

## MANAGEMENT SUMMARY

### Background of the study

In 2012 and 2013 reports appeared on the first Dutch victim support monitor, in which more than a thousand victims of crimes and offences were asked about the experiences they had had with victim support offered by the police, the Public Prosecution Service and the Judiciary.<sup>1</sup> Questions with regard to experiences with the police related to the treatment of the victim, the effort made to increase safety and arrange repairs, the effort made to identify and arrest suspects (police duty), the degree of information provision on victim rights and possible assistance (help offered to the victim/position of the victim), the degree of consultation and participation of the victim in their case, and overall streamlining of the process by the police. Questions with regard to experiences with the Public Prosecution Service related to the treatment of the victim, the degree of consultation with regard to decisions and the extent to which support aimed at compensating for damage, the effort made to increase safety (including the effort to prosecute and convict the offender), and the extent to which victims were properly informed of developments in their case. Questions with regard to experiences with the Judiciary related to the treatment of the victim and the extent to which the judge dealt with the case in a professional manner (the performance of the judge).

The study showed that most of the victims generally positively assess the various aspects of support, which they received from these organisations after the offence. However, there are also victims with predominantly negative experiences.

In this report we describe the findings of a study on characteristics of victims with negative experiences with the police and the justice system. In order to do this, a secondary analysis was carried out on the data gathered in the victim support monitor. Subsequently, the results of the data analysis were

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<sup>1</sup> With regard to the police, a random selection was concerned of victims that reported a crime (or on behalf of whom a crime was reported by a third party), between 1 April 2011 and 16 May 2011, and whose names as a result of this occurred in the registrations. Reports of domestic violence were not included in the selection of police reports (however, they were included in the selections made for the Public Prosecution Service and Victim Support Netherlands). Data were gathered as from February up to and including April 2012. With regard to the Public Prosecution Service, a random selection of victims from court orders which were concluded between 1 May 2012 and 1 July 2012 was concerned. Data were gathered as from January 2013 up to and including March 2013. With regard to Victim Support Netherlands, a random selection of victims was concerned with respect to whom services had been completed between 1 February 2011 and 1 June 2011. The victims concerned, were victims who had made use of the following services: 'recovering damage by means of a joinder', 'criminal proceedings support', or 'support concerning a written victim impact statement/the right to speak in court'. Data gathering occurred as from February up to and including April 2012. Respondents who were not personal victims, but only in relation to their profession, were filtered out. This also applies to children under 13 years of age. The name and address data of all victims were added, and if possible their telephone numbers.

confronted with practical experiences of seven employees of victim support desks and studied in depth. A group discussion was held with them, which focused on the characteristics and circumstances of victims with bad experiences, how the desk employees deal with them, and what can be improved.

## **Negative experiences of victims**

The first measurement of the victim support monitor already showed that, despite the positive general assessment, there are victims who, with regard to certain aspects, had negative experiences in their contact with the police, the Public Prosecution Service and the Judiciary. Moreover, on the basis of this secondary analysis we find that a (limited) part of the victims have overall (or near-overall) negative experiences with victim support offered by the police, the Public Prosecution Service and the Judiciary. In addition, from the group discussion it appears that employees of the victim support desks regularly deal with victims who have complaints about the support which is offered to them.

### *Police*

The victims who had bad experiences in their contacts with the police, mainly negatively assess aspects connected to the effort made by the police to increase safety and arrange repairs (45%), and to conduct investigations and make arrests (police duty; 33%). However, the degree of consultation and participation that is offered in the process (23%) and the help offered to the victim and the position of the victim (17%) are aspects of victim support which are assessed predominantly negatively by these victims.

### *Public Prosecution Service*

The victims who had negative experiences with the Public Prosecution Service, mainly negatively assess the degree of consultation with regard to decisions taken in the case and the extent to which support aimed at compensating for damage was offered (33%). The effort to increase safety (36%) and the extent to which victims were properly informed of developments during the process were also negatively assessed (28%).

### *Judiciary*

The victims who had negative experiences with the Judiciary, are not necessarily negative about the experienced treatment, but predominantly about the extent to which the judge dealt with the case in a professional manner (21%).

## Characteristics of victims with negative experiences

### *Police*

The victims who had negative experiences in their contacts with the police are more often male than female. The majority of the victims are between 31 and 59 years of age and either lowly or highly educated (as opposed to moderately). Most victims have been born in the Netherlands and are employed.

The victims with negative experiences were mainly victims of property offences and violent offences (as opposed to public order or safety offences). Nearly all victims suffered damage as a result of the offence. In many cases, this damage was not or only partially repaired and this is problematic for many of these victims.

In a large number of cases the offender was not arrested and nearly all victims consider this a problem. These victims think it is of the utmost importance that police officers take sufficient action to conduct investigations to trace offenders and to arrest them.

### *Public Prosecution Service*

The victims with negative experiences in their contacts with the Public Prosecution Service, are slightly more often female than male and the majority is between 31 and 59 jaar years of age. The education level of the victims is nearly as often low, as it is moderate and high. Nearly all victims have been born in the Netherlands and the majority is employed.

More than half of the victims with negative experiences were victims of violent offences and nearly four out of ten were victims of property offences. Just as the victims who had negative experiences with the police, most victims who had negative experiences with the Public Prosecution Service suffered damage as a result of the offence. The same applies as for victims with negative experiences with the police: in many cases damage is not or only partially repaired and this is a problem for many victims.

In a small number of the cases no offender was prosecuted and/or punished, and this was problematic for the victims.

In view of the extent of participation of victims in the process, it is striking that a large part of the victims with negative experiences state that they wanted some form of consultation or participation, but they were not offered the chance.<sup>2</sup> This applies in particular to the types of participation 'the right to be heard during the trial' and 'a personal meeting with an officer of the Public Prosecution Service'.

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<sup>2</sup> It may occur that a victim indicates he would have wanted to participate in a certain type of participation, for which there is no legal basis.

### *Judiciary*

The victims who had negative experiences in their contact with the Judiciary are more often male than female and the majority is between 31 and 59 years of age. Most of the victims concerned have a low education level. Nearly all of them have been born in the Netherlands and a relatively large number of them are not employed.

The largest part of the victims with negative experiences were victims of a violent offence. As with the other organisations (police and Public Prosecution Service), nearly all victims with negative experiences suffered damage as a result of the offence and this damage was often not or only partially compensated, which is problematic for the victims. In a third of the cases no offender was punished and for the victims this is a (large) problem.

The victims who had negative experiences with the Judiciary mainly think it is important that the judge deals with the case in a professional manner, is impartial, and provides the opportunity to tell one's story before a decision is taken in the case.

They participated in the process to a considerable degree. However, in cases where this did not occur, many victims actually wanted to participate, but were not offered the opportunity. This specifically applies to 'the right to be heard', 'a personal meeting with an officer of the Public Prosecution Service', and the use of a joinder.

## **Scenarios that lead to negative experiences**

A qualitative analysis of the data of victims who had very negative experiences, resulted in a number of scenarios which may explain the bad experiences of victims. These scenarios relate to disappointing process outcomes (no prosecution, no or only a light punishment for the offender), disappointing opportunities for (the execution of) participation (e.g. with regard to the right to be heard), disappointing compensation of damages, the long duration of the process and the feeling that as victims they are generally not being understood. The results also suggest that the scenarios for bad experiences may increase in case the victim is acquainted with the offender.

The employees of the victim support desks involved in the group discussion outlined that the complaints of victims may indeed relate to (parts of) the legal procedure, from the onset to the end. The scenarios were very recognisable to the participants. According to them, there is often an accumulation of issues during the procedure that are improperly dealt with. In general, victims with complaints have little understanding for the working method which is used by the various chain partners, according to the participants. Another aspect many victims also complain about is the long waiting period before they are (again) informed about the state of affairs or new developments in their case.

Participants in the group discussion have been asked to structure the relative influence of various types of characteristics on whether or not victims have negative experiences with victim support. The participants regard the demographic characteristics (5th position) of victims the least important, whereas (too) high expectations of victims (1st position) and a discourteous treatment and poor provision of information (2nd position) have a large influence on having negative experiences with victim support. With regard to these two important aspects the outcome of the process also plays a significant role according to the participants; when the outcome of the process is unfavourable (e.g. no prosecution, no punishment) the victim experiences the support offered as more negative.

### **Negative versus positive experiences with the police and the justice system**

An important part of the secondary analysis was to evaluate whether the characteristics of the victims who had negative experiences actually distinguish themselves from other groups of victims, namely those victims who had positive experiences or all other victims.

The quantitative analysis shows that there are indeed characteristics which distinguish the group of victims with negative experiences from victims with positive experiences and/or all other victims. Some of these differences relate to personal characteristics such as age or education; more often differences are related to process outcomes and the degree of participation (as also put forward in the group discussion). We also observe differences in the importance victims attach to certain aspects and in the public confidence in the rule of law.

#### *Police*

Victims with negative experiences with regard to the support offered by the police:

- are more often lowly educated and less often moderately educated;
- are more often victims of offences committed by an offender they are acquainted with;
- more often suffer damages as a result of the offence;
- are less often (fully) compensated for the damages they incurred and more often this is problematic for them;
- attach more importance to a number of aspects of victim support;
- on average have lower confidence in the rule of law than other groups of victims.

In addition:

- less often a suspect has been arrested and more often this is regarded as a problem by the victims.

In view of the characteristics with a significant influence, there are two characteristics that have an independent influence on the chance of having negative experiences: victims who incurred damages and victims in whose case no suspect is arrested, run a significantly higher risk of negative experiences with the police than others.

#### *Public Prosecution Service*

Victims with negative experiences with support offered by the Public Prosecution Service:

- are less often younger than 30 years of age or older than 60 years of age;
- more often suffer damages as a result of the offence;
- more often regard it as a problem when damages are not compensated;
- more often perceive the imposed punishment as relatively light;
- less often made use of the right to be heard, a written victim impact statement and a personal meeting with an officer of the Public Prosecution Service and more often of a joinder;
- more often *wanted* to make use of the various forms of participation, but – according to themselves – were not given the opportunity;
- usually attach more importance to a number of aspects of victim support;
- on average have lower confidence in the rule of law than other groups of victims;

In addition:

- less often a suspect was prosecuted in their case.
- less often an offender was punished.

In view of the characteristics with a significant influence, there is one characteristic which has an independent influence on the chance of having negative experiences with the Public Prosecution Service: victims who *wanted* to participate in the process, but who were not given the opportunity, run a larger risk of negative experiences with the Public Prosecution Service than others.

#### *Judiciary*

Victims with negative experiences with support offered by the Judiciary:

- are more often male than female;
- are more often lowly educated and less often moderately or highly educated;
- less often made use of a joinder and more often would have *wanted* to make use of a joinder but – according to themselves – were not given the opportunity to do so;
- on average have lower confidence in the rule of law than other groups of victims;

In addition, it appears that:

- suspects are less often punished;
- victims with negative experiences are more often of the opinion that the punishment is very light compared to victims with positive experiences.

In view of the characteristics with a significant influence, there are two characteristics which have an independent influence on the chance of having negative experiences: male victims and victims in whose case no offender is punished, run a larger risk of negative experiences with the Judiciary than others.

## General conclusion

This study shows that a (limited) part of the victims have overall (or near-overall) negative experiences with victim support. Based on the data analysis we conclude that a number of characteristics have an *independent* influence on the chance of having negative experiences. These are: 'arrest did not take place' (police), 'not given the opportunity to participate in the process' (Public Prosecution Service) and 'punishment of offender did not take place' (Judiciary). In addition, decisive characteristics are 'incurring damages' (police) and sex (Judiciary).

Employees of the victim support desks attribute negative experiences with victim support mainly to the discrepancy between what victims expect can happen in or with their case and what is possible and may occur in reality. According to them, poor provision of information about developments in the case also directly contributes to the fact that victims have negative experiences with the organisations (police, Public Prosecution Service and Judiciary). Disappointing outcomes of the process, e.g. no or a low compensation of damages or no prosecution of the offender lead to even worse experiences. According to the desk employees, the feelings of incomprehension, frustration and injustice that victims experience may relate to the long duration of the process, the inadequate effort of organisations to arrest or prosecute offenders, the disappointing opportunities for participation, the height of compensation of damages and/or the height of the punishment that has been imposed on the offender. Employees of victim support desks, who regularly deal with victims with bad experiences, indicate that in these cases they cannot do much more than to show understanding, to provide extra clarification and to point out legal procedures and opportunities to victims. From their experience desk employees know that this can only partly take away the existing frustration or incomprehension of victims. According to them, an important improvement for effective victim support can therefore be made at the beginning of the process, by the employees of the organisations themselves. Organisations should provide clarity regarding the possibilities and terms and they should temper victims' expectations that are too high in order to prevent disappointment (and negative experiences) afterwards as much as possible. In addition, it seems to be important that during the handling of the case, victims are informed (preferably) in a personal manner (by telephone, or face to face) about the decisions that are taken and that the arguments behind these decisions are clearly explained. After such

adaptations have been made, it is conceivable that the chance of bad experiences with victim support may decrease.