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compiled by Adriënne Baars-Schuyt
In the 1960s the semantic connection between community and policing was made for the first time. One of the reasons was the discovery that the impact of the police on the increasing crime rates was very small. The crime figures were rising and clearing rates were down. And above this the police did not seem to have any preventive effect on crime. From these days onwards the police in many western countries has become preventive, pro-active, community-based, problem-oriented or whatever new term has been invented. This example - a shift to the community - seems recently to be followed by a comparable move of the justice-institutions.

In the United States a development towards neighbourhood prosecution, night courts and community justice can be seen. In France the prosecution office has started with so-called 'Maisons de Justice'. In Belgium and the Netherlands comparable initiatives have been taken. In the meantime the ideas behind community policing have evolved towards informal justice. In this issue of The European Journal on Criminal Policy and Research the new directions in law enforcement are scrutinized.

The issue is opened by Heike Gramckow who informs about the developments in the United States. Prosecutors throughout the US developed a variety of community oriented responses, sometimes in conjunction with community policing, sometimes independent of it. These efforts span the range from simple organizational adjustments to assuming a pro-active role in working with the community to assure neighbourhood safety. Just as the police created different forms of community policing, prosecutors have established programmes that reflect the needs of their own jurisdictions. Considering the significant differences between European and American criminal justice and local government structures, there are, according to Gramckow, developments occurring in many European countries which require further consideration of the US experiences.

Anne Wyvekens points at the growing problem of delinquency and the feeling of insecurity it engendered since the 1970s in France. The shortcomings observed in traditional police and judicial responses led to an innovative new policy to prevent delinquency. It is characterized by an approach to urban security that is both local and global. The Maisons de Justice, which have emerged in the 1990s are an interesting example of the judicial facet of these responses. The notions described in this article are primarily based on a 1994-1995 study of the four Community Justice Centres run by the Lyons Court of General Jurisdiction (Department of Rhône).
In 1997, inspired by the French 'maisons de justice' and the American community justice programme, a project was launched in the Netherlands under the title 'Justitie in de buurt', with the dual meaning 'neighbourhood justice' and 'justice nearby'. Hans Boutellier reports on the development of the project. He explains how this new idea was implemented by the Ministry of Justice. In addition, the pilots are described and some preliminary results are given. Finally the project is positioned in relation to the development of the welfare state. A liberal and pluralistic society is more and more dependent on law and the judiciary, according to Boutellier. This explains why justice is playing a major role in social policy nowadays.

In Belgium, Justice is looking for a more constructive relationship with the citizen. The choice for community justice is the Leitmotif of two developments: experiments with 'Houses of Justice' and the establishment of 'Judicial Antennae'. The Houses of Justice aim to get a better co-ordination between the various para-judicial institutes, like child care and probation. The Judicial Antennae will be situated in problematic urban areas in order to stress the presence of Justice in these neighbourhoods. Both projects have different emphases and this proves, according to Peter Goris, that the concept of community justice can be interpreted in different ways. In his view the euphoria about the subject should be restrained, at least in some respects. Despite the move to smaller, neighbourhood-based stations, the police remained up until the 1980s a relatively reactive force. Within the last decade, however, police activities have shifted to pro-active intervention. The police have become more active in the community, and have played a leading role in integrative work with other agencies and the public. This kind of policing has brought about a change in the ideas on and competence regarding 'doing justice'. Informal justice has become the mandate of the police officer as well. Alexis A. Aronowitz considers the development of community policing in the United States and the Netherlands. The issues of and problems surrounding police officers' increasing use of informal justice are examined. Frederik E. Jansen and Gerben J.N. Bruinsma present a new direction in the policing of organized crime in the Netherlands. This direction is on the one hand based on the results of a large-scale study on organized crime and on the other hand on the strategy of community policing. Some results of this criminological study in the Netherlands are briefly presented. Then the underlying assumptions of the new direction in policing of organized crime are examined. This section is followed by a brief description of the Twente region and the police activities which have been initiated against organized crime. Some preliminary findings will be presented.
The philosophy of community justice is narrowly related to ideas on restorative justice. The last thematic article, by Norman S. Tutt, examines the extent to which the concepts of 'restorative justice' have been implemented into practice within the criminal justice system. The author identified six methods frequently cited as components of a restorative justice approach: mediation, reparation, compensation, community service, victim awareness education, and reintegrative shaming. Using a postal questionnaire the probation services of the United Kingdom and Ireland and social work departments in Scotland were surveyed to establish the extent to which these practice methods have been adopted.

In the section Current Issues attention is asked for the Canadian police which is also going through the transition of traditional to community policing. The changes have been under way for about a decade. For the past few years, this new concept has been tried out in some neighbourhoods of Montreal on an experimental basis. It will be implemented in the whole territory by 1998. In this section also the recommendations of the Leuven conference on juvenile restorative justice can be found, as well as a short notice about Semdoc. The Crime institute profile is about the Scandinavian Research Council for Criminology.
Community prosecution in the United States

Heike Gramckow

Since the early 1990s the movement toward community policing has sparked a similar interest on the part of the prosecutor (Gramckow, 1995b; Jacoby et al., 1995; Dilulio, 1992). Prosecutors throughout the US developed a variety of community oriented responses sometimes in conjunction with community policing, sometimes independent of it (Gramckow, 1995a). These efforts span the range from simple organizational adjustments in response to community policing to assuming a proactive role in working with the community to assure neighbourhood safety (Jacoby et al., 1995; APRI, 1995).

The different models of community prosecution efforts established in the US make it difficult to describe what community prosecution actually means and what it looks like. Just as police created different forms of community policing (Rosenbaum, 1986; Greene and Taylor, 1988; Skogan, 1990; BJA, 1994), prosecutors have established programmes that reflect the needs of their own jurisdictions. Few prosecutors opted for decentralization of the entire office (e.g. Montgomery County, MD, Kings County, NY) with various successes. Some created special units (e.g. Portland, OR, Indianapolis, IN) or focused on special types of crime (e.g. Middlesex County [Cambridge], MA; APRI, 1994). In other jurisdictions the efforts created are not defined as 'community prosecution' but nevertheless represent the core of this approach by involving community members and other organizations in identifying community problems and developing co-ordinated responses to solve these problems (e.g. Kansas City, MO, Baltimore City, MD).

The jurisdictions that are experimenting with this different concept range from large metropolitan areas (e.g. Chicago, IL, Brooklyn, NY, Boston, MA, Baltimore, MD) to mid-size cities (e.g. Portland, OR) and suburban and rural counties (e.g. Howard County, MD). Interestingly, even some US Attorneys Offices (USAO) are establishing efforts to work closer with the communities.
they serve. For example, the USAO in Washington, DC, is closely working with communities and other agencies to identify property that is used for drug sales and instead of simply arresting and prosecuting those who use the property for buying and selling drugs, hold the owners responsible for the illicit activities. The focus of the office on housing abatements was a promising approach to quickly impact troubled neighbourhoods.

While community orientation has been firmly established in approximately a dozen prosecutors offices throughout the US, many more are currently developing such efforts or are interested in learning more about its requirements and value. Despite this growing interest the percentage of offices that are currently practising community oriented efforts is minimal considering that close to 2,850 prosecutors offices exist throughout the US. One reason for this limited implementation of an otherwise widely praised concept is that most prosecutors serve in jurisdictions and offices that are far too small to allow for the development of a special effort that is separate from all other work: 1,251 US prosecutors serve jurisdictions with populations ranging up to 20,000; 671 serve populations between 20,000 and 50,000. Another reason is, however, the limited understanding of what community prosecution actually means for prosecutors' offices, how it differs from traditional prosecution and what changes in policies, management, organization, and resources it requires.

Considering the wide range of organizational models currently applied (i.e. complete decentralization, special programmes, focus on a few neighbourhoods, focus on special crime issues) it is easy to understand why practitioners may find it difficult to understand the concept of community prosecution and how this relates to traditional prosecution activities.

A closer look at these efforts reveals, however, that there are a number of factors they all share. First and foremost, these prosecutors no longer focus on just processing cases that are brought to their attention. They recognise that criminal procedures alone do little to break the cycle of crime and violence. Instead, people feel safer and criminal activity declines when a neighbourhood's quality of life improves. By paying attention to less serious violations – such as vandalism, littering and loitering – prosecutors assist their communities in creating safer neighbourhoods. To reduce the onset of crime prosecutors also reach out to schools with drug education, engage in truancy prevention efforts, develop programmes to reduce hate crimes, and co-ordinate youth activities (Gramckow, 1997; McLaughlin and Billiant, 1997).

Second, in their efforts to redefine their role to assure community safety by including prevention and education as part of their mission, prosecutors become problem solvers (Goldstock, 1991). That is, they focus on identifying specific problem areas (e.g. type of crime, geographic distribution, offender
type) and develop alternative approaches to solve these problems. And third, prosecutors work closely with the community and other agencies and organizations in identifying problems and finding solutions that include traditional criminal justice responses but more often focus on alternative modes to resolve conflict and prevent the occurrence of crime in the first place (Coles and Earle, 1997).

What is different?

Considering the fact that the prosecutor in the US is an elected official charged with upholding law and order in a jurisdiction these three factors do not appear to divert greatly from the traditional role of a prosecutor. As a result many practitioners find it difficult to understand what it is that makes community prosecution different from their traditional work and that it may require changes in policy, management, organization, and resources.

In the past, community outreach and involvement have been part of many prosecutor offices already. As elected officials, prosecutors in the US regularly communicate with the public – their constituency – and participate in numerous civic, educational and prevention efforts. Especially the work of Victim/Witness Assistance Units brought the offices closer to working with different sections of the community and other agencies. Also, special federally funded enforcement and prevention programmes that focused on individual problem neighbourhoods, such as Weed and Seed and High Intensity Drug Trafficking Areas (HIDTA), involved the prosecutor not only in co-ordinated enforcement efforts but in prevention work.

Geographic assignments and decentralization per se are not just a trait of community oriented efforts. Large jurisdictions, such as San Diego, established satellite offices years ago because it was organizationally more sound to locate prosecutors throughout the city close to the different courts they were working in. Other offices gained some experience with geographic assignments as part of their Weed and Seed or HIDTA activities. The US Attorney’s Office in Washington, DC, for example, tracked all narcotics and violent crime cases in the designated Weed and Seed area and a team of assistants had the responsibility of prosecuting organisers of gangs operating in this specific subsection of the city.

What makes community prosecution different from all these other efforts is that prosecutors and their assistants not only listen to the community, but that crime and order problems in specific geographic areas are identified in cooperation with the community and other government agencies and that problem solutions are developed that go beyond the traditional criminal responses of arrest and prosecution (Gramckow, 1997; APRI, 1995).
What are the requirements?

Since community orientation among prosecutors is a phenomenon that only began in the early 1990s information about these efforts is scant. However, the few reports – published and unpublished – that are available point to a number of changes that need to be implemented and considered if an office wants to embrace a community oriented approach. In general, changes are needed in the organization, management, policy, processes, and resources of an office. However, the changes actually required in an office depend on the scope and focus the new effort takes.

Organizational changes

As already mentioned, the offices that developed a community oriented approach in the US developed different models to apply this new concept. Only a few actually decentralized their entire office and there are also variations in decentralization. The prosecutor in Montgomery County, MD, for example, assigned in 1992 all prosecutors to five different geographic areas that reflected the police districts and abolished all special units. The intent was to let the assistant prosecutors work in teams only on cases that came out of their assigned area. The assistants were charged with communicating with community members, police and other agencies to develop appropriate responses to the crimes that occurred in these areas, to identify undetected problems and to communicate about feasible responses. The prosecutor in Kings County (Brooklyn, NY) on the other hand assigned his assistants to different trial zones that were established to reflect an equal mix and volume of cases for all zones.

The effort in Montgomery County proved to be too ambitious for the office. Police complained that prosecutors with special expertise in complex cases were not equally available to all districts, courts did not co-operate well in letting individual prosecutors work on cases resulting from their assigned district only, and a considerable number of assistant prosecutors were uncomfortable with working closely with community members on issues, such as graffiti and abandoned cars, when they saw their role in charging and prosecuting felons. As a result, when the chief prosecutor resigned to become a judge, his successor reverted the geographic assignment and limited the community orientated work. The efforts in Brooklyn, on the other hand, continue on, even though this office too had to struggle with some of the same problems Montgomery County went through, especially with gaining support from the courts to assure that the geographic concentration remained intact. The experiences of Montgomery County and Brooklyn show that community
prosecution requires increased co-ordination with the courts especially when the prosecutor pursues geographic assignments for the assistants. Without the co-operation of the judiciary, the programme can topple. The office has to make sure that an assistant working in one district will not be assigned by a judge to try a case in another district (Jacoby and Gramckow, 1993).

Most prosecutors' offices that apply some form of community orientation have opted for a much smaller scope than a transition for the entire office. They instead established special units that either focus on a specific neighbourhood or a certain type of crime. This nevertheless requires co-ordination with the courts to assure that assistants can focus on the cases stemming from the selected geographic area only. As outlined in more detail below, the development of a special unit carries its own problems but is more promising as an initial step to test this new approach and slowly introduce the changes needed.

The experiences in Brooklyn and Montgomery County on the other hand also indicated that decentralization provides a number of benefits including but not limited to increased flexibility in services; a reduction in the need for specialists or special units; increased accountability for case processing; increased communication and co-ordination between law enforcement and prosecutors; increases on the job training experience for younger assistants; and last but not least, support of and access to the community.

Management changes

When an office decides to embark on community prosecution, a number of management adjustments have to be undertaken. If offices decentralize, care must be taken to ensure that prosecution services are delivered uniformly and consistently throughout the communities, especially if the neighbourhoods differ by population and crime. Although these issues are similar to those experienced by prosecutors who direct offices with several branches such as San Diego, Detroit or Kansas City, it may pose problems initially to prosecutors who are not familiar with the special policy control and management procedures needed to ensure uniformity and consistency in prosecution.

If a special unit is created it has to be assured that the unit is still viewed and functions as part of the office and not as a separate entity. Staff assigned to such a special unit should not be viewed as having to deal solely with lower level crimes and neighbourhood concerns. Especially early on in the development many prosecutors view an assignment to such work as 'social work' that does not measure up to 'real' prosecutor work. This bias can be avoided if only the best and most dedicated assistants gain the privilege to work in this unit. Making sure that new prosecutors are at least rotated through the unit to
develop an understanding for this type of assignment is also helpful. Carefully selecting the right staff to lead the community efforts is important. Not only does this assignment require good communication skills and the ability to work independently without detailed guidelines, but it requires flexibility and creativity to work with the community and develop adequate alternative responses. To assure that assistants can function in the community they have to have the discretion – they need to be empowered – to make decisions about the appropriate response on their own. This requirement is an issue that some chief prosecutors are struggling with. Just as some police chiefs and officers have been sceptical about dispersing power and exposing individual officers to the community (Weisburg and Hardyman, 1987), some prosecutors are reluctant to let assistants work closely with a community and thereby develop their own political ‘power base’. This concern may not be of high importance in a European system were the prosecutors are civil servants. In the US, however, where chief prosecutors are elected, allowing assistants to develop their own constituency may not only have the potential for creating conflicting centres of political influence in a jurisdiction but may mean providing a future contender with the means to win the next election.

Policy changes

Closely related to adjusting the management style, and probably the most important change required by community orientation, is that the emphasis on quality of life issues and prevention points to a change in prosecutorial priority.

The shift in focus to community needs and problems often requires responses that differ from existing prosecutorial priorities. The solution of a community problem may be expedited by a swift and harsh prosecution of a minor crime – one that normally would have received scant attention and a plea bargained sentence or dismissal. The priorities of the community, in these instances, may conflict with those of the prosecutor. Additionally, the prosecutor may have to accept the fact that not all cases that traditionally would go to trial do so or, that less serious cases might require more prosecutor and court attention than usual. It may be necessary to realign existing charging and plea bargaining policies with the community’s needs.

Also, the more proactive the prosecutor becomes, the more he is engaged in non-traditional activities, building partnerships with other agencies, developing preventive measures and alternatives to formal criminal justice procedures, the more his role as an independent prosecutor and his accountability to the community become indistinct. Prosecutors have to assure that the community oriented work is nevertheless balanced, that all sections of the
Community prosecution in the US

community are represented and protected equally, that the rule of law remains the guiding standard for prosecutorial activities. The rule of law can be viewed as the ultimate limit for community oriented prosecution. The work has to remain within legal limits and follow legal standards. It is not the purpose of community oriented prosecution to provide only one section of the community with access to justice, to let them dictate the outcome and results of prosecutorial priorities and decisions. Community orientation can occur within the margin of discretion as long as it is applied equally and just (Gramckow, 1995a).

Resource needs

Studies of community policing (Moore, 1992; Spelman and Eck, 1989; Trojanowicz, 1982) often point to the need for additional resources. An assessment undertaken by the Jefferson Institute also pointed to a potential resource impact in prosecutors' offices (Jacoby et al., 1995). The emphasis on quality of life crimes such as loitering, public nuisances, and graffiti generally is in stark contrast to the traditional priorities of prosecution that focuses on murders, assaults, robberies and drugs. Such change in prosecutorial emphasis can impact on the office's resources and impede the prosecution of other cases.

All sites that developed community prosecution efforts experienced or expected changes in workloads. Adding crime prevention and community involvement to the work of prosecutors means adding activities to regular duties resulting from cases filed with the office. Defining the community, identifying the needs of all sections of the population and businesses, and balancing office needs are basic problems in every community oriented strategy. Financing the different activities related to a community oriented strategy, reallocation of resources cannot mean cutting funds for felony prosecutions. It can be argued that community prosecution's emphasis on diverting cases from the formal process will mean that resources spent for prevention and alternative responses result in savings for formal prosecution. This is, however, only likely to occur in the long run and will not reduce resource needs initially. One benefit of community oriented work is, however, that alternative sources for funding other than the office budget may be available (e.g. community volunteers; staff, office space and equipment shared with other agencies; private donations). However, the question of having commercial groups pay for prosecutors or the more general one of privatizing services may be troublesome to some prosecutors.
Why engage in community prosecution?

Considering the fact that community orientation in a prosecutor's office requires considerable adjustments the question arises why to engage in this effort in the first place. Just as police chiefs and officers have been sceptical about the benefits of decreasing central power, exposing individual officers to the influence of community groups and the requirement of different police activities (Weisburg and Hardyman, 1987), prosecutors may be opposed to these new efforts. At the same time many prosecutors are intrigued by the benefits that community based law enforcement and adjudication programmes appear to present. Community oriented services provide them with an opportunity to strengthen public relations; to educate the public about areas of criminal justice largely unknown to them; and to foster a closer working relationship between their agency, the police, local business communities, schools, and civic organizations (Gramckow, 1994; Gramckow, 1993).

While community prosecution increases the accessibility of the office to the public, this is not an uncommon experience even for traditionally structured offices that maintain victim assistance programmes or citizen complaint bureaux. However, community prosecution offers the opportunity for opening the office to a broader community and making the criminal justice system (via the prosecutor) more user friendly and more responsive. Also, assistant prosecutors that are familiar with the neighbourhood cases stem from, are generally better informed about the actual case background and can better understand the impact the criminal act and the criminal justice response have on the individual offender, the victim, and the neighbourhood. Community members that have the opportunity to observe and learn about the work of the prosecutor gain a better understanding of the limits of criminal justice interventions and can become actively involved in finding alternative responses or support the prosecutor in his work. As a result community members develop a better sense of the criminal justice system, feel that they are an active part of the process and begin to develop more trust in the system (Jacoby and Gramckow, 1993).

In addition, the increased focus on developing alternative response mechanisms in conjunction with others have the potential to reduce the need for formal criminal justice intervention and thereby, while adding new activities to the responsibility of prosecutors, potentially reducing the volume of cases that have to be handled within the formal system. An example from Portland, OR, can illustrate this point. One of the newest attractions for teenagers in one neighbourhood in Portland is a skateboard park. Where only months ago a local cement manufacturer had called police repeatedly because young skateboarders were trespassing, littering, destroying and spray painting his
property, the same young people are now enjoying their acrobatic sport, patrolling the area and keeping the compound clean. Build with the help of the same manufacturer, the skateboard park is a result of an agreement between teenagers, local business and government agencies, a co-operation that was initiated and facilitated by the local prosecutor (Gramckow, 1997). Like the District Attorney in Portland, OR many prosecutors in the US are currently rethinking their roles and pay increased attention to crime prevention and alternative measures to create safer neighbourhoods. These prosecutors recognise that criminal procedures alone do little to break the cycle of violence and that citizens feel safer and criminal activity can be reduced when the quality of life in a neighbourhood is improved (Eck and Spelman, 1987; Goldstein, 1987). In most jurisdictions community prosecution is still experimental, but those few jurisdictions that have had the time to recognise the benefits of this approach are faring very well. In Portland, Oregon community prosecution has been implemented first in the early 1990s and today has become a household term. Here the prosecutors not only work closely with the community, some of them are even located directly in different neighbourhoods. This approach receives substantial support from the communities. Actually the first prosecutor working out of a neighbourhood office was funded by a business community.

The movement toward community prosecution has taken prosecutors beyond the limits of the criminal law. They engage in drug education in schools, coordinate projects to develop alternative activities for juveniles, and apply civil sanctions and city statutes to rid communities of crack houses. While community orientation and problem solving approaches involve prosecutors in a range of unusual activities they are nevertheless focusing on reducing crime and creating safer neighbourhoods – goals that are a natural part of a prosecutor's mandate.

The more proactive prosecutors become, the more they are engaged in non-traditional activities such as building partnerships with other public and private agencies, and developing preventive measures and alternatives to formal criminal justice procedures. All these efforts can improve the satisfaction of a victim and the broader community which is important in itself, especially at times were community satisfaction with government is low and sliding.

Redefining the prosecutor's role

The experiences made by the few innovative prosecutors in the US who embarked on community prosecution show that these efforts require some changes in the structure of the office and reallocation of resources. In addi-
tion, it may well be that staff with different skills is needed and the proactive approach of these offices requires some data and information collection that is usually not available in a prosecutor's office.

More important than any logistic consideration, however, is the question if prosecutors want to assume such a role. Some may argue that it would be presumptuous for them to take a prominent role in crime prevention and community problem solving. Other agencies, such as the police, the courts, schools, and child welfare are responsible for such efforts. Even if it is true that cleaning up an overgrown vacant lot will reduce crime, is it not for the sanitation or parks department to take action? If the expansion of community services is desirable, is it not for probation to consider such change? While it may be that such activities by the prosecutor are seen as meddling in other agencies' fields the heads of these agencies may find that the prosecutor can be a powerful ally in aiding them to fortify the social institutions over which they have primary jurisdiction (Goldstock, 1991).

Because prosecutors in the US are currently basically developing or experimenting with this new strategy, the role of the prosecutor in these efforts has not yet been clearly defined and the limits of its influence on community affairs have not yet been established. It appears that prosecutorial responses may be affected by the type of community policing philosophy adopted by law enforcement agencies. But at the same time prosecutors have adopted their own community related philosophy independent of the police. As an elected official, the prosecutor has the power to 'sell' alternative, non-traditional responses to the public, enlist other government agencies in this community effort, and educate judges about the importance of a case to the community. Actually, the more traditional a prosecutor generally is, the less likely is it that community prosecution is accused of being just 'soft on crime' and the more likely the co-operation of other agencies and a broader section of the community.

At the same time some questions arise about the boundaries of prosecutorial involvement with the community. The issue of a prosecutor receiving funds from private individuals or organizations is one that requires clear policy statements and direction as well as clear understanding of what the private groups or organizations can expect as a result of their support. In response prosecutors in Portland and Colorado Springs developed protocols for co-operation with private security and other non-government entities. Today most jurisdictions design and provide their community oriented services for areas of activity that have few guidelines and require additional interpretation.
What are the effects?

While there is little systematic information available on the impact of community prosecution on the office, other agencies and the targeted neighbourhoods, it has been reported that the same issues have surfaced and similar outcomes can be expected in community prosecution as they have in community policing.

First, a number of effects on agency operations can be noted. These programmes have the potential to change the nature of work flowing through the criminal justice system and the demand for criminal justice services. In general, it can be noted that there is a sequence to caseload activity. Initially, when the office concentrates on a problem, cleans up areas, and gains citizens' trust, the number of lower level cases handled rises. Increases are generally experienced with respect to misdemeanor and ordinance cases.

Costs and problems may be reduced in one area only to be shifted to another. Unclear is whether the introduction of different activities, such as attending community meetings or creating new diversion strategies requires an increase in positions for prosecutors and support staff.

Most offices experienced increases especially in the use of citations, misdemeanours and ordinance violations, triggered by the community's call for enforcement of quality of life issues. By emphasizing crime prevention and problem solving, community oriented prosecution may increase the need for procedures to handle dispute resolution, diversion, treatment, intermediate sanctions and other non-traditional sanctioning responses.

If the prosecutor, other criminal justice agencies and the community work together effectively, their efforts may impact on the caseloads of not only all criminal justice agencies but also of civil (or administrative) courts and other state and local government agencies that provide services essential to improving the quality of life in neighbourhoods (e.g. housing and zoning, parks and recreation, sanitation, youth services).

Prosecutors who established community prosecution efforts generally stress the positive impact on the neighbourhoods they are working in and on working relationships with other parts of the criminal justice system. However, at this point, it is not possible to categorically state whether or not these new approaches to prosecution are worthwhile, which impact they ultimately have on traditional prosecutorial operations or on other criminal justice agencies.

This lack of information is partially due to the fact that the measures typically applied (e.g. the number of prosecutions completed, active prosecutions, indictments received, defendants charged, defendants found/plead guilty, etcetera) do not reflect the community oriented work. In community policing, police performance is generally evaluated by a different set of criteria than
traditionally employed. Police departments correctly want to divert evaluation measures away from the number of tickets, arrests, or responses and include calls for services and beat patrol activities to determine the extent of community contact. Similarly, prosecutor performance measures need to be expanded to include other types of activities such as involvement with community groups, sensitivity to community problems and the ability to solve neighbourhood problems and to develop or direct the development of programmes for community action.

The other reason why the effect and value of community prosecution have not been proven is due to the absence of assessments addressing this question. Current information consists mainly of descriptions of community prosecution efforts (APRI, 1994) and accounts of their successes that are generally based on reports from the jurisdictions themselves (Gramckow, 1997). To date only a few internal or single jurisdiction programme evaluations exist that examine various aspects of the prosecutor's involvement in community policing and community oriented programmes in jurisdictions (Boland, 1996; Jacoby and Ratledge, 1994). In addition, researchers at Harvard University currently summarise the findings from their evaluation of four jurisdictions that implemented community prosecution (Kansas City, MO; Indianapolis, IN; Austin, TX; and Boston, MA). This assessment is, however, mainly based on qualitative data collection (Kelling and Coles, 1997). There exists, however, no systematic assessment of a community oriented approach by a prosecutor's office. This lack of information is a hindrance to identifying the value of community prosecution and developing measures to help the offices to assess their progress.

The future in the US and Europe

The currently increasing support for community oriented and alternative responses to crime and community problems provide an indication that community prosecution efforts, existing in different shapes and with various scopes are likely to gain more and more support and application throughout the United States. The US Department of Justice currently supports the development of a so-called community justice initiative that focuses on developing co-ordinated community oriented responses that involve the entire criminal justice system (Reno, 1997). At this time, community policing has gained so much credibility in the US 'despite accounts to the contrary from those who thought New York City had a good community policing effort' that it is not likely to disappear thereby providing prosecutors with incentives to develop procedures and policies that coincide with this different policing approach. Accordingly it is highly probable that community prosecution is
going to be a part of the future trend in prosecution in the US.
For US prosecutors the ability and justification to engage in preventive
community oriented work rests in the fact that, unlike their counterparts in
western European countries, the vast majority of American prosecutors are
independent, elected local officials vested with extraordinarily broad powers
and moral responsibilities (Jacoby, 1980). Considering the significant differ-
ences between European and American criminal justice and local government
structures, the high numbers of crimes reported and processed by the criminal
justice system in the US, and enforcement policies that are sometimes anti-
thalical to European practices, one might be inclined to look at these Ameri-
can experiences with community prosecution with interest but assume little
relevance to European practices today or in the future.
There are, however, two developments occurring in many European countries
that indicate that the experiences in the US can be of more than professional
interest and may require further consideration. One is the growing application
of community policing approaches by European police (Feltes and Gramckow,
1994; Jaeger, 1993; Aylward, 1993; Tansey, 1993; Eliaerts et al., 1993; Bennett,
1993; Bennett and Lupton, 1990; Friedman, 1992). Since the trend towards
community policing generally impacts the work of the prosecutor in the US,
triggering changes in prosecutorial work, organization, and polices, it seems
likely that such an impact may be observed where community oriented
policing has gained support in Europe.
Another factor is the increasing dissatisfaction of European citizens with their
governments resulting in increased calls for more visibility and responsibility
(Zippelius, 1993). It should be considered that government agencies in demo-
cratic societies are generally designed and obliged to be responsive to the
needs of the community they serve, and that the work of a prosecutor puts
him often in the spotlight of media attention making him some sort of a
political figure the community responds to, no matter if he is an elected
official or not (Bruns, 1994). Also, in several European countries discussions
are under way about the role of the prosecutor in a changing society (Schäfer,
1994). Some promote more visibility and local level flexibility in the
prosecutorial decision making process (Lamprecht, 1993; Hill, 1993), others
fear that any such changes would destroy the delicate balance ingrained in the
criminal justice system (Hund, 1994).
The growing disenchantment with the ability of traditional criminal justice
system responses to prevent crime and solve related community problems
point to a growing need for change to become more proactive. Democratic
societies require responsiveness and visibility from all government agencies,
including the prosecutor's office. In addition, the constant and rapid changes
our societies are experiencing today and the different needs of geographic
regions require that prosecutors, along with other government agencies, have the flexibility to constantly adapt to local situations. As long as the responses to local needs occur within constitutional parameters and are balanced to assure equality in the decision making process few arguments can be made against increased visibility and community orientation in prosecutorial activities.

The purpose of this paper was to provide an overview of the various responses prosecutors in the US have made to become more community oriented, the impact of these efforts on the office and the problems experienced or perceived so far. The discussions highlighted a number of issues, however, and as we look to the future, it is obvious that this non-traditional approach to prosecution and community activism holds the promise of exciting and innovative results that, for some prosecutors, may offer another alternative to attack some of our more pervasive criminal justice problems.

The popularity of community policing is still growing and so is the interest in new ways to improve prosecutorial and court services to better serve the community. It is especially important in light of this growing interest that the impact and responses engendered by prosecutors and courts be better understood. Because community oriented work has the potential to positively change staff attitudes towards their work, to improve perceptions and attitudes in parts of the community, positively impact on fear of crime and reduce certain crime rates there is a lot of incentive for all criminal justice agencies to develop such strategies for their jurisdiction (Mastrofski et al., 1994; Uchida et al., 1990).

Because community oriented work has the potential to improve government services in general, because it has the potential to streamlining services depending on existing needs and thereby possibly reducing costs this strategy is bound to find more advocates in many government agencies. Because these strategies place the priority on public service with and for the people they are a natural approach in democratic societies.

If community oriented work is cautiously approached, well planned, based on a comprehensive on-going needs assessment, and involves a multi-agency, public, private and business partnership that is linked to an on-going evaluation and monitoring process few arguments will speak against this sound concept of public services for the future.
Community prosecution in the US

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Mediation and proximity

Community justice centres in Lyons

Anne Wyvekens

Since the 1970s France, like its European neighbours, has been faced with the growing problem of delinquency and the feeling of insecurity it engenders, especially in cities. The shortcomings observed in traditional police and judicial responses led to an innovative ‘new policy to prevent delinquency’, characterized by an approach to urban security that was both local and global. The policy was anchored in the urban neighbourhoods, with a view to attaining a more finely-tuned understanding of problems. It was grounded in a partnership between all parties involved in the question of delinquency: the municipality, police and justice representatives, associations, and social workers. These players were to join forces to define and set up local crime prevention projects, financed jointly by the city and the State. In the 1980s this policy lost its bearings somewhat: the judicial and law enforcement institutions kept their distance and, under the influence of local elected officials, the programmes became more geared to community outreach activities which were both easier to implement and more image-enhancing in the eyes of public opinion. At the same time the police and judiciary, which were nevertheless involved, imagined other responses more in keeping with their own action logic. The Maisons de Justice, ‘community justice centres’, which have emerged in the 1990s are an interesting example of the judicial facet of these responses.

What exactly is a Community Justice Centre? The general objective is to address the problem of insecurity in vulnerable neighbourhoods by bringing the law back to communities where it has disappeared. With this aim in mind a dual approach is installed: on the one hand acts of delinquency are dealt with, and on the other the local inhabitants, in particular the victims of these

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acts, are given access to legal information which helps them to understand and exercise their rights. This twin action of judicial processing and access to legal information is undertaken in a Centre which itself is located in the heart of the community.

French development in this area is characterized by its variety of models. Unlike countries such as Belgium or the Netherlands where Community Justice Centres have arisen from the initiative of a centralized authority, proximity justice in France has grown from the grassroots level, spawned by the pragmatism and inventiveness of local actors. Furthermore, despite a framework circular, issued in March 1996 long after the first centres opened, any impetus from the central government is secondary to local initiatives: the system has not undergone any top-down standardization other than a few guidelines to provide a loose framework for the jurisdictions' voluntary initiatives. As a result, a broad diversity is evident in the field. The Lyons Justice Centres have little in common with the Gennevilliers justice extension centre which for a time developed a genuine territorialization of judicial activities. Neither do the Lyons centres resemble the busy string of Justice Centres on Reunion Island whose mediation practices reflect strong community involvement. Even more striking is the fact that while the Lyons Centres were modelled on the Val d'Oise centres and set up by the same prosecutor, each with their respective successors has developed along lines that are quite different in certain respects.

The notions described in this article are based primarily on a 1994-1995 study of the four Community Justice Centres run by the Lyons Court of General Jurisdiction (Department of Rhône). This ten-month study was both 'qualitative' and 'quantitative'. The 'qualitative' facet comprised the observation of fifteen mediation sessions and seeing Lyons' 'direct processing' system at work; it also included several dozen interviews with people involved with the centres: judges, social workers, lawyers, local elected officials, police officers and educators. The quantitative data were drawn from an analysis of the cases handled by 'mediation' in these four centres over a one month period.

Through an analysis of Community Justice Centres in the Lyons region, we intend to show the issues brought into play in this system. Two notions are inherent in the analysis: mediation and proximity. The first refers to the centres' judicial action: in order to handle urban delinquency. The centres are supposed to implement a different type of justice, invent an alternative to the ill-adapted aspects of traditional criminal justice. The practice of mediation

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2 The Justice Centre of Cergy (in the Department of Val d'Oise near Paris) opened in 1990.
3 These four Justice Centres are located in the municipalities of Bron, Vaulx-en-Velin, Villeurbanne, and in Lyons' eighth arrondissement.
translates this determination to find an alternative. More generally, the centres in all their activities strive towards what is now called ‘proximity justice’: bringing justice back into certain neighbourhoods identified as ‘outside’ the law. Although the judicial institution did not involve itself massively in the partnership agencies set up in the 1980s, with the Community Justice Centre it has invented a tool it claims will integrate two key elements of the philosophy of the new prevention policy: its local anchorage – close to where the problems are, and the will to adapt methods now known to be inadequate. Analysis of the Lyons Community Justice Centre model shows that these two objectives are both relative to and dependent on other issues, making this system a unique response to the problem of urban safety.

Mediation, a different type of justice?

Do the Community Justice Centres dispense a different type of justice? Lyons refers to the judicial activities of its Centres as a ‘third way’, or mediation. Both expressions underline claims to be an alternative. The ‘third way’ comes alongside the two traditional ‘ways’ of dealing with a case: criminal court proceedings or else merely dropping it. A number of minor offences and acts of delinquency, especially in large urban jurisdictions, do not appear serious enough to add to the criminal courts’ already heavy caseload. These offences, however, have such an impact on the public’s growing feeling of insecurity that the justice system can no longer completely ignore them. The exasperation of the victims, and the delinquents’ sense of impunity, especially young offenders who go free, add fuel to the argument that ‘another solution’ must be found. The opinion of the Lyons players (judges, social workers) about the mediation practised in the Justice Centres is unanimous pride in a procedure they see as much more satisfactory and humane than criminal hearings, to which they always compare mediation. Nevertheless, although this new judicial procedure is called mediation, in Lyons it takes a form that is deliberately non-delegated: it are the prosecutors themselves, now assisted by honorary judges, who preside. One might ask therefore whether the correct term really is mediation, in the sense of a conflict settled with the help of a neutral third party. The immediate reaction is no – there cannot be mediation when the mediator himself or herself plays a role in the conflict – which has been noted by several authors (in particular Coppens, 1991; Denat, 1992; Lazerges, 1993; Faget, 1993). Advancing the

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4 The judge is assisted by a permanent staff member, a social worker, who is responsible for following certain mediation cases, as well as administrative co-ordination and relations with the public.
argument still further, one might even say that the term mediation is, in this case, usurped, that beneath the wrappings of ‘soft’ justice the criminal law network has merely extended its reach, since the offences involved were previously filed with no legal proceedings being initiated. Rather than limiting ourselves to a fault-finding analysis, it is more interesting to attempt to identify the issues which come into play in this new system and the potential it holds. What exactly is this ‘third way’? And what is this ‘other solution’? If we return to the word mediation, we see that the form it takes in the Department of Rhône is indeed paradoxical. The will to mediate truly exists, in both the intervention modes and the discourse adopted with its non-negligible ideological impact. This said, the judicial logic – less apparent as presented to the public, but espoused by the prosecutors nevertheless – is still extremely active. Reflecting logic both intrinsic and extraneous to the judicial system, the Justice Centres are at the crux of two preoccupations – urban policy and the need to modernise the judicial institution (for a more detailed analysis, see Wyvekens, 1997).

At the institutional level, the Lyons ‘mediation’ places itself unequivocally on the side of criminal procedures. Under the French system, it is the Public Prosecutor’s competence to decide whether to pursue a case. Judicial handling in Justice Centres, established by the Code of Criminal Procedure in 1993, allows a prosecutor to refine his or her decision: by bringing the victim and the offender face to face, the judge can steer them towards an agreement to repair the damage and then close the case. As the public nuisance has ceased and the damage repaired, the absence of pursuit is understandable. In this light, even if the situation and the methods followed are similar to those of mediation, the general context is more akin to conditional dismissal. Even as one enters a Community Justice Centre, a mediation session reveals the complexity of the process – midway between an alternative logic and a judicial logic. The offender and victim are heard in a setting that is more humane, less solemn than criminal hearings, and the procedure is less hasty. Justice Centres are located in buildings that are accessible and functional, without the intimidating look of a courthouse. People come and go as in an office; there is a reception desk at the entrance and visitors do not get lost in a maze of corridors. The principle of sessions at fixed times avoid the all-too-often situation in courthouses where the parties, both summoned for 2:00, can wait for hours before they are heard. The hearing rooms look more like normal

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5 Art. 41-6 (introduced by the law of January, 4, 1993) states that the Public Prosecutor (Procureur de la République) can, before his decision on court action, and with the agreement of the parties involved, decide to call for mediation if it appears to him that such a measure is liable to repair the damage caused to the victim, to put an end to the problem arising from the infraction, and contribute to the offender’s integration back into society.
offices: no courtroom decorum, nor do the judges wear robes. The parties are seated across from the prosecutor, who has generally been the one who has ushered them in from the waiting room and who will also show them out at the end. It is not unusual to see one of the parties leaning over the prosecutor's desk. The debate itself focuses on dealing with the conflict rather than with a guilty party. One often has the impression that 'a current has passed' between the parties. Moreover, the newness and experimental nature of the system, with the procedure being invented day by day in the field, truly enriches the range of responses to the minor offences being dealt with. Reparation is not restricted to payment in money or kind: it can be a promise not to offend again, a formal apology, a donation to a charity, a promise to no longer see the other party, to undergo medical treatment, or to get one's papers in order. But the session unfolds against a backdrop of criminal proceedings. The offender knows this and has been warned by the prosecutor that if the mediation fails he or she may be sent to a criminal court. The prosecutor remains a prosecutor, a professional invested with judicial authority rather than a neutral third party. The 'agreement' between the victim and the accused largely reflects the judge, whose professional background often leads to the reflexes of a legal expert or judge. And the discussion between the parties more often resembles a three-way dialogue, with each one tending to speak directly to the judge rather than to the adversary.

Several more specific aspects demonstrate the complexity inherent in the procedure. Here we shall discuss the nature of the dispute involved, the temporal relationship and lastly the relation to the law. As regards the nature of the dispute, a breakdown of the cases referred to Justice Centres\(^6\) show that they do not exclusively involve an extended relational situation (family, neighbours, etcetera). Thus in 42.6% of the cases, the sessions brought together parties who did not know each other. This mirrors the conventions on which the Justice Centres are founded which firmly state that the centre's role is to address the problem of 'petty crime, a factor in insecurity and harm (to others)'. Case records confirm this: besides a certain number of 'family criminal law'\(^7\) cases (approximately 30 per cent of the cases), the majority concerns crimes against property, such as vandalism, petty thefts, bounced cheques, confidence tricks (34% of the cases), and crimes against persons: petty or medium acts of violence, assault and battery, or crank calls (28%).

\(^6\) The study analyzed the cases involving adult offenders which the four Justice Centres dealt with over a four week period. Each Justice Centre devotes three half days a week to these sessions, with an average of eight cases per afternoon. Altogether 411 case files were examined. For more detailed statistical data, see Wyvekens, 1995.

\(^7\) The term, affaire pénale familiale designates failure to make child-support payments or failure to abide by visitation rights set in cases of divorce or separation.
common factor here is not the relationship between the parties but rather the damage that needs reparation. Thus it is not merely a question of dealing with a certain number of cases *differently*, but also to *actually* deal with offences that had previously been dropped due to lack of means.

The same complexity can be seen in the temporal dimension. Mediation is often presented as a form of justice that takes time: the time to listen to the parties, have them express a conflict in which the offence is merely the symptom, and sort out a situation rather than expedite it. In most mediation associations the parties are heard at length, they are invited back several times, first separately, then together, in a drawn-out process. The temporal relationship is different in a Justice Centre. The referred cases have been through a centralized criminal case management procedure: 'direct processing' in 'real time' whose prime objective is to *considerably speed up* the criminal procedure. Direct processing, instituted in Lyons in 1991, is reserved for clear-cut cases, in particular when the accused party is already at the police station or *gendarmerie*. The judicial police officers have to phone the prosecutor's office judge so that the latter, on the basis of the police officer's report, can immediately decide on the most appropriate follow-up to the case (immediate court appearance, direct summons, investigation, hearing in a Justice Centre). Contrary to the prior system, when the prosecutor was called only in serious cases and the other cases were mailed to the court or 'postponed', henceforth an immediate orientation is given for a certain number of petty crimes and minor offences. In this context the Justice Centres are an indispensable supplement without which the courts responsible for direct processing would be overwhelmed with petty cases. The time lapse between the offence and its processing in a Justice Centre is approximately two months, but more importantly, the aim to process a great number of cases means that Justice Centre hearings are scheduled (...) every 15 minutes. For example, the Lyons Justice Centre system deals with some 4,000 cases per year, compared to 10,000 judged by the court of summary jurisdiction. So if the Justice Centres claim to dispense a different type of justice, they also mean for it to be dispensed *en masse* and quickly. The prosecutors working in the Justice Centre system do not seem to have a problem accommodating these two logics, they have even called for it.

Lastly, the same ambivalence can be seen in how the Justice Centre procedure is placed *vis-à-vis* the law, which is generally described as playing a vastly different role from that of criminal courts. The mediation logic means that it is not essentially a matter of 'laying down the law' and then handing down a

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8 For an in-depth analysis of real time processing, see Van de Kerchove, 1996.
9 Figures given by the Ministry of Justice for 1993.
guilty verdict and sentencing. In addition to the will to re-establish peace, mediation places reparation at the centre of the process. The result is an almost systematic negotiation, under the sign of pragmatism. Since the prime issue is to repair harm done, the procedure tends to concentrate on satisfying the victim rather than complying with a transcendent law. The law, however, remains close at hand. It reappears first in professional reflexes that remain active. The same prosecutor can 'pass over' lost affidavits, and then refuse to deal with a facet of the conflict that has not been explicitly referred to him. The law is also present insofar as the Community Justice Centre is linked to the traditional court circuits. The most recent example is mediation involving non-payment of child support. Even if they conclude with renegotiating the amount or payment schedule set by the family law judge, the latter's decisions cannot be completely ignored. And lastly, the law appears in the practice of 'citing the law', a reprimand of sorts by which the judge either reminds the accused of the law that has been broken or else recalls the principle that one cannot take the law into one's own hands. Here again the complex and innovative nature of practice in the Justice Centres is demonstrated by this combination of citing the law coupled with the negotiated and pragmatic law of the mediation process.

According to the ideology of mediation, it is the conflict situation, the relationship that is under consideration more than the offence or the offender. Citing the law, however, brings criminal justice back into the picture. Directed mainly at the accused party, it makes the classical duo reappear: offender and victim. By articulating two ways to deal with the law: 'pass over' and 'reprimand', something new comes into play – the notion that the law becomes, or becomes again, something that is more real than merely formal. It is more real because of an effective reparation, even if only partial. It is also more real because the intervention marks legal limits that had become blurred. These notions demonstrate the uniqueness of the judicial process in the Community Justice Centres. Undoubtedly, it cannot be called mediation in the strict sense of the term. One cannot truly speak of a 'socialization of criminal justice', handling certain delinquent acts through a social rather than criminal justice channel. But neither is the process a 'criminalization of the social relation' whereby the term mediation would only hide an extension of criminal court intervention in the name of a softer form of justice. The challenge lies in the complexity of the process, and with it the emergence of new responses, new prospects to cope with the rise of petty crime.
Proximity, a less distant form of justice?

The second notion stressed in the discourse on Community Justice Centres is proximity. Community Justice Centres also mean territorializing justice. Justice is brought closer to home, especially in certain neighbourhoods, where the centre conducts its judicial activity and at the same time provides access to the law and assists victims of crime. But what exactly is this ‘proximity justice’? Justice that becomes different in order to be closer? Or is it merely the closeness that is different? Seeing the Centres at work reveals how relative this territorial dimension can be, in the sense of judicial practice being adapted to the specific context of one neighbourhood or another. Here again, like mediation, at first glance it may seem that the media image is mere illusion. We shall see, however, that proximity is a major issue for the Justice Centres, but not in the way one may first expect it to be.

Several factors relativize the territorial dimension of the centres' judicial action. First, the very concept of the system: inherently linked to direct processing, which is intended for all criminal cases. The Justice Centres represent an additional way to absorb the overflow. In addition to its objective to restore social ties, the centre system is meant to address administrative concerns: to manage the flow of criminal cases and shorten the time between an offence being committed and any subsequent legal proceedings. Thus a quantitative and qualitative logic operate side by side, which has three different consequences for ‘proximity’. In territorial competence, the four Justice Centres located on the east side of metropolitan Lyons nevertheless have jurisdiction over the whole district. Thus the majority of their cases are not necessarily referred from their own neighbourhood. Analysis of the case files shows that ‘proximity’ – in the sense of a link with the Justice Centre's town because this is where the offender or victim lives or where the incident took place – applies only in 21.5% of the Bron Centre cases, 20.4% for Vaulx-en-Velin, 18.75% for Lyons eighth arrondissement, and 49.5% for Villeurbanne. In material competence, the Justice Centre is just one of various types of follow-up given by the direct processing procedure, but it is reserved for petty crimes committed by first-offenders whose cases without this ‘third way’ would have been dropped without further handling. As a result this excludes more serious crimes often associated with the image of crime-prone neighbourhoods: serious violence, trafficking, sale of stolen goods, etcetera.

Lastly, as regards the processing method, the centralizing logic of direct processing tends to standardize practices reflected in an identical organization for all four Justice Centres. Special modes of action have not been developed for one neighbourhood or another. Aside from the very existence of the Justice Centres, the practical evolution of their practices does not truly make up for
the centralizing effects of direct processing. Opportunities for local referral (by partners such as the police or schools) are not really developed. The Justice Centre thus remains an extension of the judicial institution, a way to spread its relatively undifferentiated field of intervention rather than a place where local conflicts can be settled locally. Furthermore, on the side of the partner municipalities, who have the right to decide where the centre is housed, three out of the four Lyons urban neighbourhoods chose to install their Justice Centre in the town centre, near the city hall and the police station, instead of in more disadvantaged neighbourhoods. Discarding a territorial option which, in their eyes, held the risk of additional stigmatization, the municipalities stated that they preferred to have a Justice Centre 'for the whole town'. Since it also conducts legal activities, a Justice Centre can potentially become an important local establishment, a resource and focal point for a population seeking legal information. Nevertheless, this legal facet has been slow to develop, both due to the nature of the activity and also because it was not a priority for the courts and its development has been left to the care of other actors, local associations or social workers who generally have less influence in choices and are more dependent on material constraints.

Nevertheless, despite this relative absence of a territorial dimension – in the sense of different treatment adapted to a specific community – the notion of proximity is far from devoid of meaning. The perception local players have of the Justice Centre is that it does appear to be the way for the judicial institution to draw closer to the public. The local opinions discussed in this article represent the municipality as well as the local police force and school system. The discourse is a complex mixture of local and central concerns. Although the local players are clearly aware of the limited territorial dimension described above, at the same time, their views show that they set store by a different kind of proximity.

The police and school representatives (school principals and teachers) are the local actors the prosecutors call on most often. In particular, they attempt to develop direct referral to the Justice Centre, by respectively noting incidents on the police charge sheet, or by reporting incidents occurring on the school premises. The objective is local handling of local situations. However, the prosecutors' expectations have remained largely unfulfilled. The police officers' discourse is either a good-natured approval without strong involvement, or else collaboration focusing more on the individual relationship rather than a true institutional partnership. Relations are good but not

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10 The Justice Centres were set up on the basis of an agreement, in particular involving the relevant municipality, which among other things provides the building in which the judicial or legal activities take place.
intensive. The police tend not to refer crime victims to the local Justice Centre's victims' aid service any more than police do in cities without a Centre. Similarly, it is still fairly uncommon for the police to refer minor cases, entered on the police charge sheet but not followed-up, to a Justice Centre for mediation. Two factors may explain this distance. The police, whose concerns are primarily repressive, at first seemed a bit reluctant about this 'third way' and the 'softness' of this new form of justice. Even though they soon realized the system's efficiency, especially in handling cases quickly and giving due attention to victims, a tinge of mistrust still lingers. Some cases, they feel, are too serious for this type of processing (insulting a police officer for instance) and they stress the need to avoid multiplying passages through Justice Centres.

As for referring police charge sheet incidents, some see the Justice Centres as rivals in a mediation competence they consider as the police's natural competence. Yet others see fighting petty delinquency as one of their least gratifying jobs and they are reluctant to take on what they consider to be extra work of little interest.

In the school environment one can observe both an as yet unclear idea of the Justice Centre's structure along with a certain hesitation to refer incidents occurring at school. The teachers who invite prosecutors to speak to their classes about the Justice Centres are aware of the judicial handling practised there. Others, though see the Centres as a place to settle disputes, without exactly knowing how this is done. None of the teachers interviewed, however, seem eager to contact a Justice Centre to handle conflicts occurring in their schools. The possibility of referring reports on school incidents to the Justice Centre for direct handling without any police complaint, is still rarely taken up. The discourse on this subject most often remains that of a professional group who traditionally mistrust police and judicial authorities and who as far as possible prefer to settle differences 'within our own four walls'.

The view of the municipal players regarding the notion of 'proximity justice' as defined above, is less one of mistrust than a seeming indifference for the Justice Centres' relative lack of circumscribed territorial competence. The elected officials do recognise the system's unique features and concur with its notions of mediation, restoring social bonds, and the accent on citizenship. Nevertheless, the municipal players in all the locations seem to place only secondary importance on the Centres' organizational and functional details. They do not appear concerned that only a minority of the centre cases are local, that the cases handled there are not essentially local incidents symptomatic of crime-prone neighbourhoods, or that by its very nature mediation may not be precisely adapted to the delinquency of 'hardened' youth who turn their neighbourhoods into communities outside the law. Neither do the municipal players have any comments on how the centres go about their job.
And although the idea of inter-municipal financing is broached regularly, considering the centres' benefit to neighbouring municipalities, convictions are moderate and seem to be stated merely for the principle of the matter. Does this then mean that local actors could not care less about 'proximity justice'? Or that the neighbourhoods of Bron, Lyons, Vaulx-en-Velin and Villeurbanne help fund their Community Justice Centres while merely pretending to believe they dispense a form of justice specific to local vulnerable neighbourhoods? The answer may be found in another municipal concern, an expectation the judicial institution seems to be meeting through the Justice Centres. The somewhat disappointing impression left by the opinions described above belies the elected officials' main concern. They care less about whether judicial handling is territorialized and specific. What is truly important, though, is for the judicial institution itself — in all its trappings that are 'not different' — to come closer to the public.

The municipal players bring out one essential element: *justice coming closer*. In other words, for a traditionally distant institution — with all this entails in unawareness, misunderstanding, and mistrust — to bring itself closer to the citizens. It is this movement itself that is first seen as the major evolution. The way this actually comes about, as explained by the municipal players, is more complex than the image conveyed by the media of an institution moving into the 'communities' to dispense a justice of a different sort and restore a legality that has been lost. The proximity the municipal players stress, however, is of a different nature. Bringing in the judiciary, work with *Justice* with a capital J: the municipalities clearly expect something from Justice as a centralized state institution, in other words criminal justice in the full sense of the term.

Several elements bolster this hypothesis. It is significant that three out of four municipalities chose to install the Justice Centre in the city centre instead of in the most vulnerable neighbourhoods. What they have sought is above all the presence of justice in the city itself. 'Proximity justice' is a local justice available for all inhabitants, its service to the city taking priority over its service intended for some of the city's neighbourhoods. When the centres' judicial activity is mentioned, it is primarily the sheer existence and rapidity of the response that is stressed more than its specificity; the accent is on direct processing and on citing the law rather than the procedures developing the mediation approach. The elected officials see the Justice Centre, despite its relatively narrow local competence, as 'an efficient response we can give to citizens when they complain about feeling unsafe'. Regardless of how it intervenes, the *Justice Centre* is first and foremost the place where *Justice* shows that it does listen to the problem of insecurity.

Another sign is how pleased the elected officials are to be able to maintain a personal relationship with the public prosecutor. Having a Justice Centre in
their neighbourhood provides them with easy access, without formalities, to
the head of a jurisdiction, to this lofty official so representative of justice in its
repressive dimension. Through the regular presence of the prosecutor and his
or her deputies, as well as steering committee meetings together with local
authorities, the prosecutor becomes familiar to the elected officials, someone
they can speak to easily concerning matters involving delinquency or for any
other judicial problem. In concrete terms, coming closer was expressed in
various examples of how local delinquency problems were handled. It was not
through the Justice Centre that they were handled, but rather thanks to the
Centre – thanks to closer contact between local players and the institution
itself – that certain local issues were managed more effectively through
traditional criminal justice channels.

Beyond how it actually functions, the essential element is the symbolic
dimension of justice coming closer: 'the Community Justice Centre is part of a
city's showcase'. A Justice Centre is somewhat like having an airport or an
Olympic-size swimming pool. If the presence of a public service helps
requalify public space, then a Justice Centre goes one step farther, for it is not
just a matter of having the equipment or service nearby but one of having an
acre of public order – la force publique – right next door. Just as a neighbour-
hood is requalified by the presence of a post office branch or police station,
the city that hosts a Justice Centre derives a considerable benefit: having a part
of Justice (with that capital J) in its own town.11 The importance of this aspect
can be seen by how other municipalities in the Lyons area consistently bid for
a Justice Centre in their towns.

The same can be said when financing is mentioned. Each city hosting a Justice
Centre contributes approximately 250,000 FF annually to the Centre's budget,
with the State adding an equivalent amount in the framework of France's
'urban policy'. Even though the cities do not truly condone the principle of a
city financing an activity specific to the State, and this situation is obviously
more expensive for the smaller towns, the municipalities nevertheless do not
seem ready to withdraw their financial share in centre costs.

The opinions expressed by other partners echo this vision. Behind their
reservations about a different type of justice, one can detect their interest in
how the system brings greater familiarity with (capital J) Justice. Police officers
appreciate the system's innovativeness in strictly penal aspects, in more
efficiently repressing crime. When asked about the Justice Centres, all the
police officers speak at length about (...) is direct processing. The police's

11 On the limits of the local approach to questions of social exclusion, see Gauchez, 1991: (In
France), 'submitting a question up at the central level signifies the importance society gives to
the problem.'
image of the Justice Centres focuses on the direct processing procedure, the
global and centralized handling of criminal cases. It does not revolve around
the centre's local anchorage. The byword is 'confidence': direct processing is
founded on a relationship of confidence between the courts and the police,
which the latter welcome. The main benefit the police derive from real time
processing is the 'feedback' they can receive on the court's orientation of cases
transmitted to it. On this subject it is worth noting that the police's satisfaction
follows the curve of the stringency of the solution chosen; they speak more
highly of the increase in summonses by the judicial police officer than they do
of referrals to a Justice Centre. The police, like the elected officials and social
workers, appreciate the Justice Centre as a place where informal relationships
can be made to improve the collaboration between the police and the courts
in cases involving the traditional repressive justice channels. 'Confidence',
'feedback', and access to judges – for the police the Justice Centre is primarily
the opportunity for the institution as a whole to come closer.
The discourse of the school representatives reflects this same image. Here
again the leitmotiv is the notion of closer Justice. We have already mentioned
the limited number of Justice Centre interventions in individual cases arising
from the school environment. The partnership, however, is forming gradually,
mainly through information given collectively to the student body in the
schools themselves. The teachers have various motives. Many stress urban
problems: the aim to restore the notion of the law and the idea of justice to
youths coming from an environment where these are sorely lacking. In this
case the teachers look to the Justice Centre to play an educative role, to speak
out on the importance of the law and justice, thereby reinforcing the teachers'
'continuous discourse' towards students with so little to go on in this area. In
other instances, a prosecutor's visit to a high school 'that is calm, with stu-
dents from comfortable backgrounds' does not target the same basic civics
objective. In this case the visit has a more technical goal in the context of a
course on law partnership with a Justice Centre. Just like a visit to any other
firm or administration, it is seen as a tool to provide students with the practi-
cal side of a course's theoretical contents. One teacher, for example, felt the
Justice Centre interlocutors to be more accessible than those at the Court-
house and the students found the centre's structure more understandable.
The image is thus that of a way to facilitate access to a distant institution,
regardless of concerns about security or citizenship. Although the motivations

12 In practical terms, the judge responsible for a Justice Centre accompanied by the centre's social
worker, or else the social worker alone, visits a class to speak about the justice system in general,
about the Justice Centre, a judge's job, the legal system and laws. These visits can be supple-
mented by school trips to the Courthouse where the students sit in on criminal or civil hearings.
vary, the teachers all have one identical remark: the mere fact that the Justice Centre is there helps their students learn more about justice and the justice system in general. The presence of Justice Centre representatives in various local bodies, the fact that some judges solicit their assistance, the image of a more informal justice, and geographical nearness, have all contributed to a relationship of proximity enabling the teachers to enlist the support of various judicial players. Moreover, in all cases the closeness rendered by a Justice Centre goes beyond knowledge of this local aspect of justice. Students hear quite a bit about the mediation facet and those in tougher school environments are encouraged to consult the Justice Centre, but the involvement goes much further. Thanks to the Justice Centre, teachers and students who take the time and effort find they become more aware of local concerns. The whole judicial institution becomes more accessible to its young public, in an objective that can either be explicitly 'civic' or else of a more technical nature.

Conclusion

To conclude, we should like to summarize briefly how the Community Justice Centres represent a significant step in the evolution of responses to the problem of delinquency. The judicial institution had had problems entering into the partnership logic of urban policy, for fear of compromising itself or losing its identity. With the Community Justice Centres, it elaborated a 'homemade product' that integrated not only its own concerns but those of urban policy as well. An analysis both of the Centres' judicial activity – a mixture of mediation and pure criminal justice logic – and their integration in the local context – where their proximity is that of an institution that has remained true to its regalian vocation – reveals an institution that is capable of innovation – without renouncing its specificity – in order to address the challenges of security in a changing social context.

Even if one cannot truly speak of mediation in the strict sense of the term – settling disputes with the help of a neutral third party – nor of proximity in the sense of differential handling adapted to specific neighbourhoods, the Justice Centres do indeed provide a unique judicial response to the problem of insecurity in the city. In the first place this is accomplished directly by showing that the justice system can deal with petty delinquency and that it does care about victims. An analysis of Justice Centre cases and intervention methods shows that its practices represent a response to petty delinquency – a factor not only in insecurity but also in victimization – which the large criminal courts can no longer handle. The key issue is the aim to compensate the victims of crime. We have seen that the 'mediation' practised in the Justice Centres most often results the dismissal of a case subject to the victim
receiving reparation. Furthermore, real time processing makes the response quicker, thus more effective. Reducing the number of cases dropped without follow-up, providing a rapid response, and one that takes the victim into account is an essential advantage, even if it does not specifically address delinquency in the Centre's own neighbourhood.

The Justice Centres also provide an indirect response because they are channels for a number of secondary benefits to the local area. First because the Justice Centre itself is an important symbol of a justice system closer to its citizens. And secondly because it helps build a local network. As we have seen the type of 'closeness' in having a Justice Centre in one's town largely meets the expectations of local players. From their own specific logic, each player voiced expectations where the central nature of the justice system was definitely more important than its territorial location. It is Justice that comes closer, certainly, but a Justice that is not necessarily different. It is a strong form of justice that can become more accessible instead of one whose inflexibility would render its presence ambiguous. Lastly, the justice institution in its concerns about its own identity can rest assured. Proximity justice does not dilute criminal justice, all the more so because its partners do not want this to happen.

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Right to the community

Neighbourhood justice in the Netherlands

Hans Boutellier

In 1997, inspired by the French 'maisons de justice' and the American community justice programme, a project was launched in the Netherlands under the title 'Justitie in de buurt', with the dual meaning 'neighbourhood justice' and 'justice nearby'. The idea was to open offices where the prosecutor and other judicial institutions could operate in a problem-oriented way, near to the public and near to other official bodies, like the police, local administration, welfare organizations and so on. This article will report on the development of the project. First, it will explain how this new idea was implemented by the Ministry of Justice. In addition, the pilot projects will be described and some preliminary results will be given. Finally the project is positioned in relation to the development of the welfare state. A liberal state and a plural society are more and more dependent on law and the judiciary.

Points of departure

In 1994 the cities and the government signed a contract on city politics. This contract regulates the local obligations in several fields in relation to state government funding. In addition to sections on socio-economic, educational and welfare measures, there is a section in the contract on safety-problems in urban areas. The idea to experiment with neighbourhood justice was generated within the framework of this policy programme on the large cities of the Netherlands. During 1995 an investigation was launched into the French maisons and antennes de la justice and the American community or neighbourhood justice system (Boutellier, 1996). Although there was not very much

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concrete literature on the subject, three conclusions were established on which the experiments were based.

In the first place it was concluded that the prosecution office must be the responsible institute in organizing this new form of justice. The public prosecutor after all embodies a unique combination of qualities: knowledge of the law and legal procedures; admittance to all judicial and related institutions, like probation, child care, victim aid and especially the police; the power to act in an authoritative way in situations where the rule of law is needed (see also Cohen et al., n.y.). Americans do speak of neighborhood justice as 'crime prevention with a bite'.

In this respect I would like to emphasize that there seems to be a legitimate space for prosecution involvement in multi-problem neighborhoods alongside private initiatives on conflict resolution. In several countries there are interesting projects on mediation and restorative justice which exist independent from the judicial institutes (Blad, 1996; Engle Merry and Milner, 1993; Dullum, 1996). For minors there are in the Netherlands the so-called Halt-offices which divert petty criminal cases (shop lifting, hooliganism) and arrange mediation and light sentences. The Ministry of Justice also supports some projects undertaken by community boards in Zwolle, Gouda and Rotterdam, but is not involved in the contents of the projects.

The community boards in San Francisco and the mediation boards in Norway have learned, however, that in cases of serious offending, mediation independent from the criminal institutions is not always effective and, more importantly, not opportune. The prosecution office has its own responsibility in dealing with criminal cases. But the afore-mentioned prosecutive qualities can be used in a problem-oriented way instead of the traditional case-oriented judicial procedures.

The second conclusion was that these kinds of local projects cannot be developed by blueprinting the concept on a central level. The projects have to be designed in line with the local situation and the projects are completely dependent on the enthusiasm of individuals. It was even decided to stimulate local variations in aims, methods and organizations in order to investigate which design would be the most viable in the long run. This point of view implies local responsibility in developing the projects.

In the third place it was established that the French 'maisons de la justice' had not been effectively evaluated, nor were systemic evaluations found regarding the American initiatives (see Gramckow, 1995). This is why it was decided that the Dutch projects had to start in an experimental way and had to be carefully

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2 This project was recently given an award by the International Centre for the Prevention of Crime (ICPC) in Québec, Canada.
evaluated. From the outset it has been emphasized that experimentation and
evaluation results can eventually lead to the projects being halted. The initial
experiences indicate the opposite conclusion however.

Aims and scope

Creation of neighbourhood justice with a *couleur locale* was the point of
departure when embarking on the projects. But there were of course some
central aims behind the idea of neighbourhood justice and with regard to this I
would like to stipulate a few aspects of criminal justice in the Netherlands in
the 1990s. It must be understood that the crime rates in the Netherlands rose
steadily from World War II up until the mid-1980s. Since then there has been
some general stabilization and in recent years even a decrease in the total
crime figures. This trend does not hold true for violent crimes and offences
against public order. There particularly seems to be a concentration of the
crime problem in certain neighbourhoods and among certain groups of young
people and ethnic minorities.

Against this background it is not surprising that crime prevention policy was
developed in the mid-1980s in the Netherlands (*Samenleving en criminaliteit*,
1985). Since 1985, hundreds of projects and programmes have been initiated,
planned and implemented in a very practical way. Projects relating to car
theft, robbery, safer schools, street guards and business crime – to name just a
few – have been started in co-operation with all parties involved. It is remark-
able, however, that it is quite difficult to get the prosecution office involved in
crime prevention. There seems to be a gap between crime prevention policy
and the procedures of criminal justice.

I would like to add one more important factor that can explain why the
projects were started. Among the population there was a growing distrust
about the effectiveness of the police and the law courts in controlling the
Dutch crime problem. More specifically there was a growing concern about
organized crime, especially international drug trafficking. A parliamentary
enquiry commission concluded that there was a crisis in criminal investiga-
tion, because of an absence of norms, a mal-functioning organization and
authoritative problems (*Enquêtecommissie*, 1996). This judgement had an
enormous impact on public opinion regarding criminal justice. One could, in
general terms, speak of a crisis in the legitimacy of prosecution and policing.
These three aspects – concentration of crime, a gap between crime prevention
and criminal justice, and a crisis in the legitimation of criminal justice –
combined to provide an impetus to the ideas and implementation of neigh-
bourhood justice. (This driving force can in a more radical way be seen in
Belgium (Deklerck, 1997; Tulkens, 1996).) Against this background the three
central aims of the projects must be understood:
– Making the rule of law more visible for the public in the areas where this rule of law is threatened. This goal can be formulated in a more general way as an attempt to regain citizens’ trust in the judicial authorities by bridging the gap between the problems of citizens in the multi-problem areas and the prosecution office.
– Creating a porch of the judicial institutions in order to select and speed up (criminal) cases. This goal was already being realized in some cities by the placing of a representative of the prosecution office into the police stations. This link between the police and prosecution is more generally seen as an institutional function in the 'Justice in the neighbourhood' projects.
– Contributing in a direct way to the safety and vitality of the multi-problem neighbourhoods. The prosecutor is, as the last resort for social problems, a partner in co-operation with several other institutes, such as the police, welfare institutions, and local administration. Together they can try to re-establish the social function of the community: 'crime prevention with a bite', as the Americans say.

Wijvekens (1996) has described the French maisons de la justice in terms of Justice de la proximité. She distinguishes three connotations in the word 'proximité': geographical, temporal and affective. One can recognize these three theoretical meanings respectively in the three aims formulated by the Dutch project on neighbourhood justice. In the Dutch aims there is a physical presence of judicial institutes, there is a selection and acceleration of cases, and there is direct and personal involvement in the problematic neighbourhoods.

Development of the projects

In the autumn of 1996 the prosecution offices of the nineteen courts were invited by the Minister of Justice to formulate ideas for starting a 'house of justice' in one of the pertinent cities. The making of the plan was facilitated by the Ministry. One year later four out of the five planned projects are in full operation. The fifth will start in 1998. The projects are set up in Amsterdam, Arnhem, Maastricht, Rotterdam and (in 1998) in Haarlem. Each experiment has its own special features. I would like to give some information on the four experiments in order to give some idea of what a prosecutor (or a representative) can mean in the neighbourhood.
Right to the community

Arnhem

This project, the first of its kind, started in February 1997. It generated a lot of publicity in the local and national media. The project is located in a house in the Malburgen neighbourhood and is manned by three representatives of the prosecution office, one of whom is a prosecutor (involved part-time). In this project there is a strong emphasis on the settlement of criminal cases, the visibility of Justice for citizens and co-operation with other bodies. The central idea behind this project is law enforcement in the neighbourhood. Some of the concrete activities are: fast interventions on problems with a criminal nature (e.g. drug problems); fast settlements of criminal cases by more direct links between the police and judicial procedures; improvement of victim support service; participation in institutional networks on liveability and safety in the community; co-ordination of other judicial services; and execution of community service sanctions in the neighbourhood. Drug problems in this neighbourhood have attracted a lot of attention: an inventory of drug dealers and their houses was made, and several cases were recorded; marihuana cultivations were closed and so on. Action was also taken against the filthy state of the streets and special attention was paid to problems with juveniles. Truancy was fought in co-operation with the schools and there were informative meetings with parents. In five months 271 criminal cases were dealt with, of which 128 summons were conferred on suspects, 47 transactions were offered (in order to prevent prosecution) and 46 charges were dismissed.

Maastricht

In Maastricht the project does not have its own premises. The project is run by a 'prosecution-team' who are available for one day a week in a community house in the Wittenvrouwenveld neighbourhood. In the morning there is a meeting of the team with the police, the probation service, child care agencies, legal aid representatives and victim support agencies. Together they discuss all the problems or cases on police record and agreements are made. In the afternoon there is a session with the prosecutor (or his/her assistant) when transactions are offered, compensation for the victims is settled, reprimands and summons are served. A few times a year a police-magistrate has a session in the same building to judge the more serious cases. In civil cases the project tries to arrange a mediation, sometimes by a judge. The activities are oriented towards the following goals: problem-oriented settling of criminal cases; mediation and compensation for injury or harm; shortening of completion times; fast execution of community service sanc-
tions; and an integrative approach of community problems. In seven months 142 criminal cases were dealt with. Almost all financial dues were paid, all suspects appeared at the tribunal session, and cases were brought before the court within six weeks instead of nine months. There are special projects for children under twelve, and compensation orders are arranged within four weeks. Judicial interventions have speeded up considerably, which seems to impress the (young) people involved. Co-operation between the various institutes stimulates tailor-made measures.

Rotterdam

In Rotterdam the project is housed in a co-operative company building located next to the administrative building in the township of Delfshaven. Three people from the prosecution office are involved in the project, one of whom is a supervising prosecution officer. The office was opened in April 1997. Apart from this project on community prosecution there is a community board project run by the local administration and housing associations that deals with breaches of the peace by neighbours and other people. This project has a voluntary base and offers mediation by volunteer mediators. It is comparable to the community boards in San Francisco.

In Rotterdam a strong emphasis is placed on the speeding-up of the settlement of criminal cases. In addition special attention is paid to mediation and reconciliation. The most important issues being dealt with are the handling of minor suspects, victim support and co-operation with other agencies on neighbourhood safety and liveability. Concrete activities have been mediation, compensation orders, prosecutorial sessions for juveniles, truancy counteraction; and the execution of community service sanctions in the neighbourhood. In five months 289 cases were registered, of which 76 were settled by the prosecutor (within three months). In 146 cases a summons was sent or given. In this same period there have been six sessions for juveniles at which 34 suspects appeared. In co-operation with the probation service for juveniles 20 community service orders and 4 learning service orders were served and executed. Six young people were sent to the court, and one got a reprimand. In co-operation with the police and child care agencies, special attention is given to youngsters under twelve. Special attention to victim support has resulted in better results for victims (information and compensation orders).

Amsterdam

In Amsterdam – as might be expected of this city – the most prestigious project has been started. In the De Pijp neighbourhood a two floor apartment in a
busy shopping-street has been appropriated. Besides the prosecution office there are representatives of victim support, the probation service, child care services and legal aid representatives. So, all judicial or para-judicial institutions are assembled in one building. The office has a reception desk where the registration procedure takes place. Each employee serves under his own institutional responsibility; the prosecutor is the co-ordinator.

The project has been set up with three major issues in mind: juvenile crime, nuisance and victim support. The point of departure is to serve the public and institutions like the police, local administration and welfare institutions, by giving information, making referrals to specific institutions or by giving direct judicial support. The following activities are undertaken: participation in several projects concerning youth problems and extreme nuisance; participation in monitoring safety and liveability; mediation in petty criminal cases; representation of victims in civil cases; execution of community service sanctions in the neighbourhood; home visits to victims; supporting victims by issuing compensation orders; and referring them to psycho-social assistance.

During the first six weeks of the project, there were 400 contacts (215 of which were by telephone). About 250 were questions from offenders or victims about criminal cases. In 104 instances people were referred to other institutions. A quarter of all the enquiries (52) were actually taken up; 32 of which concerned annoyance. About 30 criminal cases have also been dealt with in the project (mediation or preparation of prosecution).

Background and future

Some of the more important factors affecting this Dutch development of 'Justice de la proximite' have been mentioned already. Concentration of crime in certain areas, dissatisfaction among citizens with the police and justice and the discrepancy between crime prevention and prosecution. These factors set in a broader perspective make up what I have called the 'Criminal justice paradox' (Boutellier, 1996). Modern individualized societies seem to generate high rates in crime and deviance. Many social institutions, like the church, the school and the family, do not play their traditional disciplining role any more. Whatever one's opinion is regarding this development it can easily be established that this situation causes strong pressure on the criminal justice system. The prison capacity in the Netherlands for example has increased over the last ten years from 1,200 to 4,000 cells, in order to prevent overcrowding and the release of suspects. More important is the fact that Justice is actually lacking in its capacity to counter the social problems that lie behind the high crime level: immigration, poverty, poor housing, individualized society. This pressure cannot be met by lack of means and shortage of measures.
Generally this situation results in efforts to formulate alternatives beyond the traditional criminal justice procedures. Alternatives that vary somewhere between criminal justice and social policy. The search for alternatives is no longer a feature of abolitionists or of critical criminologists. It is felt as a common impetus among policymakers, politicians, criminologists and the public.

Neighbourhood justice, as developed in several countries including the Netherlands, must be understood as a very special example of this search for alternatives. In this case it is the prosecution office itself which has moved into a forward, preventive, proactive direction. This move raises the question as to whether the area of social policy will not be swamped by judicial authority. In this respect neighbourhood justice refers directly to the issue of the legitimation of the state.

On this subject I would like to elaborate on the issue of security in (post)modern welfare states. Erickson (1995) has emphasized that the expert systems of security agents are penetrating other life spheres, more specifically the public domain. For this reason he speaks of a 'security state', which is different from a 'police state' which has a totalitarian outlook. A security state has a broad preventive policy, which is strongly influenced by the expertise of the police and institutes of justice. It is important to understand this background in order to understand and judge the initiatives on community prosecution. Neighbourhood justice fits perfectly well into Erickson's critical description of the security state.

One of the primary and central functions of nation states has been the surveillance of citizens, in order to improve security and safety. The social and caring institutions have been largely of a private nature, driven by charitable motives. In several western welfare states these two founding functions of a community – surveillance and care – became interrelated in the genesis of the welfare state. In and around the function of criminal justice several social-oriented institutions were developed, like the probation service, child care agencies and later community policing, victim support and so on. These social institutions grew out of the criminal justice function almost like amendments to the punitive measures of the criminal court.

The charitable caring institutions generated a proliferation of institutes from health care to youth services and from psychiatric clinics to social security. These social institutions became, during the development of the welfare state, part of the state function – at least in a semi-governmental way. The essential meaning of the welfare state is that the function of care was 'satisfied' (De Swaan, 1992). The surveillance function of the state was at the same time penetrated more and more by notions of care and welfare.

In the 1970s in particular there was huge optimism that crime could be dealt
with in the tradition of care and welfare. It could be seen in criminology, in
the rehabilitation programmes, in the diversion projects and so on. The
surveillance institutes like the police were for a long time outstripped by the
growth of welfare and care institutions and their ideas on deviance and crime.
As you may know this optimism was gradually broken down by disappointing
results and growing crime rates during the 1970s and 1980s.
Nowadays we see a contradictory movement. The state has re-established its
surveillance function again. The concepts of welfare and care have been
switched to those of safety and prevention of crime. As the social institutes are
not intrinsically involved in this development, the institutes of policing and
justice try to bridge the gap between the social problems which generate crime
and the judicial institutes. In this respect neighbourhood justice must be seen
as one of the answers to the criminal justice paradox.
The actual political and cultural situation seems to force the surveillance
institutes into becoming more social and the welfare institutes in becoming
more (crime-)preventive. The main trigger for this convergence of the social
and the criminal institutions is to be found in the feelings of insecurity and
unsafeness by citizens in the urban areas. These feelings do pose a serious
threat to the legitimation of the nation-state. To describe the present situation
of the security state, I would like to speak of social surveillance. The modern
state is reorganizing some of its functions, such as surveillance and care, in
order to re-establish its governance at least in some areas of post-modern
society.
By positioning the emergence of neighbourhood justice against this back-
ground we can make a better judgement on the desirability of this develop-
ment. In my view there will, for the time being, remain strong pressure on the
state to cope with the crime problem in an effective way. For that matter I
suppose the development of pro-active movements of police and justice will
continue. Between ineffective social and welfare institutions – as far as crime
prevention is concerned, and a tough law and order policy, community justice
and policing grow as a third way of dealing with problems of crime and
insecurity in post-modern culture.

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Justice closer to communities

Two tracks in Belgian justice policy

Peter Goris

An important part of the actual safety care is dominated by the word 'community'. The use of this word certainly seems to offer an - at least - symbolic solution to the complex problems of today's safety care. Full of expectation one speaks of Community Crime Prevention, Community Policing and now also of Community Justice. It seems that the difficulties within the prevention policy, the malaise of the police department and the crisis in the world of Justice can be solved by means of a closer connection to the 'community'. It is good if it is 'community'. Against this promising background, experiments have been launched in Belgium with Houses of Justice and there are plans to establish Judicial Antennae in problematic urban areas. Both projects prove that it is possible to hold different priorities while opting for Community Justice'. Starting from the shared challenge to create a more constructive relationship between Justice and the citizens, they formulate different objectives and strive to reach those goals in their own specific ways. Consequently, the description of both projects is quite relevant from a European point of view. Especially in France and the Netherlands, different initiatives have been deployed under the common name of 'Community Justice' (Faget and Wyvekens, 1996; Boutellier, 1996). We will use both Belgian projects to focus on these differences. Moreover, we will point out that the intense attention the projects attract and the high expectations for this 'Community Justice' are not without risks.

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Houses of Justice

Setting of the project

The present state of Belgian Justice often makes us forget that Lady Justice has been looking for a new dress for some time already. During the last decade, Justice has tried to find an alternative for its fairly inefficient classic punishment tools. Focusing on the changes in the legislation we can recite some recent initiatives aimed at a more constructive enforcement of custodial sanctions (e.g. conditional freedom (1990), modification of the probation laws (1994), obligatory advice and treatment of sexual delinquents (1995)). Under the pressure of – among other things – the unremitting criticism on its victim-unfriendly and consequently barely humane way of operating (Peters and Goethals, 1993), the Justice department took further steps towards the reforms of the penal jurisdiction (e.g. victim support in the courts and the prosecution offices) and even elaborated careful alternatives for prison punishment (e.g. community service, mediation in penal cases, performing work and learning sanctions, remedial arbitration). Affairs like the ‘Dutroux’ case and the subsequent crises within the justice system have accelerated these changes and they have stressed the future challenges for the justice department: a more transparent justice, a faster justice, a more humane justice. This has made it even clearer that the afore-mentioned changes of the judicial system are only part of the great search for a totally different kind of Justice: a justice department close to the citizen. This is the context in which the ‘House of Justice’ project has seen the light.2

Objectives of the project

The House of Justice was created in the first place to improve the efficiency of a large proportion of judicial activities. The described modifications within the domain of prison sentences and, even more, the described development of alternative sanctions have caused a real explosion of new private organizations in which mainly psycho-social workers are employed (e.g. mediator assistants and victim-reception assistants). The call for a more humane Justice has resulted in the development of a densely populated para-judicial circuit which tries to elaborate and execute, within the judicial competences, a socially accepted kind of justice. In line with these developments Justice sees in other

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2 Since this is the experimental stage of the project, the following description is mainly based on internal policy documents (Ministerie van Justitie, 1997) and comments made at a meeting about 'Justice closer to community' (Koning Boudewijnstichting, 1997).
fields to the growing activity and presence of services which are closely related to judicial matters: local services, safety projects and community contracts, special youth care committees, social services at Juvenile Courts, mediator services, centres for judicial welfare work, centres for victim-aid, divorce mediation, debt mediation, houses of refuge, and centres for child abuse.

All these new developments could possibly result in a chaotic sphere of action which would be completely stultifying for both the Justice department and the justice-seeking citizen. Magistrates and lawyers can hardly keep up with these evolutions and the common man has long ago given up all hope of seeing the wood for the trees. Promising efforts to reform and renew are then paralysed because of lack of good management. This is the primary goal of the House of Justice: it has to contribute to the cohesion between magistrates, lawyers, local authorities, para-judicial services and organizations that follow-up the judicial actions (co-operation and co-ordination function of the House of Justice). The House of Justice has to accommodate all these organizations or at least give them an opportunity to make their services known to the public. The citizen who is involved in a possible conflict situation has to find his way to and into this house (information function).

If both functions can be put on the right track, it becomes possible to broaden and deepen the already existing general tendency in favour of alternative approaches for penal and civil problems: community service, restorative mediation and divorce mediation (laboratory function). The House of Justice makes it possible for the various services and organizations, which in the past always had to find their own way, to find and strengthen each other. Better management provides an important stimulus for the further realization of a more constructive and socially justified judicial action. Consequently, combining these three functions must reform the classic justice system into a conflict-solving system that is close to the citizen. In that view the House of Justice should eventually operate as a new and powerful cohesive force between Justice and the community.3

Realization of the project

In the scope of this project, a couple of experiments are being realized in Belgium at present. The long term objective is to establish a House of Justice

3 This clearly demonstrates that the concept of ‘Community Justice’ has a relational meaning in this project (Mary, 1997): Justice is making an approach to the citizen and wants to establish a more constructive relationship with the citizen, in contrast with the other project (Judicial Antennae) where the territorial meaning prevails (‘Justice in the neighbourhood’).
in every judicial district, preferably in the vicinity of the Palace of Justice. In this House of Justice, four missions should be accomplished:

- To provide primary judicial aid; this service is to be provided by lawyers who are registered at the bar of that judicial district. They have to realize a partnership with services who are organizing other forms of primary judicial aid.
- To conduct civil inquiries and mediation; a magistrate can ask a judicial assistant to conduct a social inquiry in, for instance, a divorce case. A part of this task can be fulfilled by installing 'neutral meeting places' where a parent can meet his/her children when the divorce problems are too acute to properly exercise his/her visiting rights.
- To conduct inquiries, counselling and mediation in the scope of the application of penal law; the judicial assistant of the House of Justice can perform these tasks for those on conditional release, probationers, those on temporary release and those released on probation.
- To mediate in penal cases; it still has to be discussed whether this task will effectively be performed in the House of Justice because it has been ruled that the judicial assistant for mediation should work in the Palace of Justice.

In order to perform these tasks all para-judicial services under the competence of the Minister of Justice but working outside the prison should be accommodated in the House of Justice. This means that in a densely populated district some 30 to 40 employees of the para-judicial services would be working in the House of Justice. The House of Justice of a medium sized district might total 10 to 15 people. It is also strongly recommended that – with respect for their autonomy – even the organizations who do not depend on the Ministry of Justice, but are working in the judicial field should also run their services in and from within the House of Justice. The Prosecutor's Office will stay in contact with the Houses of Justice but shall never be accommodated in the same building.

Evaluation of the project

The proposal to establish Houses of Justice may be the starting point of a new and more constructive relationship between the citizen and the community. Yet the proposal implies also some limitations and risks which we would like to describe briefly. They can be used as focal points during the further elaboration and evaluation of the project.

An important objective of the House of Justice is to harmonize the regenerating and more socially oriented perspectives within the Justice system in order to give them more strength. This concern for better co-ordination is often
linked to a need for more control. So the risk is quite real that Justice will attempt to use the Houses of Justice in order to incorporate and control the welfare work. On the service-level, it has become clear that the House of Justice will approach the welfare organizations during its search for a formula for a different, softer and more humane kind of justice. Although such forms of co-operation may be interesting (more knowledge and respect for each other's goals and methods), it is absolutely necessary to keep a clear distinction between judicial work and aid in order to keep the social problems from sliding further into the arms of Lady Justice. Justice coated with a thin aid sauce does not equal aid or assistance (Mary, 1997).

Moreover, it is striking to see how in these projects nobody talks explicitly about the problematic functioning of the Palaces of Justice where the core of the judicial activities is situated. At the very least there is the expectation that a more humane way of acting in the Houses of Justice may have a favourable influence on the Palaces of Justice. So the fear that the establishment of the Houses of Justice will result in a two-faced Justice is not exactly groundless. In the most extreme situation, the House of Justice will have realized a constructive sanction system and a smoothly running guidance system, while the Palace of Justice continues to function in its heavily contested, droll, victim-unfriendly and mainly alienating ways. The question is whether this would positively influence the relationship between the citizen and Justice.

In order to prevent the House of Justice remaining as an island in the shadow of the Palace of Justice, there has to be a permanent interaction between the professionals in the House of Justice and the professionals in the Palace of Justice (Peters, 1997). There have to be enough guarantees that, for instance, mediation assistants or victim-aid assistants who develop a know-how through their work in the Houses of Justice will be able to integrate this know-how into the system operating at the Palace of Justice. This criticism leads us to the question whether the establishment of Houses of Justice would have been necessary if the whole Justice system had been reformed (the functioning of the Palaces of Justice included). The citizen is only helped with more humane Justice, not with a more humane part of Justice.

Judicial Antennae

Setting of the project

This project too tries to close the gap between the authorities and the citizens by reforming the safety landscape. Still, there are some important shifts of emphasis in comparison with the previous project. The proposal to establish
Judicial Antennae is focused more on the territorial meaning of the word 'community'. This proposal finds its origin in the problematic situation of some metropolitan areas and wants justice to go down to these neighbourhoods. The processes of social exclusion and vulnerability do indeed seem to be concentrated in these areas. The poor housing conditions, the insufficient health care and the limited opportunities in the fields of education, employment and leisure time pursuits dry up the social network and constitute a fertile basis for petty crime, and also for more serious (and organized) forms of delinquency in these neighbourhoods.

Through a variety of initiatives, the authorities attempt to stop and turn back the downward spiral in which these neighbourhoods are caught. In this respect, the Federal Ministry of the Interior announced that it wanted to transform the Safety Contracts into Community Contracts, focused explicitly on the safety problems in these neighbourhoods (Geysegom, 1996). The Flemish Government made an effort in the welfare sector: they set up a Social Impulse Fund which should contribute considerably to city renovation and revitalization of problematic housing areas (Vlaamse Regering, 1996). It is perfectly clear that a lot of initiatives are launched from various preventive perspectives. Nevertheless, it is often said that these initiatives often fall flat because they lack a constructive judicial keystone (Van Limbergen, 1997). With growing astonishment and suspicion the citizen observes that the authorities fail to give a decisive response to the violation of norms in these neighbourhoods. This public feeling urged the Federal Minister of the Interior to introduce the proposal to establish Judicial Antennae.

Objectives of the project

Here too, the appeal of the proposal lies in the formulation of several objectives which are often linked to each other. Schematically we distinguish the following conclusions. By moving into the problematic neighbourhoods Lady Justice wants to make it clear that she is really present there and that violations of the norms will not remain unanswered. She wants to put on her armour and go into the thick of battle. Justice will not only be administered in

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4 It is obvious that these initiatives are also inspired by political motives, namely the wish to take the wind out of the sails of the extreme right wing parties which flourish in the fertile social soil of these neighbourhoods.

5 An unambiguous description of this proposal is hard to give because its realization is still being discussed. This has undoubtedly to do with the competence quarrels between the Ministries of the Interior and Justice. Nevertheless, we will try to describe some lines of force on the basis of the provisional policy statements (Ministerie van Binnenlandse Zaken, 1996) and the experiences abroad (Wyvekens, 1997; Boutellier, 1996; Eijgenberger, 1997).
the neighbourhood, but the sanctions will also be executed (if possible) in the
neighbourhood itself (Blad, 1996). This visual presence is expected to have a
preventive effect too, namely serving as a stronger deterrent for potential
delinquents.

Moreover, Justice wants to make its presence in the neighbourhood more
constructive. Thanks to this presence in the field, Justice can better relate to
the social relationships that cause the conflicts. This knowledge can be
integrated into the social reaction to the norm violation. In view of a primary
role for the victim, a restorative judicial reaction (community service and
mediation) is preferred (Walgrave, 1994; Wright, 1996). If such a visual and
constructive neighbourhood-oriented judicial action can be realized, the
preventive treatment of these problematic housing areas will gain in force. The
success of initiatives around urban renovation and revitalization of social
networks in a residential area remains very limited if there is no judicial action
as 'ultimum remedium' present. In neighbourhoods where there is no social
response to crimes and where the minimal safety conditions are not fulfilled,
the stimuli for social integration will not stand a chance.

The Judicial Antennae should also be a doorway to Justice, but then one with a
low threshold. The residents are more likely to ask for information and advice
in a judicial outpost in their own neighbourhood. This would, at the same
time, give them a better idea of how the justice system generally operates.

A striking part of the proposal is that the objectives are mainly focused on the
approach to 'less serious and frequent forms of delinquency'. In this matter it
is important to see that this new neighbourhood-oriented intervention can
reduce the pressure on the 'classic' judicial circuit. In the longer term, it is
said that the Judicial Antennae will be the embryos of a completely different
and more humane kind of justice (Boutellier, 1996). Starting from thechal-
lenge to respond to the actual and very urgent expectations of the 'citizen'
Lady Justice redirects and focuses her operations to particular residential areas
or neighbourhoods and uses 'alternative' but more constructive ways of
responding.

Realization of the project

In view of the temporary and conditional stage of this proposal, it is difficult to
describe the concrete realization of the proposal. As yet there are no experi-
ments going on and we have to wait for the policy texts which shall determine
the concrete shape and execution of these ideas. Still, we can already give the
following principles of the practical execution.

The Judicial Antennae will only be established in problematic and vulnerable
neighbourhoods. The Prosecutor's Office will take an important place in the
Judicial Antenna. It will be assigned a central role in the treatment of the 'less serious offences' (the lighter forms of vandalism and violence, petty theft). The magistrate will mainly use the conditional discharge: if the treatment which is co-ordinated in the Judicial Antenna, has a positive ending, he will dismiss the case. That being the case, there has been a constructive reaction without having to activate or burden the unwieldy, slow, anonymous and expensive classic penal system. Those initiatives can be brought together under the denominator 'diversion'. Should the case not be dismissed the file will be transferred to the (classic) court.

However the Prosecution Officer is not the only one to be accommodated in the outpost. In order to have a real impact on the neighbourhood, the various services which are working in the area should meet in the Judicial Antenna and tune in to each other's activities. In this sense, not only the probation-assistants, punishment mediators and supervisors of the community service will find an accommodation in the antenna post, but also street workers, urban renewers, community police-agencies and the juvenile department of the police, drug-addiction workers, juvenile workers and social workers of the special youth welfare service. It has not yet been elaborated how these forces will be combined.

Another goal of the Judicial Antennae is to incorporate the 'Law Shops'. In the Law Shops citizens can seek answers to their judicial wishes and questions. These initiatives link up with the objective of making justice more accessible and transparent.

Evaluation of the project

Our first impression is that this proposal on the realization of a more neighbourhood-oriented justice offers many promising perspectives. However, a closer and more critical view on the matter unveils also many risks which often coincide with the risks described in the House of Justice project (Goris, 1996).

In the first place, there is a lack of co-ordination between the Houses of Justice and the Judicial Antennae. It is remarkable to say the least that various services – be it from a totally different point of view – are asked to function in both the House of Justice and the Judicial Antenna (e.g. the judicial first aid is part of both projects). Consequently it seems to be impossible to implement both projects as described. It would be totally unjustified to have strong

Contrary to the Houses of Justice, this meeting and co-ordination function is not registered as an explicit goal, but rather as a means to realize the already listed objectives.
competition in order to accommodate as many services as possible: a further harmonization between the two Ministries is in order!
The Judicial Antennae will handle 'petty crime': the cases that often slipped through the net in the past. This kind of 'net-widening' is not necessarily problematic. It is better to respond in a constructive way than not to respond at all. However, this story sounds quite different when we see that the perpetrators of these petty crimes will only be prosecuted in the most vulnerable neighbourhoods. Certain (young) inhabitants would (justly) feel targeted and unfairly treated by the Justice if this were so.
Moreover, there is no guarantee that the Judicial Antennae will have any influence on the functioning of the classic penal system. The fact that in this proposal the Judicial Antennae are only considered competent to handle petty crime will result in a two-faced Justice. The more serious forms of delinquency, which represent an important part of the feeling of insecurity in these neighbourhoods, will not reach the Judicial outposts. They remain in the hands of the classic justice system. We may wonder if, in such a situation, the gap between the system and the citizen with his sense of law and order can be closed.
The fact that, in this proposal, Justice would only move down to the problem areas might result in a further isolation and exclusion of these neighbourhoods. The presence of a Judicial Antenna merely confirms to the residents the underlying feeling that they are living in a no-go area. In the functioning of the more fundamental prevention strategies (e.g. neighbourhood development) it will then become almost impossible to give these areas a positive and workable position in the totality of the urban system. But there is more. By the presence of the Judicial Antennae one risks dividing the residents of the neighbourhood into 'the good ones' and 'the bad ones' and thus contributing to a further polarization of this relationship (Crawford, 1997). In such a simplistic and one-sided vision even restorative legal sanctions might lead to a further exclusion of the most vulnerable population groups (Braithwaite, 1989). The neighbourhood may then be 'freed' from this group, but from a general social perspective, the intervention has only caused an increase of the problems.
Moreover, the proposal to establish Judicial Antennae suggests that criminality can be approached on the level of the neighbourhood. In this reasoning, the key to solving the problems of criminality and insecurity lies in the neighbourhood itself. Nevertheless, in reality, many forms of criminality originate from a context that exceeds the local level. Working exclusively in the problematic neighbourhood 'reinforces a parochial and localized understanding of the crime problems' (Crawford, 1995, p. 117).
The criticism levelled at the Houses of Justice already indicates that we should
consider very carefully the Judicial outpost's invitation to other neighbourhood-oriented (and often more welfare-oriented) partners to become part of its operations. Here too, there is a chance that the safety issue (that is, the neighbourhood as an entity to be defended) adopts a dominant position because Justice imposes its agenda on the partners who originally had different objectives and methods. Earlier experiences with similar forms of cooperation pointed out that such a situation is not imaginary (Meijlaers, 1993; Gilling, 1993; Crawford and Jones, 1995). Therefore it must be clear that the Judicial Antennae should be the keystone of a well-balanced and stable social policy, rather than being its driving force.

This confirms the inherent link between the judicial actions on the one hand and the activities of the welfare organizations on the other hand. In particular, the vulnerable residential areas described need a well-balanced relationship between these two perspectives. The mutual acknowledgement of the completely independent approach to the problem is absolutely crucial in this matter. An efficient response to a violation of the norm requires a completely different approach than that elaborating a constructive and motivating social network (Uit Beijerse and Van Swaaningen, 1993; Walgrave, 1995; 1995-1996). The treatment of a dried-up social network should not be approached as a problem of insecurity and criminality that can be controlled by a modernized neighbourhood-oriented Justice. It should rather be recognized as a problem in itself that is to be fought by means of the establishment of a good social policy, where the choice to work from within the neighbourhood can be relevant (Hebberecht, 1997). The question whether a neighbourhood-oriented Justice on the one hand and a number of neighbourhood-oriented welfare organizations on the other hand will be able to acknowledge each other's social mission and identity will decide whether they will stimulate or hamper each other's actions.

All this criticism makes it clear that the problematic residential areas are not necessarily helped with Lady Justice descending to the level of the neighbourhood. The right balance between Justice and other, more welfare-oriented, partners in the area might neutralize some of the enumerated risks. Even then, a more general reform of the justice system with (among other things) attention being paid to the response models on a restorative judicial basis would pay off. Taking into account the described points of attention, the House of Justice can be part of this.

Conclusion

In the social context of our time the relationship between justice and the citizen has become highly problematic. Community justice seems to function
as the 'ultimum remedium'. It seems logical that the 'gap' between justice and citizens can be bridged by bringing justice closer to the community. Nevertheless, we endeavoured to point out that this logic is flawed on at least two points. Firstly, the term 'community justice' is a term with strong symbolic overtones which can be interpreted in several ways. The description of both Houses of Justice and Judicial Antennae has made this differentiation clear. Moreover, it is crucial to focus on these differences to prevent the development of a chaotic judicial field. Secondly, the euphoria around both projects (as expressions of the 'community justice' tendency) has to be tempered. Community justice is not necessarily good justice. Justice closer to the community also implies forced intervention closer to the community. How to make such an intervention acceptable and accepted is far from evident. When considering the 'community justice' approach, the following remarks should at least be taken into account.

The chances to develop 'alternative' forms of conflict resolution have to be maximized. We are convinced that a good justice is a restorative justice. Community justice has to focus on those conditions which will bring about reform of the whole judicial system (and not only a functional or territorial part of it).

The working field of justice has to be defined very clearly. Justice agencies are often confronted with complex situations. Finding constructive solutions to these situations often entails developing several approaches. This does not mean that justice agencies have to do everything (that is, incorporate the welfare approach). On the contrary, they can only be a part of a good strategy for solving problems if they accept their own limits and the specificity of other partners.

In spite of some promising elements, the description of both Belgian projects has made it clear that the realization of these crucial elements is not guaranteed. Therefore, it's a challenge to continue along the path in pursuit of a justice that is close(r) to community.

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Progress in community policing

Alexis A. Aronowitz

The development of community-based policing

This article examines the development of community-based policing in the United States and the Netherlands. These two countries were selected because the United States has been the forerunner of research into the police and one of the first countries to attempt to introduce on a wide-scale, and conduct research into community policing. In the Netherlands, the Major Cities Policy, a governmental approach to addressing the cities’ problems provided an interesting basis for comparison. Policy or operational changes in the police organization are generally influenced by the political climate and or scientific research. Both of these factors played a major role in the US. This section begins with a brief historical view of the factors which brought about changes within American policing, ultimately resulting in a new concept of community policing. This is followed by developments which led to community policing or the concept of the ‘neighbourhood teams’ (wijkbureaus) in the Netherlands.

Development in the United States

The American police are ‘decentralised’ resulting in some 17,000 local and state agencies with ‘departments’ comprising fewer than five officers (Samaha, 1994) while New York City in 1992, for example, boasted a department with over 27,154 officers (Bureau of Justice Statistics, 1993, p. 47). This diversity has resulted in different policies, guidelines and operational procedures being employed and tested in various police departments. American policing, if one can talk about the police as a single entity, has, since its inception, undergone numerous reorganizations, both in terms of operating procedures as well as the philosophy guiding the departments. From the beginning of American policing in the late 1700s and through the mid-1880s,

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the police were organized locally and maintained allegiance to the local municipalities (Greene, 1993). As a branch of the government, it also had to be prevented from intruding too deeply into the affairs of the American public, thus the police role was to 'react' to public calls rather than to take any proactive role in the community. The police at this time were more likely to be seen as 'extensions of corrupt politicians' or criminals rather than as members of the community (Haller, 1976). Police corruption, it was thought, could best be solved by removing officers from the corrupting influences, the public. In the late 1800s and early 1900s the police became a bureaucracy organized along paramilitary lines. This was done to professionalise the forces as well as to shift allegiance to the organization and chain of command (and thus away from the corrupting influences of politicians and the public). This 'era of professionalism' introduced positive changes into the organization, setting standards and uniformity in police procedures and practices (Greene, 1993). Challenges to police legitimacy brought on by the turbulent 1960s (the Civil Rights Movement, anti-Vietnam protests, urban unrest), public mistrust and dissatisfaction, and hefty criticism forced the police to once again examine their relationship with the public and their operating procedures. What followed was a barrage of research pertaining to the police. Perhaps most disturbing (and at the same time enlightening) in the USA were studies in the 1970s indicating that police were ineffective in preventing (Kelling, 1974) and detectives were ineffective in solving crimes (Greenwood et al., 1977) and that rapid response to calls from the public had little effect on solving crimes (Kansas City, Missouri Police Department, 1977; Spelman and Brown, 1984). In other words, whatever the police had been doing up to that point had had very little effect on crime. 'Whereas the police of the past were simply corrupt, modern-day police, as known at that time, were also inefficient and ineffective' (Greene, 1993, p. 77).

A new concept in the form of team-policing was introduced in the 1970s. With an emphasis upon strengthening the relationship between the public and the police, this philosophy introduced decentralization to improve service delivery and permanent geographical assignment. Despite its tremendous potential for change and the ardour with which it was initially received, power struggles and jealousy within police departments prevented the idea from finding solid footing.

Foot patrol programmes were then introduced. These served to bring officers out of their cars and into closer contact with the public. They increased public

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2 The American constitution and political system, founded on the premise of protecting the citizen against an intrusive national government, is paralleled in the development of the police forces.
perception of safety and improved police-community relations. They also served as a predecessor to the current community-policing models.

**Development in the Netherlands**

The development of proactive, neighbourhood-based policing in the Netherlands followed similar patterns as in the United States. In the 1950s and 1960s emphasis was on law enforcement and crime fighting (emphasising preventive patrol in automobiles, rapid response to calls from the public and investigation after a crime was committed). The prominence of the crime-fighting model led to the expansion of the role of investigation in the 1960s and 1970s (Horn, 1993). The 1960s were also characterised as a turbulent time in the Netherlands. Riots, demonstrations, strikes and illegal squatters, and the manner in which the police responded to these incidents also called into question the legitimacy of the police (as well as the government). In addition to social unrest, crime rates began rising dramatically in the late 1960s as well (Kroes et al., 1994; Stichting Maatschappij en Politie, 1995).

In 1977 the Project Group Organizational Structures (Projectgroep Organisatiestructuren) – comprised of a group of young police officers – published a report ‘Police in Transition’ (Politie in verandering) in which they advocated that police services should be provided in small geographically decentralized units with a relatively large degree of independence. The police should be tasked with providing all police services in that area. Furthermore, the police should strive toward integration into and a good working relationship with the community (Horn, 1993). As a result of recommendations by this group, the neighbourhood team (wijkteam) model was introduced in some police forces in the Netherlands.

The concept of community policing, first seen in the form of a ‘wijk’ or neighbourhood agent, was introduced into the city of Haarlem, soon followed by Amsterdam and other cities (Horn, 1993; Van der Vijver, 1990). The neighbourhood police concept aimed at bringing more police officers on the street, establishing small police stations in the neighbourhood, and removing the strict separation between patrol officers and detectives (Horn and Koolhaas, 1990).

Until the beginning of the 1980s the Dutch government believed that fighting crime by taking a hard line approach was not only unnecessary, but it would further criminalize offenders (Cachet and Van der Torre, 1994). This approach was abandoned by the mid-1980s when the Commission Roethof recognised

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3 The Commission Roethof, named after its chairman, was a parliamentary commission appointed to formulate a new criminal policy to address the increase of ‘minor’ offences in the Netherlands.
that minor offences and disturbances were impacting negatively upon the quality of life in the neighbourhoods. The Commission Roethof called for more (and more forceful) police and criminal justice intervention.

The criminal political agenda called for a three-step approach to reduce and prevent crime (Cachet and Van der Torre, 1994, p. 302): 1 increase functional supervision by hiring watchmen, security guards and more personnel in stores; 2 reduce the opportunity to commit crime with an emphasis upon 'techno-prevention'; 3 take measures to strengthen the integration of youths into society. This resulted in a myriad of programmes and measures implemented by the police, justice agencies, municipal services and organizations of individuals all at the local level.

Changes in the police role in the Netherlands could be seen at this time as well. As in the US, the Dutch police shifted from a predominantly reactive force to a more responsive, localised organization. In the beginning of the 1990s the focus of the police forces was on organized crime. Specialized and predominantly centralized units (divisions) of detectives were further expanded and police forces lost interest in community policing. At the same time, the policy was that all police officers in local stations could handle all police activities, except the surveillance of organized crime groups.

Recently, community policing has once again become prevalent due to the fact that national and local politicians have demanded more police officers on the streets in order to reduce the public's feelings of insecurity in their neighbourhoods. The Dutch police, along with other municipal and justice agencies were given an impetus in the form of the Major Cities Policy (discussed later in this article). An integral approach is the new philosophy guiding the Dutch police in which the police work together with relevant partners in handling social problems in the local area. The Public Prosecution department has been (in some cities) or will soon be established in the neighbourhoods as well to enhance the integral approach (see Boutellier in this volume).

Some parallels between the United States and the Netherlands

The problems, and the necessity of finding another solution to the problems took a parallel course in both countries. Both countries were facing rising crime rates amid social unrest in the 1960s. In both countries the police authority was being challenged and the effectiveness questioned by the citizenry. Even the police organizations, based on empirical research, had begun to question the effectiveness of what they had previously done: respond

4 Techno-prevention emphasises technical instruments such as alarms, radios and video cameras to reduce or prevent crime.
(or 'react') to incoming calls and preventive patrol. This, coupled with the realization that the police could not be effective in preventing or solving crime without the input and support from the community, led the police in both countries to search for new means to approach the problem. A reorganization occurred in both countries emphasising a relatively autonomous, decentralized unit addressing the problems of a small and geographically stable area. This, coupled with the notion of the need for increased community contact, interaction and joint problem-solving came to be known as community policing. Despite many parallels between the two countries, there are stark differences. Community policing began as a philosophy and organizational movement within police departments in the United States. In contrast, the Major Cities Policy which encouraged, even demanded an integrated approach, i.e. the police, public, justice and municipal agencies working together to address the community's problems, was given an impetus from the municipal and central governments in the Netherlands. This policy will be described more in-depth later on.

Community policing and the changing role of the police

To fully appreciate the monumentality of this shift in philosophy and behaviour (from traditional to community policing) it is important to understand the elements in 'traditional' policing. Traditional policing, still employed in many jurisdictions throughout the United States, and to a lesser degree in the Netherlands, is characterised by a reactive force with an emphasis upon crime control and public order. For years, separated from the public by a police culture which viewed the public as 'them' as opposed to 'us' (the police), and plagued by problems surrounding race relations, police-community contact was held to a minimum. Patrolling was done in cars, which themselves created an automatic barrier between the police and the public (Wilson and Kelling, 1982).

Emphasis upon technology and crime control is easy to understand in light of increasing crime rates in the United States during that time. Cries were made for more police officers on the street. Emphasis was placed upon preventive patrol and rapid response time as means of reducing crime. Research in the US found, however, that increased (random) patrol had little effect upon the actual crime rate (Kelling, 1974) and that rapid response time to calls for assistance rarely resulted in arrest (Trojanowicz, 1988). Further-

5 This is often due to the fact that there is a time lapse between the committal of the crime and the point in time when the crime is discovered or that victims wait a substantial time before calling the police. Despite a rapid police response, the perpetrator is long gone.
more, research in the US conducted by the Bureau of Justice Statistics showed that less than 10 per cent of a patrol officer’s time is spent on crime related activities (Bureau of Justice Statistics, 1993).

Much of this holds true for the Netherlands as well. In the Netherlands few police officers were busy specifically with fighting crime (Stichting Maaatschappij en Politie, 1995). And Cachet and Van der Torre (1994) argue that more officers on the street does not necessarily lead to an increase in safety. This does not mean, however, that whatever the police do is useless in controlling crime.

A shift in philosophy

In 1969 a Stanford university psychologist, Zimbardo, conducted experiments with ‘abandoned’ cars in various neighbourhoods (in the Bronx, a lower class borough in New York City and in Palo Alto, California). With license plates removed and the hood up, the car was vandalised in the Bronx within 10 minutes of its abandonment. Within 24 hours the car had been stripped and afterwards randomly destroyed. In the relatively well kept neighbourhood in Palo Alto the car remained untouched for a week until Zimbardo took a sledgehammer to the car. Within a few hours the car had been totally destroyed (Wilson and Kelling, 1982). Wilson and Kelling refer to this as the ‘broken windows theory’. Once one window is broken it is simply a matter of time before more vandalism and destruction follow. They argue that ‘at the community level, disorder and crime are usually inextricably linked, in a kind of developmental sequence’ (1982, p. 281).

Once a breakdown in community ties is evidenced and a ‘no-one-cares’ attitude encroaches, vandalism will occur possibly preceding the perpetration of more serious crimes. Fear generated by disorder and incivility (panhandlers, drunks, drug addicts, gangs of youths hanging out on the street) are of as much, if not more importance in determining peoples’ perception of crime and insecurity. Wilson and Kelling argue that once neighbourhoods are touched by disorder (the panhandler, who represents the first broken window), non-serious offences followed by more serious crimes are likely to occur. Therefore, if we are to reduce or prevent crime, it is necessary to reduce disorder as well. Experiments were conducted with police foot patrol as a means of reducing crime.

Research on the Newark, New Jersey Foot Patrol programme showed that citizens fear crime as well as disorder. Results of the project indicated that crime rates did not go down but people felt safer in their neighbourhoods. What in essence happened is that foot patrol officers, through increased interaction with the public were more effective in restoring and maintaining
order which led citizens to believe that their city streets were safer. Perhaps then, the most effective approach to reducing disorder and preventing crime would be to increase police-community contact and address problems before they began or escalated (pro-active policing) rather than waiting for a call to respond in a patrol car (reactive policing).

Community and problem-oriented policing

Two somewhat overlapping philosophies have gained credibility in the United States. They are community policing and problem-oriented policing. While some see problem-oriented policing as an integral part of community policing (Bureau of Justice Assistance, 1994), others see it as a distinct philosophy and operational method (Gramckow and Jacoby, 1993). Much has been written about community policing in the United States. Despite the fact that since the early eighties the merits of community policing have been debated and argued and programmes have been experimented with and employed, there is still little consensus concerning what community policing really is, or exactly what a department must do if it wants to introduce the concept (Bureau of Justice Assistance, 1994).

Trojanowicz and Carter (1988, p. 10) provide the following definition: ‘Community policing, a philosophy and not a specific tactic, is a proactive, decentralised approach, designed to reduce crime, disorder, and by extension, fear of crime, by intensely involving the same officer in the same community on a long-term basis, so that residents will develop trust to cooperate with police by providing information and assistance to achieve those three crucial goals.’ One of the elements which differentiates community policing from other more traditional forms of policing is that the community is instrumental in determining (or helping to determine) police priorities. The Clark County Sheriff’s Office (1997) takes the definition one step further: ‘Community Policing is a philosophy, management style, and organisational strategy that promotes pro-active problem solving and police-community partnerships to address the causes of crime and fear as well as other community issues’. This definition adds the important element of police-community partnerships to address the problem, placing the burden of problem-identification and solving on the community as well as the police.

In essence then, despite differences in operational patterns, all community

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6 A by-product of the Foot Patrol program is that citizens had a more favourable opinion of the police than did citizens living in other areas and police officers in the Foot Patrol program reported greater job satisfaction, higher morale, and a more positive opinion of the citizens in their neighbourhoods than did officers patrolling in cars (Wilson and Kelling, 1982).

Policing programmes should incorporate the following two elements (Gramckow and Jacoby, 1993, p. 28; Bureau of Justice Assistance, 1994): community partnership and problem solving: they should establish strong links between police and communities to co-ordinate law enforcement with other services affecting the neighbourhood's quality of life (Community Partnership); and they should increase the ability of law enforcement to identify, analyze, and respond to community problems in systematic ways (Problem Solving).

The second philosophy, problem-oriented policing, first proposed by Goldstein (1979), relies less on community participation and more on the problem-solving abilities of the police. In this operational model, police identify persistent problems, the source of these problems and possible solutions. Problem solving is based on the assumption that 'crime and disorder can be reduced in small geographic areas by carefully studying the characteristics of problems in the area, and then applying the appropriate resources'. For problem solving to be most effective, however, the police must have an in-depth knowledge of the community. This almost automatically demands a close working relationship with the citizens to help identify problems. What does all this mean to the police officer? The change has required that officers move from patrol cars to foot patrol, bicycles or, as in some cities, in-line skates in order to be more accessible to the public. The officer must now think in broader terms: instead of only enforcing the legal code, the officer must evaluate a situation and seek a possible solution, in other words a shift from the notion of crime repression to crime prevention. In addition to an increased interaction with citizens in the community or neighbourhood the officer must serve as a regulating mechanism with the purpose of stimulating the public to solve their own problems. The individual police officer as well as the entire department must begin to reassess police performance which will require a shift from an incident-driven (solving a burglary) to a problem-solving approach (increasing feelings of security).

The use of informal justice

'Justice' is usually served when an appropriate sentence is handed down for a particular offence. This is done by the judge (the sentence in the Netherlands is requested by the Public Prosecutor). Justice may, however, be interpreted in a different way. Justice is also applied by police officers in handling particular incidents based upon the specifics of the case, those involved and circumstances surrounding the event.

Police officers can not arrest every law-violator for every transgression of the law (the criminal justice system is incapable of processing all offenders)
therefore the police exercise discretion in arresting or employing alternative measures. Even in Germany, where the principle of legality requires police officers to arrest in all criminal offences, Feltes (1993) found that German police exercise some form of 'informal discretionary power'. This practice, while more limited than in the United States, is also exercised by police officers in the Netherlands (Van der Vijver, 1997).

While the exercise of discretion has often been linked in the United States with police abuse of power directed at minorities, this does not have to be the case. Studies of discretion and decision-making among police show that 'even when the police are called, as often as not they decide to deal with crime through mechanisms other than the criminal law institution' (Ericson et al., 1993, p. 50). Even in the Netherlands the police often handle situations involving ongoing conflict (domestic disputes or those between neighbours) in which criminal offences may have occurred (assault) with measures other than arrest: advising, mediation, referral (Stichting Maatschappij en Politie, 1995). If alternative measures are applied in the best interest and to the satisfaction of the victim, suspect and the community, this can be interpreted as a means of applying justice.

According to Van der Vijver (1997), the work that patrol officers do is not influenced by policy-oriented principles; their work involves dealing with problems and the attempt to find solutions that are dependant upon the context of the situation. In order to 'solve' these problems and prevent further escalation (from a domestic argument to domestic violence – and hence a crime) the police officer must look for the most appropriate solution – and that is not always formal arrest. How then does the officer determine what is best under the circumstances for a given suspect, victim and community? An intimate knowledge of the community's mores, values, concerns, and problems will provide the officer with some indication of appropriate steps to take in a given situation. This intimate knowledge can be gained through the practice of community policing, foot patrol and increased community contact. Exercising informal justice requires, however, not just knowledge about the community's concerns, but also alternatives available in the community. Case in point: homeless drug addicts have begun harassing citizens and causing disturbances at night creating fear in the community. Citizens have complained to the police about the problem. The officer has a number of options. (S)he can either reprimand the addicts and ask them to move to another (non-residential) location, the addicts can be brought into the station and detained for disturbing the peace, or the officer may contact a drug rehabilitation centre and shelter seeking assistance for the persons concerned. The third option will have the most long-term effect and benefits both addicts and residents. It also, however, requires the co-operation of social welfare and health services which
depend greatly upon financial support from the municipal government. Problem solving in this sense cannot and will not be effective without the co-operative venture of municipal governments and other social welfare organizations. By the same token, children skipping school can either be dealt with harshly and punished, or alternative solutions (achieved with input from the children, their parents, the police and the schools) can be found. This searching for the most appropriate solution in a given situation is a form of justice. Problem-solving is limited only by imagination, creativity, and available options in the community. The police cannot be expected to provide all of the services but should function as 'knowledge brokers' in collaboration with other social institutions' (Ericson et al., 1993, p. 50). An important aspect of community policing is to stimulate the public to look for solutions to their problems without calling the police. An integrated co-operative approach with both criminal justice agencies (the prosecution department, the courts, parole, child welfare services) as well as social service agencies (departments of health, welfare, social services, public sanitation department) is necessary to ensure that problems will be addressed seeking the most appropriate solutions.

**Recent developments in the Netherlands**

The path towards 'community policing' or rather the concept of shared responsibility was given an impetus by the central government. The Second Chamber of Parliament in 1993 published the findings concerning the general picture of 'unsafe' conditions in the Netherlands in its Integral Safety Report (*Integrale Veiligheidsrapportage*; Tweede Kamer, 1992-1993, 23 096, nrs. 1-2). The central government recognised the necessity to improve security in the cities and address the problems of crime and the community's fear of crime and unsafe conditions. This resulted in the present central government, aided by the mayors of the four largest cities, formulating a policy, known as the Major Cities Policy (*Grote-Stedenbeleid*) and entering into a formal covenant with a number of cities in the Netherlands. What began in July 1995 with the four largest cities, Amsterdam, Rotterdam, the Hague and Utrecht, has now expanded to include more than 21 other cities. This plan aimed at providing an integrated, neighbourhood-based approach to social problems, both in terms of the co-operative relationship between central and municipal governments, as well as between judicial and social agencies, businesses, neighbour-

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8 A centrally-designed, widespread integrated approach was not unique in the Netherlands. The previous government had introduced a plan similar to the Major Cities Policy under the name 'Social Renewal' (Van der Wouden, 1995).
hood groups and individuals within the cities. Input from citizens is an integral part of the policy. Improving the cities requires addressing the problems of high unemployment, low salaries, poor social integration, low educational levels and high crime rates and feelings of insecurity.

To improve the quality of life in the cities a policy was developed encompassing five general areas: employment, education, care, the quality of life, and public security and safety. The covenant provides a number of intended results or goals for the cities in each of these five areas. Within the sector of public safety the four major areas of concentration are: youth, drugs, supervision and the police, and neighbourhood safety plans. Citizen responsibility is particularly evident in the neighbourhood plans (and the neighbourhood safety plans). Citizen involvement was encouraged from the initial stage, in identifying problem areas in their communities, through the operational stage. The police were instrumental in collaboration with citizens in the formulation of neighbourhood safety plans. The central government's role was limited to providing financial support and guidance to the cities. The actual problem-solving was to occur at the municipal, district and even neighbourhood level.

The philosophy behind the Major Cities Policy is that of integral safety. An integrated approach to tackling the cities' problems incorporated the concepts of joint partnerships between the local police, the Public Prosecution department, various government agencies and citizens groups and of attacking the problems from multiple angles resulting in the improvement of education and employment opportunities, the creation of jobs and the promotion of community involvement. The covenant, for instance, called for creating new jobs under the '40,000-jobs plan' for long-term unemployed and training them to function as city and public transportation watchmen which would reduce unemployment and create safer conditions in the city. This, in turn, would have an impact on the crime rate, which would influence peoples' perceptions of their safety, which would ultimately improve the quality of life in the cities.

A midterm review of the Major Cities Policy indicates that the cities are fulfilling their obligations and that numerous programmes have been developed and implemented. Justice organizations have become more involved in the community and representatives from agencies interviewed in almost all four cities reported an improved working relationship with other agencies and the municipal government. Numerous respondents reported the police task as having changed and improved, as a direct result of the Major Cities Policy. The police in all four cities are currently involved in expanding their approach from a repressive one to one more focused on pro-active intervention, preven-
tion, care and after-care. As a result of a more expanded role and a deeper involvement at the neighbourhood level, the police have developed a closer relationship with the public. In this new approach the role of the police has changed. The police are no longer solely responsible for safety in the neighbourhoods, but have become partners within a network of co-operating private and public organizations, to include the public. The police have had to adapt their responses and activities (crime fighting and maintaining public order) to other partners. Together they try to divert offenders from the criminal justice system and search for solutions to the problems. The police now use their discretionary power to administer various forms of informal justice: in a given situation the police may prohibit kids from entering certain areas, send them to social or welfare services, let them perform community service, impose a fine on them, and so on. The role of the judge has become less important in this new integral approach.

Consequences of community policing

While community policing is expected to have only positive consequences for the community, it will have both positive and negative consequences for the criminal justice system. This section examines the effect on these two institutions.

Consequences for the community

The consequences for the community are evident. Police services to the community should improve as citizens become more actively involved in identifying problems. In addition to an improved relationship with the police, citizens are supported and encouraged to look for solutions to their own problems. Rather than relying solely upon the police to solve their problems they begin seeing other agencies (public health, housing authorities, sanitation department) as possible providers of services and problem-solvers. Research in the United States indicates that residents report a reduction in the fear of crime and 'increased confidence and (a) sense of empowerment' (Gramckow and Jacoby, 1993, p. 31).

Consequences for the criminal justice system

Experience to date has shown mixed, but predominantly positive results in community policing. An initial increase in reported crimes occurs. As relationships improve and citizens become more confident in their police or in the fact that something can be done about their problems, they are more inclined
to call the police and report crimes that previously went unreported (the dark figure). To acquire a more reliable measure of the crime rate, victimization studies or inquiries of the public should be made. Despite an initial increase in reported crimes, some studies have shown that community policing has aided in reducing crime rates (Pate et al., 1986; Trojanowicz, 1982; Horlick et al., 1989), and in particular, targeted crimes have decreased.\textsuperscript{10}

Community policing has had a positive effect on the police officers involved who report more job satisfaction (Gramckow and Jacoby, 1993; Trojanowicz, 1988). Community policing is expected to have a great impact upon other criminal justice agencies as well as the local government. Police will exercise 'informal justice' in more situations and will mete out: warnings, citations, referrals to counselling or other agencies, fines, community service orders. If fewer cases are handled formally by the police and complaints are directed elsewhere, there should be a reduction of cases coming into the criminal justice system. This in turn should lighten the burden but at the same time change the nature and priority of cases filtered through to the public prosecutors office and the court system.

While little research has concentrated on the effect that community policing has had on other agencies (Gramckow and Jacoby, 1993), some logical developments can be expected. At the same time that the burden is decreasing for criminal justice agencies, other social service agencies will experience an increase in the number of calls and demand for services.

\textit{Impact upon the judiciary}

Gramckow and Jacoby (1993) report that prosecutors and judges are optimistic about and supportive of community-based policing programmes. It allows closer contact with the public for these agencies which would otherwise have extremely limited contact. This is evidenced in the Netherlands by the introduction of Justice in the Neighbourhood programmes (\textit{Justitie in de buurt}) which places public prosecutors in the neighbourhoods for the purpose of enhanced contact with the community and local police and provides the community with insight into the workings of these organizations (see Boutellier in this issue).

\textsuperscript{10} Gramckow and Jacoby (1993) report the results of a community policing program in Newport News, Virginia which targeted domestic violence with the help of judges, mental health experts, shelters for battered women, educators, ministers and newspaper editors. The police developed a variety of responses to avoid having to arrest the offender(s): referral to counselling, forcing offenders to undergo treatment to avoid jail and obtaining restraining orders. During the time the program was in operation, domestic murders declined considerably.
Conclusions

Police departments in both the Netherlands and the United States were forced to do some 'soul searching' in the 1960s and 1970s when faced with social unrest, criticism, rising crime rates and the recognition that current practices were ineffective in reducing crime. When the notion of crime prevention, rather than crime suppression began taking hold, the police were forced to shift from a reactive to a proactive force. This also required increased community contact and joint problem identification and solving. The concept of community policing began to gain in popularity.

Community policing, however, is not without problems and is certainly not a panacea to solving all of the community's ills. There are simply some forms of crime (for example white collar and environmental crime) which can not and will not be prevented by increased communication with and involvement in the community (Kerner, 1993). Thus, there is still a need for repressive and reactive policing and 'crime solving' by detectives. Community police officers can, however, be successful in early intervention to prevent further escalation of 'problems' which may lead to certain criminal offences (neighbourhood or domestic disturbances).

Assuming a police department is successful in introducing the changes and gaining the support of its officers, the problem then becomes, how does one motivate the community? The community is an abstract term which, when used in this sense, gives the impression that we are talking of a singular entity. In fact, most 'problem-ridden' communities are multi-cultural, multi-ethnic, racially mixed, and plagued with diverse problems (poor integration, high unemployment, low socio-economic status). Further complicating the problem is the fact that many minorities have, at best, a strained relationship with the police. How does one win the trust of a suspicious community – particularly when the police have traditionally had a reputation for mishandling certain segments of society.11 Despite its best efforts, community policing will fail without open lines of communication and support of the community the police are assigned to serve. The question then becomes, to what degree must the police attain community support or co-operation in order to guarantee success? Is increased communication sufficient or must the police actively involve residents of the community in specific projects? If so, how does one go about doing this? What may work successfully in one neighbourhood, may fail miserably in another.

11 At the time that this article was being written, police officers in a borough in New York City were involved in a vicious attack on a citizen of Haitian background. Three police officers in Amsterdam are under investigation for having manhandled a homeless man resulting in his death.
With increased community contact and guided by a 'problem solving' (rather than a crime fighting) philosophy, the police have been encouraged and given more leeway to deal informally with cases, in other words, to apply forms of informal justice. In so doing, the police are confronted with an ethical issue. The application of informal justice (or even formal arrest, for that matter) must be done for the benefit of those involved. Any decision to arrest or apply other measures (referral, counselling, etcetera) must not be made based upon the prejudices of individual officers. The most fair and effective approach to solving the problem or handling the situation must be the motivating factor behind the police use of informal justice.

The application of informal justice can be both advantageous as well as dangerous. On the one hand, it should reduce the number of cases entering the formal criminal justice system thereby reducing problems of overload for the prosecution department and the judiciary. If applied correctly, it should result in the most effective disposition, whereby all concerned, including the community, profit. The danger lies in the fact that informal justice is a powerful police tool, as such decisions and actions, remaining out of the formal criminal justice system, are not subject to judicial review. A professional police force armed with sufficient information and proper guidance from partners such as public prosecutors, health and social services and community participants should ensure the proper application of such informal justice decisions.

Is community policing the answer to most of our problems? While both practitioners and academicians in the United States are optimistic, the implementation of community policing has, in some instances, met with resistance on the part of the police. Those actually involved in community policing projects, however, report increased job satisfaction and improved community-police contacts. Citizens report increased feelings of safety in their cities. Some projects report a reduction in targeted crimes. In the Netherlands, projects introduced under the auspices of the Major Cities Policy are still too new to evaluate on their success or failure. It does appear that this policy has resulted in an increased neighbourhood involvement on the part of the police.

A powerful impetus in terms of financial resources and guidance from the central government as well as active participation by numerous municipal agencies and the citizens is expected to result in improvements in the safety and quality of life in Dutch cities. Whether or not this new integrated, community-police problem-solving approach is successful in reducing crime remains to be seen. If, however, the citizens report increased feelings of security and an improvement in the quality of their neighbourhoods and lives, then it may be said that success has been achieved in at least one area.
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Policing organized crime

A new direction

Frederik E. Jansen and Gerben J.N. Bruinsma

Until a few decades ago, the police were mainly a reactive bureaucratic organization that moved from one criminal event to the next, according to the degree to which the outside world required its services. Since then the police have abandoned the emphasis on law enforcement with regards to petty crime and public order. More recently the police have developed community policing as an important strategy in which preventive and pro-active operations are considered to be more useful and effective than exclusively enforcing criminal law after the offence has been committed (see Aronowitz, in this issue).

However, in their approach to organized crime and various types of organizational crime, the police continue to operate in the same way as they have done for years. Based on victims' reports or criminal intelligence, the police will conduct surveillance on a criminal group, establish a special police team within the department specialized in the crime concerned and will try to arrest the members (and preferably the leaders of the group), and ensure that enough evidence is available to result in a prosecution. This process requires thorough and time-consuming detective work.

Until recently the police viewed organized crime as Mafia-like families with strict discipline and a hierarchical structure, in which one or two leaders carry out specialized tasks using violence, as if it were a company or a governmental organization. To a certain degree that Godfather Myth is still alive in the police force. In short, police (and public prosecutors) considered organized crime to

1 Respectively Commissioner of Police and head of the Division Organized Crime of the Twente Police force and Professor of criminology and director of the International Police Institute (IPIT) at the University of Twente. PO Box 217, 7500 EA Enschede, The Netherlands. We would like to thank Alexis Aronowitz of the IPIT for her comments on an earlier draft of this paper and for her grammatical corrections, as well as the members of the editorial committee for their suggestions for improvements.
be a phenomenon that was isolated from society, to which they could only respond through enforcement of the criminal law. However, there is no empirical research supporting the effectiveness of this crime-fighting approach. Furthermore, over the years, some police forces have come to realize that this approach has proven to be unsuccessful. Indeed, a number of criminal groups have been disbanded and their members convicted every year, but the truth of the matter is that in most cases better organized groups have quickly replaced those which have been disbanded, and the process of criminal investigation must start all over again.

Some police forces in the Netherlands have sought new strategies to handle organized crime. They realize that innovations have mainly affected (information) technology and criminal investigation methods. External influences in this area of policing were rare. A possible explanation is that it was only the police who really understood organized crime, and information on the subject was kept a closely guarded secret, to which others were not privy. Outsiders were automatically excluded from these police sources (Marx, 1984). It became almost impossible for criminologists to conduct independent scientific research, which led to a lack of systematic empirical knowledge of this significant social phenomenon. This resulted in a lack of understanding of organized crime, the types of criminal groups, their methods and the social context in which these groups operate and develop their illegal activities. Most research studies written by criminologists on the subject have been fragmented and incomplete. However, in order to develop new pro-active and preventive strategies the police need reliable access, authoritative knowledge and an overall picture of organized crime, which will enable them to gain some insight in the societal context in which organized crime is embedded, the causes of its origins and growth. Until recently the police in our country have lacked this systematic insight.

Organized crime in the Netherlands

At the beginning of 1995 the Dutch Parliament initiated a Parliamentary Committee to inquire into undercover police methods. In order to assess the police methods used, the Committee was of the opinion that a scientific description of the organized crime situation in the Netherlands was necessary. The problem faced by the Parliamentary Committee was that the picture of the situation the police had presented over the previous years was biased and incomplete. This biased and incomplete picture was a consequence of the relative autonomy of the police forces and the fragmented, non-systematic and poorly structured way in which information was gathered. In order to get a reliable and valid view on the problem of organized crime,
the Parliamentary Committee invited four independent professors in criminology from four different universities, who came to be known as the Fijnaut group (Fijnaut, Bovenkerk, Bruinsma and Van de Bunt), to conduct a descriptive study on the nature and the extent of organized crime in the Netherlands (Fijnaut et al., 1996). The group of criminologists was also asked to develop a definition of organized crime and a method to conduct empirical research in this area.

In the criminological literature there was no example of research designs for such a large-scale empirical study as they had to conduct. There were, of course, criminological studies in the field of organized crime, but these were small-scale research projects which were unsuitable for an empirical study for a whole country.

For their study, the police forces submitted the empirical data in the form of all existing police files (more than 600 reports and all kinds of confidential information on persons, criminal groups and networks), as well as files from all other special police forces. The researchers also held interviews (approximately 400) with members from local and ethnic minority communities, experts and others in various legal sectors, labour unions, and so on. All the information was evaluated in the light of criminological and sociological knowledge of society, because crime in general and organized crime cannot be described or understood outside the societal context.

Organized crime has been an issue of debate among criminologists for years. In the Netherlands criminologists and practitioners have faced the same problem: that of achieving a single, 'workable' and operational definition of organized crime. Some define organized crime as a form of crime which is organized as a regular family-based business organization which closely resembles the Italian Mafia as depicted in the movie The Godfather. Others are of the opinion that every group activity in crime in which some form of cooperation is involved, is organized crime. Both views have been challenged by this empirical study.

The Fijnaut group defined organized crime as 'a group or network of people which is primarily focused on illegally obtained profits, and in a systematic way commit serious crimes with great societal consequences. These groups or networks are capable of effectively covering up their crimes, in particular by using violence or means of corruption' (Fijnaut et al., 1996, pp. 24-25). From an analytical point of view they distinguished organized crime from professional crime, corporate crime, terrorism and white-collar crime. Based on this definition organized crime currently comprises two essential kinds of criminal activities: on the one hand the supply of illicit goods and services and on the other hand the infiltration of legitimate business (construction industry, harbours, toxic waste industry, transportation, banking). The illegal markets in
the Netherlands are mainly concerned with the trading and selling of drugs: heroin; cocaine; marijuana and hashish; XTC; and of other illegal goods and illegal services: ranging from arms smuggling, stolen cars, to illegal immigrants from all over the world (especially prostitutes). Further illegal activities include the production and trade in pornography, illegal gambling, loan sharking, money laundering; and international frauds, including EU-fraud.

No systematic criminal infiltration of or racketeering in any particular sector in the Netherlands was found in the available data. Control by criminals of the ports, construction industry, trade unions, as in (parts of) the USA, Japan or Italy is not empirically demonstrated here. However, on a small scale, some segments of the Dutch society have been infiltrated by criminal groups. In certain areas in larger cities the catering and restaurant industry is slowly coming under their control, and a small number of trucking companies have been taken over by criminal groups to facilitate their drug smuggling activities. Furthermore, a small but significant number of dishonest lawyers has been corrupted by criminal groups. These lawyers are helping criminal groups to cover up crimes and to transfer 'criminal' money into the legal economy in the Netherlands or elsewhere in the world.

There is no such thing as the organized crime in the Netherlands. The empirical research indicates that there is a differential picture of organized crime in the Netherlands. The groups vary from loosely structured networks to tightly organized, solid families operating within the Dutch societal context. In addition to Dutch criminal networks, ethnic and international criminal groups are operating here: Surinam criminal groups, Turkish and Moroccan families, Russian criminal groups, Yugoslavian gangs, Chinese triads, Italian Mafia families, and Nigerian and Ghanese networks. By using or implicating their own personal friends and acquaintances, organized crime groups are involving several ethnic communities in our cities. In particular, the Turkish, Moroccan and Surinam communities in the Netherlands are partially dependant on the drugs economy. Geographically there is a great variation in groups and activities. The smuggling and distribution of drugs are the main illegal activities of the majority of the criminal groups. There is a fine-meshed distribution structure all over the Netherlands for the supply of heroin, cocaine, hash, marijuana and synthetic drugs. Even in very small villages, drugs can be bought from petty dealers or in so-called coffee shops. Most of the drug trafficking activities involve drugs in transit to other countries in Europe or to the United States. The Netherlands is functioning as a market-place, one of the many market places in the world.

Within the allotted time frame, the four researchers not only endeavoured to obtain a picture of the situation on a national scale, but also conducted four local studies that were to enhance national policy in this respect. One of these
studies, in the city of Enschede (the largest city in the Twente region; 147,000 inhabitants), the picture of organized crime is also essentially determined by drug trafficking (Bruinsma and Van de Bunt, 1996). The quantity and the quality of the organized crime groups, however, differ from those operating in the western part of the Netherlands (especially Amsterdam). Criminal groups (especially Turkish) focus on heroin and cocaine trafficking, but do not dominate the trade. The criminal market is relatively open, which means that newcomers are not excluded and that there is no struggle for hegemony in the drugs market. There are very few physical confrontations between groups. The criminal groups are relatively loosely structured and are organized around a few main figures who have built a personal network around themselves. If necessary, others are involved to do odd jobs. The personal networks are predominantly based on family and ethnic relations. As a consequence of the open structure of the drugs market, a relatively large part of the ethnic communities is somehow involved in hard drug trafficking. Migrants are also involved in the trafficking of women and local prostitution.

Some policy implications

The empirical research on organized crime in our country makes clear that organized crime is the result of a complex process (especially in the field of drug trafficking). Reuter's (1986, p. 174) statement that 'criminals do not inhabit a social and physical world that is different from the rest of society. They walk the same streets, dine in the same restaurants, and send their children to the same schools' was confirmed by the Fijnaut group. The findings have policy implications for the police and the government on a national and a local level. To mention a few:

- there is no systematic infiltration of or racketeering in legal sectors;
- there is hardly any corruption of policemen, public prosecutors, judges, mayors, civil servants or representatives of industries and of labour unions (only in incidental cases were there some indications of corruption);
- organized crime groups operate internationally (with the aid of new communication technologies) in buying and selling illegal goods like drugs, but they have their bases in the local community where they are dwelling;
- because of a lack of interest and because of the way police forces are organized, local criminals have every opportunity to grow into organized crime groups;
- once an organized crime group has settled in an area or neighbourhood, it is very difficult, if not impossible to get them out of it;
- organized crime groups act as a role model for youngsters in a marginal economic and social position;
organized crime groups make use of the social and economic (infra)structure of the city to deal in all kinds of drugs and to launder their criminal money by buying on a small scale real estate or bars, cafeterias and restaurants in the centre of the cities and by the exploitation of so-called 'coffee shops'; they also make use of shops, (import and export) firms, and all kinds of private companies to cover up their illegal activities;

- the local market for hard drugs is small because of the relatively low number of drug addicts in the region; however the local market for soft drugs (marijuana, hashish) is larger because of the greater number of local users of all ages, but especially youngsters;

- ethnic organized crime groups make use of the marginal position of the local ethnic communities by paying people to become involved in all kinds of minor illegal activities of these groups.

The underlying assumptions of policing organized crime

The newly acquired empirical knowledge of organized crime at the national and local level presented new opportunities to develop unique strategies for policing. The study showed that organized crime is a complex social phenomenon that develops within a dynamic social context, manifests itself in different ways and that has embedded itself in society through symbiotic relations. Therefore, it cannot solely be combated by means of measures stemming from criminal law. Criminal law is, as an ultimum remedium, the last link in a chain of possibilities, which can be used to fight organized crime. Fighting organized crime can only be effective if other instruments are brought into play, and this requires an understanding and knowledge of the development and operation of organized crime within a society, and also knowing possible ways to counteract it, or even knowing how to prevent criminal groups from carrying out their illegal activities.

Until recently, the police were used to conducting surveillance on criminal organizations by setting up special teams. These teams were then instructed to ultimately produce an official report that provided sufficient criminal evidence to convince the judge that it was indeed a criminal organization. This repression by head hunting is, of course, useful but hardly be classed as effective police work. Up till now 'there is no evidence that these successful prosecutions have in any way negatively impacted or altered the activities of organized entrepreneurial groups in illicit markets' (Potter, 1994, p. 182).

Potter demonstrates that organized crime adapts a contingency strategy to its environment as a response to more repression. 'The reason that no impact on organized crime can be demonstrated as a result of the head hunting approach is that the model underlying that approach is wrong. Organized crime groups
learned long ago that to be successful in a threatening legal environment they must be prepared to adapt their structures and practices. The irony of the situation is that the more successful federal prosecutors become in incarcerating organized crime leaders, the more the industry responds by decentralizing and maintaining temporary and ephemeral working relationships. Because the head hunting approach never disables more than a small proportion of the total number of organized crime entrepreneurs at a given time, it actually strengthens and rewards some organized crime groups by weeding out their inefficient competitors’ (Potter, 1994, p. 180).

However, a great number of the authors in the field of organized crime (e.g. Goldstock, 1991; Dombrink and Huey-Long Song, 1994) acclaims the intensification of the repressive approach: more and better co-operation between investigation agencies, a war against corruption, more infiltration, more wire-tapping, electronic surveillance, witness protection, more pro-active techniques in the investigations. However, all these strategies are based on the organized crime situation in (parts of) the United States or countries like Italy, Colombia or Japan. In the Netherlands, especially the eastern part of the Netherlands, the situation is as demonstrated before, less serious: there is hardly any infiltration in the legal sectors of society, there is very little evidence of corruption in the police and in local and national government and private organizations are not yet infected by organized crime. This situation has provided the opportunity to develop new strategies in fighting organized crime, in which the police play an important role, but: ‘it cannot do the whole job by itself. It is essential that other sectors, especially other agencies of government, become strongly involved in the hard work of social control. They cannot be allowed to turn a blind eye toward organized crime racketeering or to dismiss organized crime as ‘a law enforcement problem’ (Jacobs, 1991, p. 132). With this knowledge in mind, the question arises whether or not to implement the strategy of community policing in the field of organized crime. Community policing in the main city of Enschede was more or less effective in controlling traditional crimes like robberies, burglaries, violence and petty drug dealing (Kroes and Scholtens, 1996).

Policing organized crime in Twente

The uncertainty of the effectiveness of this approach was a sufficient reason for the Twente regional police force. This region is situated close to the German border in the eastern part of the Netherlands and occupies 1,437 km2. In the region live 587,987 inhabitants in three big cities (Enschede, Hengelo and Almelo) and the surrounding rural area. The police force has about 1,430
employees, policemen and policewomen, as well as civilians. The police force is organized in four districts with 21 local police-departments. In those local departments community policing is has been practised for some time. In a special organized crime branch of the police more than 140 detectives, analysts and civilians are active in developing a 'supplementary' working method. This new method is supplementary because the usual repressive procedure continues to be necessary. The supplementary strategy was to be of a preventive or pro-active nature. In order to fight organized crime, a pro-active approach necessitates co-operation with external partners. The police have knowledge and experience regarding organized crime, but potential partners (such as public authorities, the department of Public Prosecution, trade unions, local communities, legal sectors, industrial organizations or management of large companies) have the power to take the necessary preventive or obstructive measures. By ensuring that every partner co-operates, utilizing its own area of expertise, barriers can be built against organized crime. To that effect, these partners must be informed about the possible threats from criminal groups.

A novelty in the approach of the Twente police is that it focuses on two mutually complementary strategies: traditional investigation, based on criminal law, of illegal activities of criminal groups in which modern methods are used; and developing measures, together with public and private partners, to hinder criminal groups in their efforts to expand their illegal activities and thus from presenting a threat to democratic and economic liberties in this (part of the) country. Implementing such measures implies that knowledge or expertise of the partners be compiled and shared. The police, obviously, have the necessary know-how, but have been using it ineffectively and have prevented others from benefiting from it.

The organization of the criminal investigation process

The Twente police force has decided to take a more organized and structured approach to fighting organized crime, and has determined that police work shall not be led so much by unexpected events, when the seriousness of the offence and the required police effort cannot be predicted. A five-step model has been developed to that effect, in which particular partners and police officers play a specific role. This model consists of the following stages (see Figure 1).
Scanning the regional environment
The stage involving scanning the environment is intended to establish a complete picture of crime in the Twente region. It points out which factors in the region increase the potential for organized crime, such as the geographic location near the border or the demographic and economic situation and the infrastructure of private businesses and public authorities. This picture is used to inform the authorities and the relevant partners of the police and to identify potentially worrisome situations and to determine which businesses or organizations are being threatened by criminal groups. It also identifies what priorities in the integral approach are to be set and what factors the participants in community policing can influence to prevent organized crime growing in their regional environment. This scan of organized crime is undertaken in co-operation with the International Police Institute Twente of the University of Twente (co-ordinated by the co-author of this article). To that effect, police sources, criminological knowledge and all kinds of other information from society are integrated. In due course, the police force itself will carry out the reconnaissance periodically in order to have an actual picture of the crime situation in the area.
**Informative stage**

Once the priorities are set by the authorities, the informative stage focuses on a number of selected neighbourhoods, businesses or organizations and the potential for and signs of organized crime in these neighbourhoods and businesses. This more specific picture is used to provide partners with information and advice concerning prevention. It also serves to determine which preliminary criminal inquiries are to be started against possible criminal organizations. In this stage the police and the public prosecutor will inform the relevant partners about the general factors conducive to organized crime. For the public office, for instance, it is relevant to know what activities and what parts of its organization are sensitive to corruption or infiltration by criminal groups. The catering and restaurant industry must be informed about protection rackets by criminal groups and the risks of being susceptible to financial offers by unknown financiers.

**Tactical preliminary inquiries**

In the tactical preliminary inquiry stage the detectives of the Organized Crime Division focus on the activities of a specific group of criminal offenders. The knowledge generated in this stage is used in the subsequent stage to establish the goals and tactics of the inquiry. It also serves to determine, more specifically, which measures can be taken to prevent certain types of crime committed by particular criminal groups. In this stage relevant information from the tactical investigation stage of the police is shared with specific organizations or companies. The sharing of sensitive criminal information with relevant partners is one of the fundamental problems in an integral approach, and it is for this reason that the legislator has not yet regulated this kind of information transfer. In more factual police advice there are, of course, many pitfalls. Which information can the police share with others? Only offences proven by the judge or also confidential criminal intelligence? The 'Act on police registers' and the Netherlands' privacy legislation introduce many limitations in this respect. Information that is not related to individuals or companies is easier to transfer.

**Tactical investigation**

The stage of the tactical investigation (the project) focuses on the criminal investigation of a criminal organization, including seizing the capital acquired. This stage concentrates on the modus operandi of the criminal group and should lead to the arrest of suspects. Furthermore, it also provides a wealth of information regarding what measures can be taken in the future and serves to inform the partners as to how criminal groups operate and what options are available for counteracting their operations.
Due to the nature of their work, the police have considerable knowledge unrelated to criminal law, know-how that could be used more efficiently. This knowledge is acquired by gathering substantial information on the activities and people targeted in investigations. Imagine that a Chinese person were to be found dead. A team of detectives would start working on the case. Through interrogations and investigations into the victim's background, his lifestyle, working habits, communications, method of doing business and his personal relations within his own circle of Chinese acquaintances, the team will acquire a great deal of factual information. Much of this information is obtained from understanding Chinese customs and traditions (with all the regional differences), the manner of formal and informal communication and the activities that take place within the closed Chinese community as well as those who become their victims, etc. If the criminal investigation is successful, the information will ultimately result in the case being solved, and possibly in the conviction of the suspect(s). Following disbandment of the team of detectives, the organization at large, but not the individual detectives, will lose the information that does not directly serve as criminal evidence. Abundant knowledge and opportunities are thus lost, resulting in the inability to solve a similar criminal case in the future. But more importantly, the knowledge could contribute towards future preventive measures.

**Assessment**

The assessment stage generates information on the development of the criminal procedure, the results and the role the various partners have played in the process. The assessment stage is indispensable if the approach is to be continually improved (Geerdink, 1997). Together with the public and private partners the police evaluate the contribution each have made during the previous period and what has to be improved in the future.

The five-stage model described above also represents a process of sharing information. Both police and other organizations gather external and internal information. The extent of the role of the police will depend on the stage the process is in. This entire process of gathering, processing and supplying information is not only of strategic importance to the police, but just as valuable for their partners.

Preventive and pro-active work thus require a great deal of co-operation with external partners. The police act as consultants, explaining which measures the partners should take. On the other hand, these partners will have accumulated information and experience through their own line of work which could benefit the Division Organized Crime. Four kinds of activities were developed in order to implement the new strategy:
– the police give advice to and co-operate with the partners, together developing and implementing policy instruments in the region;
– the entire police force is involved in improving the gathering of information resulting in less dependence on the small Criminal Intelligence department – community policing is therefore implemented quite consciously in fighting organized crime;
– the organization has been equipped with an information desk that provides all police officers with relevant information 24 hours a day (even sensitive/confidential information);
– the criminal investigation into organized crime will be less reactive, and more of an organized and structured management plan based on reliable and valid knowledge of the police's social environment: the regional picture of organized crime.

Preliminary findings

The implementation of the new policing strategy started in the middle of 1996, a few months after the Fijnaut group reported its criminological research on the extent and nature of organized crime in the Netherlands. This short period precludes any far-reaching conclusions about the effectiveness of this method of policing organized crime in the Twente area. However, some preliminary findings can be reported.

Since the middle of 1996, some Division staff members have been given the task of keeping in touch with and advising external partners. These officials are expected to influence the environment through mobilizing partners with regard to reducing the opportunities for organized crime activities. They inform public authorities on corruption and together with public authorities, they analyze areas where public officials are prone to corruption (e.g. granting licences). Other police officers of the Division have, together with industrial organizations, been describing and analysing areas in specific sectors, such as the hotel and restaurant industry or the construction industry, that could be sensitive to infiltration. For example, how susceptible is the regional hotel and restaurant industry or the real estate industry to acting as a cover-up for criminal groups that are dealing in drugs? The same policemen provide information, based on experience, on signs of illegal activities in a specific line of business. For instance, they inform partners on how to recognize a suspicious offer concerning investment in real estate. Furthermore, a so-called regional platform was set up in which several partners work together in studying and discussing integral policy instruments, addressing problems surrounding organized crime groups.

In addition to the business-related contacts which facilitate a better under-
standing of potential low thresholds for the development of crime, it is extremely important that use be made of the organization's potential sources of information. One of the outcomes of the criminological study of the Fijnaut group is that while members of criminal groups do indeed operate internationally, they continue to live in their own neighbourhood, near their relatives and friends. They also develop criminal activities in the environment in which they live. Police officers work in these neighbourhoods every day and besides criminal offences, also notice other things that could be relevant to broadening our understanding of organized crime. The fact that, despite few customers, small businesses grow very quickly, or that visitors keep coming and going from certain buildings, must attract attention. Moreover, police officers will obtain information from the people who live in those neighbourhoods and from the public at large regarding the dealings in these businesses (hotel and restaurant business, tailor shops, building companies). The police constables are therefore taught to look at their work not only from a reactive, criminal law related point of view, but to start taking a pro-active approach.

A satisfactory organization of police information is an important prerequisite for actually converting know-how into results to enhance safety and the quality of life in society, and to address and reduce the most serious of crimes in a broad sense. That is why the Twente police force has established an information desk that assists all police officers in Twente (approximately 2400 'eyes and ears') 24 hours a day. All operational information, even sensitive 'criminal intelligence' is available. The 'desk research' carried out 24 hours a day, enables the police to establish links with information required or gathered in the neighbourhoods. The staff of the information desk has all the information at hand, as well as information on organized crime. In this manner, we endeavour to benefit more from knowledge and information present in basic police work.

Conclusions

Recent criminological research in the Netherlands underscores the fact that organized crime is embedded in society and the overall picture makes it clear that police emphasis on a crime fighting model of the police, based solely on criminal law will not be entirely effective. Therefore, the Twente police force developed a new strategy of policing organized crime in their region. This strategy is based on criminological knowledge and on the approach of community policing: preventive, pro-active and integrated actions taken by various partners of the police in order to reduce illegal activities of organized crime groups. This strategy, however, can only succeed when two conditions are satisfied. First, this approach can only function in an open democratic society
in which numerous public and private organizations and the public feel responsible for the emergence of organized crime in their environment. Secondly, the police force and their partners must be (relatively) free of corruption. This implies that this strategy can only be effective in societies in which organized crime has not deeply penetrated democratic institutions and business organizations.

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Restorative justice in practice in Great Britain and Ireland

Norman Tutt

The concept of restorative justice has developed substantially over the past decade. Thus community service established in the 1970s-1980s was originally seen as a penal sanction by which the offender worked as an alternative to prison (Harding, 1978). Since then developments in mediation and reparation have reinterpreted these sanctions to be seen as the offender taking (enforced) action to re-establish the relationship, broken by the committal of the offence, with the victim, or the community (Wright, 1991). However, restorative justice is not solely or even primarily seen as concerning the offender. It was realized that in traditional justice systems the victim was not allowed to have a role, often not even being informed of the progress of any trial or its outcome. This lack of involvement resulted in victims being at best bewildered, at worst living in fear. The development of Victim Support, whilst initially victim-focused soon recognized the need to address the context in which the victim was victimized and part of that context was the offender. Mediation schemes reported substantial reduction in fear and anxiety amongst victims who were able to confront their offender and thereby confront their own fears.

In the 1990s a number of researchers and academics internationally began to examine and describe some of the new community developments in Criminal Justice. Some of the most significant contributions were from Braithwaite (1989) and Braithwaite and Mugford (1994) in which a process of reintegration of juvenile offenders back into the families and communities was being achieved by the adoption and adaptation into the youth justice system of traditional methods used by the indigenous population. Braithwaite described 'family conferences' in New Zealand and Australia in which 'shaming' and 'reintegration' of the offender were key components.

1 Executive Director Social Information Systems Ltd., 19 King Street, Knutsford, Cheshire WA 16 6DW, United Kingdom.
In the same year Schluter (1994) introduced the concept of relational justice building on Braithwaite's work. Schluter argued that crime and the fear of crime was indicative of the breakdown of a range of relationships between individuals and communities which were essential to a stable society. Failure of the criminal justice system to rebuild these relationships contributed to further breakdown and a spiral of decline. Schluter states: 'It is the relationship that we experience in both public and private life which replenish social resources of commitment and constraint and make us willing to fulfil our obligations. Where relationships within a society or community are becoming less 'close', one would expect a weakened sense of duty towards other people. The relational thesis is that a break-up of relational bonding in society has weakened our sense of duty, or obligation.'

These academic contributions were significant in expanding the debate about the role and function of a criminal justice system but provided a range of views which became increasingly confusing to policymakers and practitioners, thus: 'While there are elements that are quite distinctive about both the theory and practice of reintegrative shaming, there is also a great deal in common with the theory and practice of 'making amends' (Wright, 1982); restorative justice (Cragg, 1992, Zehr, 1990); reconciliation (Dignan, 1992, Marshall, 1985); peace making (Pepinsky and Quinney, 1981); redress (De Haan, 1990) and feminist abolitionism (Meima, 1990)' (Braithwaite and Mugford, 1994).

In an attempt to identify and make sense of the ingredients in this heady cocktail Walgrave identified the key principles of restorative justice (Walgrave, 1995). Walgrave begins by identifying three models of judicial response to delinquency and the key elements or foci for each response and in doing so indicates restorative justice is different from previous approaches (see Table 1).

As Walgrave makes clear 'At present, experiments in restorative orientation must take place within a retributive or rehabilitative justice system: this makes it hard to preserve the integrity of it legal concepts and statuses'. Limitations on

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<td>Criteria evaluated</td>
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<td>Societal context</td>
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restorative justice by the context are: 'The seriousness of the offence – is very often treated as making the decisive difference. The motives of the parties – a finding that either the offender, or the victim, or both, are unwilling to co-operate in a mediation programme should be enough to lead to the abandonment of the idea. Security – may mean that mediation or non-custodial (even supervised) community service entails too great a risk of serious recidivism.' (Walgrave, 1995).

**Definition of restorative justice**

Given the wide range of practices which had been labelled restorative justice it was essential to develop a definition which could enable quantitative and qualitative data to be collected. Restorative justice is a dynamic attempt at reconciliation.

Restorative Justice is a response to a crime which invites and enables victims, offenders and the community to repair some of the injuries resulting from crime. Restorative Justice can be defined as a set of processes which can take place within or outside of the formal criminal justice system which aim to make the victim central to the process of resolving the crime committed against them. The victim may be an individual, group of individuals or a community since crime is perceived as having both individual and social dimensions of responsibility. The offenders are expected to accept accountability by assuming responsibility for their behaviour and taking subsequent action to repair harm done to the victim, directly or indirectly.

The focus of restorative justice is on problem solving, on liabilities and obligation and on the future – planning what should be done to ameliorate some of the harm suffered. The emphasis throughout the process is on creating an environment in which voluntary dialogue may take place between the victim, offender and a third party (mediator/arbitrator). Restitution may be used as a means of restoring both parties' (victim and offender) goal of reconciliation and restoration. Restoration in this context means return to the previous (enjoyed) undisturbed state of both the victim and offender.

**Practice methods**

Restorative justice programmes have evolved in a range of practice methods, which include:
- Mediation: 'guided/structured communication' between the victim and offender implemented before, during or after (court) judgement.
- Reparation: in which the offender 'makes good' the damage created by his offence before, during or after (court) judgement. Reparation may be either
direct – in which case the offender repairs the damage he or she personally caused, e.g. an act of vandalism in a park may be repaired by the actual offender under supervision; or it may be indirect – in which the offender repairs damage created by others e.g. an offender charged with criminal damage may clean graffiti on a park wall although there is no allegation or evidence that the offender was responsible for the specific graffiti.

- Compensation: in which the offender redresses the loss created by his offence before, during or after (court) judgement.
- Community service: tasks undertaken and completed for the benefit of individuals or social institutions, as compensation for a crime may or may not be against the above individual or social institution. Community service can be undertaken informally or under a formal order of the court.
- Victim awareness education: in which offenders are confronted with the pain, loss and suffering caused directly or indirectly by their offending behaviour.
- Shaming and reintegration: in which the offenders are confronted by the 'shame' associated pain and suffering caused to their 'supporters'; family, significant others, by having their victims outline their suffering in the presence of the offenders and their 'supporters'.

Current practice

This section of the report examines the responses gained from a postal survey of probation services. A questionnaire for a postal survey was developed and submitted to the Association of Chief Probation Officers for consideration by the research sub-committee. The Association agreed to support the survey accordingly all Probation Services in England, Wales, Northern Ireland and the Republic of Ireland and all Departments of Social Work in Scotland were circulated with the questionnaire and a covering letter which attempted to define and describe Restorative Justice and thereby hopefully ensure that responses to the questionnaire were provided on the same basis of definitions of concepts.

In all 69 services received questionnaires, of this number 53 responded (76.8%). However of the 53 responses one merely stated that no resources were available to complete the questionnaire. Thus the results are based on the 52 responses. The questionnaire was constructed to examine work being undertaken at the following stages of the Criminal justice process: pre-court programmes (court diversion, bail arrangements, remands in custody, pre-sentence reports); sentenced-based programmes (probation orders, community service orders, prison sentence practice); victim services; offender family service; post release services; additional comments.
Pre-court programmes

Has your Probation Service any programmes or know of any agreed with the local police service in which an adult offender may receive a caution on the condition that they undertake certain activities supervised by the probation service or through independent agencies? The responses on court diversion were extremely interesting since they immediately highlighted the structural differences of the criminal justice systems within the national jurisdictions. Thus the Republic of Ireland has a written constitution which guarantees certain rights and processes to any individual faced by criminal charges. These rights and processes have been developed long before any discussion of Restorative justice and may therefore not be compatible with such a concept.

‘In this jurisdiction (Republic of Ireland) adult offenders may be informally processed. If the latter, the probation service will assist and advise the court, and help in referring requests to social services etcetera, before the adjudication as to guilt or innocence, but for constitutional and other reasons, probation may be involved by courts in offender management only after a finding of guilt – that the individuals have offenses recorded against them which call for an appropriate response. Hence pre-sentence reports refer to offenses and criminal history, matters that could not be put before the court prior to a finding of guilt.’ Thus the written constitution of the Republic of Ireland makes it statutorily impossible for the probation service to offer programmes as a means of diversion from court.

Similarly in Scotland, the criminal justice legislation and process impact on the potential for the Probation Services to be involved in pre-court diversion. Thus: ‘In Scotland, Police have no power of caution. In many social work departments, diversion from prosecution schemes operate whereby alleged offenders undertake activities supervised by or through the social work department, perhaps involving for example an addiction or other specialist or medical agency. In such cases the procurator fiscal (prosecutor) may in effect issue a caution (letter of warning) at the start of the activity being undertaken by the offender (no action if things then go wrong) or defer decision on prosecution for three months to determine the response to the activity.’

In Scotland, therefore, the procurator fiscal can either issue a letter of warning with no subsequent possibility of prosecution or suspend prosecution pending the offenders response to involvement in activities.

In England and Wales where pre-court diversion has been dependent upon the use of the caution by the police service, there is unsurprisingly much less formal policy than developments in custom and practice. A police caution whilst widely operated with young offenders has no statutory basis and despite Home Office
guidance shows wide variations in its use by different forces. These variations have in turn led to variations in initiatives and responses from the probation services working alongside the police services.

For pre-court diversion schemes it can be concluded that whilst a wide range of schemes exists and is operated by police, prosecutors, and courts dependent upon the jurisdiction the majority are focused more on treatment of the offender, e.g. drug and alcohol counselling or offending behaviour programmes or reparation – making good damage than specifically focused on conflict resolution between offender and their victim. Moreover it can be said that pre-court diversion schemes are more likely to be available for young or minor offenders rather than those charged with more serious offenses. Finally, there is a general concern that the diversion should not be seen as ‘conditional’ upon the offender successfully completing the activity. Indeed the majority of the schemes operate on the reverse basis, namely of deciding to divert and then apply an additional requirement to be undertaken voluntarily.

**Bail arrangements**

*Has your probation services any programmes or know of any agreed with your local police service and courts in which an adult offender may undertake ‘supervised’ activities directly or indirectly with victims whilst on bail?*

Only six respondents commented in this section indicating that activities related to Bail conditions appear to be unusual and/or inseparable from other programmes of pre-court diversion. However, two probation services had begun to develop services at this stage of the process by specifying criteria and receiving cases: ‘Mediation followed by reparation may take place on bail if a) guilt is admitted; b) both parties agree voluntarily to participate; c) it is ‘safe’ for both parties.’ (West Yorkshire) ‘The courts can and have adjourned cases for mediation and reparation to be explored or carried out whilst a person has been on bail.’ (West Midlands)

Similarly in the Republic of Ireland bail may be used as a form of deferment to allow programmes to be implemented. ‘Many offenders will be placed under the supervision during a period of deferment of penalty, for which they will be given continuing bail until the next hearing. Some programmes will deal indirectly with victims during this period.’

‘Offenders on bail following a finding of guilt may be required to pay compensation for example, or may themselves agree to participate in programmes that offer redress to the community through removal of graffiti, rotovation and planting of waste areas, painting of murals on blank concrete walls etcetera, which is particularly relevant if guilty of malicious damage. Such activities would be included in the report to Court at the next hearing.’ (Republic of Ireland)
It can be concluded from these limited responses that bail conditions are rarely applied currently to enhance the possibilities of the offender undertaking activities to restore the 'harmony' between the offender and their victim. This would seem unfortunate since assuming an admission of guilt, bail conditions would, if used creatively, provide an element of control to the courts which they may feel allows them to recognise the aspirations of restorative justice.

Has your probation service any programmes or know of any agreed with your local police service and courts in which an adult offender may undertake 'supervised' activities directly or indirectly with victims whilst remanded in custody? All respondents (4) to this question stated they were unaware of any such programmes, however, one pointed out the remand prison services may be a more appropriate source of information. It appears that currently there is very little activity, if any, undertaken with remand prisoners directed at the offender contributing to some form of restorative processes with the victim.

Do your probation officers occasionally or routinely present the outcome in pre sentence reports of any activities undertaken by the offender, whilst on bail or remand, aimed at redressing the loss or damage experienced by the victim? The responses to this question were illuminating. Firstly, the majority of respondents (36) commented under this section indicating that reports to courts (pre-sentence or social enquiry reports (Scotland)), are a central activity of the probation services. Secondly, despite being a central activity and despite central government and professional guidance on the topic, there is still a wide variation in practice.

These results are surprising since it would be predicted that if an offender can be shown to have demonstrated remorse and taken steps to compensate the victim in some form this would have substantial influence on the sentence passed by any court. Similarly, the converse is currently being argued, namely that the provision of victim impact statement will ensure that sentencing is more in line with the damage felt by the victim. It is therefore surprising that Probation services do not have agreed practices – routinely asking the offender about any steps they may have taken to ameliorate the plight and/or policies which ensure that probation officers always report such matters to the court in the pre-sentence report.

It is important to note that where specialist reparation and mediation units had been established within probation services, these units had direct access to the courts for their reports on the success or failure of the process for the offender and victim. Whilst it would be predicted that the presentation of such reports would influence the sentencing decision of the court, unfortunately, as the section below indicates, there is currently no evidence of such an impact.
Sentenced-based programmes

Does your service operate any of the following probation orders (please include those which involve a condition of residence in an approved hostel) which involve: mediation, reparation – direct, reparation – indirect, compensation, informal community service, victim awareness programmes, ‘shaming’ programmes?

The distribution of responses to this question (see Table 2) indicates that concepts of restorative justice have begun to gain a firm hold in the operation of probation orders. The widespread routine use of victim awareness programmes is particularly significant, especially when compared with its use in community service orders (see next section). Additionally, indirect reparation appears to be routinely used by five services and occasionally or often by a further seventeen services suggesting that acceptance of the role of indirect reparation in probation orders is quite widely spread. More so than direct reparation where only one service reports its routine use in orders. Both direct reparation and mediation have received substantial discussion over the past two decades and are perceived by much informed criminological opinion as a constructive process within the criminal justice system. However, the results suggest that there are major problems in operationalizing these concepts within a probation order. Indeed these two approaches are not more often used than informal community service and probably marginally less used than compensation arrangements in a probation order.

Of significant interest are the figures for ‘shaming’ which is a subtle concept often readily rejected since it appears contrary to many principles of a ‘liberal’ criminal justice system. Yet clearly a small number of services have begun to employ these techniques suggesting they must have devoted considerable thought to its development within probation orders.

Replies to this question (36 respondents) were very extensive and indicate that

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<td>1</td>
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<tr>
<td>Reparation – Direct</td>
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<td>10</td>
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<td>1</td>
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<td>Reparation – Indirect</td>
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<td>16</td>
<td>21</td>
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<tr>
<td>‘Shaming’ programmes</td>
<td>36</td>
<td>4</td>
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the elements of restorative justice, e.g. mediation, reparation, victim awareness and shaming, are areas of focus and development for the probation services. These developments could be seen as following a staged process as follows:
- Elements of the work are introduced by committed officers using the available vehicle of individual supervision under a probation order.
- Elements of work are seen as part of the routine practice of the probation service.
- Elements of the work are seen as the core of a range of programmes normally provided in a probation day centre.

There clearly is a substantial development in probation services practice which is akin to the key elements of restorative justice. In some services these elements are being targeted in an appropriately discriminatory way, in which offenders presenting specific problems are provided with programmes aimed at confronting those problems. Restorative justice programmes whilst widely applicable also need to be targeted. Thus 'shaming' may be a technique capable of wide application with offenders but also requires to be adopted and implemented in a highly targeted fashion. For example the 'shaming' adopted with sex offenders will be quite different to that employed with drink-drivers although the core elements will be generalized.

The survey indicates the probation services have embarked on these developments but currently demonstrate a wide range of variance in both their commitment and utilization of such approaches.

Do your community service orders involve: mediation, reparation – direct, reparation – indirect, compensation, victim awareness, 'shaming' programmes?

The distribution of responses to this question (see Table 3) clearly illustrates the current minimal development of restorative justice concepts in the application of community service orders. The most utilized concept is indirect reparation where the majority of respondents believe this is occasionally, often or routinely employed. Indeed the idea of the offender paying back to society by work is fundamental to the concept of community service. What is more surprising is that only two respondents state that CSO's are often used to provide direct reparation – undertake work on behalf of specific victims. Moreover the fact that 30 services say they never use CSO's in this way may indicate that there is a deliberate policy so not to do.

The results also indicate that victim awareness programmes have begun to move out of group work and day centre settings and are being employed increasingly in community service, with three services using victim awareness routinely and four often. It is clear from the figures that mediation and compensation are
Table 3: Community Service Orders

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rarely used in community service and that ‘shaming’ appears to be specifically rejected in contrast to its minimal acceptance in probation orders. Respondents (41) to this question clearly found it difficult to disentangle elements of restorative justice from community services. Most saw community service as clearly and always indirect reparation.

It appears that probation services have no difficulty in perceiving community service orders as providing reparation – directly or indirectly to the community. It is less frequently perceived as relating directly either as reparation, mediation or in terms of victim awareness to a specific victim of a specific offender. Whilst there is obvious value in current community service arrangements restorative justice supporters would argue that it is the individualized nature of the relationship between victim and offender which is the essential ingredient for restoring harmony.

The only mention of ‘shaming’ in relation to community service was to reject it outright. This is of particular significance in the light of the Home Secretary’s current commitment to publicly identifying offenders undertaking community service orders. Again supporters of restorative justice would not support the Home Secretary’s approach but would agree that individualized shame in front of those significant others in an offender’s life may help reduce re-offending by the individual offender.

Does your probation service working in prisons operate: mediation programmes, reparation – direct, reparation – indirect, compensation programmes, informal community service, victim awareness programmes, ‘shaming’ programmes?

It would be predicted that the opportunities of employing some of these concepts in a custodial setting would be limited, if only by the restrictive environment custody necessarily entails. The results to this question (see Table 4) support this with responses falling in a much narrower band than for probation and community service orders. Nevertheless there are indications
of the changes in prison regimes, most notably with the widespread use of victim awareness programmes. However, it should be remembered these will tend to be in the context of specific offender group programmes e.g. sex offenders, drug and alcohol management and may not therefore apply to the majority of prisoners.

It is interesting to note that indirect reparation is being employed in prisons as is shaming. Mediation and reparation are clearly difficult to employ by the very nature of the prisoners isolation from his victim. It is however disappointing to see that compensation is reported as never employed since there clearly is scope for this to operate in a prison regime.

Not all probation services have prisons located within their areas, consequently not all respondents could comment on this item. Similarly, those respondents who did comment explained that the role of the probation officer in prisons was changing and that much of the group work with offenders may now be undertaken directly by prison officers. Nevertheless there was clear evidence that a number of prisons had established victim awareness programmes.

From these responses it is clear probation and prison officers had found ways to incorporate victim awareness programmes in prisons. Clearly the geographical location and operational requirements of prisons make it very difficult to implement for other elements of restorative justice such as individual reparation and mediation programmes.

Does your probation service provide any services to victims?
All respondents (52) replied to this question, most referred to three elements:
- the existence of Victim Support as an organization to which they gave substantial support;
- their commitment to work in line with the victims charter;
- their duties to victims laid down within 'national standards'.

Table 4: Prison-based Probation Service

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These developments are particularly interesting since they clearly illustrate the way in which the victim has become higher focus within the criminal justice system than in the past. Moreover the existence of bipartisan political commitment to the victim has led to centrally driven redirection of criminal justice agencies.

'This probation service is committed to enabling the victims of serious crime, or in some cases their families, to have the opportunity of a) receiving reliable information about the criminal justice process, and b) voicing their views at relevant stages during that process. Policy implemented 1/3/96. We will be exploring the possibility of offender/victim reparation schemes during 1996/97.'

'Apart from mediation/reparation, we fulfil the requirements of the Victim Charter (1990) and Home Office Circular 61/95 in respect of life sentence and other serious prisoners – contact the victims or relatives before the release of the prisoner, and more importantly after sentence of the prisoner.'

Does your probation service provide any direct service to the families of prisoners or offenders? Interestingly the response on this question was again very high with 46 respondents commenting. This response clearly indicates the probation service perceive the families of offenders as 'victims' of crime who merit their support. However most respondents saw working with offenders families as core parts of through and after care rather than requiring specific service developments.

Does your Probation Service work with any independent agencies, including voluntary organizations, to provide services to victims? There was a heavy response to this question particularly from Probation Services within England and Wales where they are directed to spend a percentage of their budget in partnership arrangements with the independent sector.

The most likely independent organization was the Victim Support which the Probation Service gave support by means of: personnel – who sat on management committees, training, and funding. In addition to Victim Support new developments included Witness Support – run by Victim Support, the National Society for the Protection of Children from Cruelty who were working in partnership to provide support to victims of sexual offenses and a Domestic Violence Action Group.

Does your Probation Service work with any independent agencies, including voluntary organizations, to provide victim awareness programmes? The majority of respondents in this section repeated their support for Victim Support and clearly there is a close link. However what was being sought were examples in
which victims, in an organized way, presented their views to offenders, for example where a Rape Crisis Service directly addressed groups of ex-offenders within a victim awareness programme. Only a few examples of this type of activity were recorded.

*Does your Probation Service working within the prison service operate any post release courses?* The same qualifications have to be expressed under this section as earlier namely not all services have a prison within their boundaries and these services may be provided directly by prison officers. However some respondents did quote specific illustrations.

'Officers assigned to prisons and places of detention set in place post release programmes and courses before the offender leaves custody (e.g. Alcoholics Anonymous, Narcotics Anonymous, Gamblers Anonymous) many are provided by specific agencies while the offender is being supervised and he relevant officer is usually community based, but implementing the programme organized prior to release.'

'We have no prisons in our Region but have a dedicated officer responsible for throughcare who works with prison based Social Workers. There are programmes in some prisons which deal with sex offenders, domestic violence offenders and these include victim awareness modules. Whenever possible these carried through after release.'

*Does your probation service operate any post-release services for offenders outside statutory requirements of through-care?* The responses to this question again illustrated the differences between the national systems. 'For constitutional reasons, prisoners may be only required to partake in post-release programmes if they have been released in advance of the date of sentence would have been completed. They cannot be required to partake after completion. Voluntary support is offered nevertheless particularly where the offender and there is a clear need of continuous involvement. Such support often includes referral for continued availing of facilities such as hostels, workshops, etcetera.' (Republic of Ireland)

'Voluntary Throughcare Services are 100 per cent funded in Scotland. Legislation provides for any prisoner, whether convicted or on remand, once released, can within one year of his/her release seek guidance, support or assistance from the criminal justice team (Social Workers).'

The services provided to prisoners after their release will be determined in part by the national legislation and in part by local interpretations of that legislation. Consequently in some probation areas in England and Wales partnership arrangements have been established to provide a service to former prisoners who no longer are statutorily provided with a service.
Conclusions

The survey of all probation services in England, Wales, and Ireland, and social work services in Scotland, reveals that whilst the concepts of restorative justice are receiving considerable discussion and attention, their actual impact on practice is limited and patchy. There is a clear hierarchy of response to the varying concepts of Restorative Justice. This hierarchy is generally: Victim Awareness; Reparation – Indirect; Reparation – Direct; Mediation; Compensation; Shaming.

The higher concepts are in the hierarchy the wider the level of acceptance and incorporation into practice. So that currently victim awareness is widely accepted and being adopted at varying stages of the criminal justice systems whereas 'shaming' is either not fully understood or rejected and features in very few programmes.

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Current issues

Professional community policing in Canada

A new social contract

The French refer to it as 'Proximity Policing', the British and North Americans call it 'Community Policing', and the Montreal Urban Community Police refer to it as 'Neighbourhood Policing' (police de quartier) like in Spain and in South America (policia de barrio). The 'professional community policing model' proposes a new philosophical, organizational and operational approach to policing in an urban setting. It suggests a partnership between the community and the police in 'managing' crime and public order as well as developing crime prevention programmes. A community type professional police force is essentially a police force that aims to actually resolve problems related to public security, notably by using the approach of problem solving or problem resolution.

The intellectual guru, Sir Robert Peel, discussed the 'community' side of this model in the nineteenth century. Herman Goldstein, Professor at the University of Wisconsin in Madison, USA, has elaborated on the other key concept, the 'professional' side, with his book, entitled: Problem-Oriented Policing (1990). Goldstein's concept is that the community and the police must resolve problems in the wide sense, rather than providing an ad hoc response for each incident. This enables links to be established between incidents that appear to be isolated, relating them to a general problem and giving them a permanent solution (Brodeur, 1991, p. 306). The major participation must come from the citizens themselves: 'a community must police itself' (Goldstein, 1990, p. 21). An effective community police force must listen to its citizens: 'Local residents are the primary source of information concerning neighbourhood problems' (Lurigio and Rosenbaum, 1994, p. 300). In fact, the police must support the community to resolve these problems in the most effective manner possible. As Trojanowicz and Bucqueroux (1990, p. 5) have stated, 'Community policing is a new philosophy of policing, based on the concept that police officers and private citizens working together in creative ways can solve contemporary community problems related to crime, fear of crime, social and
physical disorder and neighbourhood decay'.
Professional community policing is a 'policing of expertise' (Problem-Oriented Policing, or POP as it is referred to by Americans). Community policing (Community-Oriented Policing, or COP) is a policing that attempts to resolve certain problems in partnership with the citizens. Trojanowicz and Bucqueroux (1993, p. 2) mention that all community groups must work together to assure the success of the community police model. These authors make reference to such relevant groups as the 'Big Six': the entire personnel of the police department, the formal and informal leaders of the community, the elected members, business people, religious and social groups and (...) the media.

Changes to the Montreal Police Department

The turn around by the Montreal Police Department is of great importance since the city is the second largest Canadian agglomeration (after Toronto) to adopt the community model. Therefore, the police services of the three principal cities in Canada (Toronto, Montreal, Vancouver) have undertaken the community turn around. Other middle-sized Canadian cities (Halifax, Quebec City, Winnipeg, Calgary, Edmonton, Victoria), have also made changes in their communities. Populated by 30 million people in 1997 (like California), Canada has a total of 56,000 police officers spread out over ten provinces and two territories. The Canadian police services must also take into consideration the problems of the native communities, comprising one million citizens spread across the vast Canadian territory.

The Montreal Urban Community (MUC), created in 1970, consists of 29 municipalities on the island of Montreal, covering 500 square miles. Its population is 1.75 million (1996). The MUC Police has 4,500 officers and 1,200 civil workers at the heart of its service. For about a decade, the Montreal Police Department has experimented with community programmes in its territory. The change to community policing will be effective over the whole of the Montreal territory by the beginning of 1998.

Like other police services in Canada and in the world, the Montreal Police Department had to modify its approach towards the population in the sense that Montreal has changed considerably in the past few decades in terms of social structure, demographics and economy. In a document entitled A Vision of the Future of Policing in Canada, by the Solicitor General of Canada (1990), there is mention of the new challenges facing the police in Canada. The MUC's Police service is no exception to the rule. The Montreal
Current issues

Police model (see Service de police, 1995) emphasizes five major components to acknowledge.

Problem resolution approach
The problem resolution approach consists of prioritizing the efforts to resolve the cause of problems in a community, rather than dealing with the problems as they arise (by means of force, or by arrests). Therefore, the problem resolution consists of five steps: identification of the problem; analysis; solution research; the choice of a solution; and evaluation.

The geographic responsibility
This approach consists of dividing the territory into neighbourhood districts and assigning police officers to a certain neighbourhood on a long-term basis (under the responsibility of the commanding officer) to create a sense of belonging to the assigned area. Each officer is assigned to a territory where they become responsible for all police operations (responding to calls, problem resolution, etcetera).

The service approach
A relationship must be created between the population and police, whereby the police officers must be courteous and carry out their work to the satisfaction of their clients.

The partnership
This approach aims to create a partnership with various individuals involved in community activities (public institutions, community organizations, etcetera). By this method, the community no longer plays a passive role, and becomes more involved in the fight against crime.

The valorization of personnel
The valorization of personnel is essential since the new approach depends entirely on the good-will of the service employees.

The Montreal Police Department will create 49 community police stations as of 1998, to serve a minimum of 24,000 residents, and a maximum of 48,000. Four centres of operation link the stations to operational and administrative support. In these centres there are cells, judicial identification set-ups, and alcohol breathalysers. Every centre is in charge of the investigations of their assigned neighbourhoods. The police headquarters serves as an operational investigation follow-up centre. The police headquarters will oversee the evolution of all the activities on the island of Montreal, and when necessary inform other neighbourhood police stations and operational centres of any actions to be undertaken.

Grouping an average of 30 to 50 police officers, the neighbourhood stations provide a reception and conference room in which to hold meetings with the citizens, and maintain all the police services 24 hours a day. Each neighbourhood
station is managed by a commanding officer, who also functions as the human resource, physical and financial administrator. Supervisors manage daily operations in the neighbourhood, and are responsible for handling and solving problems in the area. Each of these stations is as unique as the types of problems in its neighbourhood. Front-line police officers share the following services: patrol, walking the beat, community relations, response to calls, crime prevention, problem resolution, road safety, juvenile intervention, and victim support services.

Every station will have a socio-community specialist. In order to develop and implement crime prevention programmes to ensure security, to prevent violence and substance abuse by young people and other groups, the socio-community specialists create a sense of security by effectively handling conflicts, and identifying the causes of certain problems.

The Montreal Police Department has the help of volunteers to bring the local population and neighbourhood police closer together. These volunteers participate in crime prevention programmes in their neighbourhoods, as well as encouraging citizens to work more closely with the police. The Montreal Police Department has set up committees to aid the participation of the public. These committees meet periodically with representatives of various local activities, to establish a detailed assessment of the neighbourhood status, and help to prioritize police activities in the area.

Since January 1997, 23 neighbourhood police stations have opened to the population of the island of Montreal, and two centres of operation have started their activities. In order to bring this new police service to the attention of the population, a highly visible publicity campaign was launched. Posters were displayed in the subway, in bus shelters, and on city buses. Bulletins on community policing were distributed to 900,000 residents and businesses in the territory. A small pamphlet explaining the new policing service (as many as 1 million copies) was also distributed. Finally, to create a better understanding of the stations' functions and the police services, and to encourage the co-operation and partnership between police officers and citizens, residents can sign-up with the Institute of Partnership of Police and Citizens, where they attend information sessions on issues concerning the community police. The Montreal Police Department is making history; it is casting aside the traditional model of policing, to move on to a new model which is more representative of the changes in society over the past few decades.

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Cincinnati, Anderson, 1993
Declaration of Leuven

This declaration has been accepted on May 13th, 1997 by the participants at the business meeting of the International Network for Research on Restorative Justice for Juveniles, among whom Gordon Bazemore, John Braithwaite, Ezzat Fattah, Uberto Gatti, Susan Guarino-Ghezzi, Russ Immarigeon, Janet Jackson, Hans-Jürgen Kerner, Rob MacKay, Paul McCold, Mara Schiff, Klaus Sessar, Jean Trépanier, Mark Umbreit, Peter van der Laan, Daniel van Ness, Ann Warner-Roberts, Elmar Weitekamp, Martin Wright, and Lode Walgrave. The participants, despite having differences in approach and emphasis, agreed that the text could be considered as a common ground for further elaboration.

Introduction

The aim of this public statement is:
- to emphasize the belief of a substantial part of the scientific world in the potential of restorative justice for offering a constructive response to crime;
- to encourage political leaders and governmental officials to inform themselves thoroughly about the concept of restorative justice and necessary system changes required to implement the concept properly;
- to stimulate legal authorities to widen the opportunities for implementing restorative responses to crime, to promote experimentation with new goals and forms of restorative responses to crime, and to encourage policy debate and scientific research.


The potential

All over the world, initiatives are being taken that can be covered by the term 'restorative justice'. They
lead to an increasing belief of many scientific scholars that restorative justice can evolve towards being a serious alternative in responding to crime. The aim of the restorative approach is to restore the harm done to victims and to contribute to peace in the community and safety in society.

The initial success of the approach as documented by scientific research has led to a growing confidence in its potential. The great majority of the restorative obligations are successfully accomplished by the offenders. Most participating victims experience a greater degree of satisfaction than those who are involved in more traditional judicial procedures. Offenders generally have less difficulty in understanding the restorative obligations than they have with regard to the punitive or rehabilitative responses. Outcomes in terms of recidivism seem to be positive, though further research is needed to establish this more firmly. When informed realistically about its possibilities, the majority of the public appears to prefer restorative responses to crime. No decisive limits concerning the feasibility of restorative justice have yet been observed. Many victims of serious offences are also willing to co-operate in restorative processes. Serious offenders can and regularly do comply with restorative obligations. No more threats to public safety have been observed as a result of the restorative experiments than have been caused by any other traditional sanctions or measures.

The restorative response to crime is based on a socio-ethical approach which stresses the responsibilities of the parties to find a constructive solution to the crime conflict. The approach therefore offers the potential for more peace keeping in society as a whole. Optimism concerning initial restorative responses to crime leads to a more general concept of restorative justice. The wider potentialities of restorative justice appear to be very promising though more research is needed to further explore these potentialities. Given that much of the experimentation has been carried out with juveniles and given that public opinion as well as legal authorities generally accept more openness in their reaction to juvenile offending, the following propositions are advanced for the restorative response to juvenile offending.

Ten propositions

1 Crime should not be considered as a transgression of a public rule or as an infringement of an abstract juridico-moral order but should, in the first place, be dealt with as injurious to victims, a threat to peace and safety in community and a challenge for public order in society. Reactions to crime should contribute towards the decrease of this harm, threats and challenges. The purely retributive response to crime not only increases the total amount of
suffering in society, but is also insufficient to meet victims' needs, promotes conflict in the community and seldom promotes public safety. The tendency towards more punitive responses to juvenile crime is therefore counter-productive. Reactions to crime should consider in full the accountability of the offender, including his obligation to contribute to the restoration of the harm and peace, and his entitlement to enjoy all rights to which all members of the society are entitled. A purely rehabilitative response is often not advisable as it can circumvent the possible accountability of the offender and it may not offer an adequate framework for legal safeguards. It is therefore important that the rehabilitative approach to offenders is voluntary and not judicially enforced.

2 The main function of social reaction to crime is not to punish, but to contribute to conditions that promote restoration of the harm caused by the offence. It is therefore called restorative justice. All kinds of harm are susceptible to restoration, including the material, physical, psychological, and relational injuries to individual victims, losses in the quality of relational and social life in the community and the decline in the public order in society.

3 The role of public authorities in the reaction to an offence needs to be limited to:
- contributing to the conditions for restorative responses to crime;
- safeguarding the correctness of procedures and the respect for individual legal rights;
- imposing judicial coercion, in situations where voluntary restorative actions do not succeed and a response to the crime is considered to be necessary;
- organizing judicial procedures in situations where the crime and the public reactions to it are of such a nature that a purely informal voluntary regulation appears insufficient.

4 The victim has the right to freely choose whether or not to participate in a restorative justice process. The possibility of such a process should always be offered to him or her in a realistic way. If the victim accepts, he or she should have the opportunity to express at length his or her grievances and to make a full account of any injuries and losses sustained. A refusal to co-operate should not hamper the victims' chance for indemnity through judicial procedures. The offender cannot be involved in any voluntary restorative process unless he or she freely accepts the accountability for the harm caused by the offence. If the victim refuses to co-operate in a restorative process, the offender should nevertheless initially be involved in some form of restorative responses, such as a contribution to victim-funds and/or community service. The realization of a restorative process with the particular victim
Current issues may not complete the restorative reaction, if the community itself is a party concerned. The offender may be obliged to complete a community service, functioning as a symbolic or actual restoration of the harm done to community.

5 Within the rules of due process and proportionality and in so far as it does not obstruct the restorative response itself, the action towards young offenders should optimally contribute to competency building and reintegration. The implementation of a restorative process, whether from within or without the judicial system, should not limit the availability of voluntary treatment, assistance and support to the juvenile offender and/or his family from agencies operating outside the judicial system.

6 If concerns for public safety are judged to necessitate the incapacitation of an offender, the offender should nevertheless be stimulated to undertake restorative actions from within his or her place of confinement. These actions can take the form of offering apologies, participating in a mediation programme, and/or accomplishing services to the benefit of the victim, a victim-fund or the community.

7 Every public coercive intervention, whether or not it is aimed at restorative goals, should only be taken by a judicial instance, according to clear procedural rules. The outcome of any restorative process should not transgress a maximum which should be in proportion to the seriousness of the harm that has been caused and to the responsibility and the capacities of the offender.

8 Authorities should make serious efforts to facilitate restorative responses to juvenile crime. These include:
- remodelling the juvenile justice system in order to enhance the opportunities for restorative responses inside and outside the system;
- providing the necessary agencies in communities which are equipped to carry out these actions;
- promoting the development of adequate methodologies for sound implementation of restorative processes;
- creating opportunities for education and training of staff who will be responsible for implementing restorative processes;
- promoting scientific research and reflection on restorative justice issues.

9 In concert with practitioners, scientific research on restorative justice has to:
- provide scientific feedback on the processes and outcomes of ongoing experiments and practices, and to make suggestions for new experiments;
- construct theories which can lead to deeper insight into the ongoing
processes, collate the separate practices into a coherent framework and increase the innovative appeal of the restorative approach;
- contribute to the development of adequate methodologies for the implementation of the restorative processes;
- investigate the cultural and structural contexts currently operating in the judicial system, the community and in society, which together determine the existing opportunities for restorative justice, and to reflect upon possible ways of improving this;
- develop reflection on the socio-ethical basis of restorative justice;
- examine the legal context of restorative justice and to make clear the extent to which legal safeguards are respected.

10 Although the propositions advanced above focus primarily on responses to juvenile offending only, similar considerations may very well apply to adult offending also.

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Semdoc

Statewatch is one of the leading groups in the European Union monitoring the decisions of the Council of Justice and Home Affairs Ministers and the Schengen Executive Committee and the effect these have on the rights of citizens, refugees and asylum-seekers. Founded in 1991, Statewatch is an independent group of lawyers, lecturers, journalists, researchers and community activists. Its European network of contributors is drawn from 12 countries.

Statewatch is now launching SEMDOC, the Statewatch European Monitoring and Documentation Centre on justice and home affairs in the European Union. Semdoc was officially launched on October 17, 1997. Semdoc will attempt to counter the ‘culture of secrecy’ that surrounds the Council of Justice and Home Affairs, the K4 Committee and its steering groups, together with the decisions taken by the Schengen Executive Committee.

Semdoc’s objectives are: to collect, exchange and disseminate information; and to encourage critical and investigative reporting. Semdoc will offer access to documents, reports and other material; respond to enquiries by phone, fax and e-mail; carry out searches and provide print-outs on specific subjects from Statewatch’s in-house database.

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Purpose and organization
The Scandinavian Research Council for Criminology was established in 1962 by the governments of Denmark, Finland, Iceland, Norway and Sweden. By statute, the purpose of the Council is to further criminological research within member countries, and it is also to initiate and advise the Scandinavian governments and the Nordic Council on issues related to criminology. The Council awards research grants, arranges conferences and seminars with the participation of criminologists and practitioners, and publishes books, reports and newsletters.

The Council consists of 15 members, three from each member country, nominated by the Ministry of Justice. Two members from each country are acknowledged criminologists, while the third member represents the Ministry of Justice in the respective countries. The chair of the Council rotates every three years between the Scandinavian countries. The daily administration is carried out by a secretariat located in the country of the chairperson. It is placed in Iceland in the period 1995-1997, and will then move to Denmark.

Research policy
When established in 1962, the Council initiated an co-ordinated comparative research in several areas of criminology, such as hidden criminality, police research, and victimology. In the late 1970s the Council changed its policy to a more pluralistic model of supporting criminological research on the Scandinavian level.

Research grants
Scandinavian researchers can annually apply to the Council for grants to implement comparative projects in criminology. As a rule, only projects with a clear Scandinavian relevance are supported, such as replications of studies between countries, co-operation between researchers from at least two
countries, and literature reviews on the Scandinavian level. However, studies involving only one country can be supported if their aim is to fill a gap in Scandinavian research, or if their results are likely to be relevant to researchers in other Scandinavian countries. The projects supported include such diverse aims as violence against women, white collar crime, juvenile delinquency, alternatives to prison, pornography, tax evasion, prison conditions, drunken driving and environmental criminality.

Some examples of research projects currently supported by the Council are:
- Men, masculinity and culture of violence; ethno-methodological study of school-age boys' socialization to masculinity, masculine behaviour and culture of violence;
- Battered immigrant women in the Nordic countries. A study into the legal situation of these women; development of methods to help ensure their legal protection; consolidation of the existing network of support groups at a Nordic level;
- Comparative sentencing project: sentencing policy and practice. An examination of factors affecting the sentencing choice between custody or community sanctions in five European jurisdictions;
- Several projects on civil offer/victim mediation, e.g. on the effects of mediation on the parties and their surroundings.

Seminars
Annually the Council arranges thematic research seminars with 50-60 participants from all member states. These conferences rotate between the member states and are organized by the host country. The themes of these seminars have included Constructions and reality, Ideology and empirical research, Theory and methods, Alternatives to imprisonment, Town planning and criminality, Drug prevention policy, and Conflict solving.

Every second year the Council arranges contact seminars on specific topics between Scandinavian criminologists and practitioners from a specific area of administration. Such groups have included the prosecuting authorities, judges, defense lawyers, prison authorities and the police, as well as members of judicial committees from the Scandinavian parliaments. The papers presented at the research and the contact seminars are published as anthologies mainly in Scandinavian languages.

In addition to the seminars organized by the Council, financial support is given to Scandinavian workshops on specific issues. The importance of close ties between Scandinavian criminologists and the international criminological community is stressed by seminars with international participation, as well as by travel grants to Scandinavian criminologists who wish to participate in criminological conferences abroad.
Publications
Apart from the publication of seminar anthologies, the Council publishes a newsletter in Scandinavian languages. The Council has also published the book series *Scandinavian Studies in Criminology* and other books in English. Recent English publications are: Per Stangeland (ed.), *Drug and Drug Control*, 1987; Annika Snare (ed.) *Criminal Violence in Scandinavia*, 1990; Margaretha Järvinen, *Of Vice and Women*, 1993; Annika Snare (ed.), *Beware of Punishment*, 1995. The latest reports published can be found on the Council’s home page (http://www.rhi.hi.is/~elinkon/NSfK.html). The Proceedings of the 38th research seminar ‘Kriminalitet, konstruktioner og virkelighed’ (Criminality, constructions and reality), and the Proceedings of the 17th contact seminar ‘Naerpolitiet’ (Community policing), both published in 1997, contain some papers in English, although most papers are in Scandinavian languages. The proceedings of the 39th research seminar and the 18th contact seminar to published late 1997 in one book *Faengler: Administration, Behandling og Evaluering* (Prisons: administration and evaluation) contain several papers in English.

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Abstracts

This section contains a selection of abstracts of reports and articles on criminal policy and research in Europe. The aim of publishing these short summaries is to generate and disseminate information on the crime problem in Europe. Articles that generate comparative knowledge are seen as being of special interest. Most of the articles have been published in other journals in the English language. More information can be supplied by the WODC Documentation Service. Single copies of the articles can – when used for individual study or education – be provided by the WODC Documentation Service. A copy charge is made.

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ADL survey analyzes Neo-Nazi skinhead menace and international connections
_CJ International_, vol. 12, no. 5, 1996, p. 7
'The Skinhead international: a worldwide survey of Neo-Nazi Skinheads', the first major study of its kind, reveals that the movement encompasses some 70,000 youths - of whom half are hard core activists and the rest supporters - in 33 countries on six continents. Countries with the largest concentrations of hard-core neo-Nazi Skinheads are Germany (5,000); Hungary and the Czech Republic (over 4,000 each); the United States (3, 500); Poland (2,000); the United Kingdom and Brazil (1, 500 each); Italy and Sweden (over 1,000); France, Spain, Canada and the Netherlands (at least 500 each).

Dahlbaeck, O.
_Urban place of residence and individual criminality
_British Journal of Criminology_, vol. 36, no. 4, 1996, pp. 529-545
This paper presents a study aimed at determining whether young males who have resided for a long period of time in the same part of Greater Stockholm have been influenced in their criminality by their spatial location. Findings of cross-sectional and longitudinal analyses of register data for a birth cohort indicate that location has had practically no long or short-term influence on criminality.

De Boer, M.
Traffic in women: policy in focus. In: M. Klap, Y. Klerk et al. (eds.), _Combating Traffic in Persons_
Amsterdam, Studie- en Informatiecentrum Mensenrechten (SIM), 1995, pp. 85-94
The immediate cause for this research is the request form the procurators-general to report on the effect of the directives drawn up by them for the tracing of and legal proceedings taken against traffic in women one year after the introduction of the directives, and to advise on amendments where possible. To what extent are the procurators-general's directives concerning the tracing of and legal action regarding traffic in women implemented? This report provides an answer to this question.
Dignan, J., M. Cavadino
Toward a framework for conceptualising and evaluating models of criminal justice from a victim's perspective
This article outlines a typology of 'models' or conceptual contexts within which a variety of victim-based measures has been proposed, and in many cases adopted, in various common law jurisdictions. The purpose of the typology is to clarify some of the confusion surrounding these measures and, in particular, the scope they offer for reparative and restorative approaches to operate either within or alongside the mainstream criminal process. Drawing on recent empirical findings and theoretical writings the authors seek to evaluate the victim-oriented measures that are associated with each of the models. Within the typology three distinct models of restorative justice are examined and they argue that one of these, the communitarian models, emerges as the most coherent, credible and constructive challenger to the hitherto predominant retributive model.

Godfrey, D.
Getting the size of the prison population under control: a brief review of the literature comparing English and Dutch approaches, and a suggestion for action
Godfrey compares the English and Dutch prison population trends, and suggests a strategy for limiting the growth of the English prison population.

Gould, A.
Drug issues and the Swedish press
There is a political consensus in Sweden behind the country's abscensionist policies and the aim of a drug-free society. This analysis of articles drawn from the country's four national newspapers shows the extent to which the press is part of that consensus. The initial quantitative analysis of data suggests that on policy issues there is a degree of balance, but in the qualitative analysis of major articles concerned with drug dealing, use and misuse, the basic assumptions of the restrictive (anti-liberal) line come through clearly.

Lupsha, P.A.
Transnational organized crime versus the nation-state
The author defines the term 'transnational organized crime', discusses the 'organized' nature of it (its ethic character or national identity root) and pays attention to Italian-related organized crime activities. Special emphasis is laid on the concept of the nation-state and the monopoly of power.

Selih, A.
Juvenile criminal law and change: trends in some East- and Central-European countries
The Central and Eastern European countries (CEE countries) have been confronted with the enormous task of reforming and adapting their respective legal systems - criminal law on juvenile delinquency being one of the many branches. An analysis of the present situation in this field in some of the CEE countries should give an insight into the various ways juvenile delinquency was dealt with in the past in these countries as well as an insight into the reforms now
under way. The countries chosen for review are the Czech Republic, Hungary, Poland, Slovakia and Slovenia. The author will concentrate on three core areas; type of legislation, authorities dealing with juvenile delinquency and scope of competence; sanctions proscribed for juveniles in different systems and use of sanctions; and, finally reforms recently undertaken or under way.

Sutton, M.  
Implementing crime prevention schemes in a multi-agency setting: aspects of process in the Safer Cities programme  
London, Home Office, 1996 (Research study 160)  
This study was concerned as an ancillary to the evaluation of the programme's impact. It examines the influence exerted by different members of the Safer Cities (SC) programme, and the strains between them. It reports findings from interviews with co-ordinators and assistant co-ordinators, uses data from the programme's management information system and draws upon records of Home Office advice to co-ordinators. The paper looks at the decision making process which determined where money was spent and on what type of crime prevention schemes. Some powerful influences were found to determine where money was assigned and the type of crime prevention project funded.

Thony, J.F.  
Processing financial information in money laundering matters: the financial intelligence units  
Efforts to combat money laundering can only be successful if the services engaged in such efforts have access to information on financial transactions and international movements of money. Until recently, bank secrecy was a major obstacle to the gathering of financial information and hence to initiatives to curb the economic power of traffickers and criminal organizations.

Van Dijk, J.J.M., G.J. Terlouw  
An international perspective of the business community as victims of fraud and crime  
The outcome of the first victim survey conducted among a random sampling of businesses in the Netherlands was published in 1990. In 1992, a similar survey was proposed among members of the international business community. The project, known as the International Crimes against Business Survey (ICBS), was coordinated by an international working group under the responsibility of the Dutch Ministry of Justice. The objective of the ICBS is to arrive at an international comparative overview of business communities' experiences with crime and fraud and the costs entailed, including preventive measures, such as screening personnel. This article is focused on the experiences of the retail trade. A number of key results of the survey will be presented. Firstly, the levels of victimization (from the Netherlands, Australia, the United Kingdom, France, the former West Germany, Italy, Switzerland, the Czech Republic, Hungary and South Africa) are compared, focusing in particular on victims of fraud and corruption. The results on a number of losses and preventive measures will be dealt with succinctly in the second part of this article. The article concludes with a brief discussion.
Vermeulen, G., T. Vander Beken
Extradition in the European Union: state of the art and perspectives
Extradition has always been the queen of international co-operation in criminal matters and apparently this situation is not about to change in the near future. At the moment, the 'new' basic instruments of the Council of Europe on the international validity of criminal judgments and on the transfer of proceedings in criminal matters are no real menace to the principle of extradition. This article aims to give an outline of this balance in the European Union by analysing the extradition treaties which apply between the EU Member States. On the one hand, there are bilateral or multilateral (Council of Europe, Schengen group or Benelux Economic Union) extradition treaties without direct connection to the European Union. On the other hand, there are treaties on extradition matters with a closer relationship to the European Union or to the former European Communities, as they were drawn up to be ratified by all the Member States.

Walther, S.
Reparation and criminal justice: can they be integrated?
The traditional relationship between the state, the offender and the victim still describes the prevailing state of criminal justice in Germany. The victim's claim to recognition as a person injured, both in terms of substance and in psyche, and his or her chances to be within the criminal justice process are slim. We can distinguish between reparation-oriented mechanisms at trial and before trial. While the existing reparative mechanisms have long been in the shadow of criminal justice, recent years have seen a trend towards greater emphasis on reparation and victim-offender-reconciliation in general. Drawing on preliminary findings in the multi-national study on reparative justice that is being conducted at the Max Planck Institute, the author can subdivide efforts to accommodate the victim into four major categories: victim-offender reconciliation; encouraging voluntary reparation within the criminal justice process; reparation as a sanction; combining criminal procedure and civil proceedings.

Willemse, H.M.
Overlooking crime prevention: ten years of crime prevention in the Netherlands
*Security Journal*, vol. 7, 1996, pp. 177-184
Ten years ago, *Society and Crime*, the national plan of the Dutch Department of Justice introduced crime prevention as a focal point in crime policies. Emphasis was laid on environmental design, functional surveillance and the attachment of youth to the (conventional) society. Helped by a budget of about US $25 million and organized by a steering committee, more than 200 local crime prevention projects were started. As a result of the achieved success, prevention was accepted as a regular approach in crime policies. Nevertheless, in terms of budgets and personnel, crime prevention stayed small compared to law enforcement. Some of the objections to (situational) crime prevention are discussed. It is concluded that the preventive approach is in many respects superior to law enforcement and necessary to relieve the overburdened criminal justice system.
Xhudo, G.
Men of purpose: the growth of Albanian criminal activity
The article discusses the main factors which explain why Albanian criminal organizations have managed to rise so quickly. The sources of recruitment, structure and operations and activities are also discussed. Special attention is given to the level of organized Albanian activity within the US.

Yates, D., V.K. Pillai et al.
Frustration, strain, and commitment to community policing: a comparative analysis of American and English police officers
*Police Studies*, vol. 19, no. 3, 1996, pp. 1-16
This study empirically assesses how common the experiences of frustration, strain, and commitment to community policing are between police officers in the United States and England. Overall, the findings reveal a high level of frustration and strain among police officers in both countries. Further, the study reveals important levels of commitment to community policing in both countries. Nevertheless, patrol officers in both countries are less committed to community policing than are their administrative supervisors.
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*family values: 5.2; Junger-Tas (1.1); Vazsonyi (4.2)*

*fear of crime: Boers (2.4)*

*female crime: Karstedt (5.3)*

*Finland: Niemi (3.1)*

*France: De Ruyver (1.3); Faget (4.1); Ocqueteau (1.4); Wyvekens (5.4)*

*fraud: Bacher (3.1); Doig (3.2); Litton (3.1); Niemi (3.1); Ruimschotel (1.3)*

G

*gangs: Klein (4.2)*

*Germany: Albrecht (2.2); Aronowitz (2.3); Boers (2.4); Kury (2.4); Lösel (4.3)*

*Saberschinski (3.4); Sessar (2.4); Wilkitzki (3.4); Wetzels (2.4)*

*ghetto: Wiles (1.1)*

H

*harm reduction: Pearson (1.2)*

*hate crimes: Aronowitz (2.3)
hooliganism: Torstensson (1.4)
Hungary: Gönczöl (1.4, 3.4, 5.1)

I
insurance: 2.3
Ireland: Tutt (5.2)
Italy: Savona (1.3, 3.2)

J
judicial assistance: Wilkitzki (3.4)
juvenile court: Doek (2.2)
juvenile crime: 5.2; Depuydt (5.3)
juvenile justice system: 2.2

L
legislation: Fekete (2.3); Jareborg (2.1); Savona (1.3)

M
mafia see organized crime
mediation: 4.4; Blad (4.1); Van Garsse (3.2); Wyvekens (5.4)
medical prescription of drugs: Kreuzer (2.4); Rihs-Middel (2.4)
metro systems: López (4.4)
minorities: Egmond (3.4); Fekete (2.3); Schokkenbroek (2.3)
money-laundering: Savona (1.3)

N
neighbourhood watch: Cromwell (3.3); Tilley (3.3)
neighbourhood justice: Blad (4.1); Boutellier (5.4); Goris (5.4)
The Netherlands: Boutellier (5.4); Doek (2.2); Egmond (3.4); Hesseling (3.4);
Jammers (3.3); Klein (2.2); Zandbergen (4.4)
Norway: Dullum (4.4)

O
open drug scenes: Eisner (1.2)
organized crime: 3.4; Jansen (5.4); Joutsen (1.3); Leps (5.1); Levi (1.3); Marek
(2.2); Ridley (4.1); Savona (1.3, 3.2); Van Duyne (1.3)

P
Poland: Marek (2.2)
police academy: Häseker (2.1)
police co-operation: 1.4; Dorn (1.2)
police observation: Bevers (1.4); Tilley (3.3)
police organization: Holdaway (1.4); Jansen (5.4)
prediction: Farrington (5.2)
prevention policy: 5.2; 5.3; Gönczöl (5.1); Lemaitre (3.1); Tutt (2.2); Van Limbergen (4.1)
prison overcrowding: 4.3; Kuhn (2.4); Sessar (2.4); Snacken (2.1); Tournier (2.4); Walmsley (3.4)
private prisons: Ryan (4.3)
private security: 1.4; De Waard (1.1)
public corruption: Huberts (3.2)
punitive ness: Kommer (2.1)

R
rehabilitation: Lösel (4.3); Válková (5.1); Walgrave (2.2)
restorative justice: 4.4; Braithwaite (5.1); Tutt (5.4); Walgrave (5.4); Weitekamp (1.1)
robbery: Jammers (3.3)
routine activity theory: Cromwell (3.3); Titus (3.3)
Russial(former) Soviet Union: Dashkov (2.1); Gleason (3.2); Shelley (3.4); Sinuraja (3.4)

S
Schengen Convention: Bevers (1.4)
sentencing disparity/guidelines: 2.1; Albrecht (2.2)
situational prevention: 3.3
Slovenia: Kanduc (3.4); Selih (3.4)
social deprivation: Hirschfield (3.3)
Spain: Gonzáles Zorrilla (1.2)
surveillance see police observation
Sweden: Jareborg (2.1); Torstensson (1.4)
Switzerland: Grob (1.2); Eisner (1.2); Killias (1.3); Vazsonyi (4.2)

T
tolerance: 2.3
trademark infringement: Vagg (3.2)

U
United Kingdom: Doig (3.2); Ekblom (4.1); Holdaway (1.4); Levi (1.3); Marshall (4.4); Ryan (4.3); Wiles (1.1)
United Nations (UN): Bennett (3.3); Hirschfield (3.3); Joutsen (1.2, 2.4); Scherpenzeel (1.2); Wemmers (5.3)
United States: 4.2; Aronowitz (2.3); Blad (4.1); Cromwell (3.3); Doek (2.2);
Gramckow (3.2, 5.4); Killias (2.1); Klein (2.2); Kuhn (4.3); Mattson (3.3); Reitz
(4.3); Ryan (4.3); Stern (4.3); Tremblay (5.2); Waller (5.3); Wiles (1.1)

V
violent offences: Farrington (5.2)
victims: Punch (3.2); Selih (3.4); Spencer (3.1); Titus (3.3); Wemmers (5.3)
victim surveys: 2.4; Van Dijk (3.4)