



## National Drug Monitor Drug-related crime 1999-2004

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### Study object

What is the rate of drug-related crime in the Netherlands, what are the penal provisions to fight this type of crime and what are the recent developments?

### Policy relevance

In its drug policy, the Netherlands follows international treaties, but also its own principles. In order to be able to follow drug-related issues and to be able to take timely actions, a summary of specific data and situations is drawn up every year with respect to drugs in the Netherlands. These data also include data on the judicial input in the drug policy.

The European Monitoring Centre for Drugs and Drug Addiction in Lisbon and the United Nations Office of Drug Control in Vienna submit a demand for this information to the Ministry of Justice every year.

### The investigation — what did it comprise

An overview is given here of the drug-related crime: crime as described in the Opium Act and organised crime related to drug legislation.

Information was put together for the entire penal system from a range of sources: the police recognition system, files held by the KLPD/DNRI Research and Analysis Group, DJI prison statistics, WODC research databases (OBJD, Recidivism Monitor), and data from the Public Prosecutors office (OMDATA).

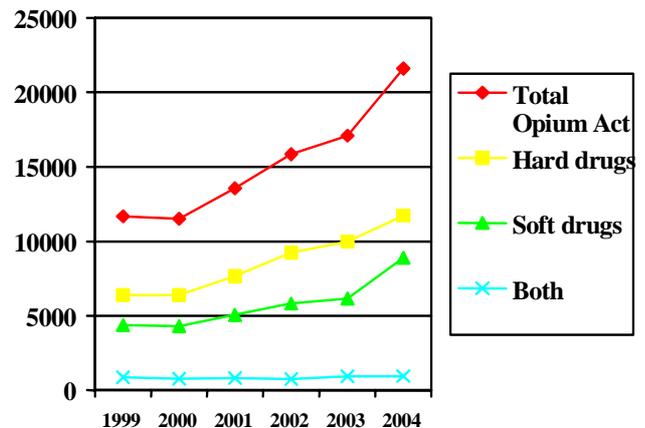
### Previous studies

The NDM was first published in 1999. Since 2002 the NDM also has a judicial component.

### Key findings

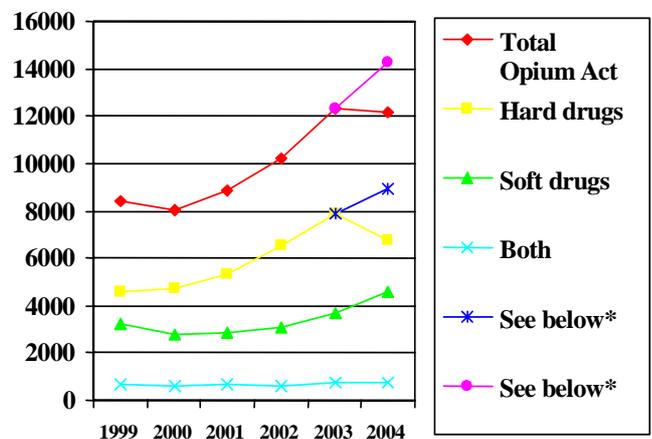
➤ Over the last few years the number of Opium Act-related cases at the start of the criminal chain (police and Public Prosecutor) has increased considerably. Police and PP registered more than 21,500 Opium Act cases in 2004 (see figure 1).

Figure 1 Number of Opium Act cases registered with the Public Prosecutor's Office 1999-2004



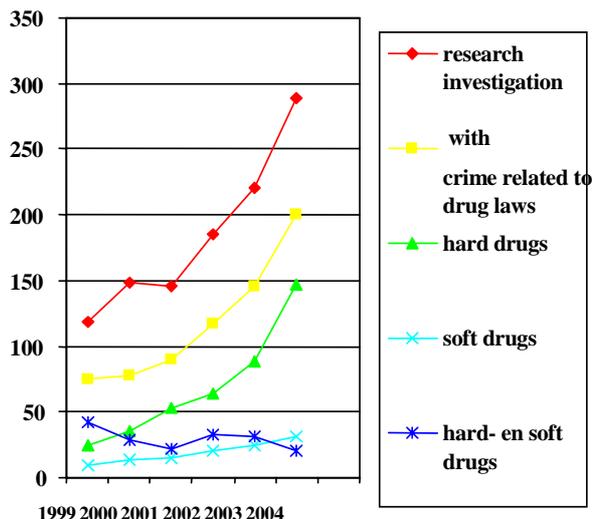
➤ The courts also witnessed an increase in the number of Opium Act offences since 2002, but this came to an end in 2004 when the number of narcotics act offences stabilised in first instance compared with 2003 (see figure 2). Drug-related custodial sentences showed a decrease compared with 2003. In 2004 there was thus a break with the trend observed in 2000-2003, when Opium Act

Figure 2 Number of Opium Act cases settled in first instance in court 1999-2004



\* In 2005 12% of all Opium Act and 19% of the hard drug cases got a discretionary dismissal. These dismissals play a relevant role in the decreases in these cases, which is made visible in figure 2

**Figure 3 Number of investigations into more serious forms of organised crime 1999-2004**



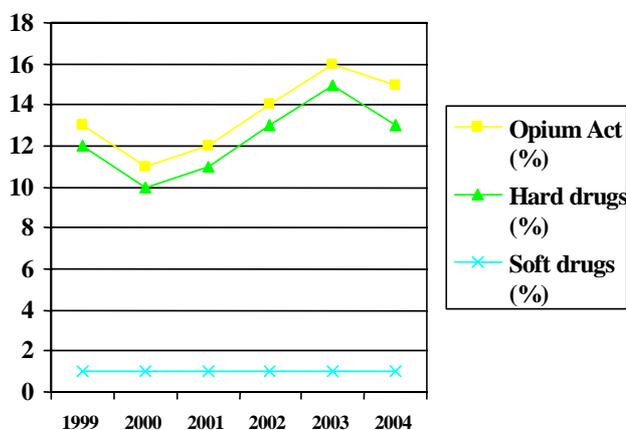
offences in court and in prison had been showing a steady increase. The policy regarding cocaine smuggle through Schiphol (the 'substance-driven approach' which leads to discretionary dismissals for certain types of categories of cocaine smugglers) played an important role in this. This 'substance-driven approach' was discontinued as per 1-1-2006.

- In 2004 the percentage of soft drug offences increased while the percentage of hard drugs offences decreased. Hard drugs offences still account for the largest share of offences, however. In the investigation of more serious forms of organised crime, the percentage of hard drugs has even increased.
- The share of investigation studies into drug-related organised crime in 2004 (69 percent) is slightly higher than in 2003 (66 percent) (see figure 3).
- The majority of all Opium Act cases are brought before the court (59 percent), despite a considerable decrease in 2004 in the share of summons (-9 percent). This is caused particularly by the discretionary dismissals for hard drug offences (see figure 2). Again releases from detention in line with the substance-driven approach in cocaine smuggle at Schiphol play an important role. People who violated the Opium Act reoffend more than all offenders combined. Within one year one quarter will have had new dealings with the police, and this number rises to 51 percent within seven years.
- Besides offences against the drug laws, there is another category of drug-related offences which concern crimes committed by drug users. People who use hard drugs on a regular basis (still) account for a considerable part of the group of 'very active' prolific offenders (an estimated 71-73 percent). Addiction probation services, options for diversion to care programmes as an alternative to imprisonment en programmes in prisons are available for them. The measure of 'Placement in an

Institution for Prolific Offenders' has been in operation for this group since 2004.

- The number of community services, financial settlements and confiscations in narcotics cases has increased considerably in 2004. Over the past few years these have demonstrated a steady increase.
- The share of Opium Act related custodial sentences in the total number of custodial sentences was 15 percent in 2004. This is a small drop from 2003 (-1%), compared with a continuous increase between 1999 and 2003. This increase was stopped in 2004, and is linked to a decrease in hard drug offences. Soft drugs offences form a relatively small minority with one percent (see figure 4).

**Figure 4 Share (in %) of narcotics offences in total number of irrevocable custodial sentences, 1999-2004**



Of the total number of detention years imposed in 2004, 28 percent involved Opium Act offences. This is less than in 2003. Again, the drop is related to hard drug offences (-3 percent). Of all years in detention, 27 percent are attributable to hard drugs offences and 2 percent to soft drugs offences (see figure 5).

**Figure 5 Share (in %) Opium Act offences in total term of custodial sentences expressed in years of detention, 1999-2004**

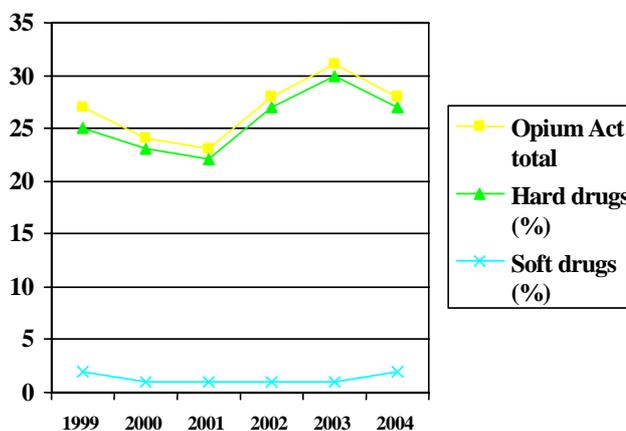


Table 1 provides a total summary of Opium Act - offences in the criminal chain.

**Table 1 Opium Act offences in the criminal chain: number of suspects with policy and PP, sentenced in first instance by the court, custodial sentences and years of detention as per hard drugs and soft drugs 2004**

Phase in chain	Police	PP	Court 1 <sup>e</sup> instance	Custodial sentences	Years of detention
Total Narcotics act	21,526	21,597	12,155	4,672	3,392
➤ Hard drugs	11,387	11,730	6,795	4,238	3,196
➤ Soft drugs	8,460	8,904	4,595	434	196
➤ Both	363	1,963	765		
Narcotics in total	9%	8%	8%	15%	28%
% Hard drugs - soft drugs					
➤ Hard drugs	53%	54%	56%	91%	94%
➤ Soft drugs	39%	41%	38%	9%	6%
➤ Both	2%	4%	6%		

\* Sources: HKS, OMDATA, OBJD.

### Literature

**Laar, M. van, A. Cruts, J. Verdurmen, M. van Ooyen-Houben, R. Meijer**  
*Nationale Drug Monitor. Jaarbericht 2005*  
 Utrecht, Trimbos instituut, 2006

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