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# Society and Crime

## A policy plan for The Netherlands

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U.S. Department of Justice  
National Institute of Justice

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## Preface

For some years now the crime rate in The Netherlands has been rising. So has the disquiet about crime. Therefore, the Second Chamber of the Dutch Parliament asked the Government to prepare a plan to combat crime.

On the 22th of May 1985 the Minister of Justice, mr. F. Korthals Altes and his Parliamentary Under-Secretary mrs. V.N.M. Korte-van Hemel sent, on behalf of the Dutch Government, a policy plan to the Second Chamber.

The following text is an English translation of the Summary and of the two most important chapters of this plan.

We sincerely hope that this will enable the non-Dutch reader to gain an understanding of the problems relating to crime in The Netherlands and the current government policy to increase the safety in Dutch society.

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# 1 Summary

During the general political and financial debate on the national budget for 1985 on 9-11 October 1984 in the Second Chamber of the States General, E. Nijpels tabled a motion calling on the Government to present to the Chamber in good time before the summer recess a policy plan to improve the maintenance of law and order. This motion was adopted by a large majority on 11 October 1984.

As the explanatory statement showed, the motion was motivated by a growing concern among the population over the increase in crime, by the fear of a loss of confidence on the part of the public in government and its role as the protector of private and public interests and by the fear of a further erosion in the citizen's conception of standards and in social control. The policy plan called for was to identify the problems "which impede the prevention and effective combating of crime" and to provide "a systematic inventory of organizational and operational measures currently being implemented and policy planned in this area, with a view to strengthening the conception of standards of the citizen and social control, intensifying crime prevention and bringing about further improvements in detection, prosecution and sentencing". Financial priority must be allocated to the development of these measures in the preparation of the national budget over the next few years.

The Government has adopted the plan presented here in order to give effect to the motion referred to. The plan also incorporates the Government's views on the recommendations of the interim report presented in December 1984 by the Committee on Petty Crime set up under the chairmanship of Dr. H.J. Roethof to implement the Government agreement.

After an introductory chapter the plan, in its second chapter, reviews the development of crime in recent years and the consequences it has had for the workload of the police and the courts. The review shows that recorded crimes increased fourfold over the period 1970-83. The growth in public expenditure for the police and the administration of justice has lagged far behind. Adjusted for inflation, expenditure under this heading has even fallen since 1980. The workload of detectives and court officials has increased. This has resulted in lower detection rates, lower percentages of cases brought to court and longer periods necessary for proceedings to be brought to a conclusion. Despite a substantial expansion of prison capacity in recent years, serious deficiencies have also arisen in the prison service. These deficiencies have had a number of essentially unacceptable consequences, not least the fact that it is impossible to give entirely satisfactory effect to judicial decisions.

The second chapter also makes a forecast of the workload which the police and courts can expect in the period ending in 1990. The forecasts produced show an expected increase of 30% in the number of offences brought to the notice of the police and of 20% in the number of criminal cases brought before the courts. They also show that, to give effect to the findings and sentences of the courts, a further drastic expansion in prison capacity will be necessary between now and the end of 1990.

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In the third chapter the Government presents its views on the principles underlying the policy to be pursued in the years to come with regard to the various forms of crime. The Government feels that, in view of the growing gap between on the one hand the number of crimes committed and on the other the number of convictions obtained and the palpable overloading of the various sections of the penal and judicial system, a strengthening of the role of the criminal justice authorities is necessary. It then accepts the conclusion of the Roethof Committee that the co-responsibility of all sectors of society must be activated in the prevention of petty crime, but also to emphasize various new aspects. Particular attention needs to be devoted to the effect of conduct of the police and the courts in confirming existing standards.

In view of the above considerations, the Government feels that criminal policy in the years to come must be informed by the concepts of *differentiation* and *consistency*. The policy must be differentiated in the sense that petty crime requires a different approach to that adopted in respect of the more serious forms of crime. Policy with regard to petty crime should consist in a combination of preventive and repressive measures. Essentially, the development of this policy must be the responsibility of the partners in tripartite consultation at local level, i.e. the Burgomaster, the Chief Public Prosecutor and the head of the police force, and it should be framed in integrated administrative/judicial policy plans. For this purpose the tripartite consultation would have to take place on a broader basis than is the present practice, and the administrative contribution in particular would have to cover a wide range of interests to be looked after at local Government level. Only in this way can the desired degree of consistency be achieved between the preventive measures of the local authority, action by the police and the prosecution policy of the local public prosecutions office. The Government expects these bodies to provide mutual encouragement to each other in adopting a more active approach to local crime problems. In the Government's view the Chief Public Prosecutors should carry particular responsibility for the coordination of activities as a whole. The role of central Government would be to give as much support as possible to the administrative prevention policy of the local authorities.

The more serious forms of crime require a totally different approach. As the seriousness and degree of organization of crimes in this category increases, they become the exclusive province of the police and the courts. The Government is of the opinion that organized crime in particular, including the trade in hard drugs, must be tackled more forcefully. The guiding principle of consistency here calls for a clear and uniform prosecution policy on the part of the public prosecutions department and action on the part of Ministry of Justice to ensure that satisfactory effect is given to judicial findings and sentences.

The fourth chapter describes the measures to be taken or prepared by the Government in order to give effect to the policy outlined above. The measures announced relate essentially to the period 1986-90.

#### *Administrative prevention*

In the opinion of the Government, three main guiding principles can be identified for administrative policy on the prevention of petty crime:

- a. the development of an urban environment according to town-planning and architectural criteria which will present the fewest possible opportunities for crime;
- b. the strengthening of the bond between the younger generation and the rest of society;
- c. the strengthening of occupational surveillance by drivers, janitors, shop staff, sports coaches, youth workers etc. in respect of potential offenders.

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The interdepartmental consultations started by the Ministers of Justice and Home Affairs on ways to tackle petty crime have shown that in many cases too many uncertainties surround concrete measures — particularly with regard to the ensuing costs and benefits — for any decision to be taken now on integral and structural implementation. The initiative for the taking of particular measures will in any case remain mostly in the hands of local government in the first instance, since it is the local authority which carries primary responsibility for the development and implementation of administrative rules and procedures tailored to local problems.

For these reasons the Government has decided to set up a fund of 45 million guilders to encourage administrative crime prevention from which subsidies can be paid in the period 1986-90 for promising (local authority) projects. Here the Government has in mind, for example, projects in the field of urban development, architectural safeguards, youth work, primary and secondary education, the retail distributive trade, traffic and bicycle parking schemes. The Government will shortly be examining, in consultation with the Netherlands Association of Municipalities, which local authorities are developing integrated policy plans on petty crime and what scope there is for such projects.

In the public transport sector, a decision has already been taken on the introduction of a three-year period of 1300 "VIC officers" (VIC: Dutch initial letters for "safety, information and surveillance") on the city transport systems of Amsterdam, Rotterdam and The Hague and 50 such officers in rural and inter-urban transport.

In connection with the organization of prevention projects, the Government draws attention to the possibility of providing work which can be done while in receipt of social security benefits under existing "plough-back" schemes and to the Unpaid Employment for Benefit Recipients Act (WOAU) now in preparation. This Act provides a legal framework for all forms of work without loss of benefit. The employment measures taken and the WOAU possibilities are, in the opinion of the Government, broad enough in scope to involve benefit recipients in projects for the strengthening of occupational surveillance.

The Government found that the Roethof Committee was prepared to play a major role in the evaluation of the effectiveness and expediency of experimental prevention projects.

### *Police*

In order to support integrated policy plans to combat petty crime for implementation at local level, the Ministries of Justice and Home Affairs will set up special training facilities for police personnel, particularly senior officers.

Checks and inspections by the police will be intensified, particularly in view of the effect of such operations in reinforcing standards.

The police will improve and extend their efforts on behalf of the victims of crime. These will consist, amongst other things, in proper treatment on first reception, referral to bodies able to offer aid and assistance, the provision of information on the progress of the case and the expediting of information on the progress of the case and the expediting of a compensation settlement between the offender and the victim.

Local government cooperation at supra-authority level in the combating of serious crime will be expanded. This will involve the organization of regional criminal information services and crime analysis departments, the setting up of depots — at regional level — of technical aids to support tactical investigations, the extension of regional reconnaissance services and the creation of a computerized system of finger-print libraries.

In order to strengthen its coordinating and advisory function, the Central Criminal Information Service (CRI) will be expanded to include a staff depart-

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ment for crime analysis and will become a coordinating centre for the technical facilities of tactical investigation.

The Government intends to regulate the position and task of the CRI by statute.

A structural sum of 27 million guilders per year has been appropriated for the special measures backed by the Government for the police sector, including police computerization.

### *Criminal Justice Authorities*

Organizational improvements will be carried out in the courts and Public Prosecutors' Offices, partly on the basis of the recommendations of an organization and methods consultancy, which will increase the case-handling capacity of these services. The computerization of flows of information within the penal and judicial system will also be speeded up in order to improve efficiency in administration and policy development. The first measure here will be a project in the field of penal justice (execution of penal sentences and other measures). This project will be executed in 1986. The second project relates to the expediting of criminal cases by the Public Prosecutions Department. The last part of this wide-ranging project will be operational in 1991.

Training facilities for present and future members of the Public Prosecutions Department will be extended, with particular emphasis on the controlling and coordinating functions to be exercised in the implementation of this plan.

Under the integrated policy plans to be developed, designated types of offence should as a rule carry priority for prosecution or for a discretionary procedure involving the payment of a sum of money. In the event that compensation has been or is to be paid to the victim, it may be acceptable for the courts or the police to drop charges, in some cases conditionally. The proportion of cases dropped unconditionally as a matter of policy, for example on grounds of the minor nature of the offence, must be gradually reduced. In the years to come, the public prosecutions department should, in the Government's opinion, aim, in consultation with the police, at a 50% reduction in the number of criminal cases unconditionally dropped as a matter of policy.

More attention will be devoted by the Public Prosecutions Department to the treatment of victims of crime. Victims will be better informed on the progress of legal proceedings and on the possibilities of receiving compensation from the offender.

The prosecution policy of the Public Prosecutions Department will be adjusted to the expectation of an appreciable increase over the next few years in the number of community service orders to be performed by young people and adults.

In the period 1985-88 the capacity of the prisons will be expanded by about 1000 places. From 1989 there will be a further structural expansion of about 1250 places, to be provided by the building of five new prisons.

The expansion measures envisaged will serve to offset the present shortage of cells and to absorb the continued increase in years of detention imposed by the courts to the end of 1990. The completion times for new penal institutions, however, are such that the cell shortage persisting in the first few years will not be resolved by these measures. The Government feels that the present shortages cannot be tolerated any longer, since the credibility and effectiveness of the criminal justice system are directly jeopardized by such shortages. It therefore feels obliged to seek ways of providing temporary emergency facilities, in addition to expanding the structural capacity, in order to cope with the acute problems. Temporary penal institutions will therefore be opened at the earliest possible date at one or two sites to be designated in due course.

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A sum of 47 million guilders has been set aside on a structural basis from 1990 for measures to tighten up policy on the administration of justice, excluding the stepping up of police activity and the expansion of prison capacity. A sum of 134 million guilders has been set aside from 1990 for permanent penal facilities. The budgetary provision for the operation of emergency facilities has been set aside from 1990 on for permanent penal facilities. The budgetary provision for the operation of emergency facilities has been estimated at a maximum of 30 million guilders per annum.

### *Decision*

The Government is fully aware that it is not possible to be certain in advance that the repressive and preventive measures adopted will be effectible in the short term. Administrative prevention policy is still to some extent experimental in character, while at the same time society as a whole needs to be gradually made aware of its co-responsibility in the matter of crime prevention. The Government feels, however, that the plans developed here will at least lead to a situation in which Dutch society is able once more to cope with the crime in its midst and can develop a better structural basis on which crime can gradually be defeated.

The Ministry of Justice will make the necessary organizational arrangements to enable the progress of the policy announced to be monitored. The interdepartmental consultations in the field of petty crime initiated in the preparation of this plan will be continued. The Government plans to inform the Second Chamber in the spring of 1986 on the progress of these measures.

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## 2 The crime problem

### 2.1 Extent and development of crime

#### 2.1.1 *Introduction*

Pronouncements on the level of crime in a country are frequently a source of controversy. Indeed it is not possible to determine the precise number of incidents constituting of a criminal offence. In the past it was customary to take the number of convictions by the courts as a barometer of criminality. In 1948 statistics were produced for the first time on offences coming to the notice of the police. Since then pronouncements on the level of crime have often been based on figures for crimes recorded by the police. Since 1975 surveys of the population have been carried out each year to determine the experience of the public as victims of crime in the preceding year. Figures are thus now available on the number of offences against individual citizens not recorded by the police.

Police statistics are the main source of data on the extent of the different forms of crime. With regard to petty crime, additional information will be drawn for the purpose of this report from the victim surveys. With regard to serious crime the number of convictions by the courts will also be considered. Data on the damage caused by crime will be drawn from a variety of sources.

After a short review of the most relevant statistical data, the social background factors connected with observed trends in crime will be briefly considered. This will be linked to a forecast of developments for the near future, i.e. to the end of 1990.

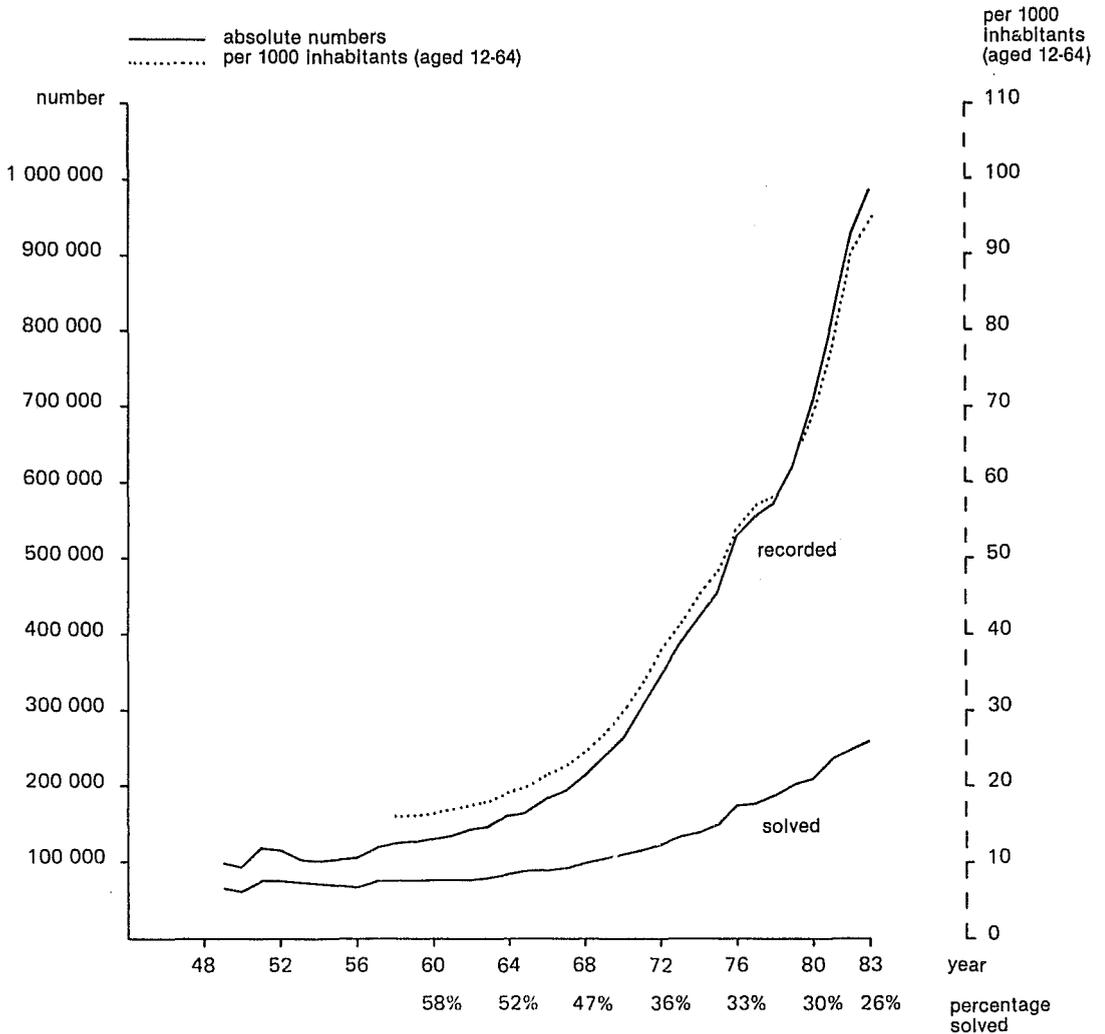
#### 2.1.2 *The trend in crimes coming to the notice of the police*

Crimes coming to the notice of the police can be expressed in absolute numbers and in numbers per 1000 inhabitants between the ages of 12 and 64. Figure 1 shows a graph of the development of both figures since 1948.

Figure 1 shows that recorded crimes have increased almost tenfold in absolute figures since 1960. In 1960 130,000 offences were recorded by the police and in 1984 about one million. The curve also shows that the rate of growth is accelerating. Since the second half of the 1970s annual increases have been particularly high. The rise in the number of crimes per 1000 inhabitants since 1960 is also steep.

Closer analysis shows that the increase has been greatest in indictable offences covered by the Criminal Code. In 1983 these made up 90% of the total. They consisted mainly of thefts and burglaries. Another form of crime which has shown a sharp rise is destruction of property. The victims of a high proportion of incidents of both theft and destruction of property are private

Figure 1: Crimes, known to policy, crimes solved.



citizens. For these types of crime the results of the victim surveys which have been carried out each year since 1975 can provide information as to whether the increase in crimes recorded by the police reflects a real increase or is partly or wholly due to changes in the readiness of citizens to report crimes or to better recording by the police. A study of the survey results on this point prompts the conclusion that forms of crime such as breaking and entering private premises and the destruction of private property have almost doubled since 1975. They show that the rise in recorded crime is in the main the consequence of a real increase in the number of crimes committed. The results of the survey also reveal that the real extent of the crime covered by the survey is three to four times greater than that recorded by the police. In the case of some forms of crime it may be noted in addition that the proportion reported to the police by members of the public has decreased over the past ten years. The public more often than in the past do not bother to report crimes.

The extent of serious crime can best be described in terms of the number of convictions brought in the courts, since the police figures in this area are based on provisional and overall records. The figures for numbers of convictions show that, although the offence murder and manslaughter, rape and

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robbery with violence only made up in 1983 a fraction of the crimes recorded (about 1500 cases altogether), they have increased tenfold since 1960. Growth over the past few years has been particularly rapid. In other words, at a much lower level, serious crime is showing roughly the same trend as petty crime. The number of convictions for violations of the Opium Act merit special mention. These increased from 1402 in 1978 to 2180 in 1983, and in addition there has been a shift in the burden of convictions from offences involving soft drugs to those involving hard drugs. Quantities of hard drugs seized have also shown a distinct increase.

### 2.1.3 *The social effects*

The characteristic feature of most criminal acts is that they represent a violation of a code of behavior regarded as fundamental. The consequence of this is that members of the public who become aware of a criminal act feel morally outraged by it. Where more serious crimes are concerned this sense of outrage is often very vehement. Such emotional reactions can encourage citizens to take the law into their own hands. Apart from this they have to be seen as part of the social costs of crime. Although reports of crimes committed against persons can provide a means of satisfying an appetite for sensation, knowledge of a serious crime committed within a community usually has the effect of worrying the members of that community.

Many citizens are not only morally shocked by serious crimes but also feel threatened by them either personally or as members of a family. A large and increasing number of citizens, according to research on the subject, impose restrictions on themselves in their lifestyles through fear of crime<sup>1)</sup>. It goes without saying that such restrictions on patterns of behavior, such as avoiding the use of public roads as far as possible, constitute a direct impairment of the quality of life of those concerned and an indirect impairment of community life in general.

Crime of course also causes damage to its immediate victims. Not only serious indecency and crimes of violence but also robberies and burglaries in private houses often leave deep psychological scars on those affected. The prevailing disquiet over crime is not hard to understand when it is considered that annually about 300,000 Netherlands citizens have their homes burgled. Moreover, there has been an increase in recent years, which in the opinion of the government is gratifying, in the concern of society for the problems faced by victims of crime.

Not only does crime damage its victims and society morally and psychologically, it also has damaging effects which can be valued directly in monetary terms. The total financial loss incurred by individual members of the public, business and industry and the public services each year as a result of theft and vandalism is estimated at four billion guilders<sup>2)</sup>. Private individuals and commercial undertakings each year invest about two billion guilders in measures to protect themselves against crime. This is also a loss item which forms part of the overall cost of crime. According to a recent estimate there is a further annual loss to public funds of some ten billion guilders resulting from tax or social security abuses<sup>3)</sup>. The total loss attributable to unlawful behaviour can thus be estimated at 16 billion guilders.

The amount of wealth accumulated from activities in violation of the criminal law is of the same order of magnitude. In addition to gains from theft and fraud — 12-13 billion — there are the profits of organized crime. Profits from drug-running, for example, are estimated at three to four billion guilders, those from illegal gambling at half a billion. Huge profits are also made in the

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'sex business'. In what is cynically referred to as the 'crime' sector of the economy, therefore, annual tax-free profits are made amounting to 15-20 billion guilders.

These losses and profits illustrate the seriousness of the problem in financial and economic terms. They also make clear what kind of forces the public authorities are up against in combating crime.

#### 2.1.4 *The social background*

The report of the Roethof Committee presents a wide-ranging analysis, which in the government's opinion is very convincing in its main points, of the social factors which seem to be responsible for the growth in petty crime over recent decades. Briefly the main thrust of this analysis is as follows. Because of greatly increased prosperity many more goods are in circulation which can be stolen or destroyed than in the past. The growth in private car ownership in particular has greatly increased the opportunities for crime. On the other hand, there has been a decline since 1960 in the influence of many traditional social institutions within which the behaviour of individuals is effectively normalized, such as the family, clubs and associations, the church and the schools. Society has become more individualistic. In some cases this individualism leads to a tendency to satisfy personal needs at the expense of others or of the community. The increased use of alcohol and drugs also forms part of this pattern of greater individualism. Added to this is the fact that the readiness of individuals to conform to the rules of the game laid down by public or other authorities has become less self-evident. The Interministerial Steering Committee on Fraud and Misappropriation has also drawn attention to this aspect.

Another factor of more recent date, which in the opinion of some has a crime-inducing effect<sup>4)</sup>, is long-term unemployment among a section of the younger generation. In the social and cultural situation which has thus arisen, additional efforts of supervision are needed on the part of bodies and organizations which are concerned in the maintenance of particular norms of behaviour. The Roethof Committee, however, notes, rightly in the opinion of the government that the level of supervision in many areas of social life is insufficiently attuned to the present more egoistical and non-conformist way of life. Whereas more supervision on the part of officials is now needed than in the past, many forms of supervision have in fact been relaxed. Two examples chosen at random from very different sectors may serve to illustrate this point. In recent decades personal inspection on public transport have been gradually replaced by ticket punching machines and the like; the Tax Department has discontinued its so-called field organization, a department of inspectors who made inspection visits to the premises of taxpayers. In view of the prevailing moral climate with regard to travelling without a ticket and tax fraud, these administrative changes seem, historically speaking, to have been introduced in the wrong period. These two examples could be supplemented by many others. Moreover, formal social control in the same period — i.e. supervision by the police and other law-enforcement agencies — has not kept pace with the rise in crime. In some areas it can even be said that the criminal justice system has taken a step backwards.

Serious crime, as already indicated, has increased in line with petty crime. The reasons for this are, the government feels, to some extent the same. If a larger proportion of the younger generation are committing petty crimes, it is logical to expect that the group who eventually go from bad to worse — albeit small — will also be proportionally greater. There is a connection between petty crime and serious crime to the extent that the trade in hard drugs is a motivating force behind many forms of theft. The abundant supply of stolen

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goods has moreover led to the development of an extensive network of receivers.

Where the more serious forms of crime are concerned, the statistics on patterns of recidivism are very revealing. A research project being carried out by the Research and Documentation Centre (Wetenschappelijk Onderzoek- en Documentatiecentrum — WODC) of the Ministry of Justice shows that of the Dutch citizens convicted for breaking and entering in 1977 almost 70% were convicted again at least once for a new offence in the period up to and including 1983 (on average as many as three times). Of those convicted of robbery with violence in 1977, threatening to use violence or trade in hard drugs, the percentage was as high as about 70% (also three times on average). These patterns of recidivism provide an indication that the increase in more serious crime is to some extent a consequence of the presence of a larger group of habitual or professional criminals in Dutch society. In addition world growth in the trade in hard drugs has undoubtedly played its own part in this development. In The Netherlands the group of hard drug addicts which has grown up since the mid-1970s may be estimated now at 15,000-20,000. The figure for drug addicts per 100,000 inhabitants does not differ significantly from the figures in other Western European countries. The Netherlands, however, because of its geographical situation, is a major point of transit for many kinds of goods. Sadly our seaports and airports also play the role of 'gateway to Europe' for illegal goods such as hard drugs and pornographic material. Developments in the EEC towards the free movement of persons and goods limit the possibilities of changing this situation. In the past few years in particular many foreigners have been arrested and tried in the Netherlands for importing hard drugs. This development has contributed to the high proportion detainees of foreign nationality. In 1983 more than a third of persons serving long sentences were foreign nationals.

The import of and trade in hard drugs does not only lead to convictions under the Opium Act. A considerable proportion of capital crimes are committed within the context of the drugs trade. There are also strong indications that links exist between the trade in drugs and other forms of organized crime, for example in the field of prostitution and fraud.

### 2.1.5 *Future prospects*

The discussion of trends in crime has shown that there has been a steady increase since 1950, with an acceleration in the rate of growth from 1975 on. Although with hindsight plausible explanations can be provided for this development, it is not an easy matter to make forecasts with regard to such a many-sided and complex social phenomenon as crime. The development in absolute numbers of crimes over recent decades can only be explained in part by the growth in population, particularly in the number of minors and young adults. The social and cultural changes outlined above have no doubt played a role in the accelerated rise in crime over the past ten years. With regard to the demographic factor, it may be noted that the risk group of males in the 12-24 age group will decrease by about 20% in the years to 1995. It may be expected that this will have a slight attenuating effect on certain forms of petty crime, such as vandalism and shop-lifting. Also there is some prospect of a gradual reduction in the numbers of long-term unemployed young people.

Little can be said with any certainty regarding the development of the other social and cultural factors of relevance. The recommendation of the Roethof Committee to step up occupationally based surveillance in many areas seems to have had a favourable reception. This could be an indication that the social tide is beginning to turn in this respect. The government will at all events endeavour to play its part in securing the implementation of the Committee's recommendations, as will be explained elsewhere in this report. It expects that this policy of prevention will provide a means of reducing the number of

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crimes in the years to come. A striking indication of the potential effect of greater surveillance is the fact that the number of multi-ride tickets sold on the Amsterdam buses doubled in the week following the announcement that stamping by the driver was to be re-introduced.

Forecasts for the more serious forms of crime paint a much gloomier picture. It has already been pointed out above that serious crimes are committed mainly by habitual or professional criminals. This group seems to have increased in size in Dutch society in recent years. Prospects with regard to the international trade in hard drugs are also not attractive. Although the trade in heroin seems likely to stabilize, it is to be feared that the recent rise in imports of cocaine from the American continent to Western Europe will continue.

## 2.2 The fight against crime

### 2.2.1 *Public expenditure on the public and criminal justice authorities*

The first overall indicator of the manner in which the public authorities have reacted to the increase in crime is the expenditure on activities allotted to the control of crime through the criminal justice system. The funds allocated evidentially form a key factor in the deployment of staff and material resources. The main expenditure headings involved here are those falling within the budgets of the Ministries of Justice and Home Affairs. In the Justice budget, the main items of interest are those earmarked for the execution of sentences (prison service, probation and aftercare and care of psychopaths), for the national police, for the judiciary (to the extent that it is concerned with public prosecutions and the trying of criminal cases, together with its secretarial and administrative support), for legal aid to the extent that it is assigned to criminal proceedings and for judicial child care and protection (particularly the sub-item for reformatory schools and other state institutions). To these should be added the item in the Home Affairs budget for municipal police forces. Finally allowance must be made for the housing costs of the police, the prison service etc., and for the costs of the Ministry of Justice as such sense and of the Directorate-General for Public Order and Safety of the Ministry of Home Affairs.

When the various items of relevance are added together, the total public expenditure budget for combating crime through the criminal justice system in 1985 comes to 4.4 billion guilders. This sum accounts for 3.1% of total public expenditure, or 1.1% of the gross national product, and represents a contribution of 304 guilders per head of the population. This sum moreover is not devoted in its entirety to combating crime, since the tasks of the police also include traffic control and the maintenance of public order. If only the costs allocated to the tasks of the police concerned with the administration of justice are considered (these account for about 30% of total police costs), a sum of 2 billion guilders remains which is the total amount spent directly on the control of crime (about 140 guilders per person).

Table 1 shows the expenditure for combating crime through the criminal justice system (including traffic control etc.) in the period 1960-1985.

The public expenditure budget for the fight against crime rose by 300% (after adjustment for inflation) over the period 1960-1985, in which recorded crime increased almost tenfold. Expressed as a percentage of total central government expenditure, this represents a slight reduction. Around 1980 a turning point was reached in the rise in real expenditure on the police and the administration of justice. Amounts spent, after adjustment for inflation, have been falling since 1980. Expressed as expenditure per head of population at 1984 prices, a figure of 304 guilders per person is now being spent on the fight against crime. In 1980 it was still up at 327 guilders. Figure 2 shows in graphic

**Table 1: National expenditure — (Justice and Home Affairs) on crime control through the police and the criminal justice authorities in the period 1960-1985, in millions of guilders**

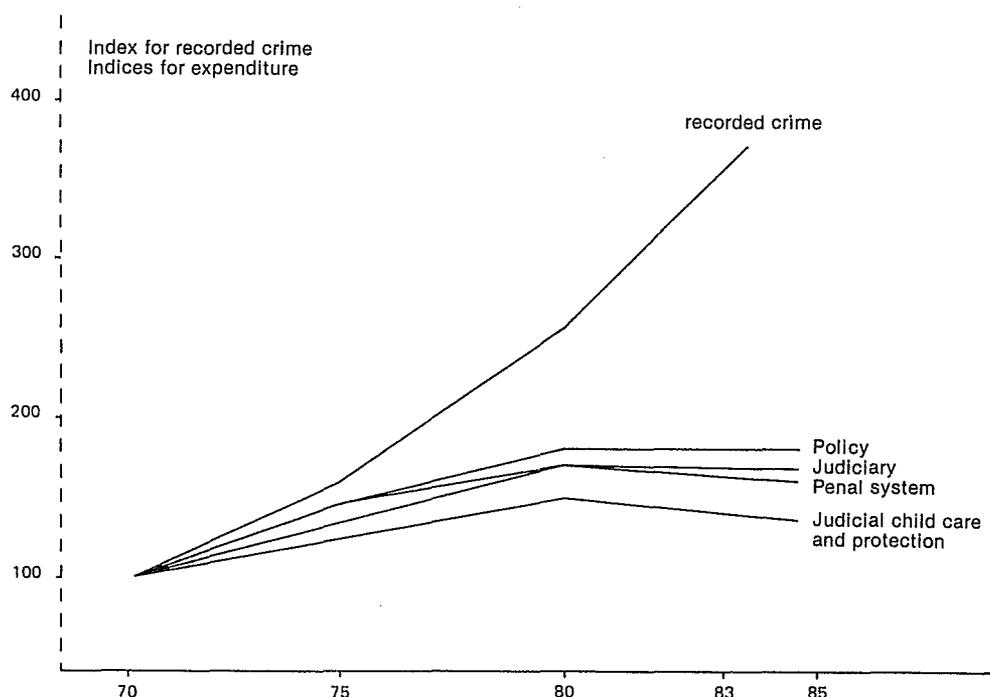
	1960		1970		1980		1985	
	abs.	Index	abs.	Index	abs.	Index	abs.	Index
national and local police forces	184.6	100	727.9	253	2754.9	475	3090.5	445
court proceedings (50% of total)	17.4	100	55.7	205	189.7	347	226.9	346
legal aid (criminal justice)	0.4	100	2.4	385	34.8	2771	60.3	4009
judicial child care and protection (criminal law)	9.9	100	19.5	126	59.0	190	61.9	166
execution of sentences	40.8	100	141.6	222	479.5	374	545.3	355
overheads: Justice and Home Affairs	15.9	100	73.5	296	270.3	540	287.0	479
accommodation (Min. of Justice, 64%)	9.6	100	34.6	231	114.7	377	130.9	363
<b>Total</b>	<b>278.6</b>	<b>100</b>	<b>1055.0</b>	<b>243</b>	<b>3902.9</b>	<b>446</b>	<b>4402.8</b>	<b>420</b>

For a more detailed specification of the expenditure items and for information covering a number of other years, see annex 3, tables 3a and 4a. Adjusted for inflation.

form the trend in crimes coming to the attention of the police in the period 1970-1973 and the trend in public expenditure for the police and the administration of justice from 1970 to 1985 inclusive.

According to the multiannual estimates contained in the 1985 Budget the expenditure for the fight against crime will show a further fall in real terms in the years to come. Compared with other countries, public expenditure in the Netherlands for the prison service<sup>5)</sup> and the judiciary, in particular, is relatively modest. However, the level of crime in the Netherlands does not now, as it did in the past, compare favourably with that in the countries surrounding us.

**Figure 2: Crimes, known to the policy, public expenditure on the policy and justice.**



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## 2.2.2 *The workload of criminal justice system*

### 2.2.2.1 *Introduction*

The increase in recorded crime alone has resulted in a heavier workload for the various constituent parts of the criminal justice system (police, public prosecution service, the judiciary and the prison service). The extent to which their workload has increased varies from one part of the system to another. The workload of one service depends to a degree on the manner in which reports or cases are dealt with by other services. Thus it is possible in theory for the workload of the prison service to decrease with an increase in recorded crime. The way in which reports or cases are dealt with is primarily a question of policy. It is also to be expected, however, that the workload of the sub-sector concerned — the number of cases to be processed per official — will exert an influence on the way the work is handled. The workload increases if the supply of work rises more rapidly than the number of officials and if, at the same time, no measures are taken to step up efficiency. An overload may lead to a preference for the least labour-intensive ways of dealing with the work. Another consequence of overloading may be an increase in the time taken by a particular part of the system to complete its work. In the last link of the law-enforcement chain, it is not only the workload that counts but also structural capacity (the number of cells).

The elucidation of increases in the workload of the system is complicated by the fact that the various subsectors react to and anticipate each other's policy. The analysis of these reciprocal influences of subsystems of the criminal justice machine requires a theoretical approach. We shall return to these theoretical aspects of the consistency problems indicated here in paragraph 3.5.3. At this point we shall merely review briefly the quantitative consequences which the increase in crime since 1970 has had in terms of workloads, overloading, methods of coping with the work and the length of time needed to deal with cases in the various sectors of the system.

### 2.2.2.2 *Detection by the police*

Recorded crimes increased almost fourfold over the period 1970-1983 to reach a total of one million. The number of cases solved over this period rose from 109,000 to 257,000 (an increase of 136%). This increase thus lagged far behind the rise in recorded crime (about 300%). In the same period therefore the percentage of crimes solved fell from 41% to 26%. Although the fall in the percentage of crimes solved was not as steep for all types of crime, it has to be noted that there was a drop in the percentage for virtually all types of crime not detected by the police themselves in the course of checks and inspections. It may be assumed that the fall in the percentage of crimes solved is to some extent the result of a sharp increase in the workload of detectives. Between 1970 and 1983 the number of detectives rose by about 120%. In view of the fact that the number of recorded crimes has risen much more sharply, the number of cases to be dealt with per detective has almost doubled (an increase from 150 to 270)<sup>6</sup>. The number of cases solved per detective has remained more or less constant over the years.

### 2.2.2.3 *Public prosecuting*

The number of criminal cases involving common offences registered with the prosecutor's offices increased by 109% in the period 1970-1983. The number of prosecutions over the same period increased by 70%. The percentage of cases registered which actually came before the courts thus fell from 49%

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to 39%. The workload per public prosecutor increased slightly (from 870 to 950 cases). The fall in the percentage of cases prosecuted presumably only results in part from an excess in workload. What is also involved here is a deliberate policy — already initiated in the 1960s (in 1960 about 60% of cases registered were actually brought to court) — of dealing with minor offences by means of a decision not to prosecute (whether or not after a warning from the prosecutor concerned). The entry into force on 1 May 1983 of the Property Sanctions Act (*Wet vermogenssancties*), which empowers the public prosecutions department to propose a discretionary settlement where less serious offences are concerned, caused the percentage of prosecutions to drop a few more percentage points to the figure of 39% indicated above.

The overloading of the public prosecution service and the criminal courts is illustrated by the sharp increase in the burden of cases pending (from 25,000 in 1970 to 94,000 in 1983) and by the lengthening of times taken to process cases. The time taken for cases, on which a decision has been taken to prosecute, to pass through first instance increased from 169 days in 1977 to 208 days in 1983. The total time taken for cases which go to appeal before being concluded is considerably longer: 600 days on average in 1983.

#### 2.2.2.4 *Sentencing by the courts*

As was shown above, the number of cases dealt with by the courts increased by 70% over the period 1970-1983. No central statistics are kept on the assignment of judges to the various courts. This is determined in a flexible manner by the court presidents. The total number of judges almost doubled over the same period, as did the number of officials employed to support the judiciary in general.

It is worthy of note that the number of criminal cases dealt with in first instance by the district Courts in which more than one judge sits has not increased since 1970. The additional supply of criminal cases has been absorbed in full by extra sessions of the judges sitting singly. In view of the more stringent criteria applied by the Public Prosecutions Department in selecting cases for prosecution, this clearly implies that the average degree of seriousness of offences dealt with by the single-judge district courts has increased considerably.

The practice of remanding suspects in custody has declined in percentage terms since 1973 partly as a result of changes in the law in this area. Since 1975 the percentage of cases pending in which those charged are remanded in custody has fluctuated at around 5%.

With regard to sentencing the first feature to note is a decline in the percentage of wholly or partly unconditional custodial sentences from 29% in 1970 to 24% in 1983. There has been a slight increase in the percentage of suspended custodial sentences to 6%. This increase is a recent phenomenon which is no doubt largely due to experiments with community service as a substitute for prison sentences. The absolute figures for unconditional custodial sentences has risen by 26%. There has been a distinct increase in the average duration of sentences. The percentage of unconditional custodial sentences of more than one year, for example, rose from 3% in 1970 to 12% in 1983. The total number of years of detention imposed by the courts has accordingly increased by almost 100% since 1970.

#### 2.2.2.5 *The execution of sanctions and penal decisions*

At the beginning of the 1970s the capacity of the remand centres decreased. In this context, apart from the fall in the number of remand cases, general pressure for a further reduction in detention on remand also played a

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role. This policy consideration also formed the basis for an amendment to the statutory provisions on detention awaiting trial in 1973.

In the second half of the 1970s the total available prison and detention capacity gradually increased again from about 3000 places in 1975 to 3900 in 1981. In that year the report on 'Capacity problems in the prison service' was published. Prompted by the deficiencies indicated in that report, a rapid expansion programme has since been implemented which has expanded capacity by about 900 places. In January 1985 the capacity of the Dutch prison service was 4800 places. Since the mid-1970s therefore penitentiary capacity has been expanded by over 50%.

Despite this already impressive expansion — largely made possible by the reintroduction to service of former institutions and the opening of additional wings etc. — the correctional service has still not been able to absorb the increasingly rapid rise in the number of years of detention imposed by the courts. The prevailing capacity shortages have a variety of negative consequences for the prison system. The institutions have over recent years experienced a continuous occupancy rate of virtually 100%, which puts great strain on the staff and, in general, on the manageability of the institutions (indeed a drastic overhaul of the system recently had to be undertaken). This has also reduced the scope for internal and external differentiation, necessary to give content to the objectives of custodial sentencing. The capacity shortage has also had unacceptable consequences for the administration of justice in general which, on the one hand, undermine the maintenance of law and order in Dutch society and, on the other hand, diminish its character as a society based on the rule of law. The following effects can be singled out in particular:

- A large number of detainees on remand are obliged by lack of accommodation at remand centres to spend some time in police cells. Currently an average of 250 persons per day are held at police stations because of lack of remand capacity; taken over the year the figure is estimated at over 6500 persons. Police stations normally offer detainees far fewer facilities of a personal and material nature than can be provided at a proper place of detention. Keeping detainees at police stations also imposes an extra burden on the police, while in a number of cases there is an increased risk of damage.
- In many cases persons remanded in custody by judge's order cannot be accommodated at all or have to be released prematurely. In 1984 500 persons had to be released because they could not be accommodated immediately, and 600 had to be released at a later stage. They included about 300 persons belonging, according to the criteria applied by the Public Prosecution Service, to the most serious category of all (the so-called A-cases); these cases involved such matters as suspicion of heroin dealing or offences carrying possible sentences of at least 12 years. It goes without saying that this practice of freeing detainees on remand constitutes a flagrant violation of the principle that, in a state based on the rule of law, orders made by judges must be executed.
- Although the backlog in the execution of sentences on persons not already detained has now been virtually cleared, for women in this category (not previously detained on remand but due to serve unconditional custodial sentences) there is at present an unacceptably long waiting time of two years.
- An effective arrest policy in respect of persons who for no valid reasons fail to present themselves for sentence or in respect of persons who abscond from detention cannot be applied satisfactorily in practice as far as this category of persons under arrest is concerned. Places for persons under arrest currently have to be reserved for a period of one year.

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### 2.2.2.6 *A forecast of workload over the next few years*

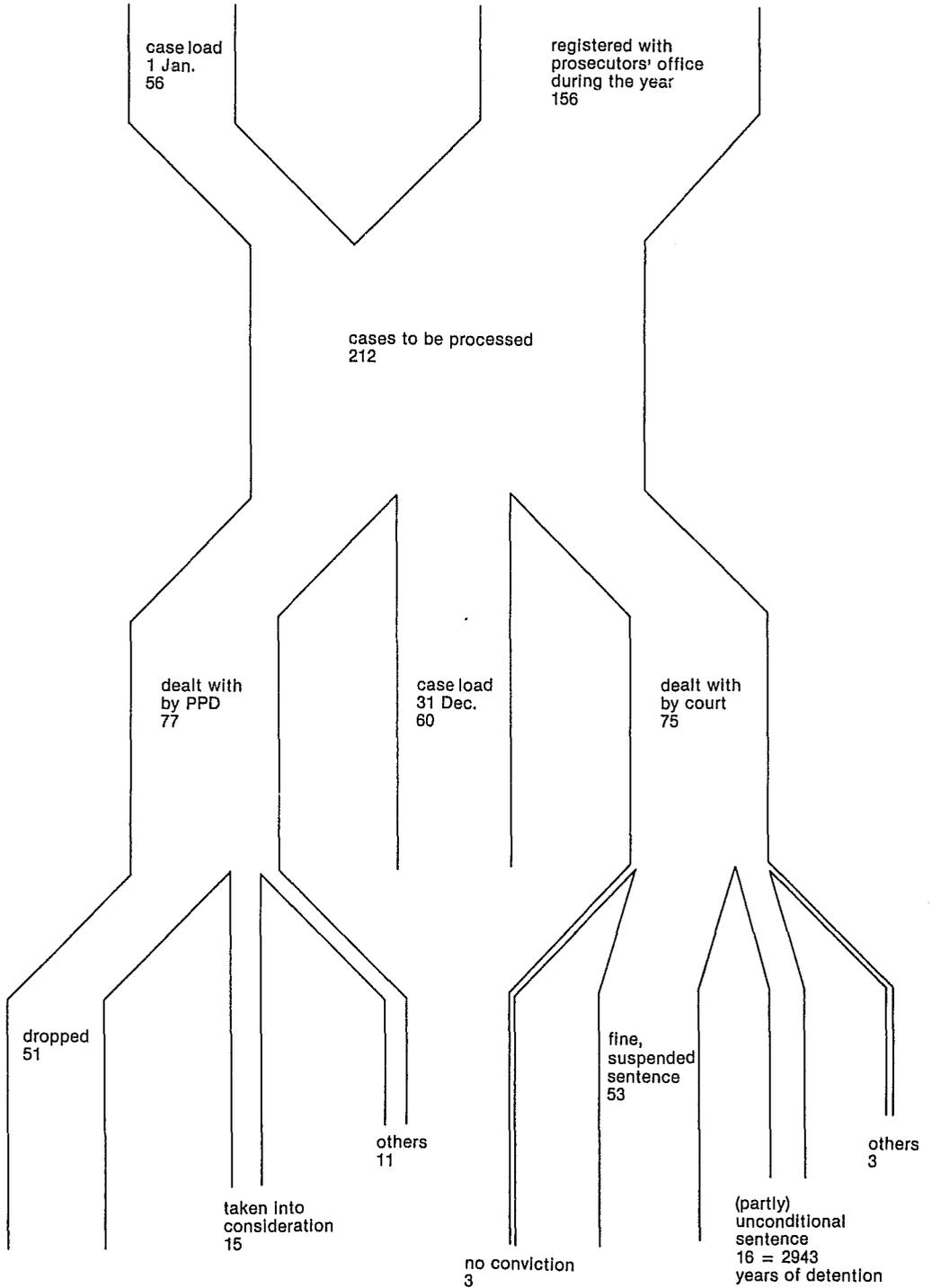
Before a meaningful plan can be drawn up to make more effective provision for the criminal justice system, it is necessary to make an appraisal not only of the present problems, but also of the developments in the workload of the system to be expected over the next few years. It was already pointed out in paragraph 2.1.5 that the trend in the crime level — and hence in the flow of work to the criminal justice system — cannot be predicted with certainty. A forecasting method commonly used is to extrapolate to the future statistical trends which have occurred in the past. The assumption here is that the social or policy-related factors responsible for past developments will act in the same way on the phenomenon to be forecast in the immediate or longer-term future. On one point this assumption, as already has been pointed out, seems open to dispute where crime is concerned. What is certain is that the trend in the Dutch population in the years to come will be different to what it was in the recent past. The population will grow at a slower rate, while the proportion of young people in it will decrease. It was decided to integrate the influence of this factor as far as possible into the forecasts to be drawn up.

Calculations were carried out to determine the statistical relationship in the past between, on the one hand, the number of inhabitants aged between 12 and 64 and, on the other hand, the extent of recorded crime or the number of criminal cases brought to court. The population figures expected for 1990 were then entered in the formulae for these relationships and the numbers of offences or criminal cases to be dealt with in that year were calculated. It was assumed here of course that the relationships observed in the past would continue to apply. In this way it was forecast that the number of offences coming to the notice of the police in the period 1984-1990 will increase by at least 30% and that the number of cases to be registered with the prosecutor's offices will increase by about 20%.

It is not expected that the demographic factor will have any significant influence on the development in the number of years of detention imposed by the courts in the years to come. The decline in the number of males in the age group 12-24 inclusive is not of any great relevance here, since the average age of persons who receive custodial sentences is higher. On the basis of statistical extrapolations of figures for the numbers of years of detention imposed by the courts in the period 1975-1984 and for the sentences in question, the Project Group on a Structural Plan for Penitentiary Capacity<sup>7)</sup> arrives at a forecast for the increase in the number of places needed per year in relation to 1984 — in the first half of that year, the figure was 5260 — of 36% to about 7070 places in 1990. This increase of 1810 places in the cell space requirement can be attributed in the main to the predicted sharp increase in the occurrence of serious property and drugs offences. Moreover it should be noted here that the Project Group did not consider it expedient to extend its forecast of future capacity requirements beyond 1990, because the development of the factors which determine the requirement — crime and law-enforcement policy designed to deal with it — cannot be predicted with sufficient certainty at the present time. The forecast of the Project Group will be regularly updated in the years to come and, if it is considered appropriate to do so, a forecast will be prepared for the years after 1990.

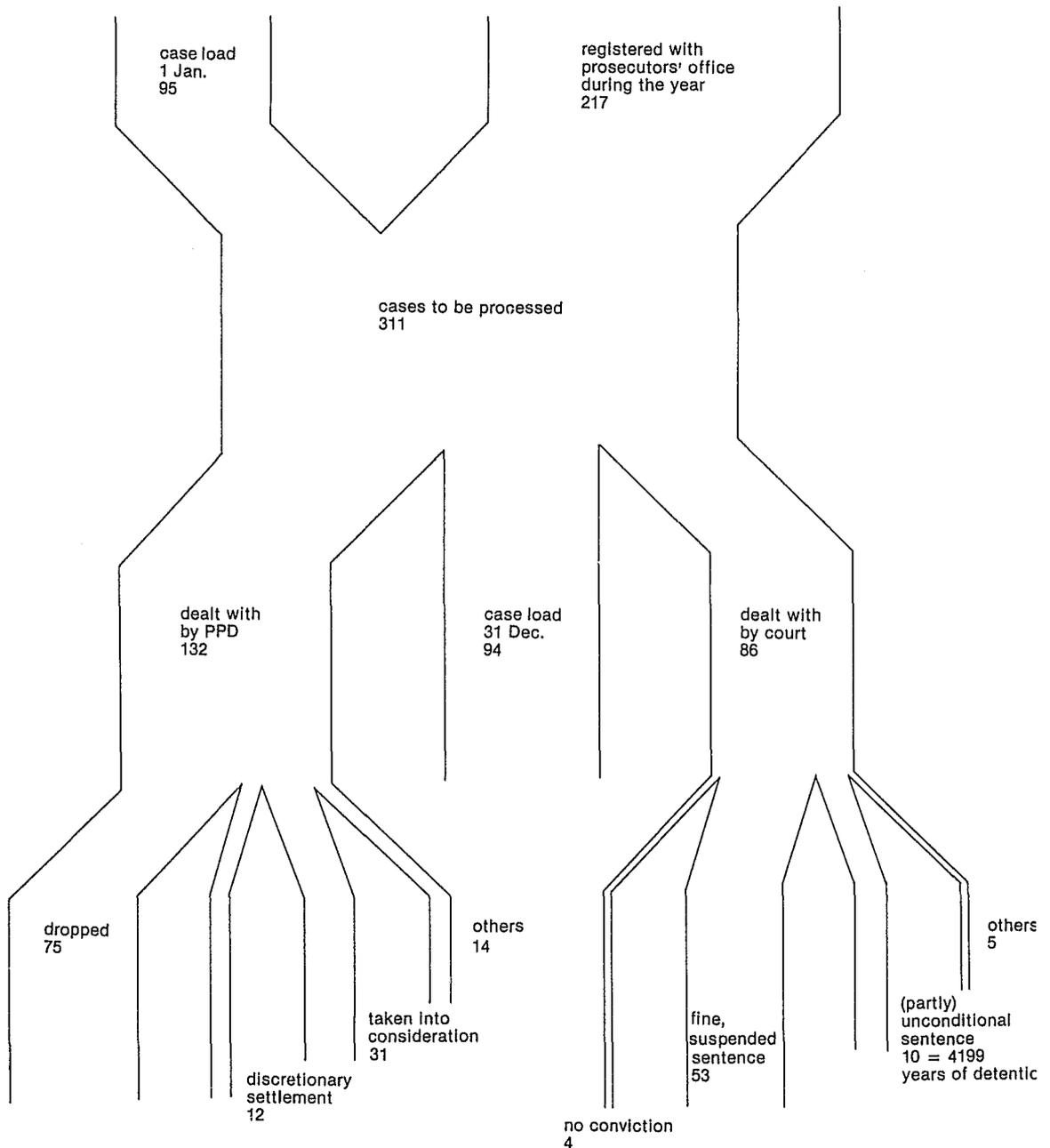
**Figure 3a: Case load to be processed through the criminal justice system in 1978 (case figures in thousands).**

Number of offences coming to the notice of the police: 561  
 Number of crimes solved: 180



**Figure 3b:** Case load to be processed through the criminal justice system in 1983 (case figures in thousands)

Number of offences coming to the notice of the police: 973  
 Number of crimes solved: 249



### 2.3 Conclusions with regard to the overloading of the criminal justice system

Figures 3a en 3b contain two flow diagrams representing the input and output of cases in the criminal justice system in 1978 and 1983. Over the five-year period the total flow of cases increased considerably and showed a distinctly

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different pattern of development in the later phases. These diagrams illustrate the explosive development with which the criminal justice system was confronted in the period 1970-1983, particularly in the most recent years.

Recorded crime rose steeply in the period 1970-1983. The growth in public expenditure on the police and the judicial system has lagged far behind this development. Since 1980 there has even been a decline in expenditure in real terms. The workload on detectives and public prosecutors has increased. This has contributed to lower percentages of crimes solved, lower percentages of cases sent to court and longer times for cases to be concluded. The cases brought before the courts, because of more rigorous selection on the part of the police and public prosecution service, have tended to become more serious on average. The growth in the number of criminal cases has nevertheless been completely absorbed by an increase in the number of police court sessions, while the percentage of cases resulting in custodial sentences and other penal sanctions has continued to decrease. On the other hand, partly as a result of the increase in the average duration of the prison sentences imposed, there has been a sharp rise in the total number of years of detention to be executed. This rise moreover shows an accelerating growth pattern. Despite a vigorous expansion in penitentiary capacity, acute deficiencies have arisen in the prison service. These deficiencies have a variety of fundamentally unacceptable consequences, the most painful of which is the fact that the execution of judicial decisions cannot be guaranteed (see paragraph 2.2.2.5).

The unacceptability of the situation which has arisen is, however, not just a matter of principle. From the point of view of effectiveness too, the manner in which the criminal justice system currently operates must be seen to be unacceptable. The Minister of Justice has been forced to conclude that the criminal justice system is no longer able, with its present resources, to maintain a minimum standard of law-enforcement which is essential in a state based on the rule of law. The gap between the number of infringements of standards embodied in the criminal law and the number of real responses to them by the criminal justice authorities has become unacceptably wide.

In the present situation not only is it impossible to secure the objectives of deterrence and standard-reinforcement to an adequate degree, it is even feared that the ever-present tendency of citizens to take the law into their own hands can no longer be satisfactorily kept in check.

In the government's view the criminal justice system must be placed in a position, once it has initiated interventions, at least to bring them to a credible conclusion. Order must be restored in the affairs of criminal justice. It must always be possible to execute sanctions imposed and to do so without undue delay. In addition the standard of law-enforcement must be brought to a higher level up in certain areas. These tasks in themselves already demand considerable additional investment in buildings and staff. The task set is all the more formidable since it must be expected that the more serious forms of crime will continue to increase, at least in the short term.

On 25-26 February 1985 the Research- and Documentationcentre carried out a survey among a representative sample of the Dutch population considered representative, consisting of 1697 persons, on attitudes regarding crime and action to control it. The survey revealed that 74% of the respondents felt that the government was currently spending too little on combating crime. 31% of those questioned even thought that the option of raising taxes, though unattractive, was acceptable for this purpose. These survey results, in the government's opinion, constitute an indication that a need is felt among a large majority of the Dutch population for more effective action to combat crime.

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## 3 Basic considerations for future policy

### 3.1 Introduction

The administration of criminal justice is, in a way which is apparent to everyone, no longer able to react adequately to serious violations of the law by proper forms of judicial intervention. In this situation it seems obvious to simply bring about a vigorous expansion in the capacity of the various constituent parts of the criminal justice system. There is pressure from a number of quarters for a drastic increase in the scale of operations of the police and public prosecution service. The government sympathizes with the demands imposed on it to combat crime more effectively. It also takes the view that it is unavoidable and imperative to step up the fight against crime through the criminal justice system. However, the government rejects the idea that this should be done merely by bringing about quantitative increases in the strength of the police and the public prosecution system. The sharp increase in criminal behaviour over the past few decades is partly the result of structural changes in Dutch society. This fact alone prompts a reappraisal of the place and task of the criminal justice system in the government's general policy with regard to crime. Furthermore, even a doubling of the number of interventions by the criminal justice system would not by any means close the gap between the number of offences committed and the number of responses by the criminal justice authorities. A policy geared exclusively to 'more of the same' would therefore mean that very considerable financial sacrifices would have to be made for action, the ultimate benefit of which is uncertain. Such an approach would also mean that the government would once again arouse expectations with regard to the performance of the criminal justice system which are probably not realistic and cannot therefore be fulfilled. This would further compromise the credibility of the administration of justice and of the public authorities in general.

The survey referred to in section 2.3, showed that Dutch people have no special preference for a mode of tackling crime geared to prevention or one geared to corrective action. A majority of those surveyed were of the opinion that both approaches were of value. 70% thought that the imposition of harsher penalties was a good way of tackling crime. Even higher percentages, however, favoured measures requiring offenders to pay compensation and improving surveillance in buses and trams, flats, schools and shops (84% and 74% respectively). A majority of those questioned favoured increased surveillance in public transport, shops etc, even if it was to mean additional costs to themselves. This pattern of responses indicates that there is widespread support for the recommendations of the Roethof Committee on combating petty crime.

These factors have prompted the government to make a thorough examination of the principles on which the crime controlling scheme requested of it is to be based. The sections which follow will be devoted first to a discussion of these basic principles. Then section 3.5 will examine how in the opinion of the government, organizational form can be given to these material principles.

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## 3.2 Government policy on crime

### 3.2.1 General

The aim of the government through its policy on crime is to assist in limiting the number of violations of the law. Traditionally the main ways of achieving this have consisted in various forms of corrective intervention which may be applied within the limits of formal criminal justice. These forms of intervention consist mainly in the apprehension and sentencing of the law-breakers. In the opinion of the government, attention in the past has been concentrated too one-sidedly on the group of law-breakers. The consequence of this one-sidedness is that the crime policy pursued has been almost exclusively geared to action through the criminal justice system. That action was extensively, though not exclusively, offender-oriented. The activities of the criminal justice system were geared to getting the largest possible number of offenders arrested and sentenced by the courts.

The government is fully aware that the apprehension and sentencing of criminals necessarily forms the key element in any effective crime policy. But there are grounds — not least in view of the colossal proportions which some forms of petty crime have taken on — for devoting more attention, in association with and as a complement to this key element, to activities geared additionally or even primarily to a much larger group of citizens not belonging to the traditional target group of the criminal justice system, i.e. to those who commit serious offences.

Citizens for whom observance of the rules of criminal justice is more or less self-evident as well as those who are incidental or potential offenders should be included in the target group of the government's policy on crime for two reasons. The first reason for including virtually the entire population in the crime policy target group is the realization that society at all levels of organization should be more closely involved in the prevention of crime. The second reason for placing crime policy on a broader footing is the need to prevent as far as possible the standards of law and order as perceived by the majority of citizens from being progressively eroded by repeated confrontation with violations of these standards on the part of others. Conforming to the standards of criminal law is no longer self-evident in the heterogeneous society of today with its high level of crime. It is therefore important to reinforce these standards in such a way that they are seen to be reinforced by the largest possible number of citizens. Apart from detecting and punishing offenders and those who incite to criminal behaviour (e.g. encouraging shoplifting by the media) should be strived for standards-reinforcement through other channels. These two lines of emphasis for future policy on crime will be elucidated below.

The first emphasis which the government would like to introduce into its policy on crime in the years to come relates, as has been said, to the prevention of crime. It is increasingly realized today that it is also the duty of government to pursue a policy which extends to crime prevention. The government feels that this task needs to be given much greater weight and should be seen as an essential component of crime policy. This is not, in the government's view substantially matter of measures taken by the government itself aimed at removing the underlying causes of crime, such as a reduction in the number of long-term unemployed young people or an increase in recreational facilities. These policy objectives no doubt deserve full consideration on social grounds. Their potential effectiveness in controlling crime, however, is called into question by many experts<sup>8</sup>.

The government shares the view of the Roethof Committee that criminal policy in the years to come should be aimed at a further mobilization of indivi-

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dual citizens and organizations in society, including local government and the business community, in the fight against widespread crime, particularly minor offences. The measures taken by citizens and organizations to prevent crime should not be limited to the installation of protective equipment. The effect of this on the total volume of crime is also disputed by many experts<sup>9</sup>). The main aim should be gradually to reintroduce or to introduce a satisfactory level of personal or occupationally based surveillance in all sectors of society in which large numbers of crimes are committed.

The government feels it is safe to assume that the great majority of Dutch citizens fully identify with the legal principles embodied in the Criminal Code. It follows from this orientation of community values, in the government's view that society should feel that it shares in the responsibility for crime prevention. Although the use of force is the exclusive prerogative of the proper authorities, the maintenance of law and order in the more general sense is not the exclusive task of the police and the judicial system. The growing tide of petty crimes, many of them committed by young people, can and must be stemmed by an increase in the sense of responsibility of parents, neighbours, local authorities and other organizations of society in the prevention of crime.

The second emphasis in crime policy is concerned with enhancing the standards-reinforcing effect of the administration of justice. The notion that the administration of justice also has the object to reinforce the standards and deter the potential offenders is not new. In the past, however, it was the view that these 'general effects' of criminal justice could best be achieved by the apprehension and sentencing of as many offenders as possible. The efforts of the police and the judicial system continued to concentrate on the law-breakers. However, it seems that the aim of standard reinforcement in the field of petty crime can also be achieved, indeed perhaps more effectively, by more direct means.

The following examples may serve to illustrate this. The police and public prosecution service question the value of large-scale campaigns against such offences as driving under the influence of alcohol because they usually only yield a small number of police reports of infringements of article 26 of the Road Traffic Act. In assessing the value of such operations, however, their standards-reinforcing and deterrent effect on all the motorists stopped and checked should be taken into account. Seen from this wider viewpoint such flag-waving exercises on the part of the police are probably well worth the effort. The report of the Interministerial Steering Committee on Fraud and Misappropriation also points out the value of the standard-reinforcing effect of large-scale inspections by the tax inspectorate, such as the well-publicized campaigns of checks on café proprietors and dentists.

The same report also gives an example of a successful policy measure aimed at standard-reinforcement which was not geared to corrective action. In connection with the payment of motor vehicle tax selective information campaigns were conducted with varying content among specific target groups. According to an evaluation of these campaigns by the Research and Documentation Centre of the Ministry of Justice, they led to a significant increase in the sums of vehicle tax collected in the target sectors.

An example of a standards-reinforcing policy measure not aimed at corrective action in an entirely different sector of society is provided by the instruction projects on the subject of vandalism which have been conducted, often with support from the National Office for the Prevention of Crime, at primary and secondary schools in a number of municipalities. An evaluation of an anti-vandalism project of this kind in the Amsterdam district of Osdorp has shown

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very encouraging results. The project had evidently led to an appreciable reduction in vandalism<sup>10</sup>).

A major target group for the standards-reinforcing task of the police and the public prosecution service are citizens reporting a case of petty crime. For the C.I.D. an isolated report in itself constitutes little or no basis for successful detection. The offender-based emphasis of the criminal justice system can in such cases easily lead to a certain indifference towards those reporting crimes. It is overlooked that not only is this disagreeable to the individuals concerned, it also has the reverse effect to that of standards-reinforcement. Research among victims of crimes has shown that correct and helpful treatment by the law-enforcement agencies is often at least as important as the possible arrest and sentencing of the offender<sup>11</sup>). Clearly demonstrating to the victim that the violation of a rule of criminal law is still seen as an instance of wrongdoing — even if the chances of apprehending the perpetrator are zero — can check the continued erosion of the standards of law and order held by the general public.

With these considerations the government trusts that it has made clear that, although the pursuit and arrest of serious law-breakers constitute the core of any criminal policy, such a policy must also be aimed at strengthening the general conception of standards and at activating the crucial responsibility of society itself at all levels in the prevention of crime. This vision will be further developed in the paragraphs which follow.

### 3.2.2 *Differentiation and consistency*

Following on from the vision developed above of the criminal policy to be applied in the years to come, the government focuses on two further concepts: *differentiation* of policy and *consistency* in policy and policy implementation.

The various forms of crime call in the government's view for a differentiated policy. As has already been said, the approach to tackling petty crime should give pride of place to the responsibility of the citizen himself, the lower tiers of administration and the organizations cooperating with those bodies for taking preventive measures. Also, where petty crime is concerned, the standards-reinforcing effect of criminal policy is of paramount importance. These two factors lead to the conclusion that, with regard to petty crime, a policy must be pursued which consists of a combination of — in particular — local authority measures, preventive efforts on the part of the police and the application of the criminal law as a backup. In the fight against petty crime the criminal justice system should be brought in only in the last resort. This view must also be the guiding principle for the legislator. Because of the overloading of the criminal justice system moderation should be exercised in the introduction of new penal provisions and existing ones should be removed wherever possible. Even when measures of a preventive nature on the part of citizens and the authorities have failed and judicial sanctions are necessary to deal with a violation of the law, consideration should always be given to the possibility of applying the remedies of private or administrative law. Finally a differentiated policy should also be pursued where it is found necessary to apply the criminal law. The reaction of the criminal justice system to some less serious violations by first offenders can, for example, be limited to a discharge on condition of paying damages — possibly at police level — or a discretionary settlement by the Public Prosecutor to which this condition is attached, whether or not accompanied by other conditions. Prosecution under the criminal law will remain available for other categories of offence. Such choices must be made on the basis of clearly defined policy agreements,

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which may vary locally because of the prevailing situation in the area concerned.

The fight against the more serious forms of crime requires a completely different type of policy. As crime increases in seriousness — its degree of organization is an important criterion here — the emphasis should fall increasingly on police investigations and judicial action. Although the success of these efforts can also be decided in part by the cooperation of the public — indeed a good description of the perpetrator is half the battle — the responsibility for tackling these forms of behaviour falls increasingly to the police and criminal justice authorities, who alone have the necessary means of coercion at their disposal and possess the necessary expertise. The possibilities of differentiation in applying the criminal law to these cases are anyhow more limited than in the case of petty crime. For more serious crimes should in principle always be prosecuted. The significance of the differentiation concept here therefore is limited to the mode and severity of intervention by the criminal justice system.

The second principle mentioned, that of consistency in policy, has an external and an internal function where petty crime is concerned. In the first place all activities of local government, police and judicial authorities should be well coordinated with one another (external coordination). Equally, important is the coordination of administrative measures with one another. Within local government administration too there is the phenomenon of compartmentalization, which can be an obstacle to an effective prevention policy. On the side of action through the criminal justice system, it is essential to have good internal coordination between the investigation policy of the police and the prosecution policy of the public prosecutions department.

Action under the criminal law should also be consistent in its application. The public prosecutions department must therefore maintain close consultation with the police in determining what offences call for an individualized reaction from the criminal justice system under what circumstances and what form that reaction should take. It is essential in endeavouring to restore and strengthen the credibility of the administration of criminal justice that that reaction should be pursued consistently and should be given practical effect. Thus it should be possible to give immediate effect to short custodial sentences. Also any fines imposed should be scrupulously enforced, where necessary with the application of any means of coercion available. If the prosecutor decides that it is sufficient to drop charges conditionally, this decision should be systematically followed up by prosecution if the condition is not met. If a discretionary settlement is offered but not paid, the same principle of course applies. Similarly, in the same perspective, a suspended sentence should be systematically followed up by an order of execution if the condition is violated.

In the case of serious crime the requirement of consistency in criminal justice policy and its systematic implementation are equally important. To this extent the government welcomes the uniform manner in which the Public Prosecutions Department has dealt with the problem of the release of prisoners on remand because of the shortage of cells and remand centres<sup>12</sup>). As soon as possible, however, a situation must be achieved in which judicial orders for detention on remand can be executed as a matter of course and in which the Public Prosecution Service no longer has to resort to this unprofessional practice. It should of course also be possible to execute all judgements involving unconditional custodial sentences systematically and without undue delay.

The following sections examine policy with regard to petty crime and the more serious forms of crime more closely in the light of the principles outlined above.

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### 3.3 Policy on petty crime

#### 3.3.1 Introduction

The government shares the view of the Roethof Committee that petty crime<sup>13)</sup> is essentially the result of underlying social problems for which the criminal law is not the appropriate mode of approach in the first instance. The government, as has been pointed out, is in broad agreement with the recommendations put forward by the Roethof Committee on the strengthening of non-police surveillance of possible law-breakers, to be developed in private situations and in the public and semi-public areas of life.

At the same time the government realizes that it makes no sense to seek to restore social control in its traditional forms, as a 'nostalgic ideal'. It does consider, however, that even in a society as heterogeneous as ours, there is sufficient scope on the one hand for involving the citizen more in the maintenance of law and order and on the other hand for strengthening the supervisory function of the organizations which together constitute the 'mainstream of society'. This is not the place to examine detailed ways of involving the citizen and the social organizations.

The government discerns three main lines of emphasis in the recommendations of the Roethof Committee:

- a. the urban environment should be organized according to town planning and architectural criteria in such a way that, on the one hand, the exercise of surveillance over young people in particular is not made unnecessarily difficult and, on the other hand, the committing of theft and other offences is not made unnecessarily easy;
- b. the bond between the rising generation and society (family, school, work and recreation) must be strengthened as far as possible;
- c. the surveillance of potential law-breakers by persons whose occupational duties cover a wider field, such as drivers, janitors, shop assistants, sports coaches, youth workers etc., should be extended as far as possible.

The involvement of the mainstream of society must be activated to some extent by measures falling within the provinces of departments other than the Ministry of Justice. Reacting to the interim report of the Roethof Committee, the Ministers of Justice and Home Affairs have therefore had extensive official consultations over the past few months with the various departments which will have a role to play in the socio-preventive action envisaged by the Roethof Committee. These consultations have shown that there is broad support for measures such as those put forward by the Committee. In many cases, however, local experiments on specific measures are favoured at this stage in preference to their immediate and wholesale introduction. Section 2 of chapter 4 reviews the policy intentions of the departments concerned regarding the prevention of petty crime.

In addition there is a clear task for local or regional administration here. The paragraphs which follow examine this more closely.

#### 3.3.2 *The administrative framework for dealing with petty crime*

The role of central government in the development and implementation of an administrative prevention policy is limited by the autonomy of the lower tiers of administration and the independence of the social organizations. The intended socialization of the petty crime problem and the reactivation of the responsibilities of the citizen, social organizations and local government in the matter mean that the role of central government in this area will often be characterized by a certain remoteness. The main instruments available to central government for that purpose are the issuing or limiting of rules, the

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creation of facilities, including financial support, the collection, processing and provision of information and the coordination of prevention programmes at supra-local level. In certain areas there is also scope for the development and implementation of a national preventive police under the aegis of the government itself.

The nature of petty crime varies from one municipality to another, even from one district to another, and is also heavily influenced by the local situation. It is the local authority which carries primary responsibility for the development and implementation of administrative rules and procedures tailored to local problems. The administrative resources for the determination of general regulations tailored to the local situation fall in the first instance within the competence of the municipal council under section 168 of the Local Government Act. The Council can examine whether provisions geared more specifically to dealing with petty crime can be included in the General Police Regulation, for example, and whether measures other than action under the criminal law can be applied to enforce those provisions. Then there are the general powers of the municipal executive (Burgomaster and Aldermen) provided by section 209 of the Local Government Act, under which this Executive can take regulatory and supervisory action in a number of 'traditional' areas of local authority concern (ensuring public safety, for example, and the surveillance activities of the market police). These powers undoubtedly offer possibilities for effectively controlling petty crime at local government level. Finally the powers of the Burgomaster under section 219 of the Local Government Act to take incidental measures in the interests of public order are of relevance in this connection. These powers can also be used, albeit in incidental cases, for the control of certain forms of large-scale petty crime.

Alongside these general administrative powers the local authority also has powers under a number of special statutes the use of which can make a positive contribution to the control of petty crime. The powers under the Licensing and Catering Act are an outstanding example of this. The provisions of this Act must be used more extensively than at present to balance the interests of crime prevention carefully against the interests the Act is intended to protect. There must be no hesitation in attaching conditions concerned with crime prevention to the granting of a licence. The possibility of withdrawing licences in extreme cases should certainly not be excluded. Many special statutes also confer wide supervisory powers on local government officers. In the government's view it would be well worth examining whether and to what extent this supervisory activity can be stepped up.

While the Licensing and Catering Act regulates an area which can immediately be seen to have direct relevance to the fight against petty crime, legal powers directed at other areas of local government concern may on closer examination prove to be of interest in connection with many aspects of petty crime. Research in other countries has shown, for example, that the planning and structuring of an urban area can have direct consequences in the prevention or attraction of crime. Clearly local authorities, when drawing up structural development and area designation plans, should also examine the negative or positive influences which planning decisions may have on crime and the extent to which allowance for these influences can be built into the planning regulations. This applies in particular to physical plans which have a role to play in urban renewal. With regard to siting policy for commercial and industrial undertakings and other institutions, more attention than hitherto should also be devoted to the elimination of crime-promoting effects in the drawing up and implementation of the policy (licences, regulations). There are in addition the powers of the local authority in respect of school facilities and the prevention of truancy.

The local authority can accord a special place to the interest of combating and preventing crime in the determination and implementation of the municipal subsidy policy. For example, conditions attached to the granting of subsidies for welfare facilities, such as neighbourhood and youth centres, may pro-

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vide a good instrument for the prevention of vandalism. In the framing of its municipal traffic and public transport policy too, the local authority can make a significant contribution to the prevention and control of crime.

Of course in all these areas the interests of crime prevention and control must be balanced against other interests which the local authority has to look after. This must be done by way of detailed consultations, not just between the administrators themselves and between the administration on the one hand and social organizations and private citizens on the other, but also between the administration, the police and the Public Prosecutions Department. The organization of this broad fabric of consultation is discussed in more detail in chapter 4 (see section 4.2.7).

### 3.3.3 *The policy of the police and criminal justice authorities*

Some form of action under the criminal law is always necessary in flagrant cases of petty crime. These include cases in which the offender is caught in the act or in which the identity of the offender is known or easy to discover. Besides these cases the police and criminal justice authorities have a certain room for manoeuvre in the deployment of their resources where petty crime is concerned. Thus the police may or may not decide to release detective staff to deal with petty crime occurring locally. And the Public Prosecutions Department may decide to deal with such offences in a variety of ways, including the application of accelerated proceedings. Except in the flagrant cases referred to above, the organs of criminal justice must deploy their resources in the field of petty crime primarily as the final link in a chain of prevention involving the general public and the local administration. This means in effect that the efforts of the police and prosecution service in this area will always be of a complementary nature. Special efforts deployed by the police and prosecution service should depend on the nature and extent of measures applied by ordinary citizens, the administration and the relevant social organizations. If these measures are inadequate, counter-productive ect., its makes little sense for the police and prosecution service to devote their scarce resources to the area concerned. It is more meaningful for them to be deployed in areas in which more favourable conditions for the effective administration of criminal justice are present.

If the outline conditions referred to are favourable, the police and prosecution service can offer support in two ways. From the point of view of prevention, the police in particular can do a variety of things to support the activities of the administration and the public, in the field of surveillance for example. This can take place on the one hand through better preventive surveillance and on the other hand through selective checks carried out both by the police and by special investigation services, such as the National Traffic Inspectorate. Of course there are disadvantages to wholesale investigation campaigns, but the government considers that large-scale checks are indispensable in the case of some offences which are as prevalent as certain forms of petty crime.

From the corrective action point of view- except where the flagrant cases already referred to are concerned- that support is to the expected for the citizen who, despite preventive measures taken, has become the victim of petty crime. For example, a member of the public who has had his postcode engraved on his stolen bicycle and in addition is able to report the frame number to the police, has a right to expect that this information will be used as effectively as possible. Moreover, the police and prosecution service take corrective action in accordance with agreements reached at local level on the matter. In some areas it is also possible to develop close cooperation in the matter of corrective action between the administration or a body formed under private initiative and the police and prosecution service. Thus in Rotterdam young people arrested for vandalism are referred to a bureau set up by the Ci-

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ty Council (the HALT bureau). The young people concerned perform cleaning and restoration work under the supervision of this bureau. If the work has been done satisfactorily, the police and prosecution service may decide not to take the matter any further. Comparable projects have been set up in other municipalities too, notably as part of experiments conducted by the Committee on Community Service Orders for Young Offenders. The government feels that such cooperative ventures show great promise and will support them wherever possible.

Discussions are in progress on ways in which the police and prosecution service can assist the Royal Netherlands Football Association (KNVB) in enforcing a ban under private law on access to football grounds by persons convicted of serious forms of soccer violence.

As part of the policy plan of the Trilateral Consultative Group in Enschede<sup>14</sup>), the Chief Public Prosecutor of Almelo has undertaken to refer all cases of public violence in the local authority's area for possible discretionary justice. Agreements have also been reached on ways of dealing with other types of offences to which it has been decided the police and prosecution service should devote special attention.

A condition for adequate support by the criminal justice authorities for the preventive efforts of the public, the administration and the police is in general the ability and readiness of the Public Prosecutions Department to give practical effect to the undertakings it has entered into. This means that offences which come to the notice of members of the public or the administration in performing their supervisory duties or reported by the police in the course of their preventive activities must be followed up by the criminal justice measures agreed locally in respect of such cases. If there is no follow-up, the new distribution of responsibilities between the criminal justice system and citizen/administration will eventually cease to function. The Public Prosecutions Department must therefore be in a position, taking into account the possibilities of the judiciary, to guarantee that every offence detected and reported within this framework will be followed up by serious intervention on the part of the Public Prosecutor or the Courts.

### *3.3.4 Policy changes in the police and criminal justice authorities*

The starting point for the guarantee policy of the criminal justice authorities must be an increase in the proportion of actual interventions in relation to the number of cases brought before the Public Prosecution's Department which are eligible in principle for intervention. Thus in 1983 about 40,000 cases of simple theft and destruction of property were registered with the courts. In the present situation about 20,000 are actually brought to court, while the remaining 20,000 are dealt with by the Public Prosecutor, 15,000 of them by means of an unconditional discharges on policy grounds. The high proportion of unconditional discharges on policy grounds is a consequence of the policy principle applied over the past 25 years that criminal prosecution should not be automatic but should be based on the consideration that it serves a concrete social objective. The government endorses this policy principle. In the context of an integrated approach embracing both the administration and the prosecution service, however, such a high proportion of discharges on policy grounds can no longer be justified. A key element in this approach is that the Public Prosecutor's Office concerned must decide, in consultation with the administration and the police, what types of offence must be dealt with through the criminal justice system. The consideration whether such action serves a concrete social objective can therefore be deemed, in respect of petty crime committed on a large scale, already to have taken place. This means that, when agreements have been entered into by the parties to a trilateral consultation procedure on action to be taken through the criminal justice system as the final element in a more comprehensive policy,

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cases brought before the Public Prosecutor must as a rule be settled by the Office out of court under its discretionary powers or sent to court.

After the Property Sanctions Act came into force in 1983, which for the first time conferred powers on the Public Prosecutions Department to offer discretionary settlements in respect to offences, the national percentage of charges dropped fell for the first time in many years. The government feels that in the new scheme of things there must be a further drop in the proportion of cases dropped in the total of cases, i.e. by 50% in the period to 1990. This reduction can be achieved to a large extent by more clearly defined agreements with the police on cases eligible for prosecution. In addition cases which are now dropped without further action, for example, because of the 'minor nature of the offence', must be dealt with more frequently by conditional discharges, preferably with a reprimand, or, better still, by discretionary settlements or prosecutions. The important thing is that offenders apprehended within the framework of a total policy and whose case is referred to the Public Prosecutions Department should, in principle, always be dealt with in a systematic manner.

The criteria for the success of this course of action are that, by way of the socio-preventive approach, there will in the long term be a reduction in the number of crimes recorded by the police and that this development will derive added impetus from the threat of punishment and the standard-reinforcing effect inherent in the systematic method of dealing with offenders apprehended. It was forecast in chapter 2 that the number of cases registered with the courts would, if policy remained unchanged, rise by about 20% in the period up to and including 1990. As a result of the local policy plans to be developed, there is likely to be a further increase in the short term in the number of cases coming to the notice of the police, which would also lead to a larger number of cases referred to the Public Prosecutions Department. This possible additional increase in the number of crimes recorded initially should not be allowed to result in an extra flow of cases to the Public Prosecutions Department, because otherwise the criminal justice system would be further overloaded. It would be necessary to absorb this additional increase as far as possible at police level — under the responsibility of the Public Prosecutions Department of course — where the appropriate mode of action might be for the case to be dropped by the police. The referral of cases to the Public Prosecutions Department must of necessity be kept more or less constant, so that cases can be expedited there more systematically than at present and new caseload difficulties can be prevented.

Clearly the intended reduction in the percentage of cases dropped will increase the workload of the Public Prosecution's Department, the Courts and the penal system. Some 130,000 cases were dealt with in 1983 by the Public Prosecutions Department and, of these, about 54,000 (42%) were dropped on policy grounds. About 93% (almost 50,000) of these discharges were unconditional. If instead these cases are conditionally dismissed or subjected to a discretionary settlement and/or prosecution, there will be consequences, depending on the approach adopted, for the workload on the departments of the criminal justice system concerned. Both discretionary settlements and prosecution require greater efforts than unconditional discharges. The important point is that conditional discharges should be reactivated when the suspect fails to observe the conditions, that unpaid settlements should systematically give rise to prosecution and that penal sanctions imposed in this process should be systematically and rapidly executed. Capacity must also be available, in view of the principles laid down to ensure that, in cases for which the substitution of a custodial sentence is indicated, the sentence can in fact be executed.

The government realizes that this 50% reduction in the proportion of cases dropped is an ambitious target, which will have organizational as well as financial and staffing consequences. However, it feels that it is necessary to achieve it in order to ensure that the criminal justice system can function as a

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credible end-link in the preventive chain of efforts on the part of the public at large and the local government administrations working together with the public prosecution service through integrated plans for the control of petty crime.

Finally, an area of emphasis in the new police and Public Prosecution Service policy on petty crime will relate to the treatment of the victim or person reporting a crime<sup>15)</sup>. Each year, according to the victim surveys, the police come into contact with about one and a half million persons who have been victims of or are reporting crimes. Over a period of a few years therefore about half the entire population pay one or more visits to the police. The government — as has been pointed out — welcomes the initiatives taken locally by voluntary or professional workers to assist victims with advice and practical help. These initiatives are often primarily concerned with victims of more serious crime but, in the field of petty crime too, there may be a need for victim support. For example, there may be a need for action to assist the victim in securing compensation.

The government gladly acceded to the request of the recently established National Consultative Association on Victim Support for subsidies from the departments immediately concerned for the setting up of a national service bureau. This service bureau can also function as a national point of contact for assistance to the victims of crimes of violence. The government feels however that the adequate treatment of the victim is primarily the responsibility of the police and the criminal justice authorities. The police and the criminal justice authorities must be attentive and constructive in their reception of victims so that the latter feel supported by the law-enforcement agencies. This will assist in restoring their often shattered sense of law and order. At the Conference of Procurators General in 1984 a report<sup>16)</sup> was presented containing proposals for a policy on the treatment of victims by the police and the Public Prosecution Service. This policy included support for attempts to obtain compensation, for example, by way of conditional discharges or discretionary settlements and, partly, conditional sentences with compensation as the condition.

The government considers the implementation of these proposals, together with the promotion of personal and occupationally related surveillance in the spirit of the recommendations of the Roethof Committee, and a reduction in the percentage of cases dropped unconditionally on policy grounds to be the priority areas for its policy on petty crime.

### **3.4 Policy on the more serious forms of crime**

A high percentage of the crimes coming to the notice of the police consist of petty crimes. That fact might prompt the government to limit the measures covered by this policy plan to that category of crime. For it is this form of crime with which members of the public are confronted as victims and which, because of the frequency of its occurrence, gives rise to feelings of insecurity in those same members of the public. The government feels, however, that such an approach would not do adequate justice to the problems with which our society as a whole is faced through the more serious forms of crime and, in particular, very serious crime.

Generally speaking serious crime falls into three categories. To begin with there is 'traditional' serious crime: capital crimes, sexual offences and robbery with violence. In addition there are the newer forms of serious crime, such as large-scale banking and insurance frauds, practices involving illegal companies and serious environmental crime. Finally, this category also includes what is referred to as organized crime which, often in conjunction with illegal drug dealing, operates in the areas of illegal gambling, the arms trade, prostitution and illegal employment contractors.

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It is particularly this last-mentioned category of serious crime to which the government feels special attention should be devoted. This is not to say that we need not be so concerned with the other two, but it can be said that, for a variety of reasons, there is less need for special measures to support the efforts of the police and the Public Prosecution Service in tackling serious crime in those areas.

That need is less apparent where 'traditional' serious crimes are concerned, because the increase in those crimes, with the exception of robbery with violence, is less spectacular. The increase in the number of crimes of killing is to a large extent to be seen as an aspect of the illegal drugs trade. Certainly traditional capital crimes also elicit severe feelings of insecurity in some sections of the population, but these feelings are quickly allayed on the one hand by the high rate of detection and apprehension and on the other hand by the attention which the media invariably devotes to police successes in the matter. A problem here is of course the fact that it is sometimes impossible to give effect to orders for provisional custody. This policy memorandum announces measures aimed at providing a solution to this problem.

Special measures of criminal justice are not needed to deal with fairly widespread less serious forms of fraud and environmental crime, because the same principles apply in broad outline here as in the field of petty crime. In the recently published report of the Interministerial Steering Committee on Fraud and Misappropriation (Interdepartementale Stuurgroep Misbruik en Oneigenlijk gebruik — ISMO) a situation emerges with regard to fraud which is substantially the same as that outlined above for petty crime. The Steering Committee writes: "Indications are rarely to be found of any policy systematically geared to the control of fraud. It is hardly ever recognized that the process of regulation and control, followed by evaluation with feedback and adjustment where necessary, should be a continuous process". A similar situation also prevailed until recently in the field of environmental crime. This is illustrated in particular by studies carried out on the operation of the Nuisance Act. Thanks to the efforts of the Minister for Housing, Physical Planning and the Environment, changes are now to be made in this area.

The government considers it sufficient to draw attention here to the vital importance of taking measures in these fields in close consultation with the Minister of Justice. It points out that possible bottlenecks in this area are mostly to be found in fraudsensitive legislation, in the standard-blurring effect of an inadequate administrative policy of control and implementation and in the fact that the low level of threat which these crimes pose for the public on the one hand and the low level of direct stress which they experience as a consequence on the other, may quickly reduce the criminal perception of this type of offence.

At all events the role of the police and the public prosecution service in these fields must remain limited for the time being, in the same way and for the same reasons as their role in respect of petty crime. In the case of serious organized forms of fraudulent and environmental crime, action on the part of the police and the public prosecution service is of course always imperative.

Organized crime in whatever form calls for greatly increased attention. Although precise figures on this type of crime are scarce, there is a definite feeling in police and public prosecution circles that it constitutes a serious danger to Dutch society and that there is a need for prompt action to counter it. This impression is confirmed in international documentation<sup>17</sup>).

A key element in organized crime, as far as can be seen, is trafficking in narcotics. Those engaging in such activities, however, often do not limit themselves to that field. Partly in order to reinvest their enormous gains profitably and partly because appreciable gains stand to be made there too, they extend their activities to the world of prostitution, illegal gambling and company fraud. Conversely it also happens that those specializing in company fraud eventually look round for a wider sphere of activity.

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It is, in the government's view, important to act vigorously against these developing forms of serious crime. The Netherlands has in the past been largely free from these forms of criminal behaviour, and an extremely vigorous effort is needed to avert the current danger of the formation of a widely ramified criminal underworld rooted in Dutch society. Here, much more than in the case of the forms of serious crime discussed above, the police and the public prosecution service need to call on all their resources and the approach to this problem, unlike that to petty crime and the traditional forms of serious crime, needs to be placed primarily on a supra-local and national footing.

Apart from the fact that the existence of organized crime within a country's own borders is never attractive to that country, there are a number of other considerations which call for resolute action to tackle this problem. In the first place we must prevent a situation in which The Netherlands, because of its restrained policy on the investigation and pursuit of crime and its relatively mild penal climate, becomes or remains an attractive centre of operations for the exponents of this type of crime. In the second place we are concerned here with a field in which the less than adequate performance of their duties by the police and the Public Prosecution Service will seriously compromise the authority of the criminal justice system not only in the eyes of the group of offenders in question but also in the eyes of potential offenders and, in the long term, of the 'ordinary' citizen and will thus lead to a loss of credibility for the power of state as a whole. Moreover, it is important as far as possible to strangle any development in this direction at birth, because organized forms of crime are more difficult to control the more perfected and established their organization becomes. Finally it is important to deal decisively with this form of crime because its perpetrators often deliberately flaunt their contempt for our legal system, and tolerating this may contribute further to the erosion of standards. This policy principle will have significant consequences for a number of sectors of the criminal justice system.

The principle of a clear and consistent policy highlights the vital need, where organized crime is concerned, for a drastic expansion in the capacity of remand centres and secure prisons for convicted prisoners. The release of persons on remand under suspicion of drug trafficking or other forms of organized crime should be avoided at all costs, repeat: *all costs*.

For the police this means stepping up investigative activity in the fields in question. The government feels that detection can only be effective if optimum use is made of the possibilities for integral information processing and analysis. This would make it possible to improve the intelligence of the investigation services on supralocal patterns of crime. The Central Criminal Information Department (Centrale Recherche Informatiedienst — CRI) is a support facility established in part for that purpose and should also be called upon in that role. The Public Prosecutions Department, in the government's opinion, must strive to apply a prosecution policy which is as well coordinated as possible. It should be properly coordinated not only in the matter of the penalties demanded in the various fields of law, but also where the relation between the severity of the penalty and the position held by the offender in the criminal organization is concerned. Harsher penalties must be demanded for the big dealers in particular. This form of selectivity is imperative because, where such coordination is lacking, even after the necessary expansions have been brought to fruition, too much of the available penitentiary capacity must be set aside for incidental drugs offenders, including small users, middlemen etc.

Research by the WODC has shown that sentencing policy on cases involving drug offences often varies considerably from one area to another. The government is aware that, in response to this situation, the Board of Attorneys-General have set up a working group which is expected to come up with new guidelines for sentence demanding by the Public Prosecutor in cases of crimes under the drugs legislation. In the light of what has been said above, the government attaches great importance to the activities of this working

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group. Of course it remains to be seen whether the courts will show readiness to follow the Public Prosecutions Department in this respect.

The Property Sanctions Act, introduced in 1983, offers judges the possibility of imposing heavy fines in combination with prison sentences on offenders suspected of being key figures in organized crime. The government takes the view that optimum use should be made of all existing possibilities for hitting major criminals through the wealth they have accumulated from their criminal activities. It therefore attaches great importance to the reports expected from the working group of the Criminal Investigation Advisory Committee (*Recherche Advies Commissie*) recently set up to study this question.

### **3.5 Organizational consequences**

#### *3.5.1 Introduction*

In the foregoing much attention has been devoted to the material principles of the fight against crime. The control of petty crime is not the responsibility of the Ministers of Justice and Home Affairs alone. The range of persons and bodies concerned with it should be considerably widened. The application of the criminal law generally should be differentiated at all stages of the criminal justice system. The activities of the various administrative bodies, the police and the criminal justice authorities should be better coordinated.

Clearly, giving practical effect to these principles requires careful organizational and procedural planning. Their application no longer involves only the organs of criminal justice but also social organizations, other departments of general administration and — in particular — local government. The first question which arises in this connection is how, in concrete terms, the supporting role of the criminal justice system can be formalized with respect to these jointly responsible authorities. Secondly, the introduction of detected violations into the criminal justice system needs to be controlled. For this purpose it is necessary to determine the criteria under which different forms of criminal justice reaction are to be selected as most appropriate for particular types of offence. Finally the question must be examined how to ensure that the desired reaction can be made effective and how to avoid having to put up with a less satisfactory result. On the other hand it is important to avoid setting unduly far-reaching interventions in motion, which would again lead to the overloading of the criminal justice system. All these organizational demands point to the need for a greater degree of planning and control in the crime policy of the Government in general and of the criminal justice system in particular.

#### *3.5.2 The relationship between executive, public prosecutions department and police (the trilateral consultation)*

The acceptance of the views of the Roethof Committee on the privacy of the local executive in policy on the prevention of petty crime means that central government must give as much support as possible to measures for the prevention of certain forms of crime in this category. Section 4.2 deals with this in more concrete terms. It is clear, however, that the centre of gravity for the organization of prevention policy lies in the local authority. It is absolutely essential therefore that the prevention policy of the municipal council be coordinated with the policy of the police and the Public Prosecutions Department.

In formal terms the relationship between the local authority and the Public Prosecutions Department is one of mutual independence. In recent years, however, the realization has grown that, in material terms, they have a fair number of interests in common. Thus the local executive (the Burgomaster)

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needs the Public Prosecutions Department as the final element in its policy on public order, which is implemented by the police; and the Public Prosecutions Department and the police cannot really do without the executive as the advance guard which determines the outline conditions for the fight against various forms of petty crime. The police perform their task of assistance under the responsibility of the local authority.

This awareness has taken on concrete form in the trilateral consultation procedure in which the administration, the public prosecution service and the police jointly discuss and decide upon matters relating to the maintenance of law and order. In some municipalities integrated policy plans have been worked out through the trilateral consultation procedure to combat crime. The best known of these is the policy plan already referred to of the municipality of Enschede. The Cabinet sees this as a very positive development. It also feels that the status of the trilateral consultation procedure must be formalized by giving it a legal basis. At the same time the Cabinet thinks that in many areas the scope of that consultation must be widened. As a follow-up to the Enschede initiative the discussion in the trilateral procedure should cover all measures — both preventive and corrective — which may contribute to the control of criminal behaviour as also the question how optimum coordination can be achieved with each party retaining its responsibility.

In the preparation and implementation of integrated plans worked out by the administration and the public prosecutions department together for the control of petty crime, close cooperation must be developed between police officers, including crime prevention officers — who should be given a position and status within the force commensurate with this consultative function —, officials in the various departments of local government and public prosecutors. For the local authority, policy on crime prevention should form part of a much broader local government policy. This means that there must be structured consultation between the organizational units of the local government machine concerned with the control of crime (police, general affairs department and executive) and units whose tasks cover economic policy, physical planning, education, housing etc.

The Burgomaster, in pursuance of his responsibility for public order and safety in the municipality, can play a key role in this consultation. It is incumbent on him, in close cooperation with the Municipal Council and the municipal executive, to bring home to Council departments and services, such as urban development, welfare and housing, of the possibilities also open to them of contributing to the fight against crime.

The Public Prosecutor, having regard to his special responsibility for the results of the local crime policy, must have the right to question the Burgomaster in the trilateral consultation procedure on the content and implementation of the local authority's prevention policy. The Public Prosecutor for this part should — of course taking into account the instructions issued by the Attorney-General pursuant to his statutory role of supervision — not only be prepared to consult with his partners in the trilateral consultation procedure on prosecution policy but also to provide information on the matter, where required, at meetings of the Council or the General Committee of the Council. The Public Prosecutor's Office, since it also exercises formal authority here, may instruct the police to use its specialized resources in providing the best possible preventive support to the administration's activities and should complement the role of the police in following up their action with corrective measures where necessary. The administration and the police may in turn call upon the Public Prosecutor, pursuant to the agreements reached on the matter, to institute those reactions to offences referred to him which are required by the joint decisions taken.

The government is well aware that what has been set down here in relatively simple terms will be far from easy to put into practical effect. Firstly, as has been pointed out, it will certainly not be an easy matter in the initial stages to determine what the consequence will be in terms of workload and peniten-

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tiary capacity of the criminal justice intervention measures agreed. Even after the expansions in the staffing and material areas urged by the government have been achieved, restraint in the use of the criminal law will remain necessary. The government expects that the reports of the working groups referred to in paragraph 3.5.3 will also give valuable support to the public prosecutions department in making its contribution to the trilateral consultation procedure through the necessary planning of public prosecutions department intervention and hopes moreover to be able to provide assistance at an early date to the partners in the local consultation procedure through the reports awaited from the Peper Committee on police policy planning in general.

Although the structures of the consultation procedures outlined here cannot yet be laid down in detail — practical experience will point the way in this matter — the government feels that the trilateral consultation procedure is at all events the appropriate forum for mapping out the broad lines of local policy on the maintenance of law and order. The government trusts that increasing success will be achieved in the coming years in this endeavour through the commitment of those concerned and through their awareness that they need each other in order to discharge their joint responsibility for dealing with the problem of petty crime, which is felt especially keenly at local level.

With regard to serious crime the relationship between the public prosecutions department and the local administration is in principle less important than it is where petty crime is concerned. As has been pointed out, the criminal justice system in this area takes on an exclusive rather than a subsidiary role. It is only in the case of non-organized fraudulent and environmental crime that there is a clear structural link with administrative action, and the role of the criminal justice system here is essentially that of a final link in the chain of administrative measures geared to crime prevention. But because coordination between the activities of the administration and those of the criminal justice system generally takes place through the (special) investigation services, the problems of coordination in this area will not be discussed further in this context. The government does, however, consider it to be of great importance, as was pointed out in the memorandum on police services of the Ministers of Justice and Home Affairs presented to the Second Chamber on 22 February 1985, that the trilateral consultation procedure should deal with the deployment of police manpower for the investigation of serious crimes. The requirement of an effective and consistent policy with regard to organized crime implies that there should be close consultation with the Public Prosecutor on the strength of the central criminal investigation service.

### 3.5.3 *Control in the administration of criminal justice (general)*

The first step which needs to be taken in restoring the credibility of the administration of criminal justice is to eliminate the innumerable stoppages in the criminal justice system, i.e. to ensure that cases are dealt with and concluded systematically and within a reasonable timescale. A considerable proportion of the activities of the police have few or no consequences for the public prosecutions department, the judiciary or the correctional system. Other police activities, however, do contribute to the workload of these instances. Similarly a number of the activities of the public prosecution service have no effect on the workload of the courts or the correctional system, while others do. In order to gain an understanding of the problems which arise in these processes, it is appropriate to present the totality of activities of the criminal justice system, in the form of a conceptual model, as a factory with a continuous production process<sup>18</sup>).

The first stage in the process, which feeds the materials into the system, consists of the organs concerned with the detection of criminal acts: the

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police and the special investigation services.

The public prosecutions department is the second stage in the process: the Public Prosecutor's Office decides on the effect to be given to the criminal acts detected by the organs of investigation. When the Public Prosecutor's Office decides in favour of prosecution, the third stage in the process is brought into operation: the judges' bench, which passes judgment on the criminal charges brought by the public prosecutions department. The fourth and last stage in the process is concerned with the execution of the sanctions imposed by the judge. This responsibility is formally vested in the Public Prosecutor's office but is discharged in practice by the probation and after-care service, the police or the judicial police, the judicial child care and protection service, the prison service and the mentally disturbed offenders service. This somewhat stylized picture of the system gives a clear impression of the mutual interdependence of the various organs involved in the administration of criminal justice. This interdependence makes it necessary, when decisions are taken on possible measures concerning the activities of one of these organs, to consider the consequences of those measures for the criminal justice system as a whole. In other words the activities of the various components of the machine of criminal justice must be adjusted to one another as effectively as possible in order to guard against the production of 'semi-finished products' (charges, court judgments) which ultimately cannot be processed by the system.

This mutual adjustment must cover the following aspects which closely interact with one another. To begin with the policy pursued within the different sectors of the criminal justice system must show a high degree of consistency in relation to the other sectors. To what particular criminal acts the system should be geared and in what manner those acts should normally be processed are questions which, up to a certain level, need to be settled on a country-wide basis. The answers to these questions, however, have consequences, for example, with regard to the national capacity to accommodate service assignments and the availability of sufficient penitentiary capacity providing a certain custodial regime.

In the second place the organization and working procedures of the various parts of the system must follow on from one another as smoothly as possible. This highlights the desirability of coordinating the computerization schemes, some of which are already operational and some still in the development stages, of the various departments of the criminal justice 'factory' — police, courts, prison service — as far as possible. Another example is the possibility of close cooperation between court administrations and penal registry services.

Finally, attention needs to be drawn to the manner in which policy on the one hand and organization and working procedures on the other hand influence one another. Thus the policy option of increasing the concern of the police and public prosecutions department for the treatment of victims of crimes has far-reaching implications for the organization of the activities of these bodies. An example in the reverse direction is that the development instituted in various municipalities towards a district-based organization of the police tends to alter the composition of the package of criminal acts referred by the police to the public prosecutions department.

The picture of the criminal justice system as a continuous production process is helpful in analysing the problems with which the system is currently confronted. Even disregarding those activities already mentioned of the various constituent parts of the system which do not work through into the other parts however, the comparison between such a production process and the criminal justice system eventually breaks down. In fact the system has certain characteristics which are of great relevance to the possibilities of exercising control within the system. In seeking possible solutions to the difficulties of the criminal justice system, therefore, these characteristics cannot be overlooked.

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The first aspect which springs to mind is the independence of the judiciary, a principle embodied in our constitutional system. It is the judiciary which in the last instance determines the nature and volume of the workload of the bodies charged with the execution of the decisions taken by it. It should also be pointed out that the Public Prosecutor's Office shares its authority over the police with the local authority, and in municipalities with a municipal police the Burgomaster also exercises control over the police. In view of all this, the task of ensuring consistency within the criminal justice system — an immense organizational undertaking having regard only to the diversity and total extent of the bodies concerned with the administration of criminal justice — is not a simple one by any means. The need to tackle this task to the best of our ability, however, is beyond question. It is also obvious that the public prosecutions service, because of its central position in the criminal justice apparatus, from which it maintains direct contact with the local authority, the police, the judiciary and the Ministry of Justice, is the department best placed to take on the task.

For these reasons the Attorneys-General and Courts of Appeal in mid-1984 decided, in consultation with the Ministry of Justice, to set up a joint working group of members of the public prosecutions department and officials of the Ministry of Justice with the task of presenting proposals, with research support from the Research and Documentation Centre, to strengthen consistency in the activities of the criminal justice system. This working group, which is serviced by assistance from external sources and may be expected to take some considerable time over its deliberations, has played a coordinating role in the preparation of this plan, for which purpose it was enlarged to include officials from the Ministry of Home Affairs on an ad hoc basis. Among other things this made it possible to give an indication in certain cases of the consequences which the measures proposed in this plan may be expected to have for the criminal justice system as a whole and its various component parts.

A crucial point, finally, on which the criminal justice system departs from the factory model is the need for the system to cooperate with the municipal administration and the relevant social organizations in the field of crime prevention. The criminal justice 'factory' does not in principle seek to increase its own output. On the contrary the dispensing of criminal justice is a necessary evil which must be kept to a minimum by the greater use of administrative resources and by private initiative. The Public Prosecutor's Office thus not only has the difficult task of coordinating the activities of the different organs of criminal justice as effectively as possible, but also has to maintain consultations with the local authority and other bodies on measures for the prevention of crime.

The paragraphs which follow will examine the consequences of the coordinating task of the Public Prosecutor's Office for its relations with the police, the judiciary and the bodies which have effective responsibility for execution. Organizational aspects within these other bodies and the Public Prosecutor's Office itself will of course also be referred to in passing. These aspects will be examined in detail in chapter 4.

The consequences for the public prosecutions department itself will according to the government's information, also be discussed in the annual report of the Attorneys-General for 1984 which, in accordance with the usual practice, will be appended to the justice estimates on the presentation of the National Budget in September 1985. We shall return to the consequences for the police and the departmental services in the budgetary comments of the Ministries of Justice and Home Affairs. It is only possible in what follows to present a basic outline.

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### 3.5.4 *The relationship between the Public Prosecutions Department and the police*

As was pointed out in paragraph 3.5.2, where the main lines of policy have been discussed and decided in the trilateral consultation procedure, the Public Prosecutor's Office in its bilateral consultations with the police must decide on the detailed implementation of principles agreed with regard to criminal investigation duties. In the interests of making these contacts effective the public prosecution service must realize that in the past it has not always devoted the attention to its relations with the police which might have been desirable. The police as a consequence very often feel that they carry full responsibility for the input of material into the criminal justice process. In practice this is indeed to a large extent the case in the present situation. The police are moreover most directly confronted with crime, the public who are its victims in life, limb and property and the social reactions to crime, including pressure from the population for more action to be taken to follow up reports of large-scale petty crime.

Recognizing the difficult position in which the police find themselves in the criminal justice system as the intermediary between the public and the prosecutions department, the government feels that there is an urgent need for better coordination between the activities of the police and the public prosecutions department. This need is apparent among other things from the high percentage of charges which are dismissed on policy grounds. It is well known that this high rate of policy discharges is a persistent source of demotivation for the criminal investigation services. As has already been pointed out, a high percentage of charges dismissed does not accord with the principle of a criminal policy coordinated both externally and internally. Nor is it good from the point of view of effectiveness that a high percentage of cases registered with the courts should be taken no further. An effort is therefore needed by both parties in joint consultation to develop control mechanism which can put an end to this situation. Such consultation is all the more necessary as developments — otherwise to be regarded as positive — are now taking place in the police which will further complicate the possibilities of coordinating the activities of the police and public prosecution service. Aspects which come to mind here are the despecialization of the judicial police and the decentralization already referred to of police activity, the so-called district-based approach.

Once it has been decided in the trilateral consultation procedure in general what type of offence should in principle be the subject of an individualized reaction and which of the organs of criminal justice should deal with it, the procedures to be followed should be worked out in detail in the bilateral consultations referred to. It is here that the police gives an account of its investigation policy on reported offences, that the order of priorities is given concrete form in respect of so-called detected crime, that the dismissal of charges by the police is discussed and evaluated and the public prosecutions department explains its prosecution policy.

A valuable tool here might be a checklist based on a relatively simple point system for prosecution decisions taken by the Public Prosecutor's Office in categories of cases which occur with high frequency. This policy instrument, which was recommended in the annual report of the Attorneys-General for 1983, is now used in a number of districts. The same lists could also constitute a guide to the police in its reporting policy. The government also feels that initiatives such as have been taken in a number of districts, involving weekly contacts between detectives and public prosecution staff at district level on the margins of manoeuvre in investigation and prosecution policy, could serve as an example.

The government does not consider that any rules can be given with regard to the precise content and structure of these contacts. They will vary in detail from one local situation to another. The essential point is that full attention

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should be devoted to the quantitative aspects of police and public prosecution service activities.

Finally, the proposals of the Working Group on Prosecution Policy and the Victim also call for close cooperation between the Public Prosecutor's Office and the police. The police must develop standards in consultation with the public prosecution service for the arrangement or preparation of compensation settlements between the offender and the victim. The supply of information to the victim also requires a joint and coordinated policy.

The coordinating role of the Public Prosecutor's Office in the field of serious or organized crime requires a different approach to that adopted in respect of minor offences. A first essential here is specialized knowledge and, for reasons of efficiency or in the interests of harmonizing policy, preference should be given to the supra-local and national coordination of activities. Two examples of this chosen at random are the national guidelines on the detection and prosecution of drug offences and the guidelines on sentence recommendations for hit and run offences. What is needed here therefore is not so much coordination through the local trilateral consultation procedure but bilateral consultations with the local police in the light of guidelines laid down on a national basis, with the Conference of Attorneys-General as a central point of coordination.

In the recent past developments have been initiated by the police with the aim of improving efficiency in the fight against serious crime. These are aimed at a variety of forms of supra-local cooperation in the pursuit of criminal investigations, such as regional investigative support teams, observation teams and drug teams. These developments must be pursued with vigour. Moreover, complement to these measures, there is a need to step up the coordinating and advisory role of the Criminal Investigation Service (CRI), particularly in the analysis of supra-local patterns of crime. Attention should also be drawn here to the memorandum presented by the Ministries of Home Affairs and Justice to the Second Chamber the future of the police service, which considers that efforts over the next few years must be concentrated on increasing cooperation in the police.

### *3.5.5 The relationship between the public prosecutions department and the judiciary*

The relationship between the public prosecutions department and the judiciary is entirely different in character to that between the public prosecutions department and the police. The relationship here is not one of formal authority but one of formal independence. Just as in the relationship with the administration however, there is a degree of mutual dependence in material respects. The judiciary — except as provided by article 12 of the Code of Criminal Procedure — is dependent on the Public Prosecutor's Office for its input. The Public Prosecutor's Office, applying the principle of opportuneness, determines the workload of the judges and therefore has some control quantitatively speaking over the expediting of work in this phase of the system. On the other hand the public prosecution service is in many ways dependent on the judiciary. Thus it cannot in principle apply any policy of preventive arrest without the involvement of a judge, and the same goes of course for policy on penal sanctions. In practice a subtle process of mutual interaction takes place here.

The annual report of the Attorneys-General for 1983 devotes an interesting passage to the consideration of relations with the judiciary, which amounts to a plea for more consultation on the application of penal sanctions. As the public prosecutions department in line with these proposals, increasingly becomes the point of coordination for activities within the criminal justice system, this consultation with the judiciary will take on even greater im-

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portance. The question arises, for example, whether the Public Prosecutor's Office would not be wise, before raising the matter of a differentiated approach to certain types of offence in the trilateral consultation procedure, first to sound out the feelings of the judges on the matter. Some of the agreements reached will after all need to be sanctioned in the final instance by the judges. Of course the contribution of the judges can never be laid down in too much detail; they remain completely free in individual cases to do whatever they consider appropriate. Some form of consultation between the public prosecutions department and the judiciary on the broad lines of criminal policy to be pursued nevertheless seems possible and desirable. The government understands that The Netherlands Association for Jurisprudence (Nederlandse Vereniging voor Rechtspraak) (the professional organization of the Dutch judiciary) has undertaken a study on the possibilities for the application of a judicial sentencing policy in certain areas. The government looks forward with great interest to learning the results of his study.

In the field of serious crimes, where the main aim of penal sanctions is to restrain convicted offenders from a repetition of such acts and to deter potential offenders, it is important that the difference between recommendation and sentence and differences in sentence severity from one part of the country to another should not be too great. The credibility of criminal justice intervention demands a policy which is harmonized on a country-wide basis as far as possible. The task of the public prosecutions department is to monitor national uniformity and, of course within the framework of the particular responsibilities of each party, to convince the judges of the importance of uniformity. In this connection special attention should be drawn to the greater obligation on judges under the Property Sanctions Act to specify the grounds of judgments. A clear, uniform and easily understood penal recommendation policy on the part of the public prosecutions department may assist in giving more content to grounds of court judgements.

Finally there is an urgent need to intensify consultation between chief public prosecutors and the district court presidents and between the Attorneys-General and High Court Presidents on coordinating the capacity of criminal courts and consulting chambers and the number of examining magistrates with the numbers of criminal cases to be dealt with. Court clerks should also always be involved in these consultations. The public prosecutions department must keep an eye on the flow of cases through the adjudication phase and must press for the speedy expediting of cases. Where this is impossible because of pressing problems in staffing and organization, it may be a task of the public prosecutions department to report any such bottlenecks to the Ministry of Justice.

### *3.5.6 Relations between the public prosecutions department and the criminal justice executory services*

The law assigns responsibility for the execution of all sentences to the public prosecutions department. In practice the execution of court decisions is largely performed by other instances. With regard to custodial sentences and orders of the court, actual execution is performed by the Child Care and Protection Department, the Prisons Department and the Special Sentences, Probation and After-care Department of the Ministry of Justice.

In the case of fines the public prosecutions department does have a role to play under the 'IBIS' system but, in the event of non-payment, the fine is collected by the judicial police, and in some cases by the municipal or national police. If the fine is still not paid, the Public Prosecutor's Office is empowered to order detention by substitution, of course in consultation with the Prisons Department.

The government welcomes the setting up of 19 regional foundations which

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will in future take on most of the probationary and aftercare work. This activity, consisting of the supply of information to the judiciary and aid and support to persons under judicial authority, demands a balanced approach geared both to the client's interests and to the objectives of criminal justice. It is expected that the new regional structure will make it possible to achieve optimum effect from this special form of assistance. The probationary and aftercare foundations will in particular be expected to make a significant contribution in the coming years to the preparation and supervision of service assignments ordered by the courts. Probation and after-care will also have an increasing role to play in the arrangement of compensation settlements between offenders and victims. These new tasks will need to be performed in the closest cooperation with the Public Prosecutions Department.

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## Footnotes

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- 2) J.J.M. van Dijk, Financieel-economische aspecten van misdaad en misdaadbestrijding (Financial and economic aspects of crime and the control of crime), *Economisch Statistische Berichten*, 19/2 December 1984.
- 3) ISMO 1985, Rapport van de interdepartementale stuurgroep misbruik en oneigenlijk gebruik (Report of the Interministerial Steering Committee on Fraud and Misappropriation), 1985.
- 4) See e.g. R.W. Jongman, Criminaliteit als gevolg van de uitstoting uit het arbeidsproces (Criminality resulting from the expulsion from labourmarket), *Tijdschrift voor Criminologie*, January 1982, pp. 3-20.
- 5) *De Prijs van het Gevangeniswezen, Hier en Elders* (The price of the prison service, here and elsewhere), Report of the Working Group on Statistical Trends in the Prison Service (Werkgroep cijfermatige ontwikkelingen gevangeniswezen), Spring 1984.
- 6) The involvement in some forces of the uniformed service in the investigation of reports of petty crime is not excluded here.
- 7) Report of the Project Group on a Structural Plan for Penitentiary Capacity (Projectgroep structuurplan penitentiaire capaciteit), Ministry of Justice, April 1985.
- 8) J.Q. Wilson (ed.), *Crime and Public Policy*, Transaction Books, New Brunswick, 1983; European Committee on Crime Problems; *Economic Crisis and Crime*, Draft Final: Activity Report of the Select Committee of Experts on the Economic Crisis and Crime, Strasbourg, Council of Europe, February 1985.
- 9) P. Mayhew, Technopreventie: in hoeverre helpt het? (Technoprevention: how far does it help?), *Justitiële Verkenningen*, no. 8, WODC, 1984.
- 10) M. Walop et al., *Rapportage actie-onderzoek jeugd vandalisme* (Reports on action studies of youth vandalism), part 5, Amsterdam City Council, October 1983.
- 11) J.J.M. van Dijk, *Regaining a Sense of Community and Order*, general report of the XIIth Criminological Research Conference of the Council of Europe, Victims and Research, Strasbourg, April 1985.
- 12) See recently: Committee on the Evaluation of Provisional Custody (Evaluatiecommissie voorlopige hechtenis), Report on the evaluation of the national procedure introduced on 1 January 1984 for the execution of provisional custody, The Hague, March 1985.
- 13) The Roethof Committee defines the term petty crime in its Interim report (page 12) as follows: "... punishable forms of behaviour occurring on a large scale which can be dealt with by the police on a discretionary basis or, in the case of a first offence, are generally handled by the Public Prosecutor or are dealt with by the courts at the most through the imposition of a fine and/or a conditional custodial sentence and which — mainly because of the scale on which they occur — are a source of nuisance or engender feelings of insecurity among the public".
- 14) Local Trilateral Consultative Committee at Enschede, *Beleidsplan criminaliteitsbeheersing* (Policy plan on crime control), Enschede, June 1984.
- 15) See also in this connection the policy considerations on victims of crime in the explanatory statement to the Justice Estimates for 1985, TK 1984-1985, 18 600, VI, no. 2, pp. 4-8.
- 16) Report of the Working Group on Prosecution Service Policy and the Victim (Werkgroep Justitieel Beleid en Slachtoffer), Ministry of Justice, May 1984.
- 17) A.A. Block and W.J. Chambliss, *Organizing crime*, New York — Oxford, Elsevier 1981, pp. 126-128. See also C. Fijnaut, *De uitdaging van de georganiseerde misdaad* (The challenge of organized crime), editorial *Delikt en Delikwent*, September 1984.
- 18) D.W. Steenhuis, *Strafrechtelijk Optreden: stapje terug en een sprong voorwaarts* (The working of criminal justice: one step backward and a leap forward) (1,2), *Delikt en Delikwent*, May/June, 1984.