

Pass the buck. Restorative policing in the Netherlands



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Introduction

Where conflict mediation is concerned, we have seen a dual development in the Netherlands over the past ten years. On the one hand there is a tendency for the police to return to the core tasks, meaning that the police abandon mediation tasks, amongst other things. At the same time, conflict mediation and grievance mediation has taken off over the past fifteen years, in neighbourhoods as well as in large organisations such as hospitals and other government institutions. The police seem to act increasingly as a 'referral agency', and want to stay away from mediation and restorative justice practices.

In the Netherlands there are no formal arrangements for 'mediation in penal matters', although some police and court districts have initiated pilot projects (Steketeer et al. 2006; Hokwerda 2004). In 2007 a national rollout of victim-offender conversations did take off, under the aegis of 'Slachtoffer in Beeld', a subdivision of the Dutch Victim Support scheme (the term 'mediation' was deliberately avoided). These conversations take place after the judicial proceedings and thus cannot have any impact on fixing the sanction / punishment. In 2008 more than 600 cases had been dealt with; almost half of the cases did lead to victim-offender contacts?

This contribution draws up an inventory of restorative practices which are related to the police and which contribute to the prevention and pacification of everyday conflicts, in particular in neighbourhoods. The police themselves perform restorative tasks such as victim support (giving information) and managing compensation claims, and refer cases to neighbourhood mediation organisations, Halt (a diversion programme for young first offenders) and other agencies. When dealing with conflicts (between residents or between neighbours and juveniles, for instance) an informal extrajudicial approach is often used: encouraging the parties to settle their conflict themselves, albeit against the background of a possible use of compulsion (the threat of sanctions). Cautioning too can

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be viewed as a restorative task ('teaching youngsters a lesson', for instance), although there is no police-led restorative cautioning scheme in the Netherlands.

Thus, it is not mediation itself that is the main subject of this study, but rather a number of 'peacemaking' or 'restorative' police activities. The scope of this inventory is primarily related to developments within Dutch community policing and the ways officers deal with everyday conflict management, and the problems they encounter when undertaking this task. Restorative justice practices such as mediation and family group conferences (in which the participants discuss the aftermath of an offence with the aim of 'repairing or making good') are dealt with only secondarily.

We first offer a brief outline of some ambiguous developments in which the police force itself tries to avoid mediation work as such (section 2). Despite discouragement of this work, especially among neighbourhood teams, some beat officers nevertheless take on spontaneous mediation tasks (without assessing formal schemes or scripts). We briefly discuss the question of how they do this, and the problems this raises (section 3). Section 4 then discusses the rapidly growing practices of neighbourhood mediation in Dutch cities. The police act as one of the agencies that refer cases. The referral function also applies to the execution of sanctions on young perpetrators aimed at reparation within the Halt scheme, while the police act in a supervisory role when drawing up contracts with youths who cause trouble ('act-normal' contracts) (section 5). The police again take on a central role when offering support to victims. The police have been charged expressly with assisting victims and, if possible, initiating damage mediation (section 6). The final section contends that in some cases, such as persistent intimidation, police officers on the beat themselves ought to practice mediation tasks.

1. Changes in Dutch policing: 'back to the core tasks' and discouraging mediation

The government policy document *Naar een veiligere samenleving* [Towards a safer society] (2004) pleads for improved police performance in terms of fines and arrests. The Dutch police forces have committed themselves to ministerial targets to stop more suspects and issue more on-the-spot fines. The police organisation is increasingly guided by a target culture, achieving 'hard results'. At the same time, there is considerable pressure to abandon all kinds of extraneous tasks and 'hobbies', while prevention tasks which are not commensurate with measurable results are judged negatively. Police officers have therefore started to focus increasingly on activities that deliver visible, measurable results, generally including the reactive and more repressive work. This is one of the reasons why the police have begun to neglect their preventive tasks and contacts with neighbourhood residents and cooperative partners. Such police functions as being approachable and recognizable have also come under pressure, while the visible presence of police officers on the beat has decreased (Terpstra & Trommel 2006; Terpstra 2008). Partly due to the instruction to deliver larger numbers of fines and arrests, the police have devoted themselves more to the so-called 'core tasks', which are deemed mainly to comprise crime fighting and detection as 'genuine police tasks' (see Van der Vliet et al. 2001). Due to the increased focus on combating crime, it is doubtful whether cooperation in local problem-solving networks and partnerships with residents / entrepreneurs contributes to a sufficient extent to 'measurable output' in terms of charging

and arresting people. The considerable time spent by police on these networks is also strongly criticised. According to Terpstra and Kouwenhoven (2004), the police have now distanced themselves from an active, initiating or encouraging role in several networks, albeit without actually withdrawing from them. As a result, coordination of the networks is frequently up in the air. Police officers on the beat who would like to stick their neck out, or act as investigators, are often restrained.

A related tendency is discouraging police officers from resolving conflicts and taking up other forms of prevention. For instance, a success in preventing a suspect from being sprayed with pepper spray is meaningless within the logic of 'being judged on results' (Van der Vijver 2004). Within the police organisation, police officers, including beat officers, are advised against providing mediation. Mediation work is seen as 'soft', and the considerable investment of time associated with it would allegedly be to the detriment of other tasks. Police managers tend to see mediation as 'hogging a dead horse': taking more time than normal to deal with a report or request for assistance so that police officers are not available for the next job. This is seen as reducing productivity. Providing prompt and effective responses to reports is the prominent criterion.

These tendencies also come to the fore in studies of beat officers. Olga Zoomer and her colleagues concluded as late as 2000 in their study into community policing that most police officers on the beat practised informal mediation tasks (restoring communication between parties, conversations with residents causing trouble, etc.). Many beat officers viewed mediation in neighbour disputes or domestic violence as an important preventive activity (Zoomer et al. 2002).⁴ These conflict-management activities were mainly taken up by beat officers, and to a lesser extent by officers on patrol (Kop et al. 1998; see also Cooper & Scholar 1997). This picture has changed drastically over the past ten years: spontaneous conflict settlements would seem to be undertaken regularly only within patrol work. In many neighbourhoods in big cities – mainly ethnically heterogeneous ones – mediation between residents has largely been taken over by civilians / trained volunteers. In Rotterdam it has been formally established that mediation is no longer part of the police's range of duties. Police officers should refer cases to neighbourhood mediators.

According to Terpstra (2008), core elements of community policing have come under pressure as a result of the call to go 'back to the core tasks' (combating crime). Examples include crime prevention, maintaining public order in the neighbourhood and mediation between residents in case of fights or conflicts. Beat officers almost never get round to giving assistance (contrary to the negative image of the beat officer as a 'soft provider of assistance'). This is one of the reasons for the increased distance between citizens and beat officers.

Terpstra's profound research shows that beat officers are generally closely involved with problems on their patch, but they lack resources and support within their own organisation. Many beat officers do get involved with neighbourhood problems, and regularly visit a 'problem address' (often together with a consultant from the housing association). They consider it frustrating work, though: it takes up considerable time and a solution may not be readily forthcoming. They also consider that mediation can

⁴ American research concluded that police officers make use of mediation more often than they themselves realise (Cooper & Scholar 1997).

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otherwise endangering them. Those involved had some sort of relationship, either as members of a family or residents in the same block of flats, and would have to continue living alongside each other. Those taking part in the discussion are well aware of this. Comments such as 'I will soon run into them again' are given as a reason by many victims. During these activities, officers try to remove obstacles to communication, find solutions and forge solid agreements. Often they issue serious warnings and specify the sanctions which may follow. Some suspects are 'compelled' to comply, or else face criminal prosecution.

The interviews (Van Stokkom et al. 2003) show that these beat officers do not always stick to the basic rules of professional mediation (neutrality, voluntary participation, confidentiality). Many are inclined to impose solutions and assert their authority. They tend to guide and advise, and take the lead in conflict resolution. Set against a background of potential disorder and neighbourhood disturbance, this is hardly surprising. Merely sticking to a facilitating role would not be convincing. A reserved and impartial stance does not really fit the professional role of the police.

A classic police reflex is to offer ready-made solutions; some officers push participants into an agreement; in other cases, officers talk problems down. Some police officers are impatient and only decide to mediate when there are reasonable chances of success. They do not want to act as therapist or social worker; they stick to their role of public officer. So most police officers do not behave as 'neutral facilitators'. They remain holders of public office: not all options / solutions are accepted because they see themselves as protectors of the interests of all residents. Sometimes police officers favour weaker parties.

Strictly speaking there would not be room for a mediator's own recommendations or suggestions in a mediating role. If police mediators were to stick to a mediation script, they would only ask questions and indicate in advance that they would only discuss matters relating to the incidents. The mediator would restrict himself / herself to facilitation: bringing the parties together, chairing the discussions and monitoring progress.

Thus, police mediation has its own characteristics which do not fit in with the logic of 'neutral facilitation'. Nevertheless, police officers are in some ways best qualified to mediate cases, even though they do not employ mediation rules. First, they can guarantee safe conversation settings. Second, it has been noted that some residents prefer consultations with police officers. Police officers say their piece without hedging the issues. They speak the language of the street. Many of those involved in conflicts in disadvantaged neighbourhoods no longer trust social workers or housing corporation staff. Social workers 'beat about the bush'. They have often lost interest in cases which drag on over time. No aid agencies were either ready or willing to take on any of the cases discussed in the study. In some cases the prospect of assistance only became a reality

5 This type of 'group cautions' were also regularly issued within the framework of justice in de Buurt (Criminal Justice in Neighbourhoods). One of the tasks of a JIB bureau is to mediate in nuisance and delinquency as part of the provisional dismissal policy. This concerns mainly juvenile offenders who have committed non-criminal offences, or offences for which it is difficult to take action in law (nuisance, destruction, threats). During these meetings, the juvenile offenders are admonished and warned, and concrete agreements are struck (Terpsstra & Bakker 2002: 145).

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after mediation. Moreover, referral may also be undesirable. The threat of violence is too great in some conflicts. People are often at the end of their tether. Only the police are then in a position to cut the Gordian knot and bring about change.

The police are often forced to mediate in conflicts, especially persistent ones: there are cases when conflicts may flare up daily. The police officers interviewed (van Stokkom et al. 2003) point out that this mediation work is hampered by a variety of factors. First, by no means is time always available for mediation. When the neighbourhood team is experiencing intense work pressure, mediation is certainly not a priority. A second problem which police officers face is accountability for mediation work. Although police mediation is generally appreciated by residents, police managers are in many respects unclear about what it actually contributes to a decrease in unsafety. As mentioned before, management wants measurable results, but the effects of mediation cannot be recorded statistically. The variety of mediation work, like other community-based tasks, also makes it difficult to establish the effects (see also Zoomer et al. 2002).

In sum, in urgent cases the police seem best qualified to mediate and manage imminent conflicts and social unrest, but there are also good reasons for not having the police perform mediation work. It is difficult for police officers to mediate on the basis of equality. The police may put too much pressure on participants. In many cases participants do not feel they are dealt with seriously. As mentioned above, it is partly for these reasons that mediation tasks have been hived off to neighbourhood mediators. The trend over the last decade has been to concentrate on enforcement tasks and to refer cases increasingly to other organisations. Other professionals and civilian mediators must become involved.

3. Referrals to neighbourhood mediation

Many people experience nuisance from their neighbours, which is not surprising if you take into account the many different lifestyles which exist in neighbourhoods. Neighbourhood residents are generally able to resolve these problems themselves, but there are also tenacious conflicts in which the self-regulating power of neighbourhood residents is not adequate. Neighbourhood mediation can offer solace in such cases. It has a low threshold. People need not fear being thrown out of their house by the housing corporation or a police charge.

Neighbourhood mediation represents mediation in conflicts between neighbours or residents, led by two independent, impartial mediators, and aims to (re)open discussions and restore contact. This may explain why neighbourhood mediation is found in a growing number of municipalities in the Netherlands. It fits in with the prevalent government opinion that people have to take responsibility for themselves. Neighbourhood mediation and the choice in favour of volunteers can be interpreted as a form of social investment in the neighbourhood. Residents are deemed to be strengthening their neighbourhood themselves.

- The objectives of neighbourhood mediation include:
 - restoration of communication between residents;
 - promotion of mutual respect;
 - working towards an agreement which is acceptable to both parties.

The types of conflict that are taken on in neighbourhood mediation include:

- noise nuisance;
- rubbish or refuse near dwellings;
- property boundaries;
- overhanging shrubs or trees;
- nuisance caused by minors;
- nuisance caused by pets;
- vandalism;
- strange smells;
- disturbing lifestyles;
- parking nuisance;
- harassment.

The essence of neighbourhood mediation is that it brings about communication between neighbours. Neighbourhood mediation is not a suitable intervention in case of more serious problems of a threatening nature, such as intimidation of particular families or a 'reign of terror' against a particular household in the street, nor in the case of addiction and psycho-pathological problems (Peper et al. 1999). When such problems occur, especially if some people or groups require protection, there is a clear role for the police to play. Nor is neighbourhood mediation deployed if there is a large mismatch in power between neighbours and their support circles, or when criminal offences have been committed.

The Ministry of Justice commissioned an evaluation of the effectiveness of neighbourhood mediation (Fiers & Jansen 2004). This evaluation showed that:

- 80% of the requests for neighbourhood mediation stem from organisations active in neighbourhoods, such as the police, municipalities, welfare organisations and housing corporations;
- 30% of quarrels between neighbours are caused by noise nuisance;
- more than 90% of the locals involved are satisfied with the results of their neighbourhood mediation.

There are at present more than 90 projects in the Netherlands, involving approximately 1,600 volunteer mediators. Neighbourhood mediation has been introduced throughout the cities of Amsterdam and Breda. Rotterdam has more than 200 neighbourhood mediators available, of whom 60% are female and 37% belong to an ethnic minority group. More than 1,272 cases were reported in Rotterdam in 2007, approximately half by housing corporations, one third by the police and the remainder directly by residents. Of all the reports, 73% proved suitable for mediation, and 69% were successful (Van Thiel 2008).

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4. Responses to minor offences and anti-social behaviour: Halt and FF-Kappe

Halt

The police can refer juvenile, first offenders between the ages of 12 – 18 years to the Halt agency. The Halt settlement aims to act as a corrective to young people who have been stopped by the police for the commission of a minor offence.

Halt was set up in the last century, during the 'eighties, as a local experiment in Rotterdam. The experiment rapidly gained in importance. A comprehensive restructuring of the Halt sector was completed in 2008, during which the transition from 52 Halt offices to 18 Halt offices per area was effected over a number of years. In 2007 Halt processed more than 23,000 sanctions. 91 percent of the referrals are specified as successful. In the last decade Halt has become an important partner in the security policies of Dutch secondary schools⁶.

The Halt sanction is a form of community service but it also has reparative elements. Learning sanctions are also possible. The underlying philosophy is characterised by the following aspects: pedagogically sound; prompt settlement; offer of compensation and apology; parent involvement. The sanctions are preferably related to the offence and are carried out with the aggrieved person or institution in mind.

Halt is an extra-judicial settlement. The Halt office draws up a positive report if the youth has complied in full, and the matter is subsequently dropped by the police. The offence and the settlement are not entered in a criminal record. This diversion, however, is only available when dealing with offences that are eligible for Halt, provided the juvenile confesses to the offence, and if he or she has agreed to this type of settlement.

The police take care of the inflow of juveniles to Halt offices. This means that Halt offices must enjoy the goodwill of the police. The police must (continue to) recognise the use and necessity of Halt sanctions, including elements of reparation. In this sense the police find themselves on the threshold of restorative justice.

Halt also has practices which explicitly focus on victims. An example is peer mediation in schools, which has been developed by Halt in the Province of Noord-Nederland. Peer mediation is a form of conflict mediation in which students arrive at a solution under the guidance of one or two other students. In practice, students listen more closely to their peers, and they also communicate better amongst themselves. This is based on the premise that young people are themselves responsible for their behaviour and therefore also for resolving conflicts⁷.

A recent evaluation of Halt has shown that 'followers' (young people who rationalise their behaviour in terms of 'everybody did it', but generally display socially well-adapted behaviour and positive leisure pursuits) can be dealt with effectively. By contrast, Halt is not the proper response for young people who are struggling with more broadly based (psychological) problems. According to Ferweda and colleagues (2006), being picked

6 See Halt Jaarbericht 2007 (www.Halt.nl)

7 idem

up by the police and the possible threat of punishment would seem to have a more powerful effect than the Halt sanction itself. The prospect that a young person will have to attend Halt as a result of his behaviour acts as a brake on repeating criminal offences. Moreover, the duty to apologise and fostering an awareness in young persons about what they have done seem to be important in reducing recidivism.

Combating persistent nuisance: FF Kappe

Nuisance behaviour is seen as one of the most serious forms of unsafety experienced, in particular in problem neighbourhoods (Van Stokkom 2008; Veiighheidsmonitor 2007). Politicians and the media exert considerable pressure to comply with the English approach of tackling anti-social behaviour, and embrace new legislation relating to behavioural injunctions. ⁸ For instance, the draft bill *Aanwyzinggen ernstige overlast* (Injunctions serious nuisance), drafted at the end of 2006, refers to serious cases of systematic nuisance in public spaces.

One of the lighter-touch variants for tackling nuisance-causing behaviour is the 'act-normal' contract. Former minister Donner intended to introduce this approach on a national scale (letter to Parliament, 3 March 2006). These plans are also included in the new coalition agreement.

A pilot project has been started in the sub-municipality of Delfshaven (Rotterdam) in 2006 under the name of FF Kappe. This approach is based mainly on the English Acceptable Behaviour Contracts. The pilot scheme in Rotterdam is aimed at juveniles who have caused considerable nuisance and who sometimes also engaged in behaviour punishable by law. FF Kappe is a combination of behaviour instructions, assistance and the threat of punishment. (TTS 2008)

The juvenile in fact signs a declaration of intent in which he commits himself to good behaviour (i.e. to refrain from certain types of behaviour such as appearing in particular streets). The contract indicates exactly what kind of behaviour is inadmissible. After the contract has been signed an inventory is taken of the need for assistance. The intention is that both the parents and the juvenile sign the contract. There are several conditions for a satisfactory outcome: the juveniles are not addicted, attend school, are not the subject of criminal proceedings and have parents / carers who are aware of the contract and the interventions involved.

The behaviour of the juveniles is supervised by the police. If the juvenile does not comply with the contract, the mayor may impose a behavioural order, which orders the youth to abstain from anti-social and/or nuisance-causing behaviour during a period of twelve months. Criminal prosecution is possible if the order is violated.

Numerous difficulties surfaced during the implementation of the pilot scheme: the juveniles selected were not really prepared to sign the 'contract'; too many youths had a serious criminal past; the offer of assistance was 'imposed' on them and subsequently rejected; many juveniles did not turn up for meetings. Parents were frequently not in

8 Since the Crime and Disorder Act of 1998, new strategies are being tried out in England to tackle the behaviour of juveniles causing a persistent nuisance. These include the Acceptable Behaviour Contracts (ABCs) and the Anti-Social Behaviour Orders (ASBOs) (Burnley 2005; Squires & Stephen 2005; Van Stokkom 2007).

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the picture at all. Neighbourhood and school did not play any significant role. The pilot scheme lacked clear-cut management; for instance, it was not clear who was responsible for 'handing out' the contract. Youth workers in the sub-municipality found it difficult to conduct a confrontational discussion with the juveniles. Ultimately, the contract was generally 'handed over' by a 'stadsmarinier' [urban marine]: a front line police officer. Nor was it clear whether an offer of assistance was to be made, even if the contract remained unsigned. In a number of cases an FF Kappe injunction was imposed and handed over by the police. The juveniles refused to accept these orders.

According to the evaluation study, many questions can be asked about the set-up and execution of the pilot scheme. The execution was inadequate in several aspects; a number of assumptions just asked for trouble, such as the unilateral imposition of the contract. Voluntary signature by juveniles in the presence of all parties involved would seem necessary if the contract was to work. The juveniles must feel committed to agreements they have partly proposed themselves; saying sorry to victims might be added (ITS 2008, 31, 73).

In sum, although the FF Kappe project could have 'restorative potential', the experiment is part of current law and order policies. The police only fulfil an enforcement task in the 'act-normal' contracts, even though beat officers have a pretty good idea of which persistent nuisance problems are at stake and which individuals are involved. Based on its authority, beat officers could encourage individuals to be present during the discussion of problems and the drafting of a contract.

In England it has been pointed out that contracts relating to acceptable behaviour can make a contribution to combating serious nuisance (Squires & Stephen 2005; Burney 2005), although this would have to involve a genuine contract: negotiation about the behaviour from which the juvenile would have to abstain, mutual obligations. Neighbourhood mediation and agreements relating to specific behaviour could also be combined. In a first stage those involved discuss the implications of the behaviour. The contract then records what specific behaviour is not permitted (such as noise after 10 pm). The contract may specify that a breach can result in a formal caution, a fine or prosecution, unless the other party has breached the order as well. This method appeals to personal responsibility: sticking to terms you yourself have helped to compile (Duff & Marshall 2006).

5. Victims: claim settlements

Since the introduction of the Terwee Directive, the police and the Public Prosecutor's office have been ordered to effect damage settlements as early as possible in the criminal procedure. Since the *Aanwijzing Slachtofferzorg* (Directive for Victim Care) 2004, also serves to implement the Framework Decision of the Council of Europe, regarding the status of the victim in penal procedure.

The basic tenets of victim support remain unchanged:

- correct and personal treatment of the victim;
- provision of information to the victim;

- utilisation of opportunities for claim settlement.

The police must ask the victim who reports the crime whether he or she has suffered any damage and whether he or she wants the perpetrator to make restitution. The police draw up a proposal for the suspect to pay for the damage suffered by the victim. This involves indirect mediation, as the victim and the suspect do not meet. Within the Halt agency, damage settlements are also arrived at in the case of juvenile perpetrators: they may be ordered to repair any damage. For instance, they might themselves have to remove the graffiti sprayed on a wall belonging to the harmed party.

Where a minor offence has been committed, and the perpetrator is willing to repair the damage, the police may sort the affair out amicably. This relates to offences where the suspect repairs the damage immediately after interrogation. These affairs are also known as 'cash on the nail' cases. In addition, the police may make attempts to gain damage settlements, which are forwarded to the office of the Public Prosecutor.

The extent to which the police themselves try to achieve compensation differs from region to region. Sometimes a professional damage mediator has been appointed, while at other times officers attempt mediation themselves after taking someone's name. Sometimes only 'cash on the nail' cases are undertaken, and the remainder are sent to the central damage mediator in the office of the Public Prosecutor. Sometimes damage mediation has a low priority, and no damage mediator has been appointed. In other regions, officers as well as professional mediators are encouraged to settle damages.

The benefit of a central police damage mediator is that mediation is undertaken by a specialist. A disadvantage is that ordinary officers are less committed to mediation, and they may not take up opportunities for the prompt settlement of damages.

Whether a case is eligible for mediation depends in part on the following factors: type of offence, extent of the damage, and characteristics of the suspect, such as age, addiction problems or systematic delinquency. When the victim is a large company, damage mediation is generally not considered (there is insurance against shoplifting; stolen goods have already been returned). Mediation is not undertaken in many court districts if the suspect is to be summonsed in any case. Serious offences are not eligible for dismissal by the police.

The following criteria apply in principle to damage settlement by the police (Van Wingen et al. 2007: 29):

- there is a suspect who confesses;
- the suspect is willing and able to repair the damage;
- the damage is easily established;
- there is only material damage.

Evaluation studies show that relatively few 'cash on the nail' cases are dealt with. Damage mediation is not genuinely important to ordinary police officers. They often see no reason for mediation in cases where this would have been possible (Van Wingerden et al. 2007). Attempts are being undertaken to change that attitude. The North Brabant

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6. Cor police district awards an annual prize to the police team with the highest number of cash on the nail cases.

Although victim support did gain greater priority among the police, the registration of victims who would like damage settlement is not done properly. Most regions cannot provide statistics. There is no proper insight into the number of attempts undertaken by the police and the number of successful mediations. A number of regions do submit statistics, which show that there are markedly different percentages of success (Brabant-Noord 96%, Zuid-Holland-Zuid 57%). In Friesland, 841 attempts were undertaken in 2005, in Zuid-Holland-Zuid 99. Somewhat fewer than 4,000 attempts were undertaken in 2005 in the nine regions which did keep statistics; the number of successful attempts was approximately three quarters of this number (Van Wingerden et al. 2007: 32).⁹

The police have increasingly been making reference to the possibility of victim support over the past fifteen years. The possibility of victim support was pointed out in 11% of all reports in 1993; in 2005 this had increased to 33% (Maas-de-Waal 2006: 54). Referral depends closely on the seriousness of the offence, the injury and the needs of the victims.

As far as the provision of information is concerned, it is relevant that the police advise on how to prevent an offence in the future in less than a quarter of the cases. Allegedly, the police generally do not ask victims whether they wish to be informed further about progress in the case.

Offering information about the possibility of victim support increased greatly after 1993. Nevertheless, satisfaction with police action when reporting a crime has decreased from approximately 60% in 2000 to 52% in 2005. Victims are satisfied with the police in relation to correct behaviour and serious attention, but judge them poorly in respect of the ultimate outcome of reporting a crime and offering information after the incident (Maas-de-Waal 2006: 90).

The National Council of Superintendents decided some years ago that providing prevention information to the public and victims is not a police task. This service has subsequently been cut back and the number of victims who made use of it has dropped radically in recent years (Veiligheidsmonitor 2007). The South Limbourg police region, however, aims to gain additional support for the group of repeated victims and promote preventive education. An evaluation concluded that police officers in that region are insufficiently aware that prevention advice should have priority (Bruinsma et al. 2008).

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When damage mediation takes place in the office of the Public Prosecutor, this often takes the form of a dismissal or a transaction with compensation as a prerequisite. The office of the Public Prosecutor organised compensation for more than 5,600 victims in 2006 (Van Wingerden et al. 2007, 144). Victims have increasingly received compensation during the period 1996-2005. Compensation transactions are being offered more often from nearly 2,000 proposals in 1996 to 4,400 in 2006. More than three quarters of these offers are accepted by the defendants. Magistrates tend to allocate compensation much more frequently: from more than 1,500 in 1996 to more than 13,250 in 2005. Besides these civil claims in criminal proceedings (joining), the court imposes the compensation measure more often (at the initiative of the Public Prosecutor's office; not the initiative of the victim): from 2,700 in 1996 to 14,000 in 2005. (Van Wingerden et al. 2007, 149; Maas-de-Waal 2006, 71).

6. Conclusions

Several forms of conflict settlement schemes have really taken off. Within the urban neighbourhood mediation projects, many thousands of cases are settled annually and the number is still growing. The number of sanctions / settlements issued annually by Bureau Halt remains high. Halt may be defined as the Dutch version of institutionalised restorative justice or restorative cautioning schemes (Van Stokkom 2003). Its success is partly the result of the policy to give up police-mediation and to refer cases. It is likely that the 'act-normal' contracts, which are currently still in an experimental stage, will be developed further over the next few years.

These developments take place largely without direct involvement from the police, although the police do act as a referral agency. Within community policing, the police have outsourced mediation to a large extent. Beat officers also seem to have less time for other 'peacekeeping' tasks. While on patrol, these tasks remain dominant (prevention of conflicts, settling fights, admonishing people, dispersing addicts and indigent groups of young people, etc.). However, peacekeeping remains within the logic of 'incident-driven' work (Goldstein 1990).

Beat officers have become referral agents: to Halt, to neighbourhood mediators, to Slachtofferhulp Nederland and other assistance services. They practice the art of 'passing the buck' (Terpsstra 2008). This is part of a process of ongoing professionalism in which beat officers have become second-line workers. They mainly spend their time at their desk, are less visible on the street and reluctant to take the lead in partnerships with citizens. Their authoritative appearance and symbolism is underutilised. Worse, beat officers would seem to be taking the maintenance of public order less seriously.

A case in point is that in Rotterdam the police have only an enforcement task in the 'act-normal' contracts, even though beat officers have a pretty good idea of which persistent nuisance problems are at stake and which individuals are involved. Another example is the decreasing cooperation with citizens in networks and partnerships. Beat officers are seen mainly as enforcement officers, who combat crime. As long as no criminal offences have been committed, the police allegedly have no role to play.

Finally, it is clear that the police are struggling to deal effectively with damage settlements. Police officers generally do not consider victim support to be very important. In other words, there is a tendency to fall back on the 'easiest way of working': shunning persistent problems and trying to pass the buck; confining oneself to dealing with incidental reports related to the penal code.

It is difficult to turn the tide of these developments: avoiding prevention, fixation on combating crime. Perhaps the police should be governed by the local authority to a greater extent, in order to make them more open to problems of persistent nuisance, disorder and neighbourhood decline, and to gain better insight into the interests and needs of citizens, as has happened in Chicago (Skogan 2006; Van Stokkom & Toend-

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ers 2009)¹⁰. Here – as a final consideration and to stir up discussion – we argue only that beat officers should, in many cases, indeed take on conflict mediation and conflict management.

Why should beat officers perform these tasks themselves? First, as mentioned above, referral is often not possible, as when the matter is too serious and aid agencies have given up. Despite the policy that mediation is not a police task, the issue ultimately often returns to the beat officer (Terpstra 2008, 119). Secondly, in many cases only the police have the authority – and are trusted – to get people to talk to each other.

Research into intimidation and extreme residential nuisance in Nijmegen (Ostveen 2006) shows that residents often do not report problems, or only anonymously. The problem is that many forms of intimidating behaviour are either not punishable at law, or only barely so. Torment, for instance, is not prohibited, but may lead to psychological terror. Many residents close their eyes to what is happening. Perpetrators hide behind each other. This may worsen the situation and the social tensions may escalate. Even if urged by the police, people will not readily make an official complaint because they cannot be sure that the situation will be improved. It is generally too late for neighbourhood mediation when tensions or disputes like these arise. The research also shows that housing corporations are often reluctant to tackle problem households properly, and that the police will not act until offences have been committed. The police will often not act if problems are reported.

Research by Meerdinkveldboom and colleagues (2009) shows that the police sometimes steer clear of neighbourhood residents who intervene in neighbourhood problems in order to prevent further trouble. These residents do not receive sufficient support from the police afterwards to prevent possible acts of revenge.

The police ought to take on a directive role in such situations. If the neighbourhood is experiencing considerable turbulence, if there is a threat of violence, if the preponderance of power lies disproportionately with a particular party (if, for instance, the entire street is against a single family), and if an end to the persistent nuisance is urgently required, action by the police in the form of a group warning or collective prevention meetings would seem proper. In all these cases, typical police functions are relevant.

- intervention in a context of threat, fear and unrest;
- awareness of urgency: something has to be done;
- urging and admonishing: hold out sanctions if those involved do not alter their behaviour.

The legitimacy of police mediation in community policing must be judged against this background: if these situations do not occur, mediation can be carried out by civilian mediators. Beat officers do not need to mediate every time, as long as they keep a finger on the pulse and check whether a threatening problem is indeed dealt with.

10 Nuisance behaviour is seen as one of the most serious forms of unsafety experienced, in particular in problem neighbourhoods. As far as feelings of unsafety are concerned, the item 'places where juveniles hang out' ranks highest in the police monitor 2005 (p. 26). Nuisance caused by juveniles is the main item mentioned as police priority in an annual residential survey by the Amsterdam police (Bervoets & Stol 2002).

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The idea that as long as no criminal offences are being committed there is no task for the police, is a serious misconception. The hard core of police work on the streets is keeping the peace: maintaining and restoring public order. Peacekeeping is a laborious job because one may meet with a lot of opposition without the law offering a solution. What is a nuisance to some, signifies freedom for others. The individual requirements of groups including shopkeepers, youths and ethnic communities may differ greatly. The police officer should never yield to unreasonable demands. All too often combating nuisance is informed by contrasts between 'us' and 'them', in particular when guarding against groups of juveniles. Many a neighbourhood preventive project is based on an inward-looking attitude; people are set against the 'evil outside world' and may entertain all kinds of spectres ('together against the asshole') (Weitekamp et al. 2003).

Moreover, beat officers ought to be prepared for interventions in disadvantaged neighbourhoods in case of social unrest and ethnic tensions. The establishment and support of social networks and partnerships within such districts is very important, so that rumours can be squashed in good time and anger channelled (Marshall 1992).

In this context of unrest and intimidation the police ought to draw the line at an early stage, and clearly indicate what behaviour is unacceptable. A clear-cut and consistently-applied protocol, such as the one introduced earlier in the case of domestic violence, might offer a solution (Oostveen 2006). The powerlessness of the police to do something about such chronic neighbourhood conflicts, whether in relation to problem families, Moroccan juveniles or drug addicts, would seem to damage their authority and reputation. Many citizens experience this as 'avoiding' responsibility (Van Stokkom et al. 2003; Zoomer et al. 2002; Kop et al. 1997).

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