

Summary

Determinants of the prison population rate in the Caribbean Netherlands

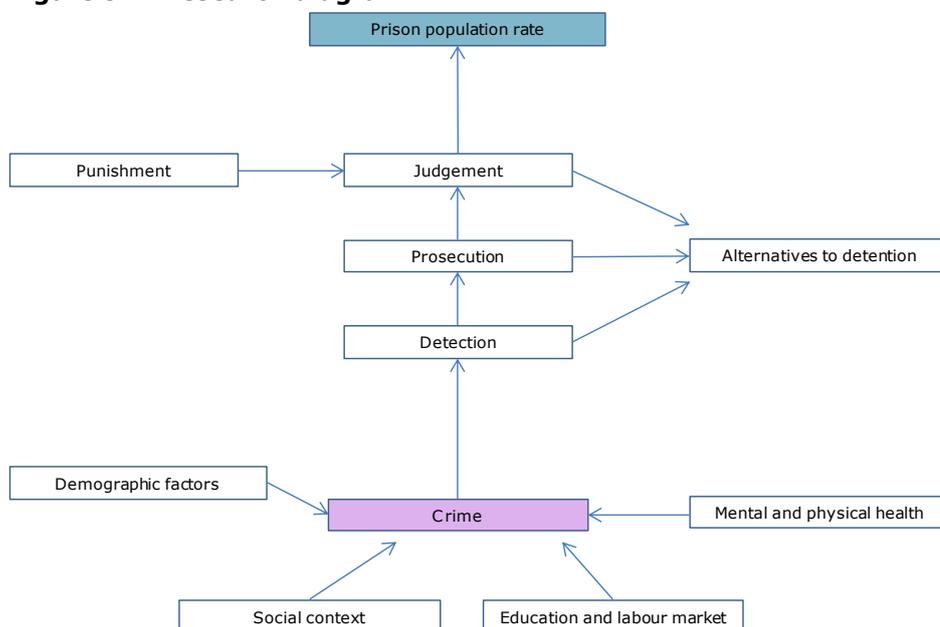
This report describes the results of the research by WODC (the Dutch abbreviation for Wetenschappelijk Onderzoek- en Documentatiecentrum, in English: Research and Documentation Centre) on the determinants of the prison population rate in the Caribbean Netherlands, which consists of Bonaire, St Eustatius and Saba. The research was carried out at the request of the Directorate for Sanctions and Prevention Policy (directie Sanctie- en Preventiebeleid) of the Ministry of Security and Justice. Recently, prison population rates that are more than eight times higher than those in the European part of the Netherlands have been reported for the Caribbean Netherlands in a number of publications. Here, the prison population rate is defined as the number of prisoners held in a country or independent territory per 100,000 inhabitants. In combination with shortages of prison cells in the recent past, this exerted continuous pressure on the available prison capacity in the Caribbean Netherlands. Increasing this capacity is very costly and has financial and physical limits.

Currently, there is insufficient insight in the nature and determinants of the high prison population rate. Consequently, it is unclear how this rate will develop in future years. Also, it is unclear what the effects would be of policy measures that are meant to influence the prison population rate. Little research is available on the criminal justice system in the Caribbean Netherlands, and most of it focusses on developments in crime and the detection and prosecution of criminal cases. Moreover, determinants and/or explanations of developments are hardly described in this research. Little is known on punishment of crime and the (determinants of the) prison population rate. Quantitative information on the different organizations in the field of criminal justice, which can be analyzed in conjunction to provide an overview of the criminal justice chain, is scarce. To get a better understanding of the demand for prison capacity and the factors that determine its development, WODC has conducted this research on possible determinants of the prison population rate in the Caribbean Netherlands.

Method

In analyzing the prison population rate, two elements play an important role: on the one hand the nature and scale of crime, on the other hand the way the criminal justice system reacts on crime. In this report, the two elements are described separately. The research was set up according to the diagram below.

Figure s.1 Research diagram



The lower part of the diagram focusses on possible determinants of crimes that are committed in the Caribbean Netherlands. The upper part of the diagram deals with the way in which the criminal justice system operates, and a number of its characteristics – apart from the nature and scale of crime – that might influence the prison population rate.

In the analysis of both elements, data such as annual reports and quantitative data from Statistics Netherlands has been used, if available. To put the level of crime in the Caribbean Netherlands into perspective, data from the European part of the Netherlands and other countries in the Caribbean has been collected from different national statistics offices. Because the availability of quantitative data turned out to be rather limited, sources of 'soft information' were also used in this research. Much input was provided by field experts who were interviewed during two visits to the Caribbean Netherlands. The first visit focused on the availability of management information and its extraction from the information systems that are used by organizations in the criminal justice system. The aim of the second visit was to acquire insight in the possible determinants of crime in the Caribbean Netherlands. In order to research the factors that are potentially relevant to the development of the prison population rate, criminological and sociological scientific literature has also been consulted.

Information systems in the criminal justice chain

Since 10 October 2010, the Kingdom of the Netherlands has consisted of four countries: the Netherlands, Aruba, Curaçao and St Maarten. The Netherlands Antilles has been dissolved and its constituent islands have acquired a new status. Bonaire, St Eustatius and Saba have gained the status of 'special municipalities' and are referred to collectively as the Caribbean Netherlands or the BES islands. The criminal justice chain in the Caribbean Netherlands consists of a number of organizations that together provide law enforcement. The Dutch Caribbean Police Force (KPCN) is responsible for detection of criminal cases, while the Public Prosecution Service of the BES islands takes care of the prosecution of suspects. The Joint Court of Justice of Aruba, Curaçao, St Maarten and of Bonaire, St Eustatius

and Saba is responsible for the administration of justice in first instance and in appeal on the islands. The enforcement of prison sentences takes place in the custodial institution for men, women and juveniles in Bonaire (JICN). The Guardianship Council BES (in Dutch: Voogdijraad BES) executes tasks enshrined in the law to safeguard the interests of minors, while the Stichting Reclassering Caribisch Nederland (SRCN - the probation office) supervises offenders released from prison or sentenced to community service. The SRCN also presents reports on offenders and makes sentencing recommendation to the court. Each of the organizations mentioned above has its own information system in which data on criminal cases is registered. In general, management information is not easily extracted from these systems. Whether this is because the systems are not technically equipped for this or their technical options are insufficiently exhausted is not clear because technical documentation of the systems is not available. Furthermore, the information systems are aimed at managing information for a specific organization. Extracting information that aims to provide an overview of the criminal justice chain, and sharing this with other organizations has not yet been set up in a structured way. Whereas the small scale of the Caribbean Netherlands could be an advantage in information management because the scale and complexity of the criminal case flows is manageable, it currently plays an impeding role. In many cases, duplicate registration takes place in separate Excel or Word documents, which takes a lot of time and is error prone. Generating quantitative information is a time consuming process, and because of that management information is not easily available. Information that is not included in standard reports is therefore hard to obtain.

Results

I. Relevant factors from the criminal justice chain

Using the quantitative information that is available, we have tried to identify factors, related to the way the criminal justice chain works, that possibly influence the prison population rate. In order to obtain this insight, we have analyzed trends in a number of indicators in the criminal justice chain in the Caribbean Netherlands, and have compared them - if possible - to the European part of the Netherlands and the other countries of the former Netherlands Antilles. The main results of this analysis are:

- While the prison population rate in the Caribbean Netherlands is five times higher than the rate in the European Netherlands, the difference in the amount of registered crimes per 100,000 inhabitants between the two is much smaller: around a factor 1.5;
- This also holds for the number of suspects that are persecuted and the number of criminal cases that are handled by the court, both per 100,000 inhabitants: both relative amounts are around 1.5 times higher in the Caribbean Netherlands than in the European part of the Netherlands;
- On the next phases in the criminal justice chain, i.e. the number of unconditional prison sentences that is imposed by the court and their duration, insufficient data is available. Exactly these indicators determine if punishment in the Caribbean Netherlands is tougher than in the European part of the Netherlands, as experts that were interviewed state.

A direct comparison between territories, as made above, is complicated by differences in available capacity in organizations. These may lead to differences in the relative scale and nature of criminal cases that the criminal justice chain can handle. Moreover, the small scale of the Caribbean Netherlands and, by consequence, the

limited capacity of organizations make the criminal justice chain vulnerable in case of major incidents that occupy a large share of its capacity.

The availability of information on key indicators in the criminal justice chain is not only essential in order to enable regional comparisons. To be able to monitor current developments, plan the workload of criminal cases and anticipate future developments, reliable management information is also very important. Moreover, this information can be used to monitor the effects of policy changes and perform statistical analysis.

Since minors in the Caribbean Netherlands form a vulnerable group potentially at the start of a criminal career, they are considered separately in this report. Although there is no separate juvenile criminal law in the Caribbean Netherlands, a special approach has been used in recent years that is aimed at the extrajudicial handling of minor offenses. In this so-called *3 modellen interventie jeugdcriminaliteit*, minor offenses are handled directly by the Guardianship Council BES using extrajudicial punishment (in Dutch: Halt). Only in more serious cases, the suspect is prosecuted by the Public Prosecution Service. The most serious cases are also brought to court. After two years of successful implementation of this approach, 2013 saw a sharp decline of the number of Halt-cases, which continued in 2014. The number of juvenile suspects that were prosecuted remained at low levels. It is unclear if this means that the approach of juvenile crime is doing well, or that (minor) offenses are not reported to the Guardianship Council.

Apart from the extrajudicial approach regarding juveniles, more initiatives have been developed in order to decrease pressure on the capacity of the criminal justice chain, and of the prison capacity in particular, within the limits of the outdated criminal law of the Caribbean Netherlands. The SRCN has been using electronic monitoring for a few years now, and early 2015 saw the start of an institution similar to the Dutch so-called Safety House (Veiligheidshuis). This initiative aims at intensifying the cooperation between the organizations in the criminal justice chain with those in the fields of (health- and youth) care and education.

II. Determinants of crime

In the analysis of determinants of crime in the Caribbean Netherlands, factors have been identified in the fields of demographics, social context, mental and physical health and education and its connection to the labor market.

Demographic factors

While researching demographic trends in the Caribbean Netherlands, a number of indicators were found that possibly contribute to crime. In the population pyramids of the Caribbean Netherlands, two factors stood out that were especially striking in the last decade:

- The share of men in the total population. Although this share varies per age category, in general men (largely) outnumber women. This holds especially for the ages above 20, barring the oldest categories where women attain the largest but even more so on St Eustatius. On Saba, the ratio is more balanced. In the other Caribbean parts of the Kingdom of the Netherlands, women (largely) outnumber men.
- The population pyramids have a small 'foot', which means that the age categories until around 20-25 years are relatively small. This reflects the modest population growth that can be attributed to births. The share of higher age groups in the population is much larger. Probably, this is related to the influx of migrant workers, especially from Central and South America. The pyramid of Saba is different, since the largest share there consists of 20-30 year olds. This is caused

by the presence of the Medical School on the island, which attracts many students from the US.

The combination of a relatively large share of men in the population, and the fact that this especially holds for the (young) adult categories, means that the group that is designated as crime prone in the scientific literature is strongly represented in the Caribbean Netherlands.

Furthermore, the islands have a long history of strong migration. Migration largely determines the rapid population growth, especially on Bonaire, since births and deaths numbers are roughly balanced. Immigration mainly takes place from Central and South America, but also from the European part of the Netherlands. Migrants from the Americas settle in lower class neighborhoods, which possibly influences social cohesion in these areas. Also, these groups compete with the local population on the labor market. Immigration of the financially strong European Dutch may lead to more income inequality. Although both developments may attribute to crime according to the scientific literature, little indication of that was found in our research. Migrant workers from Central and South America do not contribute disproportionately to crime statistics in the Caribbean Netherlands, with the exception of male migrants from Curaçao. This group has a strong presence in the criminal justice chain. A possible relation between migration and crime in the Caribbean Netherlands in general remains unclear.

Social context

If and how the social context of the Caribbean Netherlands attributes to the scale and nature of crime is difficult to determine, since this possible relation is diffuse and complex. A number of determinants regarding social context is presumed to play a role. One of these is the small scale of the Caribbean Netherlands. Theoretically, the small scale may contribute to possible integrity problems, since everyone knows each other on the islands. This may put a strain on the formal relation and role that inhabitants have toward each other. Citizens in larger communities deal with an objective, anonymous public sector that is absent in smaller communities like on Bonaire, Saba and St Eustatius. Another consequence of the small scale is the limited possibility to create an adequately differentiated supply of services for various problems, such as different forms of substance abuse. Another aspect of the social context is the specific Caribbean culture on the islands. Important aspects of this culture are the gender roles between men and women and the subsequent matrifocality. This term refers to the central role of women in raising children. Many mothers raise their children, sometimes fathered by different partners, by themselves, supported by other women in the family such as grandmothers and aunts. The role that men play in raising children is limited. Their involvement is often short-lived. Sociological and criminological studies suggest that matrifocality may be related to crime. On the one hand, since men are not protected by the moderating influence of a female household partner, which tends to keep them crime prone beyond young adulthood. On the other hand, since adolescent boys are often raised in the absence of an adequate male role model who also corrects unacceptable behavior. Experts also mentioned the authoritarian parenting style and the use of physical punishment, both of which they considered common in the Caribbean Netherlands, as risk factors in crime. This also holds for the other parts of the former Netherlands Antilles and therefore may attribute to crime in the whole region, but would not explain differences between the islands.

Mental and physical health

In the analysis of a possible determinants of crime in the field of mental and physical health, two factors were found that may contribute to crime in the

Caribbean Netherlands: substance abuse and mild intellectual disability (in Dutch: LVB). It must be noted that these factors are mainly reported by experts in the field. Underlying data is scarcely available. In case of substance abuse, the focus is on alcohol abuse and its relation to aggression – in the household as well as in the public domain. Although statistics on alcohol abuse in the Caribbean Netherlands have been published in a one-off publication by Statistics Netherlands in 2011, it has not been possible to get a detailed picture of the problem. Especially young adult men, in particular those with low education, would constitute the group of problematic drinkers. Other forms of substance abuse that were reported in this research are cocaine addiction and the abuse of cannabis.

Mild intellectual disability is a second health factor possibly related to crime that many experts name. It is estimated that this factor concerns a relatively large share of the population; percentages of around 20 are often reported. Objectively measured figures are not available, however. In the criminological literature, mild intellectual disability is identified as a risk factor of criminal behavior.

With respect to physical health, no clear determinants of crime arise from this research. However, there are signals that a considerable amount of school children get insufficient nutrition because of an unhealthy dietary habits, which might be associated with poor school results. Poor school results and dropout emerge in the criminological literature as risk factors of later criminal behavior. Data or studies on this phenomenon in the Caribbean Netherlands are not available, unfortunately.

Education and labor market

Sociological and criminological studies suggest that leaving school without qualifications might be a risk factor for crime later in life. The average education level of the population on the Caribbean Netherlands is relatively low. Since 10-10-10 the school system has been under the supervision of the Education Inspectorate. The quality of the system has improved, but the objective – to bring this quality to the level of the European Dutch education system in 2016 – does not seem feasible at this time. The Caribbean Netherlands have a system of primary and secondary schools, and there is a system of vocational education offering a range of studies. Higher education is not available. Experts from the Centers of Education and Care – organizations that support and treat pupils in need of special care – point to a large number of special care pupils, both in primary and secondary education. The problems in the vocational education system are more limited. The number of students is growing rapidly and in general the Education Inspectorate judges the quality of the schools as positive. However, the education system does not (yet) sufficiently meet demands of the labor market. In particular, highly qualified personnel is in short supply. Within the labor market of the BES islands, there is a shortage of advanced skills and academic laborers (in Dutch: MBO+, HBO and WO). To obtain higher grades, students must go abroad. A number of these students does not return after graduating abroad.

Discussion

Especially the number of prison sentences imposed in the Caribbean Netherlands and their length appear to play a determining role in the prison population rate. In the other phases of the criminal justice system, the differences with the European part of the Netherlands and the other Caribbean parts of the Kingdom are less pronounced. It should be noted, however, that the comparability of data is limited due to differences in registration and availability of information, but also because capacity and enforcement deficits are different. Despite major efforts in recent

years, quantitative information on the criminal justice system in the Caribbean Netherlands is not yet at a sufficient level, especially at the aggregate level. For the most part, management information can not yet be automatically retrieved from the registration systems. Further (collective) investment in local IT-knowledge could be helpful in improving the availability of information. Also, a lot of time would be saved since it would make duplicate manual registrations obsolete. The quantitative picture of the management information that is available does not always match the qualitative picture that emerges from the interviews. It seems particularly important to clarify the actual developments in the field of juvenile crime and the causes of a possible discrepancy in the registration of it.

Also, factors that might play a role in the development of crime in the Caribbean Netherlands that are beyond the direct influence of the criminal justice system have been investigated. For all these factors, indications of a relation with crime have been found. However, most of these relations could not be confirmed empirically because of lack of data. In fact, only data on demographics and the connection of education to the labor market offered sufficient empirical substantiation. Other factors that might be relevant in the development of crime, such as substance abuse and mild intellectual disability, could not be substantiated sufficiently. The improvement of the quality and availability of diagnostic tools, and adequate registration, would help to create more insight.