

AANGIFTE ONDER NUMMER

Implementatie, toepassing en eerste resultaten van de
nieuwe regeling 'Aangifte onder nummer'

Summary

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Summary

Crime reporting under number. Implementation, application and first results of the new regulation ‘Crime reporting under number’.

If someone becomes a victim of or witnesses a crime, he can report this to the police. In most cases the personal data of the informant are recorded in the official report. However, there are several ways of reporting a crime in which these data are not, or only partly, recorded in the report. An example in which personal data are not registered in the official report, is the process of ‘crime reporting under number’. This way of reporting – in which the name of the informant is replaced by a unique code – has existed since October 2012. The main goal of this way of reporting is to stimulate employees with a public function to report (also) in situations which they experience as threatening. However, ‘common’ citizens can normally also use this method.

On request of the Research and Documentation Centre (WODC) of the Ministry of Safety and Justice, a research has been conducted into the implementation and application of crime reporting under number. The performed research focusses on four subjects:

1. The number and the nature of the recorded reports and statements under number;
2. The legal actions in all reports and registrations under number;
3. The realization of anonymity during the investigation process and criminal proceeding;
4. The implementation as protocolled in regulations and procedures.

These subjects are divided into 21 sub-questions. The response to these sub-questions will be discussed in a separate chapter. In this summary we focus on sketching the applied research methods and answering the main question in the form of overall conclusions. The main question is as follows:

'To what extent and in what way is crime reporting under number applied and transferred by the various organizations in the criminal justice chain and what are the results?'

Research methods

Current literature and documentation were consulted to reconcile crime reporting under number with the proposed and realized policy, and to pronounce upon the implementation of this procedure.

In order to gain more insight into the implementation of this procedure, ten mystery visits were carried out at large and medium-sized police stations, ten assistant prosecutors (Dutch: *HovJ's*) were inquired and a survey was circulated among fifteen sectors that employ persons with a public function. Deepening conversations were held with for example prison staff, employees of the health care sector and the public transport sector. A survey was also circulated among public prosecutors and also nine public prosecutors, who have handled one or more cases in which crime reporting under number was involved, were inquired. During these interviews attention was also paid to the legal development of cases in which a statement under number was given. Finally, interviews were held with employees of Victim Support Netherlands (Dutch: *SHN*) and the Council for the Judiciary.

In order to gain insight into the number of cases in which a statement under number was given and into the legal development of these cases, administrative records of the police and the Public Prosecution Service (PPS) were consulted. These records cover the period from 1 October 2012 until 31 December 2013 inclusive.

Information retrieved from the police focusses, among other things, on the role of the person who gives a statement, the police unit where a statement is given and the nature of the incident. The administrative data of the PPS has been examined to see, for example, who handled the case, or a penalty (and what kind of penalty) was imposed and if so, compensation was allowed. Analyses refer to respectively 243 incidents at the ten police units and the national police unit, of which 105 enter the PPS as a case.

Outlining the findings

In the next subsections we will discuss the key findings of the research. In accordance with the main question we focus on the implementation, the application, the transfer and the outcomes of crime reporting under number respectively.

Implementation

Several parties in the criminal justice chain had to implement the regulation 'crime reporting under number' over a short period of time in their (working) processes.

This rapid implementation has led to points requiring attention, particularly within the police. An important conclusion is that it seems to be significant where, in which police unit, a civilian requests to give a statement under number. The degree to which employees of Intake and Service and/or assistant prosecutors are acquainted with the possibility to report a crime under number and the appropriate procedure, differs. In practice this could mean that civilians and/or employees with a public function are wrongly told that they cannot give a statement under number or that they are given an inaccurate view of retaining anonymity in the investigation process and criminal proceedings.

From the interviews we noticed that chain partners and sectors that employ persons with a public function are critical of the police, who are not uniformly and fully informed about the possibility to report a crime under number. It also appears that this can lead to a decline in the willingness to report in persons for whom this measure is pre-eminently intended. Based on these observations, several respondents insist that more attention will be paid to the way of communicating with potential informants. They must be well-informed about the various reporting options in order to come to a well-considered decision whether to report or not to report a crime under number. The advising role of the assistant prosecutor in this choice process is appreciated by other chain partners, however, there is little insight into the way (and quality) of the implementation.

Application

Between 1 October 2012 and 31 December 2013, 151 victim statements and 198 witness statements under number were given about 243 incidents. Giving a statement under number is therefore a possibility which is, as yet, restrictively applied: in 99.99 percent of all incidents in which (in the Netherlands and during the research period) a statement was given, the personal data of the informant or witness were 'simply' added; in 0.01 percent of these incidents it was decided to give a statement under number.

The research shows that not only in incidents related to a public function the possibility to give a statement under number is applied. Also victims and witnesses outside the framework of the public function implementation are acquainted with this option and want to apply this. Nevertheless, the share of incidents with a statement given under number is much higher in 'public function' incidents than in non-public function incidents: 4.7% versus a share less than 0.01 percent, which is probably caused by the government's active communication about this reporting option, specifically towards public sector bodies.

Particularly in violent incidents a statement under number is given. We notice in public function incidents that there are more victims giving a statement under

number, while in incidents in other situations the number of witnesses giving a statement under number, is higher.

From the 243 incidents with a statement under number, 105 incidents are transferred to the PPS. Comparatively, it concerns a few more incidents related to the implementation of a public function. In 66 cases it is decided to go to court.

Anticipating the current use and the appreciation by victims/witnesses and chain partners, it is obvious that the measure should be less intended particularly for employees with a public function and may be communicated as a more 'general measure'.

Transfer

When the police transfer a report to the PPS, this body decides if a criminal proceeding will be instituted. In the current research we did not come across examples in which a statement under number was given and the demanded anonymity was still lost due to administrative or other mistakes. When personal data are revealed during the process, this could only have occurred with the approval of the informant or witness, according to the people we spoke with from the PPS, Victim Services (Dutch: het Slachtofferloket), the Council for the Judiciary and the Central Judicial Collection Agency (Dutch: CJIB).

Next to the transfer between police and PPS, and depending on the impact of the offence and the ultimate sanction, other parties can also play a role in an incident, in which a statement under number was given. These could include SHN and the CJIB. The cases we examined show that more than once a civil claim or compensation was (partially) awarded and paid. So far, no obstructions have been detected at payment.

Results

From the 105 incidents which are forwarded from the police to the PPS, 66 are brought to court. At the time of writing the report, in 39 cases a court ruling was known. In a large majority of these 39 cases (97%) a sanction was inflicted. Furthermore, the identity of the informant or witness(es) who gave a statement under number as demanded by the informant or witness(es) was kept, so a survey among public prosecutors shows. The statements could, as intended, contribute to the upcoming court cases and the implementation did not lead, as yet, to uncovering the identity of the informant/witness.

The foregoing leads to the conclusion that the chain seems to be capable to selectively apply crime reporting under number for incidents where the anonymous base, in practice, can be kept. Furthermore, an anonymous statement seems to pose no problems in court; neither seems the procedure to give in to the rights of the defendant.

In conclusion

A logical consequence of the idea of crime reporting under number, is that the name of the persons involved is replaced by a number. These police data are stored in the police registration system BVH. However – as we conclude from this research – these data are difficult to analyze. When a selection is made of all incidents in BVH in which the name of at least one of the involved persons is replaced by a tracking number, this will provide many cases where no statement under number was given. In other words: cases with statements under number are not easy to identify based on the information in the systems at this moment. This is, in view of future evaluation research, a point which requires attention.



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