

# Dutch Decarceration: result of conscience policy?

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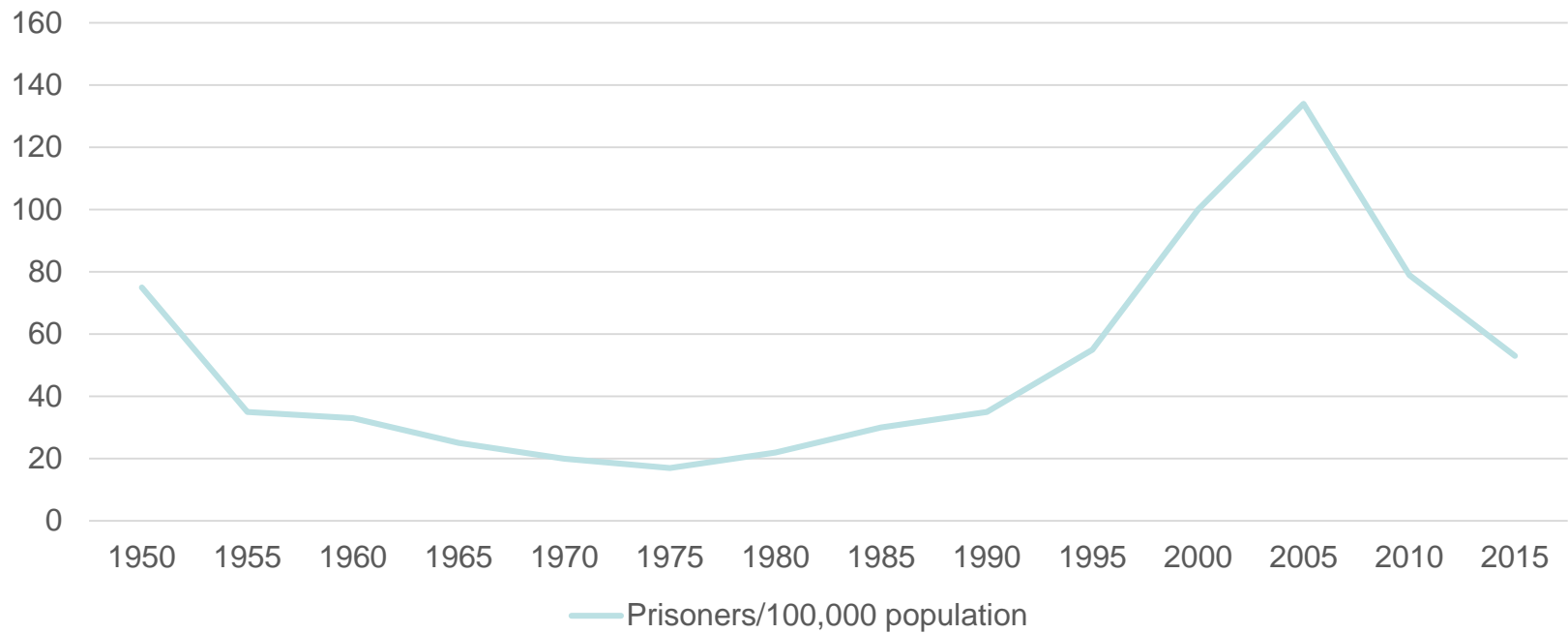


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# Prison rate in the Netherlands 1950-2015



# Consequences



# Transnational Prison I



# Transnational Prison II



# 1950-1985 (David Downes)

David Downes (1988): Contrasts in tolerance

- Causes of low prison ratio in comparison to surrounding countries in particular England:
- Ideological: a tolerant culture as a result of the pillarized structure of Dutch society.
  - A judiciary that punishes leniently
  - Absence of public pressure on the judiciary to punish more severe
- Practical: limited number of cells + one prisoner per cell

# 1985-2005 (Boone & Moerings)

- Convicts: doubled
- Pre-trial detainees more than doubled
- Immigrant detention six times higher
- Mentally ill offenders in forensic psychiatric institutions (Tbs) six times higher
- Tbs awaiting space more than six times higher
- Juveniles (mainly on civil grounds) Tripled



# Conclusion 2005

- Cell explosion the result of increased punitiveness and the impotence of society to deal more satisfactorily with social problems

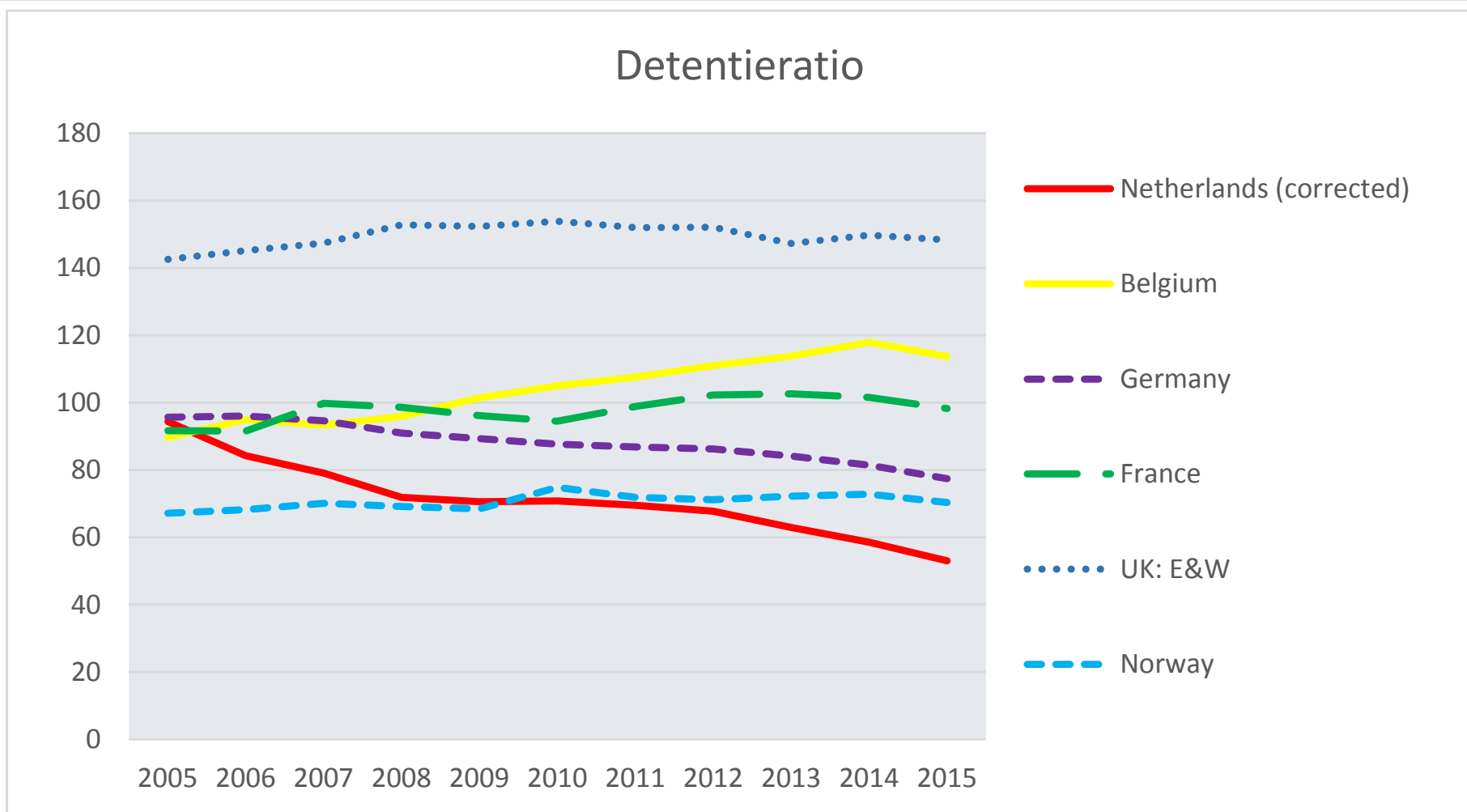
# Period 2005-2018

- Do decreasing prison rates reflect a milder penal climate (Boone & Van Swaaningen 2013)?
- Can decreasing prison rates be mainly explained by a decrease in crime (Boone, Pakes, Van Wingerden 2018)?

# Reflect a milder climate?

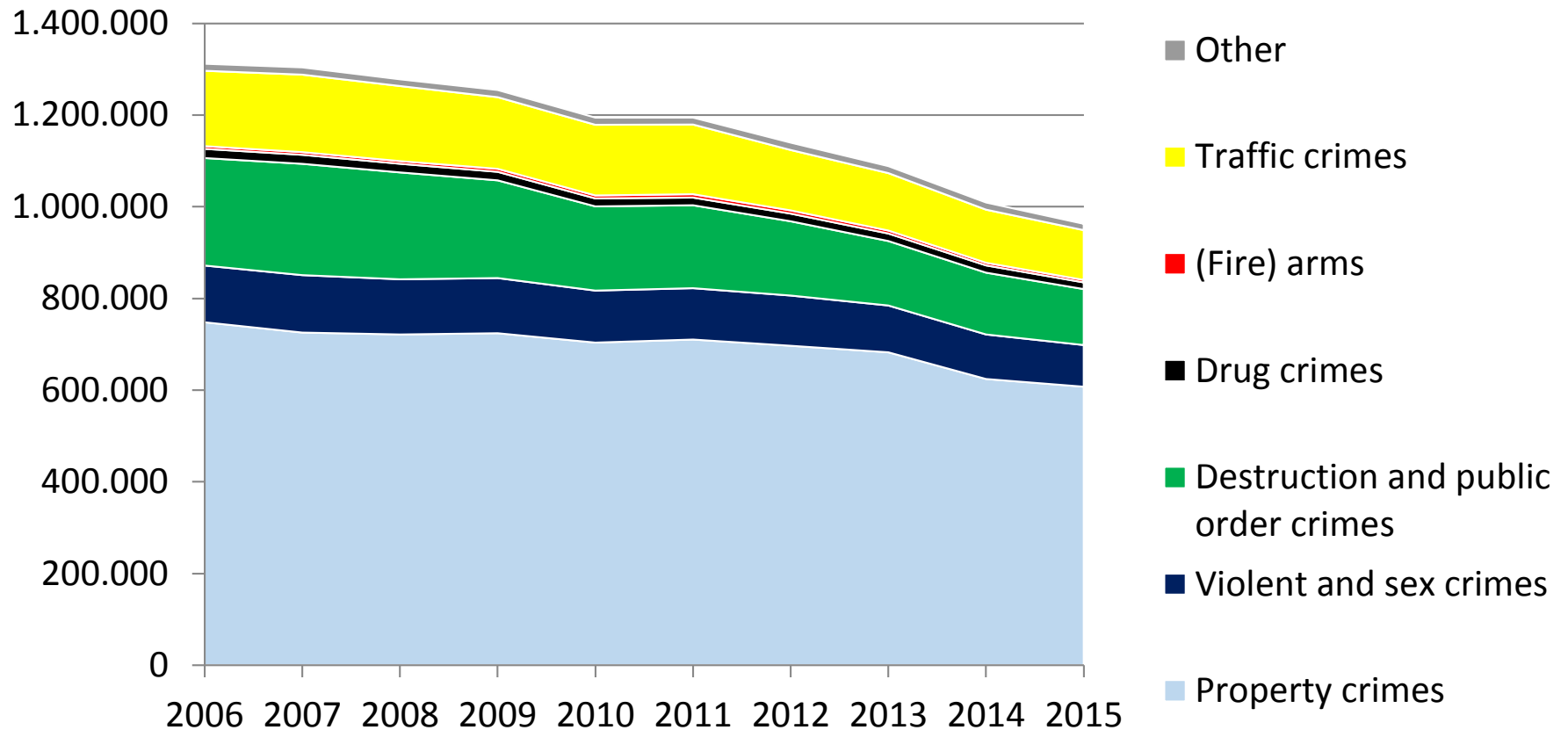
- Specific categories
  - Transcarcaration
  - Correction of Space Data
- Rhetoric and other punitive measures

# Prison rates in comparative perspective



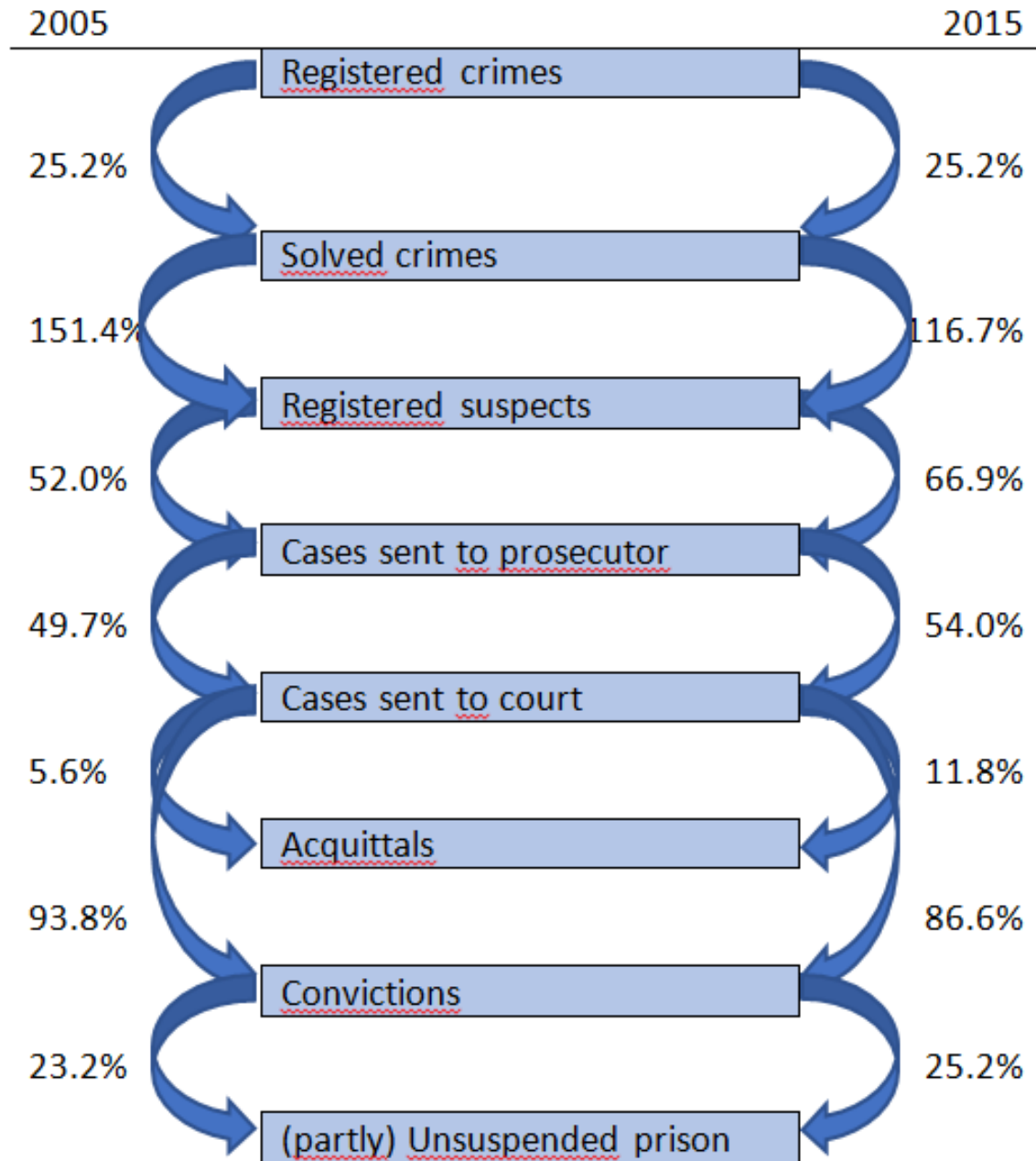
Bron: SPACE I, 2017

# Does the crime drop explain the prison drop?



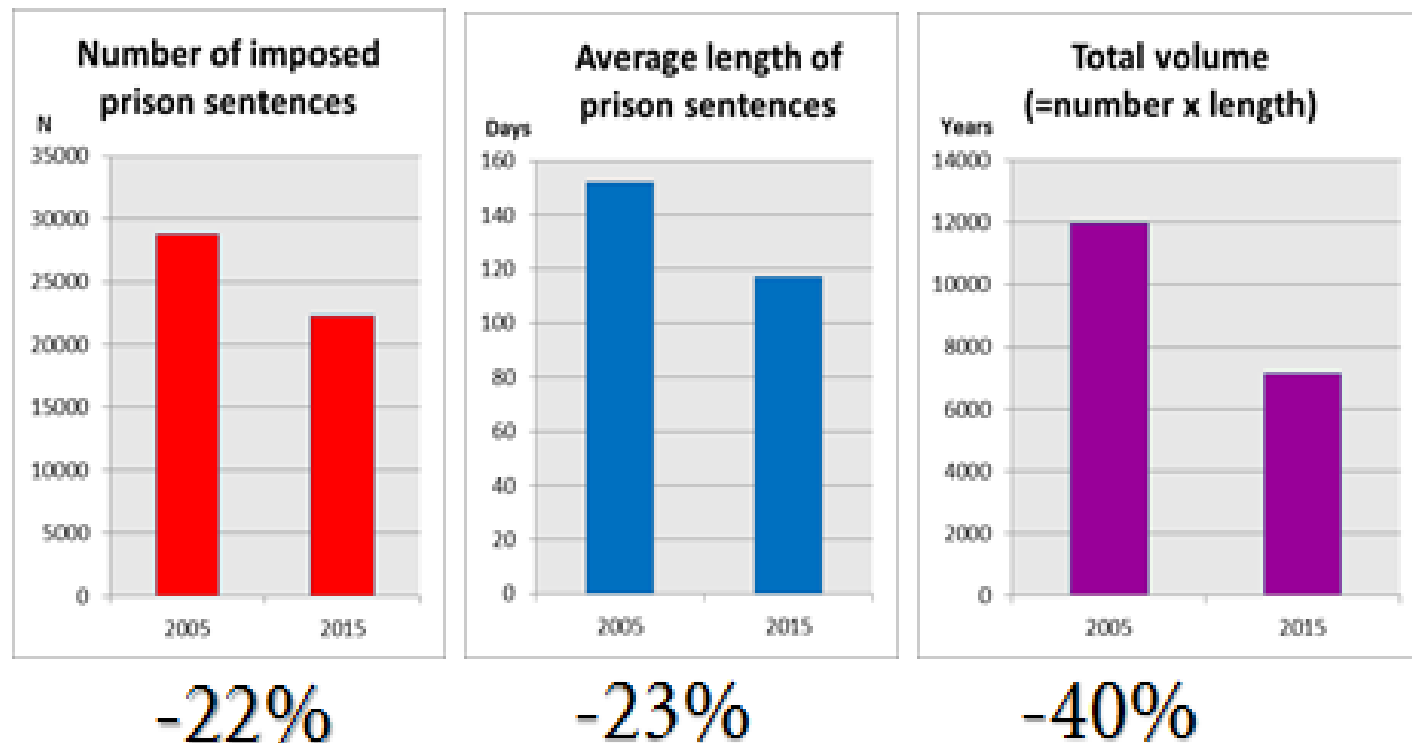
Bron: Criminaliteit & Rechtshandhaving 2017

# DM in the CJ chain (2005 vs 2015)



# Volume of imposed prison sentences

## Volume of imposed prison sentences



Bron: Criminaliteit & Rechtspraak 2017

# Why do the judges impose less severe sentences?

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- Did judges become less punitive?
  - Sentence severity comparable to European standards in similar cases (Van Tulder 2011)
- Are less severe cases brought before the judge?
  - Because more severe cases are not available (what about other countries, percentage of solved cases)?
  - Because more severe categories of crime are not investigated or brought before the judge (organized drugs crime, cybercrime)?



# Composition of the Dutch prison population 2016

Category		Percentage	
Pre-trial		44%	
<b>Convicted, of which</b>		<b>47%</b>	
<b>&lt; 1 month</b>		<b>53%</b>	
<b>&lt; 3 months</b>		<b>30%</b>	
<b>&gt; 3 years</b>		<b>2.7%</b>	
Other		10%	
Born in the Netherlands		58% (4 times overpopulation of ethnic minorities)	

# Conclusions

- Minor signs that the low prison population is the result of conscience policy
- Main causes: changed definition, crime drop compared with less effective policing and sentencing of more serious crimes
- Similar problems compared to NZ with regard to the composition of the prison population
- (Comparative) research to differences between prison populations should include all the phases of the Criminal Justice System