

The Dutch Victim Guidelines and their Impact upon Victim Satisfaction

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The Victim Guidelines

In The Netherlands, the treatment of victims by police and criminal justice authorities is regulated by guidelines. Victims are viewed as a special target group for the services or activities of the police and criminal justice authorities. Van Dijk refers to this approach as the 'services model' which he contrasts with the 'procedural rights model' (Van Dijk 1986). The procedural rights model sees victims as subjects who must be given an extended set of legal rights to pursue their own interests. This approach is common, for example, in the United States where many states have adopted victims' bills of rights (NOVA 1988).

The first set of victim guidelines for police and public prosecutors in The Netherlands was issued in 1986 (Richtlijnen voor Openbaar Ministerie en politie). These original guidelines were directed at victims of serious violent crimes. A year later, in 1987, the guidelines were extended to include all victims of felonies (Richtlijnen aan politie en Openbaar Ministerie ten aanzien van uitbreiding slachtofferbeleid). The guidelines introduce a number of special duties for police and prosecutors.

The duties of the police can be broken down into two steps. The first step is the initial contact between the victim and the police when the victim reports a crime. The police are often the first and only representatives of the criminal justice system with whom the victim has contact. Police are required to treat victims with consideration and have respect for their dignity. During this first

contact they must inform the victim of the possibilities of victim assistance and, where appropriate, refer the victim to the local victim assistance scheme. Police should give the victim a general description of the procedure following their report and ask the victims if they wish to be kept informed of the developments in their case and if they desire financial restitution.

The second step involves following through with the victim's wishes regarding notification and restitution. The police are expected to comply with the wishes of the victim. If a suspect is apprehended and the victim wishes restitution, the police should arrange, where appropriate, the payment of restitution by the offender. Victims who wish to be kept informed should be notified of the fact that a suspect has been apprehended. Or when the police fail to solve the case, they should be informed when the criminal investigation is closed.

All relevant information gathered by police in steps one and two should be included in their report. The purpose of this information is twofold. Firstly, it provides police with an overview of the wishes of the victim so that when a suspect is later apprehended they can follow through with the victim's wishes. Secondly, when the case is sent to the office of the public prosecutor, he or she can continue to address the wishes of the victim.

The guidelines for the prosecutors concentrate on notifying the victim of all important decisions concerning the case and restitution. A decision by the prosecutor to dismiss the case may be taken only if the offender has made a reasonable effort to compensate the victim. Finally, the guidelines oblige the prosecutors to invite victims of serious crimes of violence (and the relatives of deceased victims) for a personal interview in order to explain the criminal procedure and any special aspects of the case.

The present study was designed to examine systematically the effects of changes in the treatment of victims of crime and their reactions to the police and the public prosecution since 1993. Although the existing guidelines have been in effect since 1987, their implementation is modest. Few victims are treated in complete accordance with the guidelines, many in part and most not at all. The reactions of victims who had not been treated in accordance with the guidelines could be compared with those who had, thus permitting a systematic study of the effects of the treatment of victims on their satisfaction with police and the public prosecution. In sum, the 1993 changes (introduced as guidelines nationwide in 1995) mandated the police and prosecution to seek pre-trial restitution as a matter of urgency. Victims have to be informed of their rights to seek restitution, police reports must include an assessment of the offender's ability and willingness to pay, the prosecution must attempt restitution and, if these attempts fail, inform victims of their right to appeal.

Method

The data presented in this study are part of a larger investigation of the effects of the new legislation and guidelines for victims of crime. In order to study the effects of these new measures an untreated control group design with separate pre-test and post-test samples was used. The experimental group consists of

victims from the two jurisdictions where the new measures were introduced in April 1993 namely, 's-Hertogenbosch and Dordrecht. The control group consists of victims from two jurisdictions of comparable sizes where the new measures will not be introduced until 1995 namely, The Hague and Assen.

The respondents were selected from cases entering the four offices of the public prosecutor included in the study. All reports which fit the selection criteria were included in the sample. The first selection criterion is that the case must include one or more victims. The offence must be one of the following felonies: property crime or (minor) assault. Minors (17 years of age or younger) as well as department stores and other large organisations were excluded from the sample. Individual victims and the owners of small, privately owned shops were included in the sample. Only offences occurring on or after April 1 1993 fall under the new legislation. For this reason the samples were selected in the period from August to October 1992 (pre-test) and from September to November 1993 (post-test). The samples consist of 638 respondents in the pre-test and 709 in the post-test.

1347 subjects were approached (by mail) for an interview. The interviews were conducted face to face using computer driven questionnaires. Of the 638 respondents in the pre-test, 315 participated in the interviews. For the post-test, 325 of the 709 respondents were interviewed. This is a response of 49 per cent for the pre-test and 46 per cent for the post-test. The first interviews were held soon after the cases of the respondents had entered the office of the public prosecutor. The interviews were held from September to December 1992 (pre-test) and from October 1993 to January 1994 (post-test).

Some five months later the respondents who had participated in the first interview were approached for a second interview. In all, 193 victims were interviewed twice in the pre-test and 242 respondents were interviewed a second time in the post-test. These second interviews took place from March to May 1993 (pre-test) and from April to June 1994 (post-test).

Among the victims who participated in the first interview, 65 per cent were male and 35 per cent were female. The median age was 39 years. The level of education among the respondents is average: 10 per cent have had only elementary school and the rest have had some form of secondary education, one-quarter has attended college or university. Due to the selection procedure the different types of victimisations represented in the sample is limited: three-quarters of the cases involve property crimes, the remaining cases involve (minor) cases of assault. There are not significant differences between the respondents who participated in the first interview and those in the second interview.

Results of the Study

In order to understand the effects of the treatment of victims on their evaluations of their interactions with the police and the public prosecution, analysis was performed using all of the interview data. For this purpose, the respondents were split up into subgroups based on their treatment by police and the prosecution. Two treatment variables are considered namely, notification and restitution. The

following table shows the distribution of the respondents across the various groups.

Table 1
Distribution of respondents across treatment groups

| <i>Task</i> | <i>Police</i> (n = 640) | <i>Prosecution</i> (n = 435) |
|-----------------------------|----------------------------|---------------------------------|
| Notification | | |
| Want notification | 511 | 363 |
| Receive notification | 169 | 108 |
| Do not receive notification | 342 | 255 |
| Do not want notification | 129 | 72 |
| Restitution | | |
| Want restitution | 321 | 231 |
| Attempted restitution | 34 | 38 |
| Restitution not attempted | 139 | 193 |
| Uncertain | 148 | |
| Do not want restitution | 78 | 50 |
| No damages | 241 | 154 |

Overall, the respondents appear satisfied with the treatment by and the outcome achieved by police. The respondents are less satisfied regarding their experience with the prosecution.

79 per cent of respondents are either satisfied or very satisfied with the treatment by police, and 57 per cent are satisfied or very satisfied with the outcome achieved by police. The respondents are less satisfied regarding their experience with the prosecution. The proportion of respondents being satisfied or very satisfied with treatment by prosecutors is 34 per cent and satisfaction with outcome 40 per cent.

One scale was developed for victim satisfaction with the performance of the police and one for the prosecution (Table 2). The reliability of this scale was assessed using cronbach's alpha. This scale is based on the respondents' average scores across the four items. The minimum possible score is one (very dissatisfied) and the maximum possible score is five (very satisfied).

Table 2
Standardised alpha coefficients and means of the general satisfaction scales for police and the public prosecution in the first and the second interview

| | <i>First Interview</i> | <i>Second Interview</i> |
|-------------|------------------------|-------------------------|
| Police | | |
| alpha | 0.80 | 0.82 |
| mean | 3.37 | 3.36 |
| Prosecution | | |
| alpha | 0.80 | 0.82 |
| mean | 3.03 | 3.16 |

The general satisfaction scores presented in Table 3 reflect the respondents' satisfaction directly following their experience. Hence the mean for police is derived from the first interview and that for the prosecution is derived from the second interview. An examination of the means across the various treatment groups shows that victims who do not wish restitution or notification generally show similar levels of satisfaction as those whose wishes are responded to by the police and the prosecution. However, a majority of the respondents want to be kept informed by the police and the public prosecution and among those with damage, most desire restitution.

Table 3
Evaluations (mean scores) for the various treatments

| | <i>Police</i> | | | <i>Prosecution</i> | | |
|--------------------------|---------------------------|------|------|---------------------------|------|------|
| | outcome/treatment/general | | | outcome/treatment/general | | |
| Notification | | | | | | |
| Want notification | | | | | | |
| * receive | 3.79 | 3.98 | 3.45 | 3.14 | 2.98 | 3.18 |
| * do not receive | 3.11 | 3.67 | 3.31 | 2.98 | 2.45 | 2.58 |
| Do not want notification | 3.77 | 3.95 | 3.41 | 3.14 | 2.93 | 3.07 |
| Restitution | | | | | | |
| Want Restitution | | | | | | |
| * attempted | 3.06 | 3.62 | 3.34 | 2.74 | 3.21 | 3.14 |
| * not attempted | 2.99 | 3.60 | 3.25 | 2.46 | 2.60 | 2.98 |
| * uncertain | 3.32 | 3.75 | 3.31 | | | |
| Do not want restitution | 3.36 | 3.74 | 3.31 | 2.58 | 2.94 | 3.14 |
| No damages | 3.81 | 4.02 | 3.51 | 2.89 | 2.94 | 3.08 |

(Lower scores indicate low levels of satisfaction)

When legal authorities fail to recognise needs, victims tend to be less satisfied with the way they were treated and the performance of authorities in general.

The negative impact of disappointment

In order to examine the potentially negative impact of disappointment on evaluations the respondents were further differentiated based on the treatment received by police and the public prosecution. Previous research suggests that high expectations have a negative impact on satisfaction (Erez & Tontodonato 1992). In the present study two causes for disappointment can be identified. The first concerns notification, the second restitution.

Regarding notification, the guidelines specify that victims should be asked if they wish to be notified of any developments in their case. A number of victims claimed that they had been asked if they wished notification but were subsequently not kept informed by the police or the prosecution. These victims should be less satisfied than victims who were notified, and perhaps, because they had been led to believe that they would be notified, they might be more dissatisfied than respondents who wanted information but who had not been led to believe that they would be notified.

These distinctions generated the following groups. Among the 342 respondents who wanted but did not receive notification from the police, 92 had been asked by police if they wished to be notified. For the prosecution, 67 of the 254 respondents wanting but not receiving notification had been asked this.

If raised expectations lead to dissatisfaction, then the respondents in the first group should be more dissatisfied with authorities than those in the second group, whose expectations were never raised. Using t-tests the average scores for the two groups were compared for each of the evaluation variables. The results show that the evaluations of the two groups do not differ significantly. Respondents who had been promised notification but did not receive it are not more dissatisfied than those whose hopes were never raised.

The second condition involves those respondents who claim that the police or the public prosecutor attempted but failed to secure restitution. These respondents would obviously be disappointed by the negative result. Here too the question is whether the disappointment results in greater dissatisfaction with police and the prosecution than when restitution is desired but not attempted.

This test involves comparing the evaluations of victims who claimed that the attempted restitution had failed, with those who wanted restitution but said that police or the prosecution had not attempted to obtain restitution for them. In all, 30 respondents claim that attempts by police to secure restitution was unsuccessful while 139 respondents who want restitution claim that the police never tried to arrange restitution. Regarding the prosecution, 32 respondents claim that the attempt was unsuccessful and 193 respondents believe that the prosecution did not try to obtain restitution for them.

These comparisons show that, on most measures, failed attempts at restitution do not lead to more negative evaluations than when restitution is not attempted at all. Disappointed respondents are no less satisfied than respondents whose hopes were never raised in the first place. Generally the observed

differences are statistically not significant. One exception is the respondents' satisfaction with the treatment by the public prosecution. Respondents who claim that the prosecution attempted to arrange restitution but failed are significantly more satisfied with the way they were treated than those who want restitution and say restitution was not attempted ($t = 3.00$, $df = 223$, $p = .003$).

Discussion

Interest in the needs of victims results in greater satisfaction with legal authorities. Victims appreciate the time and effort authorities give to them and are more satisfied with both the experience and the performance of police and public prosecutors in general. These findings support efforts to improve the position of the victim in the criminal justice system by recognising their needs for information and restitution. However the implementation of the guidelines is weak and many victims are not offered the opportunity to request notification and/or restitution. Before considering further changes in the formal position of victims, the implementation of the existing guidelines should be improved.

In most cases, authorities were unsuccessful in securing restitution for the victim. However, it is interesting that the respondents who claim that such attempts failed do not show significantly lower levels of satisfaction than those whose desire for restitution was not responded to by police. In fact, higher levels of satisfaction with the treatment received by authorities are observed among the victims whose hopes for restitution were disappointed. No support is found for the assumption that disappointment intensifies victim dissatisfaction. Apparently, victims have realistic expectations and appreciate the interest and concern reflected by such efforts. Victims are more concerned about the process than the outcome of the case.

By keeping victims informed of the developments in 'their' case, legal authorities can have a significant impact on victim satisfaction. Notified victims are not only more satisfied with the treatment received by authorities, they are also more satisfied with the outcomes they achieve. Although the present study consisted solely of cases in which police were successful in finding a suspect, evidence suggests that the outcome by police is not a primary concern of victims in their interactions with legal authorities. Victims are more likely to criticise police for their lack of interest and their failure to inform the victim than their failure to solve the case.

References

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EDITORS' NOTE:

This paper has been abridged owing to space restrictions. Full details of the survey and its methodology can be obtained by contacting Dr Wemmers at the Ministry of Justice, The Netherlands (fax no: 31-70-370-7948).