

Justitiële verkenningen

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Justitiële interventies: wat werkt?

Summaries

Justitiële verkenningen (Judicial explorations) is published nine times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in cooperation with the publishing house Gouda Quint BV. Each issue focuses on a central theme related to criminal law, criminal policy and criminology. The section Summaries contains abstracts of the internationally most relevant articles of each issue.

Policy based on research

H.G. van de Bunt

The author observes that scientific knowledge plays a prominent part in the evaluation – and as a result also the direction – of criminal policy. The expectations of policymakers are high, while at the same time there is a great temptation to give concrete recipes for combatting crime. The author discusses the dangers of that approach. For example: the risk exists that a specific problem like physical abuse of women is reduced to a question of effectivity. The author states that ready made recipes would not be helpful to policymakers. Scientific research should not come up with ready made solutions but it should present the policymakers with well grounded possibilities of choice. Another task of scientific research lies in criticizing the presuppositions of a new law or policy project. If the expected effects are not realistically formulated, then the policy could not even be studied. In short, science that is not immediately applicable, can nonetheless be useable.

Criminology and practical knowledge

G.J.N. Bruinsma

After periods of pessimistic and optimistic views on the contribution of criminology to the solution of the crime problem a more realistic approach for every day practice emerge. Nowadays the value of criminology is judged by the leading question: What works? In order to answer this challenging question we must distinguish on methodological grounds different kinds of criminological knowledge: knowledge on the nature of crime, on the causes of crime and on the reactions on crime and criminals. In this contribution it is argued that criminology has developed into a mature social science but still lacks a kind of designing methodology like the natural sciences that can translate theoretical and empirical criminological knowledge into acting rules for practitioners. Otherwise it is argued that a number of professionals in the field have little knowledge of even the fundamental issues in criminology. This implies that a lot of criminology is ignored or rejected or otherwise not used, although a number of important overviews on various objects like recidivism, early interventions and the effects of sanctions exists. As a closing remark it is stated that in the future practitioners and criminologists will find each other in the area of risk management, a new development in social control in society.

Management under complex conditions

P.H.A. Frissen

In this article the author stresses that for most fields of policy it is hard, if not impossible to determine whether the real changes that have occurred can be traced back to the initial policy. Of course one may work with judicial interventions, but one has to take account of the complexity of the specific judicial field of policy and its inherent frictions. The author sketches the contours of a flexible concept of management which does give some indications for the workings of interventions, and also for the inescapable dilemmas. The author pleads to strengthen a network of relatively independent actors who develop and execute the judicial interventions. In these local networks the capacity to learn will grow and common definitions of interests and problems will be formed. It is especially these shared

perceptions that, according to the author, will be of great importance for the effectiveness of the judicial interventions.

Pragmatic sanction practices; soft if possible, tough if necessary

B.A.M. van Stokkom

Subject of this study is the Modern School, a criminological way of thinking that flourished in the beginning of this century. Its program aimed to make penal practices more goal oriented and less oriented to the past (retribution). The author argues that the goal directed way of thinking – notably the idea that sanctions are to be modelled to the specific behavior of perpetrators – represents an attractive type of pragmatism. This pragmatism did promote both soft and tough ways to reduce crime and did have a major impact on Dutch penal practices in this century. However, this pragmatic orientation seems to lose its influence. On the one hand a punitive mentality pervades justice organisations. As a consequence criminals get severe penalties, regardless of the concrete characteristics of the crime and the behavior of the perpetrator. Another tendency which obscures the specific features of offence and delinquent is the growth of an amoral management style in judicial services, that is directed towards efficiency and uniform products.

Continue to Stop?

M.W. Bol

In the Netherlands, the lower age limit of criminal liability is fixed at twelve years. In an experimental year that started in May 1999, the Dutch police has the option (under authority of the Prosecution) to refer delinquent children under twelve to a so called Halt-office, where they can receive a 'Stop-response'. This reaction is meant to be a 'pedagogic aid to parents'. In this article it is argued that in fact Stop is a form of punishment, what it should be indeed. However, this seems to be denied both by the Prosecution and the Halt-offices. The national guidelines for the Stop-response are critically examined and compared to the results of a review on the effectivity of sanctions, conducted by the author some years ago. Several suggestions are made to improve the effectivity of the Stop-response.

Forced treatment of hard drug addicts

K. Swierstra

Recently, a bill has been proposed in the Netherlands for forced treatment of incarcerated hard drug addicts who have been highly criminal over a period of years. These hard core addicts have been incarcerated before, often many times, and have, unsuccessfully, participated in several health care programmes to kick off. These habitual offenders, who are suspected to commit crimes even independently of their drug addiction - be it substantially increased by the addiction – cause a disproportional criminal burden to society. The proposed bill provides judges with the opportunity to send the person to prison and sentence him to a forced programme with a maximum of two years, despite the rather minor specific property offence that he may be arrested for – which would normally result in serving prison for only another two months or so. The proposal, which is rather innovative in Dutch criminal law, is designed for a well-defined category of hard drug delinquents up to 6,000 persons at the most. In the context of Dutch drug policy we can identify this category rather precisely. The objectives of special prevention and incapacitation are combined with a strictly supervised program of reintegration into society. Parliament is expected to pass the bill later this year.

Local security care; effectivity of a neighbourhood oriented approach

O. Etman and C.D. van der Vijver

The authors state that during the last few years local security care has been on the rise considerably. They discuss a few important aspects of this neighborhood related security care, and focus especially on police care and the 'Justice in the neighborhoods' projects. They also give some attention to criminal charts that can support local and problem oriented work. According to the authors local security care is of great importance because feelings of safety increase. Citizens want their police to be available, accessible and visible. In the end the authors sketch some dilemmas that will possibly come to the fore as the result of a further development of the neighborhood related security care. One of the dilemmas is that problems of welfare of the most vulnerable groups in the neighborhoods will probably be overtaken by problems of security.

Tackling organised crime: what works?

E.R. Kleemans and M. Kruissink

The question what works in combatting organized crime is very difficult to answer, as empirical research in this area is scarce. Yet there are two recently published RDC-reports (Research and Documentation Centre of the Dutch Justice Department), which might shed some light on these matters. The first report is the result of the RDC-monitor on organized crime in the Netherlands. It describes how members of criminal associations cooperate and how criminal associations interact with their social environment. The second report evaluates the effectiveness of undercover policing in the Netherlands. In this article the main conclusions of these two reports are summarized. Furthermore, the authors elaborate upon the relevance of these conclusions for the question how to combat organized crime in the Netherlands.

Market forces, deregulation and legislative quality

W.M. de Jongste and E. Niemeijer

The question: 'what works?' is in general relevant in the field of legislation. It is especially relevant in the Market Forces, Deregulation and Legislative Quality- program ('MDW') of the cabinet. The goal is to modernise both the economic structure ('stimulating market forces') and legislation at the same time by doing away with competition inhibiting measures, unless these are absolutely necessary in the public interest. The program has started in 1994. Until now 36 project groups have been working on various subjects such as opening hours of stores, the regulation of taxi-driving, monopolies in the practicing of law and the restructuring of the environmental licensingprocedures. The question whether the MDW-program has been succesful is hard to answer. In the first place because the implementation of the measures has not been completed yet. Secondly, it is particularly difficult as it is not clear from the start of the program what exactly is meant by 'stimulating market forces'. Nevertheless it can be concluded that some changes in this respect have been achieved: shops are open during more hours a day and more lawyers are allowed to initiate courtproceedings. As far as the other central goal of the plan, quality of legislation, is concerned, more fundamental results have been achieved. In various fields such as food product legislation, passing on of enforcement costs and environmental protection serious modernising of legislation has taken place.