

Reality or registration effect

The influence of registration effects on the decline in registered youth crime

Summary

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At the request of

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Summary and conclusions from

Realiteit of registratie-effect

**De invloed van registratie-effecten op de daling van de geregistreerde
jeugdcriminaliteit**

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Summary and conclusions

In this summary, which may be read in lieu of a comprehensive read, the cause for and questions of the research and the outcomes of the substudies will be discussed; it ends with a contemplative conclusion.

Cause, questions and methods

Juvenile crime, irrespective of whether committed only by minors (12 to 17) or also by young adults (age 18 through 24), has undergone a great decline since 2007. Between 2008 and 2015 the number of unique male and female suspects decreased by 40%. The decline was more marked for minors (-48%) than for young adults (-35%). Relatively speaking, the greatest decreases as compared to the years previous occurred in 2009 and from 2012 onwards. It is important to realise that the decline concerns registered juvenile crime. Offences and suspects that, for whatever reason, were not *registered* in the police registration systems are not considered here. The question discussed in this study is to what extent the decline in registered juvenile crime reflects the reality or whether it is wholly or partly a result of registration effects. Registration effects are defined in this respect as '*factors that may affect the completeness and reliability of registrations*'. Accordingly, the central and main question for this research is: 'To what extent is the decline in juvenile crime attributable to registration effects?'

Preliminary research by Van Ham et al. (2015) resulted in five hypotheses regarding registration effects. Since one of those hypotheses (cybercrime) is being researched separately, this study relates to the other four. In consideration of the main question, these four hypotheses were translated into four subquestions; subsequently, the impact of the registration effect – if any – was assessed for each of the four. The four hypotheses discussed in this study are:

1. Is the decline in registered juvenile crime partly caused by a more explicit role for the municipal special investigating officer (*Bijzondere OpsporingsAmbtenaar BOA*) in surveillance?
2. Is the decline in registered juvenile crime partly caused by a decrease in juvenile crime investigation priority?
3. Is the decline in registered juvenile crime caused by automation changes at the police (relevantly here, as resulting from the introduction of the National Law Enforcement Database (*Basisvoorziening Handhaving BVH*) and the phase-out of the Identification System (*Herkenningsdienstsysteem HKS*))?
4. Is the decline in registered juvenile crime caused by changes in the police work process (relevantly here, as resulting from the *Salduz* judgment and the introduction of the accelerated procedure (*ZSM*)), as a result of which:
 - a. more often than before, criminal youth become the subject of concern notifications and subsequently, stay out of the police registration system;
 - b. more often than before, criminal youth are reprimanded and subsequently stay out of the police registration system;
 - c. more often than before, criminal youth are given a ‘good talking to’ and subsequently, stay out of the police registration system.

Research methods

The study consisted of four substudies. In each, desk research was carried out and interviews or group interviews were held with professionals (n=45). The third and fourth substudies (“investigation prioritisation” and “work process changes (Salduz/ZSM)”, respectively) centred on respondents’ relatively recent experiences. In the second substudy (“the BVH database introduction / the HKS system phase-out”), respondents’ longer-term memories were taxed. This aspect, in conjunction with the fact that in this latter substudy, relatively few persons were interviewed, may have impacted the reliability of the outcomes. Where possible, also quantitative data were used. Information concerning the number of unique juvenile suspects (minors and young adults aged 18 through 24) was obtained through Statistics Netherlands (Centraal Bureau voor de Statistiek CBS). In addition, the Dutch National Police supplied quantitative information regarding the number of non-prosecution decisions made by the Public Prosecution Service, the numbers of reprimands and concern notifications, and the number of relevant persons registered in the BVH database. Finally, registrations by BOAs were used.

Outcomes of substudies

The main findings for each substudy are discussed in separate subsections. By way of a summary, Table 1 lists the hypotheses tested and the relevant findings.

Table 1 – Summary table of hypotheses, their impact and duration

| Hypothesis | Impact | Duration |
|--------------------------------------|--------|---------------------|
| 1. the role of municipal BOAs | No | Not applicable |
| 2. the BVH database introduction | Yes | Short term |
| 3. investigation prioritisation | Yes | Short and long term |
| 4. work process changes (Salduz/ZSM) | Yes | Short and long term |

Substudy 1 – the role of municipal BOAs

In recent years, changes in the police and in municipal organisations have resulted in a greater role for municipal special investigating officers (BOAs) in surveillance and enforcement. In this substudy it was investigated whether, and if so, to what extent that more explicit role has contributed to a decline in registered juvenile crime, based on three case studies in the municipalities of Apeldoorn, Rotterdam and Zundert. The findings from those case studies have shown the following:

- The number of punishable offences dealt with by BOAs was very limited in absolute numbers: between six and sixteen in a period of 6 to 12 months. Moreover, those crimes were not always committed by juveniles. In the total number of registrations, crimes have a very small share; this suggests that the activities of the BOAs are carried out in a different field, namely, nuisance and misdemeanours;
- Collaboration between BOAs and the police is good. Although information from BOA registration systems is not automatically transferred to those of the police, in practice crime information is still passed on. However, the number of crimes with which BOAs are confronted is very limited (see above);
- It can be concluded that punishable offences that used to be dealt with by the police are not more frequently dealt with by BOAs these days. As such, the hypothesis that the greater role of BOAs in supervision and enforcement has led to a decline in registered juvenile crime should be rejected.

Substudy 2 – the BVH database introduction and the HKS system phase-out

The second substudy was carried out to find an answer to the question if, and if so, to what extent, the decline in registered juvenile crime is a result of changes in police automation. Specifically, this regards the introduction of the BVH database around 2009 and the repeatedly communicated aim to stop using the HKS system (“phase-out”). The following is a summary of the findings of this substudy:

- After the implementation of the BVH database there were many problems that may have affected the registration process. More specifically, the documentation consulted shows that, because of the lack of system user-friendliness, police officers have less time to spend on the street and tend to give warnings instead of tickets. The sources consulted fail to make clear if, and if so, what consequences the repeated communications on the phase-out of the HKS system have had;
- The respondents recognise the picture that ensues from the desk research. They contend that the problems to do with the introduction and the lack of user-friendliness of the BVH have contributed to police staff registering fewer incidents, because of the time this requires. This may have led to a temporary greater decline in registered juvenile crime. They also asserts that communication on the HKS system phase-out has led to registration backlogs; it is unclear, however, if and to what extent this may have resulted in a decline in registered juvenile crime;
- Management reports (MARAPs) in which statistics on registered crimes are presented are no longer available for the period 2009-2010. Accordingly, CBS statistics were used to get an idea of the development of registered juvenile crime. The figures show that the decline of registered juvenile crime accelerated around the introduction of the BVH database. Also on account of changes in the work process and technical adjustments in later years (see substudy 4), it cannot be concluded that the BVH database introduction impacted registered juvenile crime in the long term;
- The hypothesis that changes in police automation have led to a decline in registered juvenile crime has been partly confirmed. Insofar as may be determined, especially the period 2008-2010 was affected, which is when the BVH database was gradually rolled out among the various police regions at the time. It is also noteworthy that the decline in registered juvenile crime is based on the BVH database data; as such, it is very much the question whether communications on the phase-out of the HKS system should still be considered relevant.

Substudy 3 – Investigation prioritisation

To be able to determine whether there is juvenile crime, investigative research will have to be carried out to trace suspects and determine their age. In other words: if there is less juvenile crime investigation priority, registered juvenile crime may seem to decrease without there actually being less juvenile crime. This substudy seeks to answer the question whether this seems to be the case and if so, whether this impacts registered juvenile crime. This is what the findings of this substudy show:

- The approach to juvenile crime was explicitly mentioned in several recent coalition agreements. However, those agreements and documentation on the degree of investigative capacity fail to show to what extent this has translated into greater investigation focus on this issue. The case studies conducted made clear that project proposals regarding heavier forms of crime involving juvenile suspects were put to assessment teams to only a very limited degree. Accordingly, the impact of assessment teams' decision-making on the decline in registered juvenile crime seems to be limited;
- Decisions not to prosecute may result in persons not being included in the crime statistics as suspects. Since a perpetrator is obviously in the picture, however, the development in the number of non-prosecution decisions is a mere indication of the prioritisation of juvenile crime. An overview of the number of decisions not to prosecute made between 2011 and 2015 shows that this number has doubled for both under-age and young adult suspects. The increase for both groups peaked from 2011 to 2012 and from 2012 to 2013;
- Police staff interviewed pointed out that in recent years, less investigation capacity has been available for juvenile crime. They feel that in practice, this means that fewer cases with juvenile suspects are dealt with and that, where they are, follow-up investigations are carried out less often. On the one hand, this results in a decrease in local beat officers' willingness to make reports. On the other, not all (juvenile) suspects may be spotted. According to the respondents, the registered decline has resulted in a reduced urgency to tackle the juvenile crime theme, which subsequently leads to a reduced focus on juvenile suspects. In addition, juveniles' lives are lived increasingly online; the police has relatively little insight in this, and possible also in their delinquent behaviour;
- Respondents' experiences of and statistics on the number of non-prosecutions decisions suggest that the subject of juvenile crime has been given less investigation priority in recent years. A consequence of this is that fewer juvenile suspects were arrested. Therefore, we consider the hypoth-

esis that juvenile crime has gone down as a result of reduced investigation attention at least partly proven. Exactly how significant this registration effect is cannot be established.

Substudy 4 – Work process changes

The fourth substudy should answer the question whether, and if so, to what extent, the decline in juvenile crime is a result of changes in police work processes. Specifically, this concerns the implementation of the Salduz judgment (as per 1 April 2010) and the introduction of the ZSM (“as quickly as possible”) methodology (as per 1 January 2013).

The Salduz judgment means that at all times, a suspect is entitled to legal assistance prior to questioning: the right, preceding the first substantive examination, to speak to counsel. Specifically minors also have the right to legal representation by counsel or some other trusted representative during questioning. Persons who have been arrested may – depending on the circumstances (such as their age and the severity of the punishable offence in question) – waive these rights. The ZSM methodology aims to contribute to a faster response to lawbreaking behaviour, whereby based on information of all the chain partners a settlement is achieved or a decision is made to refer the matter for further assessment. The idea is for this methodology to contribute to a more efficient and effective settlement of frequent crimes. The assumption is that the introduction of the said two work processes contributed to the decline in registered juvenile crime. The findings of this substudy are:

- An evaluation of the Salduz rule shows that this means that the processing and settling of incidents takes relatively much time. Another implication is that police emergency relief staff may be off the street for a long time because of this;
- In comparison to the previous year, the number of unique registered juvenile suspects decreased around the introduction of the Salduz rule, more so than the average decrease of the number of unique registered juvenile suspects in 2010 and more markedly for minors. This suggests a correlation between the introduction of the Salduz rule and the number of registered juvenile crimes;
- The statistics consulted also show that the number of registered concern notifications and reprimands increased a year after the introduction of ZSM (by 12 and 26%, respectively). The cause for this change remains unclear. The introduction of ZSM may have partly induced police staff to choose a different way of settlement. Similarly, for example policy may have inspired more attention for the settlement of cases from a perspec-

tive of care, independent from or actually as a result of the introduction of ZSM;

- The interviews show that police staff consider the Salduz rule and the ZSM methodology as work processes that take up a lot of time. In the case of the Salduz rule they sometimes deem the consequences for juveniles upon arrest disproportionate to the offence committed. This is the case, for example, when juveniles are having to spend the night at the police station, if they were arrested in the evening and cannot be interviewed until the next morning. In addition, according to the respondents the time invested in the ZSM methodology – which is slower than intended – is not always worth it (many non-prosecution decisions). In practice, the respondents feel, police staff might seek other ways to deal with red-handed crime. Care notices and reprimands are examples of their use of this discretionary power; the use of both has increased somewhat but they are not always registered accordingly in the systems;
- Documentation that was consulted and the interviews held show that in practice, the Salduz rule and the ZSM methodology result in a different way of settling cases. This was also apparent from the statistics consulted for this study, although some caution is warranted with regard to the Salduz rule, since this has not led to an increase of the number of persons registered as having been involved in (rather than being suspected of) offences. It is striking that the number of juveniles registered as involved in a crime remains stable, however, whereas the number of juvenile suspects decreases greatly. The hypothesis that changes in police work processes have resulted in a decline of registered juvenile crime may be considered partly confirmed, therefore.

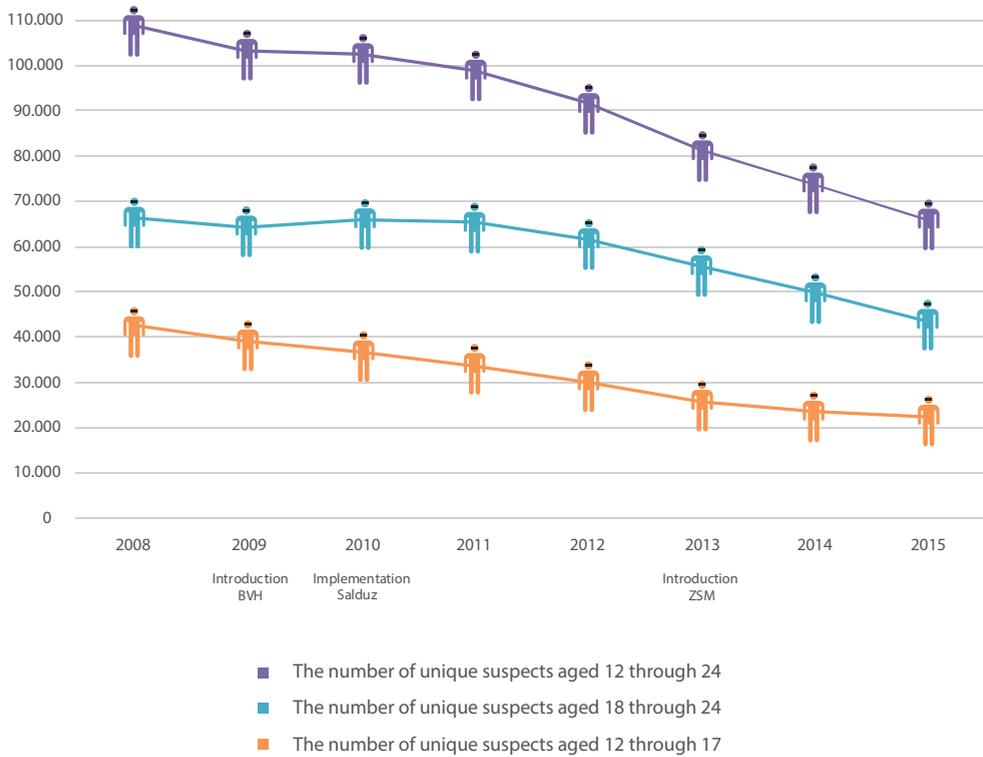
Contemplative conclusion

This study shows that, of the four hypotheses formulated by Van Ham et al. (2015), three may be deemed partly confirmed. More specifically, this means that there are clear indications that the introduction of the BVH database (2009) and changes in the work process – the introduction of the Salduz rule (2010) and the ZSM methodology (2013) – contributed to a decline in registered juvenile crime. The same applies for the attention spent in recent years on investigations of juvenile crime. It may be observed in this regard that in particular in regard to the last two hypotheses – changes in the work process and investigation priority – there seems to be a cumulative effect. Changes in the work process (Salduz/ZSM) may contribute to, for example, more frequent non-prosecution decisions (investigation priority) or more frequent choices for a care notification or reprimand.

Taking the entire study into consideration one may conclude that several registration effects affect different groups at different times. The nature of those registration effects differs. In particular the introduction of the BVH database has had consequences in the short term for the registration of under-age suspects, whereas changes in the work process and investigation priority seem to have a longer-term influence for minors (Salduz) and young adult suspects (ZSM), respectively. Moreover, expectations are that a tightening of the Salduz rule on account of a new EU directive, and the implementation of that directive in the Netherlands – so that minors can no longer waive their right to legal representation by counsel – will encourage basic police care staff to choose alternative ways of dealing with incidents more frequently.

Figure 1 shows the developments of the number of unique juvenile suspects as one group and separated into age categories (12 to 17 and 18 through 24). The study shows that the number of unique juvenile suspects decreased more strongly both around the implementation of the BVH database in 2009 and around the introduction of the Salduz rule in 2010. That decline is attributable almost entirely to under-age suspects, which supports suspicions of a registration effect. On the other hand, the total number of unique juvenile suspects decreased most markedly from the moment the ZSM methodology was introduced nationwide: this is specifically true of young adult suspects aged 18 to 24.

Figure 1. Development in the number of juvenile unique suspects and significant events.¹



Naturally, the findings of these studies do not suggest that juvenile crime has not decreased at all. It has been made plausible, however, that because of the registration effects found, the decline seems stronger than it really is. Accordingly, the truth is in the middle: the decline in registered juvenile crime is partly real and was partly caused, at least for the longer term, by two of the four registrations effects researched in this study: investigation priority and work process changes.

Endnotes

1. BOAs are not used in every municipality and municipalities started working with them at different times; accordingly, this 'event' is not represented in this figure.



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