



RDC Research Programme 1991/1992



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Justice
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1 General introduction

1.1 The Research and Documentation Centre

The Research and Documentation Centre (RDC) is a research unit within the Dutch Ministry of Justice.

In 1973 the then existing Documentation and Information Centre was transformed into a full fledged research institute. This transformation sprouted from the idea of the Ministry of Justice that a number of policy problems could be solved more easily with the contribution of scientific research. At that time the universities were not particularly interested in problems related to policy. It was not felt that the social sciences should—or could—make a real contribution to solving general penal questions or criminal justice problems.

By having its own research institute, the ministry also expected to get a firmer grip on the formulation of research questions as well as on research planning, and thus to have more value for money. Professor W. Buikhuisen, from Groningen University, was asked to set up the new centre and he accepted to do the job under certain conditions. These conditions were of great importance since they guaranteed the independence and the credibility of the research centre and were certainly at the basis of its expansion and reputation in the country.

The following basic principles govern the centre's functioning and constitute some sort of statute:

- Although research questions generally originate from and are formulated by the policy makers, the research itself—its methodology, research staff and execution—is entirely the responsibility of the RDC.
- The RDC is also responsible for the content of the reports. There is no censorship of the concerned policy divisions. When a report is ready for publication, it is sent to the Minister of Justice, the Undersecretary of Justice and all relevant policy divisions, in order to allow them to anticipate on any reactions from parliament or society in general.
- All research reports are published. They are sent to a wide circle of interested persons, including the Standing Committee of Justice in Parliament. A press release is prepared and reports are also sold in bookshops.
- Researchers are free to publish in professional or other journals and to give interviews in the media, commenting on their own research work.
- The RDC has a permanent research budget which makes it possible to criticize specific policies without losing research money. It also makes it possible to undertake relevant research not asked for by policy divisions.

During the first years of its existence, the RDC conducted a number of inventories of problem areas. This was the period that the Dutch victimization surveys were developed, in order to realize better crime measures.

The next phase included the evaluation of criminal justice services, such as the police and the probation service. Questions raised were for example: how does the police operate, what do patrol officers exactly do when they are on the streets, how much time do probation officers devote to their clients and how much do they spend on paper work.

The third phase started in the eighties. The RDC is now associated more closely with the policy making process, especially with regard to policy innovations. For example, when Community Service was introduced in the Netherlands, the RDC evaluated the experimental introduction in eight court districts and formulated recommendations with respect to its introduction on a national scale and its inclusion in penal law. The same model was applied in the case of experiments with alternative sanctions for juveniles in six court districts.

In some cases studies are conducted to examine the potential effectiveness of certain policy options in terms of crime control. For example, the RDC examined the question whether introducing the obligation of identifying oneself by some identity card, an obligation that does not yet exist in the Netherlands¹, would reduce cross-border crime.

1.2 Main research directions in 1991/1992

The years 1985-1990 have been dominated by the implementation of the criminal justice policy plan 'Society and Crime'. This plan has put an emphasis on the development of crime prevention policies on the local level. The Ministries of Justice and Home Affairs have spent Dfl. 45.000.000 on financing promising local crime prevention projects, on the condition that the project be scientifically evaluated by an independent research body. The RDC was asked to see to it that evaluation would take place. The centre assisted communities in setting up such evaluations or referred them to specific university institutes. In a number of cases the RDC itself undertook the evaluation. For example, the RDC evaluated the large scale introduction of diversion programmes in the country, the experimental introduction of janitors in council housing estates, prevention experiments in shopping centres, prevention programmes in schools and in neighbourhoods, and the effectiveness of information campaigns on the behaviour of juveniles. A meta-evaluation based on the evaluation of more than 200 crime prevention projects, in order to determine the effectiveness of crime prevention policies, will be completed in 1991.

In 1990 the current Minister of Justice introduced a new policy plan in parliament 'Law in Motion'. This plan puts more emphasis on legislation,

¹ A proposal for a limited legitimization obligation has now been introduced in parliament.

law enforcement and reorganization of the judiciary and the police. Its leading principles are:

- intensified implementation of the core tasks of the Ministry of Justice with regard to legislation, law enforcement and application of the law;
- the formation of networks with other administrative bodies and greater involvement of the general public;
- modernization of the organization and management of the criminal justice system.

In the years to come, the research activities of the RDC will be greatly determined by this policy plan. Much attention will be given to the maintenance of the rule of law. Several factors cause the actual difficulties in law enforcement. One is the changing role of the state, where laws and rules are used as policy instruments that are easily replaceable. Another factor is the weakening of traditional social structures, such as the family and the church. A third factor mentioned is a weakened social consciousness and a growing individualism. Finally, the division of society in two classes, the employed and an (under)class of long-term unemployed, is seen as operative. This all leads to different research problems, such as the study of the process of law making and the question of how to improve the laws applicability, the analysis of the penal process — its input, throughput and output —, and the eternal question of the effectiveness of sanctions.

In the next years the Dutch police, now organized in 148 municipal departments and 17 state districts, will be reorganized into 25 regional forces and one national force. The latter serves to support the regional forces by supplying information and assistance. How will these much larger departments operate; what can be done to improve information on the crime problem within these new territories and how can we improve the accountability of police performance? To solve these problems innovative experiments and research are needed. The prosecution system, although on its way to complete computerization, is increasingly unable to process the growing flow of, essentially petty, crime. This undermines the credibility of the criminal justice system and the confidence people have in the law and its enforcement. Research is needed to examine differences in input in the various court districts, to improve feed back to prosecutors on the operation of the system and to experiment with more economic and more effective ways of processing cases.

With respect to the criminal justice enforcement of environmental law, a division is made between serious and organized environmental crime where criminal prosecution is indicated (fraud), and frequent, less serious environmental crime, where an administrative reaction ought to be considered in the first place. When such a possibility does not exist or is exhausted, criminal repression will follow. Enforcement by the criminal justice system of environmental laws is considered as an ultimate remedy. In order to stick to this policy, regular contacts between the public prosecutor and all those involved in enforcement are necessary.

In view of the European integration and the disappearance of the national borders in 1992, several problems arise. It is expected that cross-

border crimes, such as drug trafficking, money-laundering, EC-fraud and environmental crime, will increase in the coming years. It is for this reason that the Dutch Minister of Justice will propose the constitution of an European Documentation and Research Network, providing information services and collaborative research on these types of crimes. A small working group has already met on several occasions, preparing a proposal for a flexible organizational framework. So far, the RDC has organized the meetings and has functioned as the secretariat of this working group. The European integration will force us to further develop our international orientation. In this perspective the centre has started a series of English publications on completed RDC studies of interest to the international community: *Dutch penal law and policy; notes on criminological research from the RDC.*

Moreover, taking into account the similarity of the problems, European policy makers are confronted with and the pressing need to look for better solutions, plans are underway to start a European Journal on Criminology and Criminal Policy in which mutually interesting (comparative) research results and policy-initiatives can find a place.

Another problem confronting our country, as well as other countries, is the growing stream of refugees seeking asylum. Research with respect to family reunification and naturalization, and international comparative research on different policy options in this respect will be undertaken.

Finally, a very important research area is the ongoing development of alternatives to custody. Although Community Service is now an accepted sanction both for adults and for juveniles, doubts exist as to whether this sanction is a real alternative to a prison sentence. Research will be undertaken with regard to the criteria used by the judiciary in imposing Community Service. An independent Advisory Committee to the Minister of Justice on the future of alternative sanctions has recommended to widen the applicability of alternatives to more serious offenders. Experiments will be conducted in a number of court districts. These experiments will be evaluated. Another recommendation is to apply to adults, as is already the case with juveniles, different forms of training programmes, such as social skills training, on the job training, education programmes on effects of the use of alcohol and drug. Efforts are made to shorten prison sentences by introducing these kind of programmes. In juvenile penal law there have been a number of initiatives of outward bound kind of projects, both in residential settings and as alternative sanctions. Research is expected to settle the nagging question of their effectiveness in terms of the reduction of recidivism.

A final research area that is placed high on the agenda of research and policy alike is victim support. Several initiatives have been taken to activate the role of the prosecutor in supporting victims and to increase the possibilities for reparation to the victim by appointing special functionaries at the level of the police or the prosecutor.

2 Specific research activities

2.1 Legislation, law enforcement

In order to relieve the burden of the prosecution system and to intensify adequate law enforcement practice in matters of traffic offences, a new law (the so-called Lex Mulder) has been experimentally introduced on the first of September 1990. The law gives the police the opportunity to handle simple traffic violations by an administrative measure (a fine, collected by a central collection agency). The objectives of the law are to increase the effectiveness and efficiency of law enforcement practice, while maintaining an adequate level of legal protection. Evaluation of the introduction of the law is required before extending its use to the whole country. The evaluation implies judicial research on legal rights and legal protection, administrative research, quantitative and qualitative effectiveness and efficiency research and two surveys among the public. The research is a collaborative effort of three universities, a marketing bureau and the RDC. Some interim reports have already been published. The final report is expected to come out at the beginning of 1992.

There are many complaints about the length of the penal procedure. The Minister of Justice has appointed a special commission (the Commission Moons), to examine, in view of revision, penal procedural law. The RDC assists the commission with relevant research. One report on the preliminary investigation in penal cases has been completed.

A study was started on the penal processing of major fraud cases by the prosecutor. Attention will be given to judicial and organizational bottlenecks causing unproductive delays in processing these cases. The report is planned for 1992.

Differences in input in the prosecution system will be studied in several court districts. The reason for undertaking this study is the lack of knowledge of the differential input of cases. Moreover, performances of prosecutors in different court districts can hardly be adequately measured nor compared if one doesn't know whether such differences exist and to what extent they have an impact on the prosecutor's functioning.

On January the first 1987 two laws became effective aiming at reducing abuse of power of corporate bodies, by introducing a personal responsibility of managers of corporations in the case of bankruptcy. Evaluation of the effectiveness of these laws was a requirement, specified in the second one (see annex, nr. 1).

2.2 Legal aid and victim support

A theoretical study on the organization of legal aid in Holland and its impact on legal access of the population has been completed and extended into a dissertation (see annex, nr. 2).

In its victim survey the Dutch Central Bureau of Statistics has incorporated a number of questions on the use of legal aid and the kind of problems people bring to legal aid agencies. Two of these surveys have been held in 1983 and 1987 and the results are now being analyzed. A report can be expected in 1992.

An experiment with an especially appointed mediator — on June the first 1989 — with the task to arrange for the payment of damages by the offender to the victim in cases of petty crime, has been evaluated. The objective was to increase the proportion of cases resulting in the payment of damages to victims (see annex, nr. 3).

A comparable experiment is going on in a different court district, but here the objective is to replace the penal procedure by a civil law agreement for the payment of damages. When the mediation agency succeeds in arranging such an agreement, the case is dismissed by the prosecutor. Collaboration of the offender is on a voluntary basis. A report can be expected in 1992.

A theoretical study on age limits in penal law, combining law and psychology, has been presented as a dissertation. The question as to the need for a special juvenile justice system and the age limits for penal responsibility have been examined from a legal and psychological standpoint (see annex, nr. 4).

2.3 Police and crime prevention

Since a number of years, the number of people killed and wounded by firearms has been growing. It is suspected that the police do not pay sufficient attention to illegal possession and use of firearms. The minister asked for research and recommendations in order to develop a coherent package of measures to detect and prosecute more effectively the illegal possession and trafficking of firearms (see annex, nr. 5).

The question of how to improve police performance is a crucial problem. It is not only important for the police organization itself, but also for local government and the public prosecutor, as they ought to be provided by reliable information. Research is based on police statistics and on population surveys. In regard to police statistics, clearance rates are generally used as a performance indicator, representing the relation between the number of cases known to the police and the number of cleared cases. However, this indicator is seriously biased. The study is undertaken to correct the biases and to achieve a standardized performance indicator. This is possible by using longitudinal and comparative data. In regard to the population surveys a stan-

standardized population survey has been developed and has already been carried out in 25 cities.

An increasingly important police task is the maintenance of environmental laws and regulations. Police practice in this area appeared to be less than effective. One problem in enforcing these laws lies in the need for close collaboration between the police, local administrative agencies and the Ministry of Environment. The RDC has been researching a number of projects, financed by the Ministry of Environment. A stepwise implementation model for all agencies concerned has been developed (see annex, nr. 6).

A survey was conducted on organized crime in the areas of fraud, drugs and environmental crime. The study gives an overview of the analysis of 46 criminal investigations, representing diverse forms of criminal organizations in drug trade and in business crime. The report was published in 1990 (see annex, nr. 7).

A preventive police approach to reduce drunk driving, consisting of widespread random alcohol controls, faster judicial reaction and earlier intake of drivers licences by the prosecutor, accompanied by large publicity, is evaluated by the RDC on its preventive effects. The report is expected end 1991.

Two social crime prevention studies in the school system were conducted. The first study tried to find out which school factors are related to delinquency in and out of school. The study covered 52 secondary schools in the larger cities and an indepth part in 14 schools (see annex, nr. 8). The second study evaluated an experiment to reduce truancy and drop-out by giving special support to poor students. The assumption was that the programme would also diminish delinquency. The final report of this research is expected end of 1991.

Evaluation of a prevention project in Amsterdam, addressed to young first offenders particularly of ethnic minorities, in which the police and a specialized social agency collaborated, indicated a lack of effectiveness of social workers in detecting problems and in giving some adequate help to the juveniles (see annex, nr. 9).

A study on rational choice theory is tested on arrested thieves from cars. How do these offenders react to prevention measures taken to deter them? Do they stop offending or is there any displacement, for example in offence-type or in space? The report is expected in 1992.

A comparable study is under way on motives of bank robbers. The question examined in this qualitative study is: what choices and considerations determine the execution of a bank robbery? Final report in 1992.

Many council housing estates are confronted with problems of decay and crime. The Ministry of Justice has supplied funds for partly subsidizing 150 janitors/caretakers in problem estates. In cooperation with the two largest housing corporations, the RDC has evaluated the impact of the janitors on the general quality of life and on the crime problem in these estates. The report has been published in 1991 (see annex, nr. 10).

The RDC participates in a large-scale longitudinal study of a random sample of 3000 respondents between 12 and 25 years old. Three interviews

will be held within a period of seven years. Subjects will be asked questions on important areas in their life such as education, work, the family, leisure and criminal involvement. One important hypothesis is that major 'life events' may be related to the development of a criminal behavioural pattern. The study started in 1990. Fieldwork for the first wave will be completed in 1991.

An evaluation study to examine the effects of an information campaign on petty — mostly juvenile — crime at schools among 12-16 year old pupils, was completed in 1990. Although there were some effects on knowledge and attitudes, no effects were found on behaviour (see annex, nr. 11).

A prevention project among a specific problem group of Moroccan boys was conducted in a middle-sized Dutch city. The boys were offered recreation, vocational training and a job placement, all on a voluntary basis. The recreation offer appealed much to the boys, but they were not as eager with respect to the training project and the (temporary) job facilities. It may be questioned whether offering job and training possibilities on a voluntary basis suffices for integrating marginal groups of ethnic minority juveniles (see annex, nr. 12).

A quantitative and qualitative study of 150 opiate addicts in the city of Amsterdam was initiated to get some insight into their way of life, economic behaviour, criminal behaviour and drug career. The sample was followed during one year. No evidence for a direct relation between drug abuse and criminal involvement was found. A Dutch report was published in 1991 (see annex, nr. 13). An English translation will be published in 1992.

2.4 Immigration and asylum policy

The number of requests for asylum varies greatly among European countries. These numbers also vary within countries. In view of the European unification and the increase of refugees seeking asylum, it is important that EC-member countries strive for harmonization in legislation, regulation and in their reception policy of asylum seekers. A study, both on the basis of literature and empirical research, has started among the EC-countries that have signed the Schengen agreement. The objective is to compare the asylum policies in the different countries. It is expected that the study will provide indications for harmonization of the various policies. A report will be published in 1992.

Naturalization is one way of improving the position of members of minority groups. In 1985 the State law on Dutch nationality came into force. The objective of the law is to enable more people than before to apply for Dutch citizenship, by option or naturalization. Although the number of people requesting Dutch nationality has grown considerably, members of minority groups — particularly Turkish and Moroccan — have been reluctant to apply for naturalization. The research examines motives of minorities to ask for or reject Dutch citizenship, taking into consideration the new law

and the personal and cultural background of these minorities. The situation in other European countries is reviewed and compared to the Dutch situation. A first report will be published in 1992.

What is the nature and extent of family reunion? Is it only children of migrants uniting with their parents or is it also children of migrants, marrying in their homeland and then letting the partner come over to Holland? In the latter case it is not so much family reunion as new family formation. The study will examine the quantitative side as well as the qualitative side of these types of family reunion. Another important problem is the income position and the type of residence permit of the people involved. Much is known about the push and pull factors directing migration, but little is known about motives of migrants to come to the Netherlands. Knowledge about these motives is necessary in order to develop a policy to restrict the number of migrants. A report will be published in 1992.

Deviance and victimization of ethnic minority groups (dissertation). Three random samples from the Surinamese, Turkish and Moroccan male youth population were compared with a control group of Dutch boys. Self-report data and police reports were collected and background factors were analyzed. Two reports were published, one on delinquent behaviour of minority boys (1989) and one on causal factors (1990) (see annex, nr. 14).

2.5 Alternative sanctions

Alternative sanctions for juveniles were introduced in 1983 as an experiment in six court districts. Over the years the RDC carried out an extensive evaluation study. This resulted in several reports. A summary of the findings, completed with the outcomes of a study on re-offending over a period of approximately four years, was published as a dissertation in April 1991 (see annex, nr. 15).

Alternative sanctions implying different forms of training, have been mainly introduced in the juvenile justice system. One such project, rather similar to the English Intensive Intermediate treatment programmes, is now being tried out on young adults (17-25 years) taken into pretrial detention. The programme implies vocational training, job placement and social skills training. Evaluation covers both the organizational process as well as the programme effectiveness in terms of recidivism. The experimental group is compared with a control group of young adults that have been sentenced to prison. The final report will be published in 1992.

Diversion by the police has been addressed to juveniles and restricted to offences of wilful damage (see annex, nr. 16). The city of Rotterdam, in collaboration with the Rotterdam police and the local prosecutor, has now experimented with diversion for second time shoplifters. In both cases the effectiveness appears to be satisfactory, at least for follow-up periods of six to twelve months. Recommendations are to extend diversion to other minor offences and to first time offenders (see annex, nr. 17).

Alcohol-traffic training courses have been introduced for adults. Important questions are which drunk drivers are eligible and what effects do the courses have on knowledge, attitudes and behaviour of the participants. The evaluation will be conducted in all nineteen court districts in the country. A report is expected in 1992.

Ten years ago Community Service was introduced in the Netherlands. Although Community Service, according to the law, could only be applied as a substitute for a short prison sentence (up to six months), it seems that in practice Community Service is frequently imposed as an alternative for probation and even for a fine. At the same time an Advisory Committee proposed to experiment with new alternatives, such as Intensive Probation Supervision, as substitutes for prison sentences of six to twelve months. Research will be undertaken to examine grown practices as far as Community service is concerned, the criteria for eligibility and the possibility to introduce 'risk assessment'. When experiments to extend the use of alternatives are started, the RDC will evaluate them. In the future, the RDC will evaluate experiments with extending the use of alternatives.

2.6 Juvenile delinquency

Difficulties with placing juveniles in residential care are a cause of concern to juvenile judges. The Dutch Association of Members of the Judiciary has asked the RDC to study this problem. Main research questions are whether specific types of juveniles cannot be easily placed in residential care and what factors determine the decision of residential staff to refuse to accept the request for placement, addressed to them by placing agencies. The report will be published end 1991.

Every two years a self-report delinquency study is conducted among a representative group of twelve to eighteen years old Dutch juveniles, in order to follow the evolution of juvenile delinquency in the country. Other sources include police data and the ministry's figures on juvenile protection interventions (on the basis of civil law proceedings). In 1988 and in 1990 the RDC published a review of the state of juvenile delinquency and its evolution since 1980. In 1992 the study will cover delinquency, judicial care interventions and penal interventions during the last twelve years.

The RDC is also involved in an international self-report delinquency study, together with research centres of a number of European countries and American states. A common instrument has been completed and has been tested in pilot studies in different countries and with different youth populations. The instrument proved to be quite satisfactory. The main study will probably be undertaken beginning 1992.

Within the framework of a system of youth protection Dutch children can be put under supervision or placed in care on the basis of civil law proceedings. Judicial intervention is justified by the consideration 'that the child's physical or moral health is seriously endangered'. This consideration may of course cover numerous different concrete situations that would

justify intervention. Research is needed to get more insight in the changes in the nature and extent of such interventions over the last twenty years, particularly with respect to the apparent increase of measures of supervision since 1982.

Until about three years ago The Netherlands did not know a youth probation service. Since then experiments have been set up to elaborate special services to young people aged sixteen to seventeen, most of whom are placed in pre-trial detention. Probation workers try to get these young people out of detention by proposing a structured plan for day activities (school-, work-, or other activities) under some form of intensive probation supervision. Evaluation showed that the experiments are successful, especially with the more serious delinquents (see annex, nr. 18).

2.7 Detention

Over the years, research has taught us that prison guards have a very difficult job, leading to high levels of stress and sick leave. The current research shows that the difficulties the guards have to face are less connected to the supposed conflicting elements of their task (controlling, caring and rehabilitation), but rather to their position in the organization. While prisoners in the Dutch prison system have gained a considerable amount of autonomy, the guards still have to work in quite a hierarchical organization. The study suggests that increasing the level of shop floor autonomy will not only help decreasing work stress, but also add to a better implementation of official penal policy (see annex, nr. 19).

In order to minimize the central administration and to improve efficiency of individual correctional institutions, measures are taken to delegate discretionary authority from the governmental level to the local institutions. Whether these measures will actually result in improved functioning of the institutions is the focal question of this research project. Another important question is how prisons and remand houses use their increased authority to (re)shape their organizations. To answer these questions the contingency theory of organizations will be used. Structural change and efficiency improvement are central variables in this research. A report will be published in 1993.

The RDC evaluated an experiment on day-detention. In day-detention long-term prisoners serve the last six weeks of their sentence in a house in Rotterdam. After hours and on weekends the prisoners go home. Central question in the evaluation study was whether day-detention could add anything to existing modes in which long-term prisoners prepare for their release. Merits were found on a psychological level. Participants found themselves better prepared for their release than the prisoners from the open institutions (see annex, nr. 20).

3 RDC documentation and publications

3.1 RDC Documentation

In 1949 the Documentation Centre was established as a service for the prison section of the Ministry of Justice. In 1953 the documentation became part of the Research and Information Centre, now known as the WODC or, translated in English, the Research and Documentation Centre (RDC). The Documentation Centre provides support for scientific research carried out by the Research Centre.

3.1.1 Collection

The Documentation Centre collects national and international literature on criminology, victimology, criminal law procedure, police, judicial power, prison system and probation and aftercare services. The collection consists of books, journals, reports, papers, etc. Since 1987 the information is stored in a computerized system. With the aid of this extensive data base, it is possible to perform searches on key words, titles, authors, etc. The system can produce lists of literature that often contain, besides reference information, a summary of the publication in its original language. For books which are not in the permanent collection of the Documentation Centre book reviews are available. To give an indication of the size of the RDC data base: in 1990 the data base contained 14,649 documents (books, articles, papers, etc.).

3.1.2 Documentation networks

It is possible to inquire into the collection of other libraries. The documentalists can directly perform searches in the SEC and DIDIS system. SEC is a collection of literature on crime prevention. DIDIS is a newly built data base covering several divisions of the Ministry of Justice. Each division enters relevant information into the data base, for example circulars and guidelines on legislation.

The Central Library of the Ministry of Justice is also connected to this system. This means that the Documentation Centre has direct access to yet another 120,000 books and 500 titles of journals. In addition, this library contains an extensive collection of government bills and legislation. Indirectly, access can be obtained to the mutual data base of approximately twelve other ministries, such as the Ministry of Internal Affairs, the Ministry of

Economic Affairs, the Ministry of Agriculture, etc. This data base is known as LIS.

3.2 RDC publications

The RDC publishes two series of research reports and one journal on criminal policy and research, all written in Dutch but with English summaries. Besides these series an all English bulletin is published.

3.2.1 Dutch publications with an English abstract

Onderzoek en beleid (research and policy)

This is the series on research and policy with approximately ten issues a year. It reports on the results of policy based and policy oriented research, both quantitative and qualitative of nature.

Kleine reeks (small reports)

This series is called the 'small reports', that is to say short research notes, ad interim results and so on.

Justitiële Verkenningen (Judicial Explorations)

Each issue of this influential Dutch journal concentrates on a special topic in the field of criminal law and criminal policy. Specialists on the subject are invited to write an article. The articles of Judicial Explorations are informative and plural in opinion. In the latest issues English summaries of the main articles are provided.

3.2.2 English Bulletin

Dutch penal law and policy

In order to reach the English speaking field the RDC started an English bulletin called *Dutch penal law and policy; notes on criminological research*. This bulletin aims at informing the international forum on recent judicial developments in the Netherlands.

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1 Liability on the basis of WBF

C. Cozijn

As third in a series of laws, the 'Wet Bestuurdersaansprakelijkheid bij Faillissement (WBF)' (law on managerial civil liability in case of bankruptcy) came into force on the first of January 1987. This still growing series forms the legislator's reaction to the abuse of body corporate, which arose and flourished since the introduction of the private limited liability company in the early seventies. More and more creditors, including the governmental tax collector, were suffering from these malafide persons who benefitted from the losses they inflicted upon their creditors.

Under WBF law, managers and other corporate principals, including those who, though actually running the show, hide themselves behind men of straw, are subject to civil liability for the deficit of the bankrupt body corporate company if the bankruptcy had its main cause in 'obvious mismanagement' of the company.

In order to assess liability the trustee in bankruptcy has to institute an action against the board of the body corporate company. This leaves the trustee with serious problems as to the production of evidence. These problems partly result from the relative vagueness of the concept of 'obvious mismanagement'. The legislator deliberately left this concept vague in order to prevent the unnecessary and undesirable narrowing of the reach of the law, which was believed to occur under a strictly defined concept. Nevertheless, in order to lighten the trustee's burden of producing evidence, WBF law explicitly states that, once company bookkeeping has been found to be insufficient or the annual report has not been published correctly, 'obvious mismanagement' has occurred and the bankruptcy is supposed to be caused by obvious mismanagement.

From inspecting the bankruptcy files at the courts, it turned out that in only 132 out of all 727 bankruptcies of body corporate companies from the first semester of 1987, trustees paid attention to WBF liability. In fifteen of these cases the trustee instituted an action against the board, whilst in six cases a settlement had been arranged.

This level of attention to WBF liability is remarkably low in view of the finding that 165 of the bankruptcies showed a company bookkeeping that, according to the trustee, was too poor to deserve that name. Besides, in only 55 cases the trustee indicated that annual reports had been published correctly.

This leaves the question what factors account for this lack of attention for WBF liability. From interviewing them, we learned that, if chances of recourse on boardmembers are expected to be poor, many trustees tend to pay no attention at all to whatever might have been gainful, including WBF liability.

Much more important was the finding that, optimizing their chances for a successful law suit, most of the trustees use a much more restricted concept of 'obvious mismanagement' than the legislator meant, thereby reducing the

reach of WBF law. So, the very means the legislator offered to avoid a too limited reach of the law turned into its counterpart. As shown above, the consequences of poor bookkeeping and unpublished annual reports could not prevent this.

2 Legal services research and reflections; theoretical reflection and empirical research on legal services delivery in the Netherlands 1979-1989

A. Klijn

This study focuses on the question of actual progress made by empirical socio-legal research in access to law in the Netherlands during the last decade. This question is answered by a reappraisal of several research projects directed by the present author on behalf of the Research and Documentation Centre (RDC) of the Ministry of Justice during the period 1979-1989. These research projects involved a number of interrelated questions such as: the access to justice, the working of the Dutch legal aid system, developments within the Dutch legal profession in general, and in particular, the practice and problems of 'social advocacy' as a new professional approach to social welfare legislation. In addition attention is given to questions related to the development of new divorce procedures and its consequences for legal services delivery. Disregarding the content of the subject matter, this study raises the twofold question. Firstly: to what extent can this research be regarded as a contribution to the growth of our knowledge about the organization of and access to the legal services? Secondly: to what extent do the findings of the research contribute to policymaking in the field of legal services delivery?

Part 1

In order to assess the degree of progress made, the findings of the various research projects have to be understood as contributions to the socio-empirical research programme aimed at the explanation of the variation in the distribution of legal services. The formulation of such a programme (a 'reconstruction' of theories in terms of Opp (1970)) started by rereading the comprehensive access study *De weg naar het recht* (The road to justice), by Schuyt, Groenendijk en Sloot (1976). This study addressed itself to providing a historical overview, a theoretical framework in order to explain the variation in legal services distribution, and an empirical analysis of a random population survey. The authors tried to reformulate their specific research question into four theories already presented by American authors, who had dealt with the same question before. The first theory explains inequality in the use of legal services in terms of economic resources (Carlin and Howard, 1965), whereas the second stresses socio-psychological attributes (Carlin, Howard and Messinger, 1966). In addition

to these two probable answers which both presuppose a *direct* relationship between the characteristics of individuals and their behaviour, the authors propose a third and a fourth theory pointing to an *indirect* relationship. The third theory states that the variation in use can be explained by the level of participation in economic and social life (Sykes, 1969). The fourth theory stipulates that the main explanatory factor can be found in the way the legal services are organized (Mayhew and Reiss, 1969).

According to the analyses presented, Schuyt et al. concluded that variation in legal contacts have to be explained primarily by the organization theory at the expense of the explanation based on differences in economic resources of the individuals looking for legal services, especially those given by attorneys. A more scrutinous analysis both from the theoretical reasoning and the empirical analyses of their data, however, gives evidence that their findings were not at variance with the economic resources theory at all. As far as it concerns the organization theory it seems that their conclusion is weakened because of conceptual as well as empirical deficiencies. The explanation of legal contact therefore seems open to further research.

Part 2

As said before, in this part of the study several RDC research projects are reassessed in order to see to what extent their findings can be seen as contributions to the access programme under study.

As far as the importance of the economic resources theory is concerned, the findings from various population surveys with respect to income-differentials on the one hand and legal contact patterns on the other, seem to support the explanation put forward by that theory. With regard to the socio-psychological thesis neither the Schuyt findings nor those stemming from the RDC research seem to back that theory. However, instead of the tentative conclusion that the respondents social skills do not have any significance in explaining variation in legal contact, one has to question the empirical analysis (as far as it concerns the Schuyt research project) as well as the way of operationalisation (as far as the RDC population surveys are concerned). Lacking empirical materials about the explanatory power of variation in legal services supply organization, the conclusions of Schuyt et al. concerning the supply side explanation of inequality in access, seemed rather premature. Reassessment of the RDC research projects on the Dutch Bar indicates that they present some basic empirical indications on the ongoing process of differentiation and specialisation within the profession, especially in the fields of 'social advocacy' and divorce.

Part 3

In conclusion it can be said that the RDC research during the period 1979-1989 on the use of legal services as well as the legal services organization has contributed to the accumulation of empirically tested knowledge primarily as far as it concerns the demand side explanations. However, with regard to the explanatory power of supply side theory less progress has been realised. Dealing with the question of the political impact of the

growth of knowledge, this research has contributed to our understanding of the consequences of legal aid eligibility schemes and financial contributions policy with regard to access to law. However, such a progress cannot be claimed by our research as far as it concerns questions raised by actual policy in relation to reorganization of legal aid. Important questions are still open to further research.

3 Restitution to victims Middelburg

T.A.G. van Hecke, J.M. Wemmers

In 1985 the Ministry of Justice in the Netherlands released 'Society and Crime', a plan for the judicial policy for the years 1985-1990. The plan advocates an integrated approach to the problem of petty crime in which the public prosecution, the police and local governments work together. The main role of the offices of the public prosecutor in this respect is to punish the offenders of those petty offences which have locally been given priority. Within this framework one important means that the prosecution can employ is the compensation of damages to the victim by the offender. At about the same time the Ministry of Justice released a set of guidelines for police and public prosecutors concerning the treatment of victims of crime (Staatscourant, 1986; 1987). In these guidelines police and public prosecutors are given the task of mediating settlements between victims and offenders.

In response to this plan the office of the public prosecutor in the jurisdiction of Middelburg made a request for subsidy for a project using restitution. For the purpose of the project a full-time 'intermediary' would be employed by the prosecution to assist in settlements between victims and offenders. All contact between victims and offenders passes through him so that the two parties never actually meet. Even payment passes through the intermediary. Financial aid was granted by the ministry on the condition that the project be evaluated. The task of evaluating the project was given to the Research and Documentation Centre (RDC) of the same ministry.

The experimental project started in June 1989 and findings were gathered until January 1990. In this period 160 cases involving 241 offenders were included in the project. The evaluation of the project focuses on the three main objectives of the project. These objectives are: to assist the victims of crime; to deal with a number of cases outside of the courtroom and to assist police in an integrated approach to petty crime. Some 70% of all the victims approached by the intermediary wishes restitution and 60% of these victims actually receives payment from the offender. On the other hand, only 50% of all potential cases was given to the intermediary. The overall success rate for the intermediary is 40% of all cases which are put before him. This means that in 20% of the potential cases, victims receive financial relief through the efforts of the intermediary. Obviously there is still a lot of work to be done for victims wishing

restitution. The payment of restitution by the offender is taken into account by the public prosecutor and offenders who pay restitution are less likely to be taken before the court than offenders who fail to pay. The third objective relies upon the cooperation between police and the office of the public prosecutor. In the early stages of the project it became apparent that cooperation from the police was not successful and the project subsequently developed a strong inwards orientation. Although the project failed to develop cooperative ties with outside organizations, the intermediary was successfully embedded within the organization of the office of the public prosecutor. Both prosecutors and judges were pleased with his efforts and found that after his arrival information concerning the damages of the victims was more easily accessible which in turn aided them in their decisions within these cases.

Finally, the project stands in agreement with the wishes of victims. In interviews with victims who participated in the project, victims stated a clear preference for restitution above compensation by insurance companies or by governmental funds. Clearly restitution should be receiving more attention from the judicial authorities in the future.

4 Age limits in criminal law; a view from developmental psychology

M.W. Bol

In the past, a separate justice system for juvenile delinquents—limited by lower and upper age limits—has been created, based upon a number of assumptions concerning the age and developmental level of offenders. The central theme of this book is whether these beliefs about the development of children have a scientific foundation in developmental psychology. Can the existence of a separate juvenile justice system be supported by insights from developmental psychology? And, if a separate system for juveniles can be justified at all, are the motives which led to the choice of lower and upper age limits (in the Netherlands, 12 and 18 years respectively) valid from a psychological point of view?

An historical analysis results in the formulation of three assumptions on which the existing and proposed age limits appear to be founded:

- Below a certain age, children are not yet sufficiently developed to be able to bear *any* criminal responsibility and therefore the principle of reproachable guilt does not apply to them. Thereafter, up to a certain age, children are not yet sufficiently developed to be held *fully* responsible before the criminal law.
- Adolescents (about 18-24 years of age) deserve special attention because they are in a phase of moral uncertainty which may easily lead to criminal behaviour.

- Because below a certain age the development is still unfinished, a special justice system should help to influence the juvenile offender's development into a desirable direction.

These assumptions of lawyers are 'translated' into questions to developmental psychology as follows:

- Is it possible to indicate an age above which people are morally sufficiently developed to be held responsible for their deeds? And is it known at what age this moral development is usually completed?
- Is it correct that adolescence is a phase in life that can—generally speaking—be characterized as a normative crisis, easily leading to deviant behaviour?
- Which characteristics make punishment most effective as a means of influencing behaviour, especially in relation to the age of the person to be punished?

In a psychological part of the book the author tries to find answers to these questions, by examining the relevant theories and data from developmental psychology.

It is concluded that it is not possible to indicate a certain age at which people become morally sufficiently developed to be held (fully or partly) responsible for their deeds. Empirical data confirming the idea that adolescence is a 'difficult' age can hardly be found. Adolescence may be a troubled period for many people, but the idea of a normative crisis that may easily give rise to deviant behaviour is debatable, if not untrue.

As to the effectiveness of sanctions, it is reasoned that moral education without punishment is not possible and that punishment itself is an indispensable instrument for influencing behaviour. Two mutually dependent features of punishment are particularly 'age-sensitive'. These are intensity and celerity: the younger the offender is, the lighter the punishment that will suffice, provided that it is applied quickly. The cognitive factors of verbal explanation and prohibitive instructions are also found to be age-sensitive; these characteristics will only improve effectiveness if the punished person not only has reached a certain age but also a certain level of cognitive development. Finally, the assumptions generally held by lawyers are re-examined. Most arguments advanced by the (Dutch) legal profession concerning moral development and adolescence appear to be untenable. However, there still are other arguments (partly based on insights derived from developmental psychology) for maintaining a separate system for juveniles.

Because it has been shown that no chronological age can be indicated below which people are unable to bear any sense of responsibility, it is preferable that the judge—not the legislator—determines in each individual case to what degree the suspect can be held responsible. This means that the existing lower age limit should be abolished. Another important argument for doing this is that precisely for the *instillment* of a sense of guilt and responsibility, punishment itself is an indispensable instrument. Therefore, it is logical and most intelligible for the person being punished, that

the punishment of criminal behaviour from young age on is applied on the basis of criminal law rather than civil law or welfare work.

The choice of an upper age limit must have a more or less arbitrary character. Developmental psychology does not clearly indicate a certain upper age limit, nor does it suggest that a particular legislation for adolescents could be useful. There are no special reasons to deviate in the case of criminal law from the limit between minority and majority in civil law. Thus, it is proposed to hold to that limit in criminal law as well.

5 Firearm crime in sight

M. Kruissink

From time to time, the Dutch government and parliament worry about firearm crime and the way it is being dealt with. In the eighties the number of people killed or wounded as a consequence of the use of firearms, increased. In 1985 87 persons were wounded and 47 were killed by firearms; in 1990 170 people got wounded and 70 died. Besides, firearms are used during criminal activities without people being physically hurt. More than 1500 hold-ups a year take place in the Netherlands, firearms being used in about 75% of these instances.

This study, which was requested by the Minister of Justice, concerns the way police and the judicial authorities deal with firearm crime in the Netherlands. The aim of this study is to get an overview of the activities in this realm and of the emerging problems and possible improvements. All over the Netherlands, data were collected among more than 250 police and judicial authorities involved in tackling firearm crime.

The results show that the activities of both the police and the judicial system in the field of firearms leave much to be desired. Firearm crime is not given priority. Specialized firearm detectives or specialized police-units hardly exist any longer. Detectives concern themselves with firearm crime only on a part-time basis: they spend most of their time on other crime, in particular on narcotic offences such as drugtrafficking. Expertise on firearms among police and public prosecutors appears to be little. The intelligence services are said to fail in providing information on suspects of firearm crime. The judicial laboratory—in charge of the technical analysis of guns and munitions—has a shortage of manpower. Consequently, the number of requests for examination exceeds the capacity of the laboratory. Moreover, problems arise in upholding the firearm law, first because of the complexity of this—recently revised—law and secondly because there is too little statutory basis for the adequate control of the legally possessed firearms and of the members of rifle clubs, according to the respondents.

To improve the way firearm crime is being dealt with, the officials participating in this research made several proposals. They, among other things, suggested to increase the investment of manpower in this field and

to increase the knowledge on firearms as well as on the complex firearm law. In this context, the respondents plead for the re-introduction of specialized firearm units within the policeforce. These and other specialized units were abolished in the eighties, as a result of a reorganization of the police. However, whether the lack of specialized firearm units is the main problem, is questionable. The root of all trouble rather seems to be the lack of guidance by police-management and the prosecution office.

6 Enforcement of environmental law by the police

E.A.I.M. van den Berg, W. Waelen

The Ministry of VROM (the environmental department) supplied funds to police forces in order to build up the necessary structure and know-how for the enforcement of environmental law. The RDC research, that took place in 1989 and 1990, was aimed at a number of projects financed by the Ministry of VROM. As these were the first environmental projects by the police, the aim of the research was not evaluation in a strict sense, but to collect data, on the basis of which a 'how-to-do-plan' for future projects could be made.

One of the outcomes of the research was that the awareness of environmental law enforcement was also zero. Those within police forces engaged environmental policing, can best be described as policemen with a hobby. What lacked was any kind of support of the higher levels in the police forces. As these were the people who had to take care of the priorities and the building of networks with other agencies, enforcement took off very slowly. Enforcement was mainly hindered by lack of priorities, awareness of higher organizational levels and lack of know-how. The report pinpointed these 'failure factors' as it did pinpoint success factors as well.

One of the main (unmeasured) outcomes of the report was that it heightened the awareness of the importance of criminal enforcement of environmental laws within the police and that, as a result, such enforcement was put on the police agenda. Besides, most projects financed from 1990 onwards, are now using the how-to-do-plan of the RDC research.

7 Criminal enterprises in the Netherlands

P.C. van Duyn

In this survey on organized crime in the areas of fraud, drugs and environmental crime, organized criminals are considered *entrepreneurs*, having their own market position in the local, regional or (inter)national economy. They can be compared with *legitimate* entrepreneurs (socio-economic enterprise approach): both make efforts to gain a certain market position, make long- or short-term investments to keep that position, seek contacts on the labour market, and try to make their business profitable.

The study gives an overview of the results of the analysis of 46 criminal investigations, representing diverse forms of criminal organizations in drug trade and in business crime: all sorts of drug trafficking, money laundering, long-firm fraud, illegal subcontracting, white collar criminals, illegal dumping of industrial waste, VAT fraud, EC fraud, (secret) moneyflows, illegal gambling, and investment and international credits fraud.

The basic assumption underlying this research is that the organized criminal, as an 'entrepreneur', has to operate as a *rational businessman* with regard to his profit motive. If he wants to gain the maximum profits with the least effort and maintain the position of his enterprise, he will have to take into account a number of market requirements (as the legal entrepreneur does) and anticipate them from his economic 'niche'. This includes the primary necessity of any criminal enterprise: avoid criminal/fiscal evidence.

A classification of the (market)sectors shows the following categories: the illegal goods/services market and the 'criminal services' market. The first concerns narcotics, stimulants and (partly) business crime. The second can be divided into: the 'own services market' (access to information on new profitable crimes to the 'personal network' of the underworld); the services market of the 'upperworld' (important to avoid law enforcement actions, which requires misleading accounting, tax advices, legal bodies, money laundering and eventually the bribing of police officers, (local) politicians, customs officers, etcetera).

Of the 46 cases used in this research, 19 concerned drug trafficking. These criminals can be classified according to *size*, *hierarchical structure*, *'ethnicity'* of the group members and the *sort of illegal merchandize* the organizations deal in.

Regarding business crime, 21 cases have been studied, in particular concerning illegal subcontractors, money laundering, the illegal dumping of industrial waste, swindles with investments and international credits, long-term fraud, EC fraud (agricultural products), and VAT fraud (including the smuggling of gold). The basic requirement for the organizations in business crime is the ability to behave like a *legitimate* enterprise. This does not only mean the technical management of the flow of capital, but also long-term planning, and the overseeing of a complex trade network and investment structure. Some differences between organizations in business crime in drug

trade are: the extensive knowledge of the market of the business crime entrepreneurs; the profits of medium-sized business crime enterprises were higher than those of the medium-sized drug enterprises; the enterprises were much better organized and had expert personnel in the fields of fiscal and commercial law at their disposal; the absence of violence in organized business crime; the organizations were more internationally orientated. In some cases an important role in the continuation of organizations was (and still is) played by the authorities ('crime promoting role'), especially in cases of illegal dumping of industrial waste and money laundering. Although no hard evidence has been found that the authorities acted in bad faith, at least an almost criminal negligence could be indicated.

We think that the criminal investigation and prosecution will have to change: criminal enterprises, working with an 'upperworld cover', should not only proceed against with classical police methods, but also with financial investigation methods. Secondly, more effort must be devoted to keeping the criminal market fragmented: the Public Prosecutor must avoid the emergence of criminal 'sanctuaries', in which entrepreneurs can make long-term investments.

In the third place the relationship between the illegal goods market and business crime deserves special consideration. The cost - benefit relation in business crime is far more profitable which makes it very inviting for the successful entrepreneur in 'classic crime' to switch to business crime.

Finally, the fight against organized crime should concentrate on constructing barriers to frustrate the growth of criminal enterprises into the 'upperworld'. A complex of interests between the criminal and the legitimate entrepreneur not only gives the first mentioned reliable key positions, it also leads to the formation of long-lasting trade communities, which often have a far better judicial expertise at their disposal than the law enforcement agencies, which gives them a considerable advantage.

8 The school: breeding ground or hotbed? A comparative study of schools and their influence on the delinquency of pupils

C. Baerveldt

The study was commissioned by the Select Committee on Petty Crime and carried out by the Research and Documentation Centre of the Ministry of Justice. The committee was particularly interested in the contribution of schools to the prevention of petty crime. The study, therefore, focused on the influence of schools as organizations and their staff members on the delinquency of their pupils.

The study included the formulation and an empirical test of a theory, the conditional social control theory, which combines the central issue of Hirschi's control theory of delinquency with elements of cultural deviance

theories of Sutherland and Bruinsma. Hirschi assumes that an individual's bond to others prevents him from delinquency; the stronger his bonds to others, the less inclined he is to commit delinquent acts. Integration, therefore, is an effective way of preventing crime. A higher degree of integration of pupils into school organizations will prevent them from committing minor offences. Hirschi's theory, however, does not explain the complicated influence of social networks of young people on their behaviour. According to Sutherland and Bruinsma, young people integrated into delinquent social networks tend to commit more delinquent acts than others. Frequency and intensity of the associations with others in these networks are important factors effecting the degree of delinquency.

Criticism of the theories of Hirschi, Sutherland and Bruinsma lead to the formulation of the theory of conditional social control. Like Hirschi's theory, it takes as its central issue an individual's bond to others and states that this bond, in general, prevents the individual from delinquency. But, furthermore, it supposes that this bond, under certain conditions, may lead to criminal behaviour.

It is assumed that social bonds of young people with adults generally prevent delinquency and that bonds with peers, in particular the integration into delinquent networks, may lead to criminal behaviour. It is hypothesized that schools can prevent their pupils from committing minor offences by promoting the integration of these pupils into their organizations and by exerting influence on the social networks of pupils.

A preliminary study was carried out at 52 secondary schools of the same type in Dutch cities with more than 80,000 inhabitants. Children in these schools are put in different groups according to their ability; there are three groups. The study focused on low group pupils of the third year (aged 15-17). Data came from school records and a survey of the pupils.

The main study was carried out two years later on a selection of 14 of the 52 schools of the preliminary study. Research methods included half-structured interviews, structured observations, surveys of pupils and teachers (self-report), a small survey of the observers and sociograms. Data were also provided by the schools' administration. Pupils, again, were in the third year of the lowest stream and were generally other respondents than those in the preliminary study.

Analyses of the data showed that the majority of schools had no specific policies with respect to the development and improvement of their educational system. Cautious steps had been taken to improve policies towards pupils, in particular tutorship. Nearly all tutors, however, were teachers volunteering to do this—additional—work. Tutors were not professionally trained nor supported in their work.

Most of the pupils had had negative experiences in their school career. A high percentage (44%) had repeated a year.

In both studies the degree of delinquency per school was measured; this is the average number of self-reported criminal offences of third year pupils. Pupils had committed a relatively large number of criminal offences. In the main study, as compared to the preliminary one, a small decrease in

petty crime and a sharp decrease in truancy was shown. The theory of conditional social control was globally supported by the findings. The analysis shows a negative correlation between integration in school and petty crime of pupils. This correlation is hardly influenced by contextual aspects (the class, the school). Furthermore, pupils proved to commit more offences as their friends in networks committed more offences. It is not clear if this effect varied systematically according to schools. Neither cohesiveness of subgroups nor 'segmentation' of networks appeared to correlate with this effect. This may have resulted from methodological and theoretical problems.

Pupils appear to integrate more into schools that pay more attention to them, and, also, into schools that stress the improvement of their educational system. The atmosphere in schools, assessed by the observers, did not correlate with the integration of pupils into schools.

Observations during the lessons were aimed at four aspects: the extent to which classes were rewarding for pupils; the extent to which teachers involved pupils in the lessons; the degree of concentration during the lessons and the amount of time spent by teachers on the subject of the lesson. The average observation score for each school did not correlate with the (degree of) integration of pupils in the school. Neither the average attitude of teachers towards their pupils or their profession nor their integration in schools did affect the integration of pupils.

Social networks of pupils (aged 15-17) were nearly all homogeneous according to sex. The effects on the formation of friendships of age, nationality (Dutch or non-Dutch) or socio-economic status of the parents were only weak, neither did people who had to repeat a year have a particular interest in each other. It was impossible to measure the influences of teaching systems of schools on the structure of networks, because the differences between schools were too small.

The preliminary study had shown that a school's number of pupils, its location in the city and its denomination were not related to its degree of delinquency. The same was true for social features of the populations of pupils (socio-economic status of their parents, religious or ethnic background).

Furthermore, no significant correlation was found between the degree of delinquency measured in the preliminary and the main study. These findings suggest that it may be irrelevant to use a measure like the 'degree of delinquency' of a school.

Schools appear to be hotbeds of petty crime because of the important part networks of pupils play in the development of delinquency. Firstly, pupils commit more offences as their friends commit more offences; their integration into schools is higher as their friends integrate more into schools. Secondly, their delinquent behaviour starts during the years they are attending secondary school. Thirdly, most of their friends are in the same class of the same school. Finally, the findings showed that schools do not exert any influence on the formation and structure of networks of pupils.

Any preventive influence on the crime rate that schools, as organizations, have, seems to emerge unintentionally. The quality of a policy towards pupils, and the professionalism of the tutors, is not sufficient. Far too few teachers agree on and carry out these policies. The major recommendation to schools, therefore, is to aim at a collective policy towards pupils. The major recommendation to government is to professionalize coaching of pupils and tutorship in Dutch schools.

9 Prejop; a prevention project for juveniles with police contacts in Amsterdam

L. Boendermaker, S.M. Schneider

During the last two years a prevention project for juveniles with police contacts (Prejop) has been carried out at the juvenile police department in Amsterdam. The Research and Documentation Centre of the Ministry of Justice has been evaluating the project. In response to the growing number of problem cases among the ethnic minority juveniles, the juvenile police together with several family-guardianship agencies and the local child welfare council developed the Prejop project. The aim of the project is to prevent juveniles who come into contact with the police from further offending. The target group of the project consists of juveniles under 18, not taken into custody and living in Amsterdam. This group consists of about 1,200 juveniles a year. The task of Prejop is to screen the juveniles with respect to educational problems in the family, at school and in the peer group and to offer appropriate help to those found to have problems. The project employs five social workers who, after the juveniles have been questioned by the police, meet with the juveniles at the police station and later visit the youths and their parents at their homes.

The findings indicate that a reliable evaluation of the juvenile's situation can be made on the basis of information concerning the topics of school, the home situation and the spending of free time. Furthermore, the target group can be divided into two subgroups. The first group consists of young, mostly ethnic minority children, under the age of 13 who do not report problems at home, at school or in the spending of free time. The parents of these young, foreign children know less about where and with whom their children are than the Dutch parents (which gives these children more opportunities to get into trouble). The second group is a group of older juveniles and consists of less ethnic minority juveniles than the first group. Part of this group can be distinguished on basis of problems at home, at school or in spending their leisure time. Prejop tries to select the last group and tries to offer appropriate and practical help. Unfortunately, the screening of the juveniles and the offering of help is not yet fully developed in the project. This is primarily due to the organization of the project; the project was actualized without adequate time for a proper preparation. Another project plan is recommended which uses the findings

of the study. Also a seven-step guideline for preparation of projects in general is presented.

10 The social caretakers project; preventing crime on problem estates

R.B.P. Hesseling

After 1960 the Netherlands saw a considerable rise in the number of medium and high-rise developments (e.g. tower blocks, flats with staircase or gallery access). In general these estates are publicly owned, either by social housing organizations or the local authorities. In the seventies the disadvantages of large scale housing estates have been widely recognized. These estates are anonymous and vulnerable. The semipublic areas are difficult to control and residents do not feel responsible for them. Furthermore, large scale estates are unsuited for families with young children. The existence of different lifestyles often gives rise to social conflicts. In the last decade many urban estates experienced physical and social deterioration. A lot of estates are poorly maintained. Some have a high turnover of the population and concentrate socially disadvantaged groups such as minorities or single parent households on welfare. Pollution (litter and dirt), vandalism and crime increased. Many of these estates become difficult to let.

To improve living conditions and to reduce crime in problem estates it is generally accepted that a broad approach of the problem (including several architectural and social measures) is necessary. The presence of a caretaker is seen as an indispensable element in such an approach. The Dutch government therefore decided several years ago to promote the employment of social caretakers. In 1988 three Ministries (Justice; Home Affairs; Housing, Physical Planning and Environment) subsidized, on a temporary basis, the appointment of 150 social caretakers in 130 housing estates all over the country. The financial contribution lasted for three years and was only given to social housing organizations and local authorities. The caretakers supplemented the 700 caretakers already working in the public housing sector. Already more than 60% of the 150 caretakers is now employed on a permanent basis by the various organizations.

The study

The more or less simultaneous introduction of so many caretakers gives an unique opportunity for an evaluation study. Therefore the Research and Documentation Centre of the Ministry of Justice in cooperation with two national organizations on housing policy (the NWR and NCIV) studied the effects of caretakers on vandalism, crime and the rental position of the estate.

The study has been conducted in a sample of 28 housing estates all over the country. In these estates, with different physical and social characteristics, 30 social caretakers (including two women) are employed. Besides,

three estates without caretakers have been used as a global control group. Systematic information on several topics (vandalism, crime, living conditions, the desire and motives to move, the social control of residents, the measures implemented besides the appointment of a caretaker, etc.) has been collected before the caretakers started to work in the estates (pre-test) and one year later (post-test). The data have been obtained by two households surveys, police records on crime, interviews with caretakers and owners, written information on the other implemented measures and records on the rental position of the estates.

General findings

The social caretakers work in estates of different sizes. There are eight large scale estates (mean number of buildings and dwellings of respectively 7 and 426); ten medium sized estates (mean number of buildings and dwellings of respectively 5 and 204) and small scale estates (mean number of buildings and dwellings of respectively 2 and 136). Most social caretakers do not live on the estate. They have various job responsibilities. On average, the 30 caretakers spent a third of their time on cleaning activities. Surveillance (especially in the semipublic areas) takes 25% of the time. Being in contact with and handling problems of the residents takes 17%. Almost the same amount of time is spent on technical control and repairs. In the remaining time general work (e.g. administration, training) is done. Independent of the kind of activities, the caretakers spent on average more than 50% of their time in and around the semipublic areas. Finally, there is a relation between the size of the estate and the primary task of caretakers. The caretakers in the small scale estates spent most time on cleaning activities. In the large estates the caretakers spent most time on surveillance and control and the caretakers in the medium sized estates spent their time equally on the different job activities.

After one year the findings show that, in general, the social caretakers did not have any effect on the more serious forms of crime, like residential burglary, theft from cars, theft of bicycles, violence and the drug related problems. In five estates there has been a significant reduction in residential burglary which can be attributed to the social control of the residents. The nuisance of fellow residents and young people hanging around has been reduced in half of the estates. In a large majority of the estates there has been a substantial reduction in pollution (dirt and litter) and vandalism (especially in and around the semipublic areas). Since their introduction there has been a significant reduction in the number of burglaries in cellar boxes and theft from postboxes. These crimes occur in the semipublic areas of the buildings. Two factors are important in reducing these types of petty crime. Firstly, the smaller the estate (number of buildings and dwellings) the higher the reduction of these crimes. Secondly, the reduction is also higher in those estates in which the access to the buildings has been reduced. The combination of a social caretaker and restricting access to the building results in a substantial reduction of these crimes, especially in small estates. Despite the fact that the living conditions have improved according

to the residents, the number of residents wanting to move does not differ in the pre- and post-test. Other figures too (e.g. the turnover rate and the number of unoccupied dwellings) show that the rental position of the estates on the housing market has not changed significantly in a period of one year. The motives of the residents wanting to move have changed however in a positive direction. The number of persons wanting to move because of vandalism and crime has come down. Other more normal motives (e.g. buying a single-family house with a garden) have become more important.

11 Information on vandalism examined; evaluation of a large-scale information campaign and a study of the possibilities of public information

R.F.A. van den Bedem

In 1988, the Ministry of Justice launched a once-only information campaign, aimed at pupils between 12 and 16 years of age. In this campaign, a magazine including several articles on vandalism, interviews and a short story, was distributed among 400,000 pupils. In order to get all the pupils acquainted with the material, they were supposed to read the magazine in the classroom. The teachers would then discuss the subject. The campaign was evaluated by the Research and Documentation Centre of the Ministry of Justice. The effects of the campaign were analyzed in terms of change in the level of knowledge, the attitude and behaviour towards vandalism. Since this was a once-only campaign, the single goal of the editors of the magazine was to raise the level of knowledge of the pupils. One of the conclusions of the evaluation was that this goal was achieved.

In the same evaluation however, it turned out that no improvements had occurred in the attitude and the behaviour of the pupils towards vandalism and other forms of petty crime. Since this conclusion is in accordance with many other studies, a study was conducted to investigate the possibilities of changing attitude and behaviour by means of public information campaigns, especially concerning vandalism. In order to bring about a change in behaviour by means of public information campaigns, people are often shown the positive consequences of a desired behaviour. It turns out that the major obstacle to launch a successful campaign on vandalism is the lack of a positive alternative to offer youngsters for vandalistic behaviour. Even though there is no gain in vandalizing, it is at the same time very hard to show the youngsters the positive consequences of quitting vandalistic behaviour. Therefore, in public information campaigns on vandalism, the negative consequences of vandalism are often emphasized. Both the effects on the neighbourhood and the consequences on the youngsters, should they get caught, are stressed in the campaign in question.

A problem in launching a successful campaign on vandalism is the low risk of getting caught after committing a vandalistic offence. Stressing the

risk of getting caught is useless if the (potential) offenders are aware of this low risk. Therefore, the campaign has to be incorporated in a set of policy instruments. Intensifying police control on vandalism could be one of these instruments. Another instrument is to let the offenders pay for the damage or to let them repair what they have vandalized. Special programmes in this field have proven to be very successful. The success of using public information campaigns on vandalism can be improved if the information is given to young children, who have not committed vandalistic offences (yet). This way, no changes in attitude and behaviour have to be achieved, but desired attitudes and behaviour can be established. From then on, the attitudes and behaviour should be confirmed by repeated campaigns.

12 Moroccan youth project in Gouda

G.J. Terlouw

In April 1988 an experimental two-year project was initiated in the city of Gouda. The aim of the project was to improve the social situation of the Moroccan youth, especially boys, in the age group of 14-21 years and thereby to reduce the level of delinquency among these juveniles. The Research and Documentation Centre of the Ministry of Justice evaluated the project.

To attain its goals, the project used preventive methods (providing immediate help in response to questions from and problems signalled in the target group and organizing recreational facilities for the group to get them off the streets) as well as so-called 'curative' means (stimulating and helping juvenile Moroccan drop-outs to get them back on their feet, by offering special courses and temporary jobs). A Moroccan social worker took care of the organization of the project and of the contacts with the Moroccan youths.

The evaluation was mainly concerned with the question as to what extent the project would be able to realize its objectives. For the evaluation a group of 92 Moroccan boys (approximately a quarter of the total of Moroccan boys in Gouda) was interviewed at the start of the project and a year later. The questionnaire used in the interviews contained items on (among other things) social-economic status, family, school, work, the way of spending leisure time, delinquency and contacts with the project. Besides the interviews, files from the local police were checked to gain official figures concerning the delinquency levels of Moroccan and Dutch juveniles at the start and at the end of the project.

The evaluation yielded the following main results. The local police-records showed that the percentage of juvenile delinquents diminished in the Moroccan as well as in the Dutch population, respectively from 25% to 22% and from 6% to 5%. The interviews showed the importance of a completed secondary education. Among unemployed Moroccan boys only 5% had a diploma at that level, while this percentage is 43% under those that

had a job. The quality of the situation at home and at school, and the way of spending leisure time appeared strongly associated. Negative functioning in these areas was often attended with unemployment. These unemployed drop-outs (11% of the group of 92) were responsible for half of all delinquent acts.

A year after the first interview the delinquency level had decreased in the group which had come into contact with the project, as well as among the group that did not have any contacts with the project. This means that the lowering of the number of delinquents and delinquent acts was not a significant consequence of the activities of the project.

Most problems among the Moroccan juveniles pertained to school and the relation with their parents. The interviewed boys did not consider their social position improved, when compared to the first interview a year before. Of the juveniles who received help from the project, half rated the quality of this help as 'good'. The recreational facilities organized by the project were rather popular and resulted in a reduction of the problems which the Moroccan juveniles caused in the neighbourhood. However, enthusiasm in the marginal group over the jobs and courses offered was almost non-existent. As a result the project could hardly find any interested parties. The main explanations heard for the lack of interest were the fact that the jobs were only temporary and of little financial advantage (when compared to an unemployment allowance), a lack of status of the courses and jobs offered, and an inadequate mastery of the Dutch language.

The project reasoned that improving the social position of the Moroccan juveniles translates automatically into a reduction of delinquency. As the project did not really succeed in attaining its first goal, a decrease of the criminality level as a result of the actions of the project could hardly be expected. The reduction in delinquency that was observed, can be explained by the general downward trend concerning criminality in the Netherlands.

Summarizing: there is an obvious need among the Moroccan youth for a social worker who can easily be contacted in case of problems. The project is able to offer help to Moroccan juveniles on very short notice. As a consequence, a cumulation of problems is mostly prevented. Avoiding early drop out from school is especially important in this respect. It is not unrealistic to expect that, in the long term, this preventive approach could after all result in a percentile reduction of young Moroccan marginals, and thus in a decrease of delinquency under Moroccan youths.

On the other side one has to conclude that those juveniles, who are already in a marginal situation, are not attracted by the courses and jobs offered by the project. As they form the most criminal group, this conclusion explains the lack of results where it comes to delinquency-reduction. It seems obvious that another approach, presumably less based on voluntariness, is necessary for this group.

13 Economic behaviour of heroin users; criminality as the expression of lifestyle and career

M. Grapendaal, Ed. Leuw, J.M. Nelen

The Research and Documentation Centre of the Ministry of Justice conducted a study of the lifestyle and economic behaviour among opiate addicts in Amsterdam. A sample of 150 was followed during one year. Respondents were recruited from the hard core of the Amsterdam (street) junkie scene. In line with population estimates, the sample was divided so that two thirds of the subjects were ambulant methadone maintenance clients. The remainder was not involved in methadone prescription. The first subsample was randomly approached on the premises of the methadone maintenance agencies, while the second subsample was recruited by snowballing techniques, mainly starting in drug areas of Amsterdam. The design allowed for a maximum of seven interviews, over a period of about 13 months, about drug taking and economic behaviour. Data were gathered on levels and ways of income provision and expenditure. Income generating criminal behaviour was a focal point of interest, along with the question whether methadone maintenance programmes had any influence on its level. The monthly welfare check appeared to be the single most important source of income, while property crime came second and dealing on the retail market of illegal drugs third. Subscription to a methadone programme was found to have no direct relation with the level of property crime. However, when controlled for the conditions under which methadone is dispensed, there appeared to be a significant difference in crime level between high and low threshold programme participants. Respondents subscribed to a low threshold programme were the most criminal addicts to participate in the study, even more so than respondents not participating in any programme. This result was explained as a selection effect. Different kinds of programmes attract different kinds of clients. The 'high threshold clients' (in programmes where stricter conditions for entering and staying are posed) are more motivated to abstention or moderate use, while 'the low threshold clients' are more strongly involved in abundant drug use and a deviant lifestyle, of which both drug use and criminality are important constituents. The respondents not subscribed in methadone maintenance appeared to derive income and drugs mainly from the retail market of illegal substances. Because of their easy access to drugs they feel no need for methadone. On a theoretical level this study has attempted to integrate the more objective quantitative indications of economic behaviour with the more phenomenological understanding of the functions and significance of the 'junkie lifestyle', based on qualitative data. The overall results are better explained within a functional perspective of illegal drug use as a career in deviance, than with the more causal models of drug use generating crime or delinquent subcultures generating drug use. Drug use and criminality were best understood as related, mutually reinforcing, but functionally equivalent components of a deviant lifestyle which, depending on personal life histories, serves important social and

psychological functions for the drug using individuals. The strong variability of drug use, income provision and social behaviour could partly be understood as emanating from the changing perspectives in the course of a drugs career.

This study concludes that there is no reason to fundamentally change the 'accommodating' Dutch drug policy. Compared to American and English addicts Dutch opiate addicts appear to behave in socially less destructive ways. This study has shown that the population of harddrug users is extremely varied and that no uniform and straightforward policy directed at preventing harmful social effects of illegal drug use is conceivable. A modification of the drug policy could, however, contribute to drug related crime prevention. Two rather problematic subgroups that appeared in this study are especially relevant for respectively a modified law enforcement and a socio-medical approach. A relatively small group of extremely criminal addicts (13%) was found in the sample. The usual routine of arrest and (short) sentences obviously has little impact on this type of drug user. Accurate judicial identification and longer prison sentences may be appropriate for this extremely criminal subgroup. One other small but highly problematic subgroup consists of down and out junkies characterized by strongly deteriorated social and health conditions. From the perspective of social control, they do not so much form a liability for crime prevention as for public order and public health. Their ability to (delinquent) income provision is largely diminished. Many of them are HIV positive. Medical dispensation of heroin and possibly cocaine might be a rational policy alternative for this group. A large proportion of users (about 60%) found in this study realizes its deviant lifestyle of illegal drug use in an opportunistic and only moderately delinquent way. A drug policy — such as the Dutch — which aims at normalization, integration and harm reduction seems to be especially warranted for this kind of illegal drug users.

14 Delinquency and ethnicity; an investigation on social factors relating to delinquency among Moroccan, Turkish, Surinamese and Dutch boys

M. Junger

This study focuses on the degree of involvement in crime committed by boys of ethnic minorities as compared to indigenous boys, and on the possible causes of these crime involvements. A random sample of boys from three ethnic minorities (Moroccan, Turkish, Surinamese) was taken. A control group consisted of indigenous boys with a comparable socio-economic background as the minority respondents (total sample: N=811). Data were gathered about self-report and recorded delinquency, family and school life, leisure time, traditionalism, migration problems and socio-economic status.

The aim of the study is to answer two questions. The first question concerns the involvement in crime among ethnic minority juveniles. Arrest rates have been used to determine the degree of involvement in crime of the respondents, since criminal records proved to be a reliable indicator of the participation in crime among the four ethnic groups. From the arrest data it appears that ethnic minority youths have higher crime rates than Dutch youths, regardless of whether they are compared with Dutch youths of a similar socio-economic background or with a random sample of Dutch youths. Of all the ethnic minority groups, Moroccans have the highest arrest rates: 34%. They are followed by the Turkish boys with 22%, and the Surinamese with 23%. The comparable Dutch youths have a still lower arrest rate, namely 15%. However, Dutch youths from a random sample have an arrest rate of 10%.

The differences in crime between ethnic groups are found to be differences in the level of participation in crime: no differences have been found among ethnic groups as to the type of offence, or in the frequency of offending. This supports the thesis that the differences between groups are differences in involvement and not in frequency or type of offence.

Some authors have argued that differences in delinquency rates between ethnic groups will disappear when socio-economic conditions are taken into account (Albrecht, 1984 and 1987; Van der Hoeven, 1986). Apparently, even after controlling for socio-economic background, differences in involvement in crime between ethnic groups persist.

It is noteworthy that the Dutch boys have been selected in the same block as the boys from the ethnic minorities, so that the opportunities to commit crimes (for example, proximity to shops) are similar for both the Dutch and the ethnic minority youths. In addition, this form of matching also controls for the differences which might exist in police patrolling between neighbourhoods. Consequently, the difference between the Dutch and the ethnic minority youths cannot result from either differences in the opportunity to commit crime or differences in police patrolling.

The second purpose of the study was to investigate whether the causes of crime are similar among the youths, or whether factors specific to the culture or the migrant status of the minority groups affect their crime rates. Several theoretical frameworks have been considered.

Strain theory

A central aspect of strain theory is that there is a relation between someone's place in the social structure and delinquent behaviour. As a result, strain theory predicts a relation between socio-economic status and unemployment on the one hand and delinquency on the other hand. This relation has not been found. The results show that there are systematic relations between socio-economic position and delinquent behaviour within the ethnic groups. Additional analysis confirms that prediction based on strain theory is not supported.

Social control theory

According to social control theory the strength of the social bond will determine the likelihood of delinquent behaviour. In the present study the bond to society has been measured over the various fields in which children develop: family, school, leisure time and peers. Overall, the findings of the present study support the social control theory. As was hypothesized, youths with strong bonds to their family, to school, and to conventional values, and who do not participate in unconventional activities are likely to have relatively low delinquency rates. These findings hold for each ethnic group.

Problems resulting from migration. The results of this research show that, although migration places people before problems of adaptation, there is no evidence that it leads to delinquent behaviour. Delinquent behaviour is unrelated to the number of social contacts of the parents, knowledge and use of the Dutch language, or the fear of expulsion from the Netherlands.

The traditionalism approach. Two possible relations of traditionalism with crime might be considered. The first possibility is that the loss of the bond with traditional values has negative effects on the ethnic minority youths and might result in higher crime rates. The second possibility is that less traditionalism leads to better integration in the Netherlands. This could result in lower crime rates. The data do not support either of these expectations. All the indices/variables referring to traditionalism are unrelated to delinquency.

There is one exception: religiosity has a rather moderate relation with delinquent behaviour. However, religiosity cannot be considered as a factor with a special relevance for ethnic minorities. The fact that this relation also holds for Dutch youths means that its importance is not restricted to ethnic minorities.

Implications for the cultural dissonance. Overall the findings do not provide evidence to support the cultural dissonance approach. The fact that traditionalism is unrelated to delinquency is contrary to cultural dissonance prediction. It has also been investigated whether the experience of conflict among youths having strong bonds with Dutch society (namely with school) and their own traditional culture will lead to relatively high delinquency rates. The findings do not support this thesis.

It is worth mentioning that several authors found that the marginalisation process of the Moroccan youths began in Morocco instead of the Netherlands. The majority of the marginal Moroccan youths (in Holland) were deviant already in their country of origin: they were truants, used alcohol or drugs and some already had police contacts. This finding suggests that the same factors which cause delinquent behaviour in the Netherlands were already operating in Morocco. This is in contradiction with the expectation of the cultural dissonance approach, since it seems unlikely that cultural

dissonance could start in Morocco (Werdmölder, 1986; Kaufman and Verbraek, 1986).

Finally, it is noteworthy that Chinese children do share the problems of migration and culture conflict. However, in most countries they have similar or lower crime rates than natives. In the Netherlands the Chinese children arrived during the seventies as a result of family reunion, just as the Turkish and Moroccan children. Consequently, they should also experience cultural dissonance. However, they seem to function relatively well at school. It has been suggested that the strong family ties among Chinese are responsible for these good results at school.

The findings suggest that the problems resulting from migration and differences in cultural background in relation to criminality have been largely overstated. It has been argued that social control theory is typically a 'middle class' theory, which is based on middle class values and was developed by middle class social scientists (Bruinsma, 1990). Consequently, applying the social control theory on Islamic and Surinamese youths who are largely lower class and who come from non-western countries, could provide a strong confirmation of the theory. The findings of the present study show that social control theory passes this test.

15 Experimenting with alternative sanctions for juveniles

P.H. van der Laan

In 1983 an experiment intended to collect information on the applicability of alternative sanctions for juvenile offenders was started in six selected court districts of the Netherlands. Two forms of alternative sanctions for juvenile offenders were distinguished: work projects and training projects. The performance of an alternative sanction can prevent a juvenile offender from being ordered to appear before a juvenile judge, or from receiving a traditional punishment in the form of a fine or imprisonment.

In this thesis a central position is given to the evaluation of the experiment. The frame of reference for the evaluation of the results of the experiment was formed mainly by the premises and guidelines for experiment concerning alternative sanctions, formulated in 1983. A distinction can be made on the basis of process evaluation and effect or product evaluation.

With respect to the legal framework, the experiment took the intended course. Most of the alternative sanctions were applied by the juvenile judge, and a small proportion by the public prosecutor, but this did not lead to any 'net-widening'.

With respect to the application of alternative sanctions, there were remarkable deviations from the premises. Certain categories of juveniles, in particular girls and youngsters belonging to ethnic minority groups, were underrepresented. It was found that alternative sanctions were mainly used instead of suspended prison sentences as well as combinations of fines and

suspended sentences. Alternative sanctions only replaced unconditional prison sentences to a limited extent. The number of training projects was consistently much smaller than the number of work projects. This might be related to a somewhat sceptical attitude to educational projects on the part of judicial authorities and others. Also, the quality of training projects was not always equally high. The nature of the alternative sanctions did not always match the nature of the offence committed. In many cases a year passes before a start could be made with the use of a given form of alternative sanction.

The results of the effect evaluation are not unfavourable. Research in the six selected court districts covering all (n=1032) juveniles given an alternative sanction in the year 1984 and 1985 showed that 68.8% of them had re-offended (in a period of between 3 and 5 years). Of this group, an average of five offences were entered in the records in that period (at the level of the prosecutor). Almost a year elapsed before these individuals came into contact with the law again. If the duration of the period in which re-offending 'could have' occurred is taken into consideration, it is evident that it would have occurred about once in two years. Comparison of these findings with the results obtained with traditional sanctions (n=1140), taking the seriousness of the offence into account, showed an advantage for the alternative sanctions. Juveniles given an alternative sanction for an offence of a seriousness comparable to that of one for which an unconditional prison sentence had been given, not only re-offended less, but also less often and not as soon. Similar results were yielded by a comparative analysis of those given an alternative sanction and those given a suspended prison sentence or fine.

16 The Halt programme: an alternative approach to vandalism

M. Kruissink, C. Verwers

In the Netherlands, like in many other western European countries, vandalism among juveniles increased dramatically in the sixties and seventies. Because of the overburdening of the police and justice system, vandalistic offences were, even when the offenders got caught, seldom prosecuted.

In 1981 the city of Rotterdam (a large harbour city with about 550,000 inhabitants) took the initiative to change this undesirable situation. The Halt programme started. In subsequent years other cities followed, partly as a result of governmental policy, resulting in 43 projects in the Netherlands.

In the programme municipality, police and judiciary work closely together. Juveniles, aged 12 to 18, caught by the police on account of vandalism can be sent to the programme. The programme offers vandals the opportunity to avoid prosecution, under the condition that they themselves repair and/or retribute the damage they caused, or clean up the graffiti they made. Then, the case is disposed of and there will be no criminal record. This alternative settlement is meant to be an educative reaction; juvenile offend-

ers themselves are held responsible for their own behaviour. Besides, the stigmatizing side effects of a judicial contact can be avoided. At the same time, the injured party obtains satisfaction and moreover the overburdened police and justice system is spared.

Often the programme is called a 'diversion programme' because juveniles are kept outside the judicial system. Besides that, the character of the Halt programme itself resembles mediation and reparation programmes. The name of the programme is derived from the alternative settlement: the programme is called 'Halt', a contraction of dutch words that stands for 'the alternative'.

A sample of 179 juvenile vandals, sent to the projects in Rotterdam, Eindhoven and Dordrecht, participated in this study. The sample appears to be composed as follows. It mainly consists of boys (96.1%), the mean age is 15.4 years old and the nationality is mainly Dutch (88.3%).

By definition, the clients of the programme are juveniles who have been caught by the police because of vandalism. In the sample of 179 juveniles the most frequent reasons for referral to Halt were: criminal damage (33.7%), graffiti (23.9%), mischief (13.5%) and arson (6.7%). These offences were not the first offences committed by these juveniles. On the contrary, self-report data showed that the Halt clients do offend rather frequently. About half of the sample committed graffiti in the year preceding the settlement. Damaging public phones, damaging lampposts and smashing windows were reported by respectively 36.0%, 17.8% and 31.1% of the juveniles. Almost 30% set fire to something and more than 75.0% ignited fireworks when not permitted. Besides these vandalistic offences, the juveniles committed shoplifting (32.0%) and violence against persons (33.1%) as well. A comparison of these data with a national, representative sample of boys showed that the Halt clients are far more delinquent than the national sample.

Considering characteristics such as functioning at school, home situation and the use of alcohol and drugs, the programme seems to reach a rather 'normal' group.

In practice about 60% of the sample performed work that was closely related to the offence for which the juvenile was referred to the project. The duration of the work varied from 2 hours up to 32 hours, the average being about 7 hours. The mean time between the offence (the reason for referral) and the start of working was two months.

In order to establish any effects of the Halt settlement on the vandals who participated, a quasi-experimental design has been used. Data on the committing of vandalism among the Halt group in a period of one year before and one year after entrance into the programme have been compared. The alternative settlement appears to be effective, resulting for more than 60% of the referred vandals in lowered self-reported recidivism or even stopping with vandalism, while only 25% of a control group that was settled by the police in a traditional way, showed a decrease of vandalism and no one stopped.

Besides arranging alternative settlements for vandals caught by the police, the Halt programme concerns itself with prevention of vandalism and intervention in situations in which vandalism occurs. The Halt projects have organized a wide variety of activities in this area, which can be pointed towards a specific neighbourhood, a school, or the entire municipality as well. Some of these activities, undertaken by the programme in Rotterdam, Eindhoven and Dordrecht are considered in this study.

Finally, this study encloses a survey of the 43 Halt projects in the Netherlands. Though all the projects copied the model that was developed in Rotterdam, several differences among them do exist, as a result of the preferences and working methods of local authorities such as the prosecutor, the police or the municipality. These differences concern among others the organization, criteria for referral and guidelines for the actual settling, such as the duration of work. Besides, information was collected on the actual settling in the 43 projects. This yielded information on the settlings of about 3,000 vandals.

17 Settlement of shoplifting through the Halt-procedure; evaluation of a Rotterdam experiment

M. Kruissink

This study concerns the evaluation of an experimental programme aimed at reducing shoplifting, which was carried out in the city of Rotterdam. The programme involves an alternative settlement of juvenile shoplifters. Juveniles, caught on account of shoplifting, are sent directly to this programme by the police (that is, if certain conditions are met). The programme offers shoplifters the opportunity to avoid prosecution, provided that they carry out work for the injured party. If the work turns out satisfactory, the case is disposed of and there will be no criminal record. In essence, the programme is a combination of 'diversion' and 'mediation'. This approach is not altogether new in the Netherlands; in fact the programme is an extension of an alternative approach to vandalism which has grown very popular, the Halt programme. (For a review in English see: M. Kruissink. The Halt programme; diversion of juvenile vandals. Dutch penal law and policy, vol. 1, nr. 1, 1990.)

The advantages of the programme are evident. The overburdened justice system is spared, the stigmatizing side-effects of a judicial contact are avoided, while at the same time the injured party obtains satisfaction. Moreover, the reaction is educative in character (realized by establishing a relation between offence and official reaction and by the short time interval between offence and settlement which is strived for).

At the start of the shoplifting programme, the number of referrals lagged behind expectations, probably due to little willingness among storekeepers to notify the police. Simplification of the notification procedure, as well as propaganda on the programme increased the number of referrals. During

the entire experimental period, which lasted nearly two years, 153 juvenile shoplifters have been referred to the project. 143 of them were indeed settled alternatively. The mean time between offence and the start of working was about 5½ weeks. In almost all cases the work took place in the shops where the juveniles had been caught. Contrary to scepticism among the programme designers in advance, the storekeepers turned out to be very cooperative and their experiences were very positive.

Among the juveniles who came into contact with the programme, ethnic minorities are overrepresented (almost 50%), the mean age is about 15 and boys are referred twice as often as girls. These juveniles are rather delinquent in comparison to national samples of Dutch juveniles, thus appeared from both self-report data and police recordings. Property crimes such as shoplifting and riding on a bus or tram without paying showed the highest self-report scores and about half of the group had two or more previous police contacts. The delinquent background of these kids is not quite surprising, considering that one earlier police recording was a condition for being referred. Looking at the group as a whole, these juveniles do not appear to be very problematic as far as their functioning at school, family situation and alcohol and drug usage are concerned. In spite of that, the fact that 20% says to have run away from home with the intention to stay away forever, is notable.

Finally, this study encloses a small-scale effect evaluation. The results point towards a positive effect of the programme: alternatively settled juveniles tend to show a stronger reduction in shoplifting than a control group. However, the effect evaluation suffers from some serious limitations. Consequently there is too little empirical evidence for drawing positive conclusions regarding the effects of the programme.

18 Evaluation research youth probation; measuring the effects

E.C. Spaans, L. Doornhein

In the Netherlands, the provision of care and assistance to 'older' juvenile offenders has long been neglected. Whereas the probation services for years and years offer help to suspected and convicted adult offenders, no such service exists for minors. Especially for the fifteen to eighteen year old youths, whose repeated delinquent behaviour can often be considered a signal for underlying problems, this absence of suitable care has detrimental effects. Not only do they lack in any assistance during the judicial process, but the chances of future judicial contacts, as a consequence of the continued existence of underlying problems, remains unalterably high.

In order to fill this 'gap', programmes have been established directed at providing care and assistance to older juveniles with (repeated) police contacts. Since the late seventies and early eighties so-called diversion programmes offer voluntary help to youths between fourteen and twentyfour years old with (eminent) police contacts. Though the direct and concrete

help offered by these programmes generally leads to a diminution of problems and delinquent behaviour, their number is limited. More recently, 'youth probation' programmes have emerged to further fill the gap. As opposed to the diversion programmes however, the youth probation programmes do not only provide help on a voluntary basis. Compulsory care and assistance, as a special condition for the suspension of pretrial detention, a conditional dismissal or a conditional sentence, (also) play an important part. Besides offering concrete and direct help to the juvenile offender, much emphasis is put on informing the juvenile justice authorities of the background of the youngster, the circumstances under which the offence is committed and the (course of the) plan concerning the steps to be taken in order to improve the juvenile's situation. Often, the report contains an advice concerning the (provisional) settlement of the case considered to be most desirable. In this way, the programmes try to influence both the course and outcome of the judicial process as well as the behaviour of the juveniles. In this study, five of these youth probation programmes were evaluated. Though the programmes differ in some respects with regard to their organization, working method and emphasis on voluntary or compulsory care, they share the same target group and have the same objectives.

The studied programmes appear to be reaching their target group. Over 75% of the clients—almost exclusively males—is sixteen or seventeen years old at the onset of the youth probation contact. Almost two thirds of them have had previous judicial contacts. According to the youth probation workers, 85% of the clients experiences serious problems in as much as three different domains of life. One third of the clients does not work or go to school, while of those who left school, less than 40% finished their education.

As far as the objectives are concerned, the youth probation programmes are moderately successful. With regard to shortening the period of pretrial detention, the activities performed by the youth probation workers have positive effects. Compared to juveniles not receiving the care and assistance of a youth probation programme, the youth probation clients are generally kept in pretrial detention only half as long. While it remains unclear if assistance by the programmes leads to less unconditional imprisonments, data show that more than 55% of the advices concerning the settlement of the case were adopted by the judicial authorities. With respect to the prevention or diminution of future delinquent behaviour, the programmes appear to be most successful with juveniles who have committed rather serious crimes and/or have a rather serious judicial background. However, 60% of the youth probation clients relapse into crime. As far as the problematic living conditions of the juveniles are concerned, considerable improvement during the course of the contact is reported by the youth probation workers. This holds for the problems as well as for the daily activities of the clients. Furthermore, there are some indications suggesting the importance of an early start of the intervention: most positive effects can be expected when the intervention starts immediately after the arrest by the police. The findings reported in this study do not suggest that one particular (type of)

programme is superior or that compulsory versus voluntary care leads to better results.

19 The prison as a place of work

M.M. Kommer

In this study the work of prison officers in Dutch penal institutions is explored. It was conducted because the high percentages of sick-leave gave rise to doubt about the feasibility of current Dutch prison policy, in which the prisoner is no longer regarded as an object to be locked up or cured, but as an autonomous human being who has to be given possibilities and chances to solve his own psycho-social problems.

Data were gathered in three remand prisons, using participant observation, extensive half-structured interviews and questionnaires. About 100 prison officers (out of a total of approximate 3,100 in the Dutch prison service) took part in the research.

The findings suggest that there is not one single obvious reason why prison officers should experience stress, but rather a number of sources. The main source, however, was found to be the nature of the work combined with the characteristics of the organization in which it is performed.

A prison officer's work can best be described as 'interacting with people', but without any clear goals or (positive) feedback. In Dutch prisons a special constraint is placed on this work by the fact that the prisoners are regarded (not only by the policymakers, but also by the officers themselves) as autonomous human beings. The work, therefore, is essentially reactive, and hence not easily to be captured in rules and regulations. A Dutch prison officer, by the nature of his work but also by his training and attitudes, can best be described as a semiprofessional.

When we look at the organizational structure of the prison it becomes quite clear that it is not the ideal place for a professional to work. Though some efforts have been made to give the officers more responsibility and discretionary power over their own work, the organization still has remnants of the old hierarchical system and of the treatment-staff centred institutions of the sixties and seventies.

Though the study does not give definite answers to the problems the prison system and the people working in it are confronted with, three main conclusions arise. The first is that, in order for prison officers to perform the tasks they have been given in the 1982 policy plan 'Task and future of the Dutch Prison System', they have to be given the same amount of autonomy and responsibility as the prisoners have. The second is that prison officers need a lot of support in their work: from their superiors and from their colleagues. In this respect special attention should be given to the development of the teams the officers work in: these should not just be an organizational unit but act as the officer's 'professional conscience'.

The third conclusion the study leads to is that, for the Dutch prison system, there is no way back. Not only would a return to a hierarchical or a treatment orientated prison system mean abandoning the best chances any prison system can have to really contribute to rehabilitation, but it would also lay a tremendous burden on the people who are now working within it.

20 Day-detention; evaluation of an experiment

B. Wartna, R. Aidala

In May 1989 the Ministry of Justice, in association with the Probation Service, started an experiment on 'day-detention'. In day-detention long-term prisoners, male or female, serve the last six weeks of their sentence in a house in Rotterdam. During office hours they attend a scheduled programme focused on circumstances in their life after release, and consisting of modules of low-skilled work, education, group dynamics and counselling. After hours and at the weekends the prisoners go home. The Research and Documentation Centre of the Ministry of Justice evaluated this project. The research objective was to establish whether day-detention can add anything to existing modes in which long-term prisoners prepare for their release. To attain this objective, interviews were conducted with participants in the day-detention experiment both during and after their residence. Prisoners who spent the last part of their long-term sentence in a so-called open institution served as a control group. In an open institution prisoners work outdoors and are allowed to go home every weekend.

Results indicate that day-detention does have supplementary value beyond the regime of open institutions in preparing convicts for their release, although its merits are as yet exclusively on a psychological level. After release of the prisoners, no differences were found between the experimental group and the control group in terms of (prospects of) work, housing, job training and the like. However, the participants of day-detention found themselves better prepared for their release than the prisoners from the open institutions. Furthermore, the transition from detention to freedom was not so great for the experimental group as for the control group. This relative success of day-detention proved to be largely due to the conditions under which the programme took place, and not so much to the contents of the set programme followed. Certainly not every part of this programme, with its weekly themes and its recurrent exercises, was useful for every participant. General favourable factors mentioned by the prisoners in day-detention were however: the reanimation of family life, the opportunity to settle one's own affairs and the relaxed atmosphere among participants and personnel.

More so than members of the control group, the participants of day-detention indicated that during the last stage of their detention, improvements had been made in some part of their personal life. Rarely, however, was this considered to be a direct effect of the curriculum in day-detention.

In general the participants gave the impression to prepare themselves rather than to be prepared for their release. Thankfully they accepted the possibilities in day-detention to get used to more space and renewed independence. For the prisoners the preparatory powers of the day-detention lay in these possibilities and not in the programme. If one is not satisfied with the minor role the programme played, one should individualize it to make it meet different needs of people with different problems.

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