

Experiences of Dutch crime victims with damage redress

Summary

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What actions are undertaken by crime victims, except to join in criminal proceedings, to get redress? What are their considerations in whether or not to follow different paths and what are their actual experiences in attempts at obtaining redress for damage? These questions are central to this study. Redress is here understood in the broad sense of obtaining funding from private facilities (private insurance), specific public benefits (guarantee or compensation fund) and compensation in tort from the offender (settlement with help from police or from the Public Prosecution Service, by joining in the criminal proceedings to claim damages, through a civil procedure).

In the spring of 2013, 36 respondents were interviewed during a face to face semi-structured in-depth interview. Respondents were selected on the basis of a sample, already included for previous research by the WODC. Additionally, respondents were included by asking individual contacts of the researchers. In the selection of respondents it was attempted to cover, as far as possible, four different categories of people who sought redress: those who joined in criminal proceedings, those who attempted to reach a settlement (via the police or via the Public Prosecution Service), those who applied to the Criminal Injuries Compensation Fund and those who pursued a civil claim for damages. The available respondents were not equally distributed across these four categories: most joined in a criminal proceeding as the main route to redress (18 respondents). Six respondents were interviewed in each of the other three categories. Inherent to the selection of this current sample is that the group of respondents as the unit of analysis is not completely generalizable to compensation-seeking victims of crime in general and, therefore, it is not a representative sample to make quantitative statements about the experiences of crime victims in attempts at obtaining redress. Valuable in this exploratory way of in-depth interviews is that the anecdotal material can give us useful insights regarding experienced bottlenecks and problems in victims' redress for crimes.

A summary of the findings would not do justice to the large amount of information that respondents have provided. Nevertheless, some important observations are indicated. Respondents were strikingly positive about getting compensated by their own private insurance (especially contents insurance in case of burglary): this generally went smoothly and quickly. Regarding settlements that were reached with the help of the police, this study showed that respondents are often pleasantly surprised by the efforts made by police. With regard to joining in a criminal proceeding, many respondents pointed out how they experienced their role as 'bystander' in the proceedings. Respondents who had turned to the Criminal Injuries Compensation Fund were particularly happy with the existence of the fund. Victims who had tried or considered a civil procedure indicated particular concerns such as the cost of legal aid in relation to the uncertainty regarding the outcome of the proceedings and the financial capacity of the liable person (investing in uncertainty), the expected long duration (in contrast to the desire to close the case), the confrontation with the perpetrator, the emotional burden of the proceedings and the fear of retaliation by the perpetrator. Also problems with providing evidence were repeatedly identified.

The five main issues raised by respondents with regard to their attempts at obtaining redress for damage are:

1. The lack of involvement and information from the Public Prosecution Service;
2. The slowness of the legal procedure and the damage recovery;
3. The lack of options to recoup losses ('one can't squeeze blood from a stone');
4. The emotional burden of the whole process;
5. The lack of understanding and overview of the procedures.

Important improvements that were suggested by respondents are better communication by the Public Prosecution Service, (even) better service by the victim support service (Slachtofferhulp Nederland), acceleration of the legal procedures and assistance of the victim by a (paid) lawyer.

A first recommendation arising from the study is, given the great satisfaction of victims of their own insurance, to assess whether insurers are able and willing to create first-party insurance products for victims of violent crime. A second recommendation would be to have the communication of the Public Prosecution Service reviewed, at least by non-lawyers.