

Summaries

Justitiële verkenningen (Judicial explorations) is published nine times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in co-operation with Boom Juridische uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (vol. 29, nr. 9, 2003) is *Costs and benefits of policy*.

Fire safety in the catering industry; on the application of cost-benefit-analysis to legal rules and law enforcement

G. Suurmond and B.C.J. van Velthoven

In this article the authors firstly argue that cost-benefit-analysis can and should be applied to changes of legal rules and the organisation of law enforcement. Indeed, several examples already exist for the Netherlands. Secondly, policy efforts to raise fire safety of pubs and restaurants since 1 January 2001 (the 'Volendam' disaster) are analysed in terms of their costs and benefits. The analysis is somewhat tentative as essential data are not available or rather uncertain. However, it is highly unlikely that the policy efforts on balance can be judged to be efficient.

Cost-benefit analysis of alcohol controls in traffic

P. Wesemann

Alcohol use by car drivers makes a substantial contribution to road unsafety. It is estimated that 2-3% of the European car drivers has an indictable blood alcohol contents (BAC) of more than 0.5 grams/litre and cause between 30% and 40% of all fatal road accidents. Research has shown that random police control, in which drivers always have to take a breath test, is an effective way of reducing drunk driving. The preconditions are that they are performed conspicuously and are widely publicised. The control frequency of drunk driving is considerably lower in large areas of the European Union (with 220 million inhabitants) than in the rest. This study calculates the costs of tripling the alcohol control in such areas, and its benefits by reducing

the accident costs (both material and immaterial). Depending on the assumptions made, these cost-benefit analysis results in a very high rate of return, with a benefit-cost ratio of between 35 and 60.

Costs and benefits of detention and resocialisation?

A. Slotboom and C. Wiebrens

Following Spelman's economic model of incapacitation, in this article the costs and benefits of incapacitation and resocialisation are compared. Criminal careers follow a 'bathtub-shaped' function with high dropout rates at the beginning, a low but steady dropout rate in the middle, and an increasing likelihood to stop committing crimes when people get older. A model is developed which describes the careers of the about 1,000,000 people in the Dutch police systems. From this model and under a few assumptions the benefits – in terms of crimes not committed – can be estimated (1) if criminals at a certain point of their career are sent to jail for one year, or (2) are socialised and refrain from committing crimes for the rest of their lives. In this way the benefit/cost ratio of incapacitation, and of resocialisation, at various stages of the criminal career can be expressed. Both functions intersect at a rather early stage of the criminal career (after about five arrests) meaning that after that point, incapacitation is more cost-effective than resocialisation. The implications for policy are sketched.

Compliance and law enforcement; is it worth it?

H.M. Prinsen and drs. R.M.M. Vossen

Compliance with regulation cannot be taken for granted. Everything has its price. Although policymakers often complain that a cost-benefit calculation is difficult, it is not completely impossible. A cost-benefit analysis of law enforcement can be made on three levels. For all three types of calculations the 'Table of eleven' can be a helpful instrument. 'The Table of eleven' has been developed to get a better understanding of the factors determining compliance and non-compliance to legal regulations and of the influence of law enforcement on compliance. It consists of a coherent and exhaustive set of relevant dimensions that determine compliance. It is the

perception by the potential offender of the impact of these dimensions that determines his or her behaviour. In the 'Table of eleven' two groups of dimensions can be distinguished: dimensions regarding spontaneous compliance and the enforcement dimensions. The group 'spontaneous compliance dimensions' consists of dimensions that deal with compliance not related to repression or the threat of repression (knowledge of the rules, costs-benefits analyses, acceptance of the rules, law-abiding and informal control). The group of enforcement dimensions consists of dimensions that deal with the impact of enforcement mechanisms on compliance (probability of informal reporting, inspection, detection, selectivity, probability of sanction and sanction severity). On micro-level the authors focus on the cost-benefit calculation of the potential offender. This analysis looks at the offenders material and non-material advantages and disadvantages of infringing on or complying with the rule. On meso-level the authors compare the costs of law enforcement to the extent to which the target group tends to comply spontaneously. The 'Table of eleven' provides an estimation of the extent to which the target group will comply spontaneously. It also gives an estimation of the type of enforcement activities needed to improve compliance to the level needed to fulfil your policy targets. On a macro-level the authors focus on the overall costs for society and the benefits of the policy measure.

Management of health risks; possibilities and limitations of cost benefit analyses

A.E.M. de Hollander and A.H. Hanemaaijer

Since the eighties Dutch policy with respect to environmental health risks is based on the right to protection of every citizen; for each activity or situation the additional mortality risk should not exceed one in a million, for no-one, irrespective of place or time. Now and then this policy faces its limits. Sometimes the uncertainties (or even ignorance) are simply too high to produce quantitative risk assessments; sometimes the proposed risk evaluation framework misses the point: people are not worried about the risk of dying, but they are concerned about other aspects, such as lack of control of new technologies (e.g. genetically modified organisms). In some cases the societal costs of the proposed generic health risk management are

simply too high. In this paper the authors examine more closely the possibilities and limitations of cost-effectiveness and benefit-cost analysis in the domain of health risk management.