

---

# Development of weighting of criminal cases

---



Ger Homburg

18833 - 19021

**summary final report**

Cebeon, 28 April 2021

© 2021 Dutch Research and Documentation Centre (WODC) of the Ministry of Security and Justice.  
All rights reserved. No part of this publication may be reproduced, and or published by print, photocopy, microfilm,  
digital processing or in any other form by any other means, without the prior written consent of the WODC.

---

# 0 Summary

---

## 0.1 Research goal and questions

Registered crime has been on the decline over the past two decades, although this has not been reflected in the performance of the criminal justice chain. In particular, it has not been possible to reduce processing times within the chain. This is due to an increase in case weighting (among other factors) resulting from social, legal, and technical developments, explain various members of the criminal justice chain. In order to gain insight into the development of case weighting in the criminal justice chain, the WODC (Research and Documentation Centre) has commissioned Cebeon B.V. to investigate the possibilities of measuring and quantifying the case weighting and increases in effort classification (i.e., increased case weighting).

Research questions

1. What definition of case weighting can be applied?
2. Once case weighting has been defined, how can it be operationalized? In other words, is it possible to quantify case weighting?
3. If so, how has the weighting of criminal cases that were settled by the police, Public Prosecution Service (OM), and the judge developed since 2010?
4. Can the roots of these developments be identified?
5. By answering questions 2 and 3, can more differentiations be identified in terms of certain periods, types of cases, characteristics of cases, stages of the criminal process, or regional differences?
6. To what extent and to what degree can the findings from questions 3, 4, and 5 explain whether the weighting of criminal cases is decreasing or increasing?

The research should ideally lead to case weighting being measurable over an extended period – and into the future – so that the findings can be used, among other things, to refine cost models and forecasts (i.e., the Judicial Chains Forecasting Model [Prognosemodel Justitiële Ketens, PMJ]), productivity measurements, and cost-benefit research. The research should deliver quantitative indicators of case weighting allowing for data to be included in records.

The research broadly focuses on criminal cases ranging in case weighting from severe to less severe. It is possible that the development of case weighting differs depending on the type of case. To take this into account, the study uses the same classifications of working environments that the OM has used for several years. These include production, interventions, investigations, subversion, and appeal.

---

## 0.2 Plan and implementation

At the start, four research components were anticipated:

- a document study and interview with the OM, police, and the judiciary in order to gain perspectives on this issue; defining and operationalizing case weighting, and formulating hypotheses about the development of case weighting;
- consulting records to access information on case weighting indicators – where possible – and gaining insight into the influx of various criminal case weightings (categorized using the OM's classification);
- a case study to collect information on case weighting indicators for which no information is currently recorded;

- holding an expert meeting to analyse the development of case weighting in relation to the root causes put forward and the influx of cases presented during the interviews. There is also a possibility to further explain missing information and missing knowledge.

The research has provided different results than expected. Within the scope of the research, the questions proved too ambitious and there were too many uncertainties. These problems can be tackled to arrive at answers in the future about the development or quantitative development of criminal case weightings. Central components of the research included document study and interviews, an expert meeting that explored choices for the direction of further research, and the identification and assessment of possible research designs. As the goal of the research was not achieved with any of these designs, it was decided to regard the project as a preliminary study and to formulate lessons for possible follow-up research, one that will specifically reflect on the central theme of case weighting and increases in effort classification.

---

### **0.3 Increases in effort classification: pictures from the research**

The following images of case weighting and increases in effort classification come from interviews and the document study.

- The most important measure of case weighting is time burden, and that is partly influenced by work processes which are subject to change. Without the influence of work processes, increases in effort classification within a narrow interpretation is difficult to measure.
- Increase in effort classification is mainly attributed to an increasingly inherent complexity of cases. It can also be applied to the changing attitude of parties to the proceedings, the media environment, and to the choices and policies of the criminal justice chain. There are exogenous and endogenous, or partly endogenous factors.
- There is significant overlap in the causes of increases in effort classification among the various organizations in the criminal justice chain, but the result can vary from one to another.
- The differences between the OM work environments mean that the relative influence of factors increasing the effort classification can differ from one work environment to another.
- Increase in effort classification is also a process within the chain: effects partly occur through responses, choices and the policy of chain organizations with consequences for others in the chain.
- In a number of cases, a decrease in effort classification does not work well, contrary to good intentions. This can be attributed to legal considerations regarding judicial protection, as well as to organizations' choices in terms of interpretation.
- Analysis of quantitative indicators regarding the judiciary showed very different – and even partly contrary – findings compared with analysis based on the experiences of organizations in the chain and their employees.

---

### **0.4 Factors**

After a document study and interviews, four main components were identified that are considered to be responsible for a broadly perceived increase in case weighting (increasing effort classification) by employees of organizations in the criminal justice chain.

- the following components of the chain are inherently complex: types of crime, methods of investigation, use of evidence, parties involved, international aspects, more considerations, factors, and circumstances in decision-making;

- influence and attitude of parties to the proceedings, social environment, mindset of suspects and the defence, role of examining magistrate, rights of victims, pressure from the outside world and the media;
- quality requirements and policy choices, emphasis on recidivism reduction and a person-oriented approach, quality requirements for organizations in the chain, legal requirements of investigation and prosecution;
- structure of processes, administration and efficiency, organization of procedures, imbalance of expertise, IT, logistical circumstances.

Indicators were found for these factors and an overview was made of possible sources. These were then subdivided according to organizations in the criminal justice chain and the OM working environments. This overview clarifies the complexity of an integral analysis given the large number of indicators – there are approximately 70 – and the diversity of quantitative and qualitative sources.

---

## 0.5 Where the research is heading

The resulting overview of factors, indicators, and sources was discussed in an expert meeting with the members of the research supervisory committee and representatives from organizations in the chain. Their conclusion was that it was not possible to answer the research questions with a mainly quantitative analysis of the many factors and indicators. Subsequently, three different variants for the follow-up of the research were explored.

- The first variant had a clear qualitative approach and aimed to gain more insight into the effect of factors that increase the case weighting, by carrying out case studies comparing older cases with more recent ones.
- The second variant is system-oriented and, through analyses of interrelationships and relationships, aims to gain insight into the effect of weighting-increasing factors within chain organizations at the level of the chain as a whole.
- The third variant took a step back again to the original design, with less ambition to understand how increases in case weighting work, but more focus on the analysis of trends from registrations. The analysis would involve not only employees of chain partners, but also independent experts.

Advantages and disadvantages were then identified for all variants. The outcome was that none of the variants could achieve the original aim of the study.

---

## 0.6 Conclusion and lessons for a follow-up

The study resulted in experience and learned lessons for possible follow-up research. They partly relate to the availability of data and the choice of a research method, but also to the definition and operationalization of the central concepts of case weighting and increases in effort classification (increase in case weighting). These concepts are identified in the policy discussion with an increase in the time burden of concrete criminal cases. It is questionable how relevant this is, as the police and the OM in particular are experiencing an increasing time burden for activities that are less clearly linked to concrete criminal cases.

From a researcher's perspective, increase in case weighting has proven to be a particularly problematic concept. Case weighting and increase in case weighting can in principle be quantified with a direct link to the time burden. For this, we need data on the time burden; however, there is no such data. These could be collected for the future. This requires a great deal of effort, not least because it should be done not only for

individual activities, but also at process level, partly across the boundaries between chain partners. This is most likely unfeasible.

If this time data were to be obtained, we should take into account that the time burden measures the effect of ‘true increase in case weighting’ (inherent complexity, mindset of parties to proceedings, influence of media) *in combination with* the effect of changing or not changing work processes and efficiency. This creates problems of interpretation, as increase in case weighting can be attributed to organizational factors and can also be temporary and changeable. The *increasing* aspect of the concept of increase in case weighting is therefore under discussion.

This problem of interpretation can be solved by decoupling case weighting from time burden, as a result of which we lose the idea of measurability and quantifiability at case level. We no longer know what relationships with concrete cases are being investigated. Increase in case weighting is then no longer about *cases*. These methodological problems becloud the concept of increases in case weighting. It is not about *increase in weighting*, nor is it about *cases*. This makes it unusable for quantitative empirical research into themes such as work pressure, workload, capacity, or processing times in the criminal justice chain.

The fact that increase in case weighting is a less relevant, problematic and confusing concept does not mean that there are no important changes within and outside the criminal justice chain with an influence on work pressure, workload, capacity or processing times. Research can help to clarify this. This should not be done in terms of case weighting and weighting increase, but rather in terms of workload change, workload renewal, and – possibly – workload increase.