this, it takes up to 1 1/2 months to get the case to the Public Prosecutions Department after the police have finished their questioning of the suspect.

In more than half of the cases, the suspect is questioned by the police on the day of the crime itself. In many cases, the suspect is known as soon as the crime comes to light, either because the suspect was caught in the act (this category includes being found in a police check to be driving under the influence), or because the person reporting the crime can say who the (presumed) perpetrator is. In some cases (incest, murder), it can however take a very long time before the police round off the case.

... enforcement of punishments ...

53

If the court orders the suspect to pay a fine, the matter is transferred to the fine implementation system for collection (CJIB/Strabis). It takes around 1 1/2 months from the time the verdict is given before it is registered with the CJIB. Approximately 60% of fines are paid within three months by means of bank giro credit payments. If, despite warnings, the fine remains unpaid, the case is transferred to a bailiff. If the bailiff is also unable to collect the fine, a warrant for the arrest of the offender is executed. If the place of residence or abode of the offender remains unknown, he/she is put on the list of wanted persons.

The process goes much quicker when a composition is offered and accepted: where this occurs, payment takes place in a little over two months after the offence.

When a non-suspended prison sentence is executed, any preventative detention must be taken into account and becomes part of the term of imprisonment with retrospective effect (obligatory deduction of pre-trial detention). It can therefore be argued that, in many cases, the execution of the prison sentence begins well before the court pronounces its verdict. Other than this, there are also 'deferred sentences' where the convicted party is called up later to come and sit out his or her punishment. This, however, applies only to verdicts which have been declared final and conclusive. This occurs within two weeks in only 20% of the cases.⁷² Generally speaking this takes longer: almost four fifths are declared final and conclusive within 6 months and in 1 in 12 cases it takes longer than a year. These figures indicate that there are rather a lot of cases where the suspect is not present at the court sitting and afterwards problems arise with the signing of the verdict.

When the verdict has become final and conclusive, it must be submitted to the prison authorities before it can be executed. This takes up two to three months. Within six months, three quarters of the verdicts are in possession of the prison authorities. Upon receipt the sentences are then 'pencilled in' (a 'reservation' is made). This process can take a long time, on average 9 months, due to the limited capacity of the prisons where convicted offenders must report after the deferral, meaning that a considerable back-log has mounted up. In one in three cases, this takes longer than a year. The time when the sentence is scheduled and the time when the convicted party must present him or herself are separated by more than a month. It is also known though that there are many 'no shows': in these cases, an arrest warrant is issued and execution of the sentence occurs substantially later.

3.4 The cost of crime

... material cost to citizens, businesses and organizations ...

54

Using data from victim surveys, an estimate can be made of the order of magnitude of direct material cost of crime against citizens. Some years ago, a similar survey came up with a total figure of almost 4 thousand million guilders: theft losses were estimated at 2 thousand million guilders and criminal damage ran up a bill of 1.5 thousand million guilders. The cost of theft from homes (600 million) was estimated particularly high.⁷³ However, these estimates were assuming an estimated total number of crimes of 6.5 million. This estimate was later adjusted downward by the CBS to 4.5 million (see section [44]), which also has consequences for the estimated cost. In rough terms, this amounts to about 2.5 thousand million guilders per year. These figures do not take immaterial costs into account and therefore form a lower limit for the damage inflicted on society by crime.

A study into victimization of businesses and organizations shows that the damage caused to these amounts to 1.5 thousand million guilders.⁷⁴ This only represents detected crime and a significant part of this concerns the retail trade (shoplifting). In this sector, estimates were made based on stock-takes and therefore include crimes which were not detected. If account is taken of this too, the loss caused by crime in the retail trade alone is 1.2 thousand million guilders.⁷⁵

Finally, citizens, businesses and organization also incur cost when they take preventative measures, such as fitting locks and catches or by calling in security professionals. The costs of this are not known; what is known though is that the turnover of the private security industry runs up to a thousand million guilders (see section [21]). It is also known that the retail trade spends a good 600 million guilders on security and insurance.

It will be evident that various uncertain factors play a part in the calculation of material loss. However, it is certain that the total cost amounts to many thousands of million guilders per year. And that this is just the bottom limit.

... Government spending: the Netherlands is not a high scorer internationally ...

55

In 1993, 7 thousand million guilders was spent in the Netherlands on 'public order and safety' which is 1.25% of the gross domestic product. There are some countries which showed a lower result at the start of the nineties (France, Denmark and Austria with 0.85% - 0.98%). Other countries scored somewhat higher (Germany and Portugal with 1.46% - 1.68%) or spent proportionately more (Italy and the UK with 1.86% - 2.2%).⁷⁶ This comparison should be regarded as an indication because information is not always available for the same year and the comparison made is based on the wide-ranging category of 'public order and safety'. The description which follows will deal with the money spent on crime (and financial offences) in the Netherlands in more detail. Attention will be focused on government spending, and therefore local authority spending on prevention and HALT settlements is not

73 Kwartaalbericht Rechtsbescherming en Veiligheid, CBS, 94/3.

74 Politie-monitor Bedrijven en Instellingen (1992).

75 Criminaliteit en detailhandel. Ministry of Justice (1995).

76 The figures given here relate to 1993 unless otherwise stated. For the Netherlands: CBS, Statistisch Jaarboek 1995. Foreign statistics: Eurostat, General government accounts and statistics 1970 - 1993. These statistics are incomplete for the category 'public order and safety affairs'. Data for the following countries relates to a year other than 1993: Germany (1990), Portugal, Sweden, France (1991), Austria (1992), Belgium (1986). Because these statistics do not contain data on the Netherlands, the international comparison should be taken as an indication.

looked at here. Equally, spending by the Government building services agency (buildings and building maintenance) is also left out of account. This implies that the figures mentioned will reflect a bottom limit: total government expenditure will be higher.

...3.7 thousand million versus 100 million ...

56

The final figure given by the calculations is that 3.7 thousand million guilders is spent annually in the fight against crime whereas 100 million is received as income, primarily from fines and compositions.⁷⁷

figure 3.6

The distribution of government monies over the various phases of the criminal justice system is striking. In the present situation, with its historical origins, three quarters of total expenditure goes on investigation and implementation of sentences. Prosecution and trial accounts for only 13% of total expenditure.

... police efforts difficult to account for ...

57

Using the Politie Output Monitor, it is possible to gain an impression of the 'order of magnitude' of police efforts in various areas of activity.⁷⁸ Roughly 135 million guilders goes into prevention and victim activities, 920 million guilders is spent on registering reported crimes, interviewing suspects and CID activities and 1.1 thousand million goes into supervision activities connected to crime. Besides efforts made by the police in the area of prevention, 10 million guilders is spent by Ministries on projects, such as civic guard programmes.

... judicial procedure ...

58

For the prosecution and trial of crimes, first on the agenda are the costs of the judiciary. The expenses of the Public Prosecutions Department and the courts were itemized using work load measurements - they do of course have duties other than dealing with criminal cases (minor offences, civil cases and administrative law cases). It is estimated that 165 million guilders is involved at the Public Prosecutions Department for the prosecution of criminal cases and that a similar amount is assigned to the courts for trying cases.⁷⁹

Also attributed to the trial costs are the costs of information reporting by the probation service and the child welfare office (30 million),⁸⁰ and the legal aid financed by the government in criminal cases (80 million).⁸¹

77 A total of around 400 million guilders is received in fines and compositions (Jufis, Ministry of Justice). Using a breakdown made possible using case records (Rapsody) and collection data (IBIS), it can be estimated that 49 million relates to compositions in criminal cases (and financial crimes) and 35 million to receipts from fines imposed by the courts. Besides this, there are proceeds from labour in penitentiary institutions (20 million) and confiscation (4 million) (1995 budget based on 1993 figures).

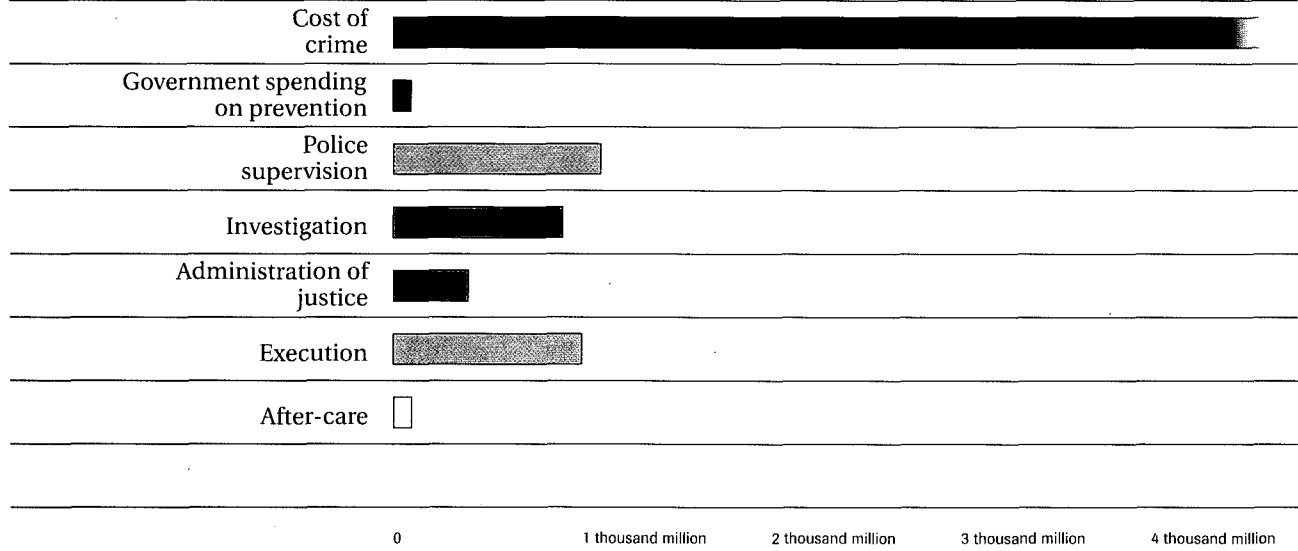
78 Politie Output Monitor. Twijnstra Gudde, Amersfoort, October 1995. A distribution is made according to productivity, directly attributable to crimes, in prevention and investigation and to productivity related to supervision; based on the police budget of 4.3 million guilders.

79 The expenses were itemized on the basis of volumes of various types of cases and the work load factors which these entail (Rapporten van de Commissies Maatstaven Werklastmeting, Ministerie van Justitie 1994). Distribution according to type: District Attorney 140 million, Appeal Attorney 23 million, District Court 115 million, Court of Appeal 40 million and the Supreme Court 7 million.

80 On the basis of productivity figures, standard data and job statistics, it can be estimated that 24 million is involved in the information reporting of the probation service and 6.5 million in the advisory role of the boards for child protection (source: Ministerie van Justitie, Dienst Preventie, Jeugdbescherming en Reclassering).

81 In total (Slotwet 1993), almost 90 million guilders was spent on legal aid for criminal cases. On the basis of more detailed statistics (IRIS), it appears that 90% of these were serious offences. The Legal Aid Act [Wet op de rechtsbijstand] which came into force in 1994 has scarcely influenced the order of magnitude of the expenditure.

Figure 3.6
Distribution of costs and government spending



... incarceration costs very high ...**59**

The thousand million guilders spent on the implementation of sentences and other penal measures is mostly spent on the penal institutions: almost one thousand million guilders.⁸² Other cost items for implementation pale away in comparison. It can then be calculated that 33 million guilders is spent on the provision of aid and support by the probation service to detainees or persons placed in detention under a hospital order,⁸³ that around 35 million is spent on community service,⁸⁴ that the Public Prosecutions Department assigns 21 million to work concerned with the execution of verdicts⁸⁵ and finally that about 6 million goes to the aid and support provided by family supervision institutions under the terms of a special condition which may be attached by the court to a suspended sentence.⁸⁶

... after-care to victims and perpetrators ...**60**

Probation offers help and support to the offender, whether or not in combination with detention. The costs of this are 42 million.⁸⁷ A completely different type of after-care is payment of compensation to suspects for time served (4 million) and reimbursement of trial costs in specific cases where this is justified by the outcome of the trial (6 million).

In contrast to this, a modest sum of 16 million guilders is spent on victim care in the form of compensation payments (4 million) and victim aid programmes (12 million).⁸⁸

... footing the bill ...**61**

The total expenditure discussed above relates to different figures. When this treasury expenditure is coupled to the appropriate statistics, the following averages can be deduced:

- the treasury spends NLG 25 per reported crime on prevention and victim aid and NLG 500 on investigation per reported crime;
- the administration of justice costs NLG 1,650 per case, implementation of a prison sentence costs NLG 38,000 per case and community service NLG 2,200.

82 800 million of this goes to the prison system, 120 million to juvenile detention centres and 27 million to secure hospitals. The secure hospitals actually cost 127 million, but 100 million of this is financed as hospital costs under the Exceptional Medical Expenses Act [Algemene Wet Bijzondere Ziektekosten]. (1995 budget based on 1993 figures).

83 Source: Ministerie van Justitie, Dienst Preventie, Jeugdbescherming en Reclassering. Total expenditure for aid and support of the probation service (75 million) is split into a part for the activities within penal institutions and for activities outside these. The extramural part is included in the 'after-care' category.

84 The probation service spends 24 million on community service for adult offenders. The Boards for Child Protection spend 9 million for minors and another 2 million on 'educational projects' (Ministerie van Justitie, Dienst Preventie, Jeugdbescherming en Reclassering).

85 Calculated on the basis of work load measurements (source: Kostprijberekening Rechtspraak, op. cit.)

86 Calculated on the basis of the number of pupils and applicable tariff (source: Ministerie van Justitie, Dienst Preventie, Jeugdbescherming en Reclassering).

87 Source: Ministerie van Justitie, Dienst Preventie, Jeugdbescherming en Reclassering.

88 The Criminal Injuries Compensation Fund paid out 4 million guilders in 1994 and the LOS spent nearly 12 million on victim aid programmes (1995 budget based on 1993 figures).