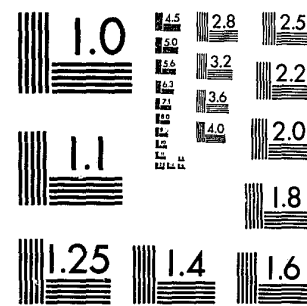


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THE VICTIM'S WILLINGNESS TO REPORT TO THE POLICE:

A FUNCTION OF PROSECUTION POLICY?

dr. J.J.M. van Dijk

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Research and Documentation Centre
Ministry of Justice, The Hague - Netherlands

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1. Introduction to the subject

This paper deals with the side effects of restrictive prosecution policies / on the willingness of victims to report crimes to the police. For many categories of crime large percentages of the cases recorded by the police are dismissed by the Office of the Public Prosecutor (not brought to trail) after a suspect has been arrested. Although in the Netherlands the police formally have no discretionary power police officers individually anticipate in their recording practices the prosecution practice they perceive in their district by not even recording crimes they think far below the standards for prosecution (anticipatory dismissals). It is clear that a restrictive prosecution policy - even when not explicitly stated - sets a limit to the recording and reporting practice of the police. The public, however, will react to this with a decreased willingness to report crimes to the police. Eventually a relatively high threshold for reporting crimes to the police is generated as an indirect effect of a restrictive prosecution policy.

2. Some results of the Dutch annual victim surveys concerning the notification of crimes to the police in the Netherlands

In the annual victim survey of the Research and Documentation Centre of the Ministry of Justice*) the respondents who have identified themselves as recent victims of a particular type of offence (during the past year) are asked whether or not the crime was notified to the police. In figure 1 a graph is presented which represents the percentages of the identified crimes that were notified to the police during five successive years. In each survey about 2.000 victims were identified.

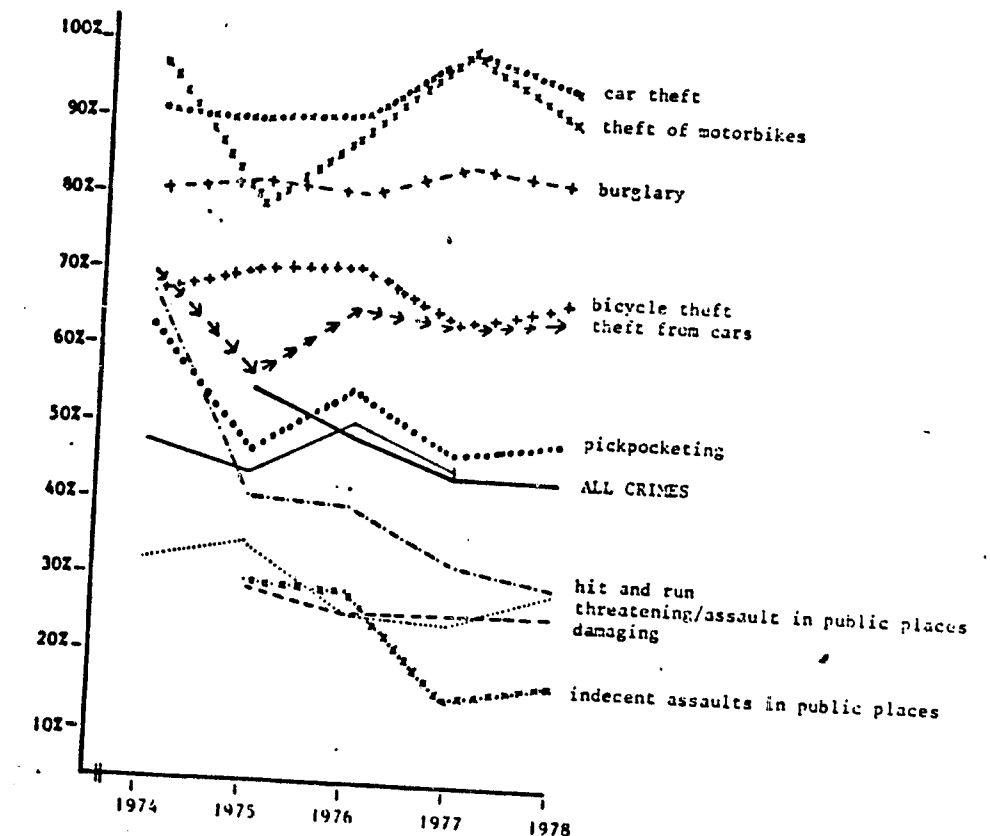


Figure 1. Percentages of crimes reported to the police, according to identified victims; results of five successive victim surveys (N=10.000) in the Netherlands.

*) For a full report on the results of these studies vide J.J.M. van Dijk, A.C. Vianen, Criminal victimization in the Netherlands 1973-1976, Ministry of Justice, the Hague, 1976; J.J.M. van Dijk, C.H.D. Steinmetz, Criminal victimization in the Netherlands 1974-1979, Ministry of Justice, the Hague, 1979 (in print).

The data presented in figure 1 show that less than half of the selected types of offences were notified to the police (in 1975: 55%; in 1978: 44%). They also show large differences between the notification percentages of the various types of offences. Lastly, they show a statistically significant declining trend in the notification percentages of some types of offences (e.g. sexual assaults in public places). The primary question that is raised by these findings concerns the motives of the victims for not notifying the police. During the interviews all non-reporting victims were questioned about their motives. The answers were eventually divided into two broad categories. The first category includes all answers which imply a lack of motivation on the part of the victim to notify the police (e.g. no need to report, why bother?). The second category includes all answers which indicate a frustrated motivation to notify the police (e.g. of no use, police wouldn't take any action). Of the non-reporting victims of all property crimes a large majority supplied answers of the second category. Of the non-victims of crimes against the person a fifth gave answers of this category. These results seem to indicate the existence of a substantial amount of disappointment among victims in the operations of the criminal justice system.

The decision not to report crimes to the police seems to be in part dependent on negative perceptions and attitudes towards the police which are generated by negative experiences with police responses to such notifications. Several studies have found large percentages of victims to be dissatisfied about the way the police had handled their case (Fiselier, 1978; J. Junger-Tas, 1978). In our own victim survey of 1979 between twenty and forty percent of the victims of the various categories of crime that had reported the incident to the police said they were (very) dissatisfied with the police. As the single most important source of dissatisfaction the discontented victims mentioned that the police had taken no action whatsoever. The results of a former study indicated an above average dissatisfaction among the victims whose reporting had not been taken notice of (Van Dijk, Dumig, 1975).

The hypothesis that the feelings of dissatisfaction with the police among the victims that have notified the police of a crime are related to the discretionary recording policy of the police is supported by an analysis of the results of the victim survey of 1979. The relevant findings are presented in table 1.

TABLE 1. Victims' evaluation of police activities after having reported to the police; a comparison between reports that were formally recorded with those that were not.

		satisfied	not too satisfied	unsatisfied
bicycle theft	recorded	76% ^{xx)} N=382	18% N= 92	6% N= 28
	not recorded	65% N=205	26% N= 81	9% N= 29
burglary	recorded	80% N=172	11% N= 23	9% N= 19
	not recorded	61% N= 40	21% N= 13	18% N= 12
pickpocketing	recorded	79% N=178	13% N= 29	8% N= 19
	not recorded	67% N= 98	22% N= 33	11% N= 17
damaging	recorded	75% N=111	19% N= 28	7% N= 10
	not recorded	53% N= 85	29% N= 47	18% N= 29

x) RCD-victim survey 1979 (unpublished).

xx) bicycle theft $X^2=8.6$ $p < .01$; burglary $X^2=9.7$ $p < .01$; pickpocketing $X^2= 7.3$ $p < .01$; damaging $X^2= 15.7$ $p < .001$

The data of table 1 suggest that the experience of reporting a crime to the police will often generate negative opinions about the investigation departments of the police when the police apparently do not record. Other studies have shown that an unfavourable judgement on the effectiveness or integrity of the police produces a decreased willingness to report crimes to the police (A.L. Schneider, J.M. Burcart, L.A. Wilson, 1976; Fiselier, 1978). Since substantial sections of the adult population have reported crimes to the police during the last decade, it is to be expected that the reporting percentages show a decreasing trend.

In some parts of the Netherlands the various police forces explicitly refuse ever to record reported thefts of bicycles if the victim cannot supply the registration number of the stolen bike. This new line of policy of the police was echoed in the answers of many non-reporting victims of bicycle theft in the 1978 and 1979 surveys (e.g. of no use, because I didn't know the registration number). This seems to be a clear example of a decision on the part of the victim to abstain from reporting a crime to the police which has been inspired directly by the recording practices of the police.

3. Some data concerning the recording of crimes by the police

According to the code of penal procedures of the Netherlands the police is obliged to take written notes of each notification of a crime. These formal reports have to be undersigned by the notifying citizen. Therefore all victims that had reported and were identified as such during the survey were asked whether or not they could remember having undersigned a written report. In table 1 the percentages of victims who had probably undersigned such a formal report are presented for three successive years.

TABLE 1. Percentages of notifying victims who remember having undersigned a formal report: results of three victim surveys (N's = 10.000)

	number of notifications			percentages of undersigned reports		
	1976	1977	1978	1976	1977	1978
damaging of property	155	200	206	44.1%	37.4%	53%
theft of bikes	341	324	303	68	62	70
theft of motorbikes	57	66	52	90	80	83
threatening/assaults	67	73	82	28	29	45
pickpocketing	176	132	127	54	57	60
theft from car	126	105	96	80	77	80
indecent assaults	38	25	24	82	48	33
burglary	96	119	102	74	68	77
car theft	29	40	19	86	57	74
all crimes	1126	1118	1024	65 %	59 %	65%

The results of table 1 indicate that about one third of all notifications of crimes are probably not formally recorded by the police. For crimes against the person the percentages of notifications going unreported with the police appear to be even higher. Detailed analyses of the relevant findings have shown that crimes not recorded by the police are characterized by a below average seriousness

of financial damages and/or physical harm. Many police forces appear to make a rule of not recording crimes which don't meet a minimum standard of seriousness. For instance, assaults which have not resulted into any physical harm - so called "dry assaults" - are almost never recorded. Larcenies which don't surpass a global threshold of seriousness also have a very low chance of being recorded by the police.

Although no direct evidence for this is available it is to be expected that police officers will adapt their recording practices to the policy of the public prosecutor (who is formally in charge of the police investigations). They will probably often anticipate a sure dismissal by the public prosecutor by not making a formal report because in such cases their reports are "just for the record". This hypothesis is supported by statements of several police inspectors we have spoken to.

A detailed content analysis of files on three hundred cases of petty crimes that had been dismissed by the public prosecutor and a similar number of files on cases that had not been dismissed, has shown that the single most important criterion for dismissal seems to be the financial seriousness of the crime (Van der Werff, Van Straelen, 1978). If the hypothesis concerning the relationship between the prosecution policy of the prosecutor and the recording practices of the police are correct, most cases that have not been recorded by the police should have financial values far below the threshold for prosecuting. A comparison of crimes dismissed by the police and crimes brought to trial showed a clear distinction between the average seriousness of both categories of crimes. For instance the burglaries dismissed by the police showed an average financial equivalent of f600,-, while the equivalent of comparable burglaries brought to trial was f1400,-. Other types of offences showed similar outcomes. Our study on prosecuting policies in general supported the hypothesis that most of the crimes the police exclude from reporting by leaving them unrecorded would have an extremely poor chance of ever being put to a judge because of their lack of seriousness (Van Straelen, 1980, forthcoming).

4. The influence of prosecuting policies on the reporting patterns of both police officers and victims

According to our reasoning the public prosecutor sets the standards for the reporting and recording of crimes to a large extent. When the public prosecutor takes on the policy of not prosecuting substantial percentages of crimes of a particular nature, a police force will after a certain time lag adapt its "intake procedures" consciously or unconsciously to this new policy of the higher echelon. Consequently, the public will at its turn adapt their patterns of notifying the police of crimes to the new police standards for recording crimes (again with a time lag of several years).

When the public have adapted their reporting patterns to the existing recording practices of the police, the percentage of reported cases that are formally recorded will increase since the less serious crimes will no longer be reported. Likewise the percentage of recorded cases dismissed by the prosecutor(s) will stabilize (or decrease) when the police has adapted their recording practices to the standards of prosecuting (since the less serious crimes will no longer be recorded).

Occasionally both the public or the police will try to step up their input to the penal system by lowering their thresholds for reporting and recording crimes respectively. Such developments will however almost immediately result into an increase of the percentages of crimes dismissed by the public prosecutor, since the prosecutors will stick to their criteria for prosecuting. Such increases of the dismissal percentages will after some time demotivate police officers and citizens to report or record less serious crimes. Their patterns of reporting seem to be controlled by the prosecuting policies, since the perception of these policies operates as a negative feed back to these patterns.

The above model has of course to be tested by trend analyses of the relevant data which have to cover a substantial span of time. Some circumstantial evidence for its usefulness however can be presented already.

Firstly, categories of crimes which show high percentages of cases dismissed by the public prosecutor also show high percentages of crimes not reported or recorded (and vice versa). High percentages of cases dismissed by the public prosecutor^{*} were shown in 1976 by indecent assaults (75%), petty theft (60%), damaging of property (58%) and assaults (53%). The dismissal percentage within the categories of car theft and burglary was relatively low (48%)^{**}. A comparison of the rating of these dismissal percentages with the rating of crimes reported, as presented in figure 1, shows an almost perfect correlation.

Secondly, categories of crimes which show a declining trend of reporting by the public (figure 1) also show a declining trend of prosecuting by the public prosecutor. Between 1970 and 1976 dismissal percentages for petty theft increased from 48% in 1970 to 60% in 1976. Similar trends have been registered for indecent assaults (1970: 62%; 1976: 75%), damaging (1970: 49%; 1976: 58%) and assaults (1970: 44%; 1976: 53%). Since 1974 all these types of offences have shown decreases of the percentages of crimes reported to the police (some of them statistically significant). The dismissal percentage for burglary has not increased since 1970 (1970: 54%; 1976: 48%). As appears from figure 1 the percentage of burglaries reported to the police also remained stable.

Thirdly, a partial comparison could be made between the dismissal percentages within the various judicial districts in 1976 and local percentages of reported crimes. Of the nineteen districts the urban districts of Amsterdam and Utrecht showed the highest dismissal percentages. The dismissal percentage of the district The Hague was on average while a remarkable low dismissal percentage was registered for the urban district of Rotterdam. The percentage of reported crimes in 1977, were according to the victim survey in these areas as follows: Amsterdam: 34% (N=481); Utrecht: 29% (N=93); The Hague: 43% (N=121); Rotterdam: 59% (N=137).

^{*} These percentages of dismissals by the public prosecutors include dismissals for technical reasons (lack of evidence). These constitute about half of all dismissals.

^{**} Dismissal percentages for other relevant categories of crimes are not available.

Analyses of the motives of victims for not notifying the police in Amsterdam showed a relatively high percentage of non-reporting victims who expressed feelings of disappointment in the police. The hypothesis that the low percentage of reported crimes in Amsterdam has its origin in the tolerant social climate of a metropolis is not supported by these latter findings.

Discussion

The above mentioned hypotheses concerning the interrelationships between (local) prosecuting policies, (local) recording practices of the police, and the willingness of the (local) public to report crimes to the police will be tested by means of future victim surveys. Cross-cultural comparisons in this area could be of great value. According to the present model societies with very low or non-existing de facto thresholds for prosecuting would be expected to have relatively small dark numbers. In societies with relatively high thresholds for prosecuting a substantial percentage of the victims of crimes will abstain from notifying the police and feel dissatisfied about it.

In our judgement the discussed findings do not imply a negative evaluation of restrictive or differential prosecuting policies. Several studies have shown most victims are not particularly interested in the infliction of (severe) penalties on the offender (Van Dijk, Dumig, 1975; Smale en Spickenheuer, 1979). The discussed findings however do suggest that a restrictive prosecution policy should be balanced by efforts to alternatively compensate the victims morally and financially. If such efforts will not be made the modern State runs the risk of alienating large sections of the population not only from its rational and humane law enforcement policies but from its other functions too.

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