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Homicide in the Netherlands

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Introduction

In the Netherlands, on average, 223 persons per year die in a homicide (Nieuwebeerta & Leistra, 2007). This chapter provides an overview of all 3,771 homicide cases that occurred in the period 1992–2009, by outlining the epidemiology of homicide and by describing the types of homicide and the characteristics of those involved. In doing so, a distinction is made between domestic homicides, homicides in the context of an argument, criminal homicides, robbery homicides, and sexual homicides. In addition, this contribution offers several explanations specific to the Netherlands for the recent decline in the rate of lethal violence (e.g., population size, societal distribution, the use of firearms, unemployment rate, substance use, and detention policy). Finally, it presents an insight into policies and the general punishment of homicide in the Netherlands.

Background

The Netherlands is a parliamentary democratic constitutional monarchy, located in North-West Europe. The Netherlands is often referred to as Holland. This is rooted in the early history of the Netherlands – nowadays, North and South

Holland are only two of its 12 provinces. The population (approximately 16.5 million) consists mostly of ethnic Dutch inhabitants. Predominant ethnic groups include Turkish (2.0%), Surinamese (1.9%), Moroccan (1.7%), and Dutch Antillean (0.7%) groups (CBS, 2010b).¹ The life expectancy for girls born in the Netherlands is approximately 82 years, for boys approximately 78 years. In spite of the aging population, mortality rates show an annual decline in the last 5 years (CBS, 2010a). According to recent figures, approximately 99% of the population is literate (CIA, 2009). Lifetime prevalence of mental disorders in the Netherlands is estimated to be 41%, of which alcohol dependence accounts for 6% and drug dependence for 2% (Bijl, Ravelli, & van Zessen, 1998). In the Netherlands, firearm legislation is restricted and hence, firearm possession relatively low compared to other Western countries (around 5% of all households) (Van Dijk, Van Kesteren, & Smit, 2007).

Previous Studies on Homicide

Systematic research on homicide in the Netherlands is relatively limited. However, the few studies that focused on long-term trends in homicide indicate some important developments. Spierenburg, for example, who studied long-term homicide trends

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¹Someone is regarded as having a non-Dutch ethnicity when either one or both parents are born outside the Netherlands.

in Amsterdam from the seventeenth century onwards, indicates that the homicide rate has decreased over time. In fact, as has been outlined by Spierenburg earlier in this book, until the mid-twentieth century there was a long-term downward trend in homicides in almost all European countries. Much of this long-term decline occurred during the early modern period, from the sixteenth to the eighteenth century. In addition, the long-term downward trend does not only concern all homicides but also particularly applies to male-on-male violence. Also, in almost all European countries the lowest homicide rates were found in the 1950s. However, from the 1970s onward the trend seems to change: Since the 1970s an upward trend in the European homicide rates was detected. In the same period, there was an increase in the proportion of guns and knives as a method of killing and medical care improved. However, from the mid-1990s, the homicide rates stabilized or even decreased in most European countries (Spierenburg, 2008), including the Netherlands.

Previous research on contemporary homicide in the Netherlands tends to focus on one of the four main areas: The epidemiology of homicide, the victims and perpetrators; homicide subtypes according to the relationship between victim and perpetrator, homicide subtypes according to motive and finally, sentencing of homicide offenders. It should be noted that the study of homicide in the Netherlands has a fairly short history; as opposed to other Western countries such as Australia, England & Wales, and the United States, the Netherlands does not have a long tradition of monitoring homicide. Up until the 1990s, epidemiological homicide research was virtually nonexistent, as official databases were either inaccurate or did not allow for the matching of victim, perpetrator, and incident characteristics (Leistra & Nieuwbeerta, 2003).

The first area of research on homicide in the Netherlands is mainly based on national homicide data and involves the description of incident, perpetrator, and victim characteristics of a particular year (Bijleveld & Smit, 2006; Smit, Bijleveld, & van Zee, 2001) or multiple years combined (Leistra & Nieuwbeerta, 2003; Nieuwbeerta & Leistra,

2007; Smit & Nieuwbeerta, 2007; Van Os, Ganpat, & Nieuwbeerta, 2010). Because of the use of national data, the amount of detail available on individual homicides is rather small.

Recent studies on homicide subtypes according to the relationship between victim and perpetrator include studies on intimate partner homicide (De Boer, 1990; Fuldauer, 1994), child homicide (Brants & Koenraadt, 1998; Liem & Koenraadt, 2008b; Verheugt, 2007) and multiple family homicide (Liem & Koenraadt, 2008a), homicide-suicide (Liem, 2010; Liem & Koenraadt, 2007; Liem & Nieuwbeerta, 2010; Liem, Postulari, & Nieuwbeerta, 2009), the killing of parents (Koenraadt, 1996), the killing of prostitutes (van Gemert, 1994a), and the killing of older homosexual men (Van Gemert, 1994b). The majority of these studies have relied on data from selected sources (forensic psychiatric reports, police records) rather than on national data. Other homicides outside the family realm, such as homicides resulting from an argument or altercation have hardly been studied.

A third area of homicide research focuses on specific homicide subtypes according to motive, including criminal liquidations (Van de Port, 2001) and sexual homicides (Van Beek, 1999). Specific attention has been devoted to honor-related homicides (Nauta & Werdmolder, 2002; Van Eck, 2001; Yecilgöz, 1995). Because of the rare occurrence of such events, most studies conducted in this area take on a qualitative approach, including a small number of cases.

A final area of research concerns the sentencing of homicide offenders (Johnson, Van Wingerden, & Nieuwbeerta, 2010) and recidivism of homicide offenders (Vries, Liem, & Nieuwbeerta, 2010). These studies have relied on national data stemming from the Dutch Homicide Monitor (see later), allowing for a representative overview (Johnson et al., 2010).

Data Sources Used for This Study

To provide an overview of the epidemiology of homicide in the Netherlands, including the characteristics of the cases and the individuals

involved, the Dutch Homicide Monitor² is used. The Dutch Homicide Monitor is an ongoing monitoring system, which includes all homicides in the Netherlands that have taken place between 1992 and 2009. The year 1992 was used as a cut-off point. Before 1992, no uniform registration system for homicides in the Netherlands was available; accordingly, the homicide incidence and characteristics of homicide cases were not known. This database includes all lethal offences that have taken place between 1992 and 2009, which have been categorized as either murder (art. 289 and 291 Dutch Code of Criminal Law) or manslaughter (art. 287, 288 and 290 Dutch Code of Criminal Law), together comprising the category homicide. Not covered in these articles are physician-assisted deaths, assistance to suicide, and abortion, since in the Netherlands, these are considered crimes only in exceptional circumstances.³ Also, not covered in these articles include attempted homicide, negligent homicide, or aggravated assault.

Although Statistics Netherlands (Central Bureau of Statistics) also publishes data on homicide, the Dutch Homicide Monitor contains more detailed information on event, perpetrator, and victim characteristics (see also: Leistra & Nieuwbeerta, 2003). The Dutch Homicide Monitor is composed of seven sources, which partially overlap each other:

- All newspaper articles related to homicide generated by the Netherlands National News Agency (ANP). In the period 1992–2001, the ANP has published more than 13,000 newspaper articles related to homicide in the Netherlands. These articles contain considerable information on the characteristics of the homicides, the perpetrators, and victims.
- The Elsevier Annual Report. From 1992 onwards, the weekly magazine Elsevier publishes an annual report on all homicides that have taken place. This report is based on both ANP articles as well as on police files.

- Files from the National Bureau of Investigation (NRI). From 1992 until 2005, information on homicides in the Netherlands has been collected by the NRI as part of the National Police Force (KLPD). The information available in these files concerns the date and location of the homicide, the homicide method as well as basic demographic characteristics of both victim and perpetrator.⁴
- The Violent Crime Linkage Analysis System (VICLAS) from the NRI. This system contains information about homicide cases in which the victims had been sexually assaulted or raped.
- Files from the Public Prosecution Service. This database includes the judicial procedures of a homicide.
- Files from the Judicial Information Service and the Ministry of Justice.
- Files from the Criminal Justice Knowledge Centre (WODC). In addition to files from the KLPD and the Public Prosecution Service, these files contain detailed information stemming from interviews with relevant investigators who were in charge of the homicide event (e.g., Smit et al., 2001; Smit & Nieuwbeerta, 2007).

The use of multiple sources in the Homicide Monitor enables us to create a complete and reliable overview of all homicides that have taken place in the Netherlands in the period 1992–2009.

Epidemiology of Homicide in the Netherlands

Recent Trends in Homicide

In the Netherlands, on average, 223 persons per year die in a homicide (Nieuwbeerta & Leistra, 2007). This constitutes a small part (3.3%) of all unnatural deaths (CBS, 2006). The number of

²For this chapter, we used version 2.0 of the Dutch Homicide Monitor.

³Physician-assisted dying includes both physician-assisted suicide and euthanasia at the explicit request of the individual.

⁴Because of capacity problems in some police regions, we were not able to completely finish the verification process for the homicides committed in 2005–2010 at the moment of writing this chapter. However, for 12 of the 25 police regions the verification process has been completed.

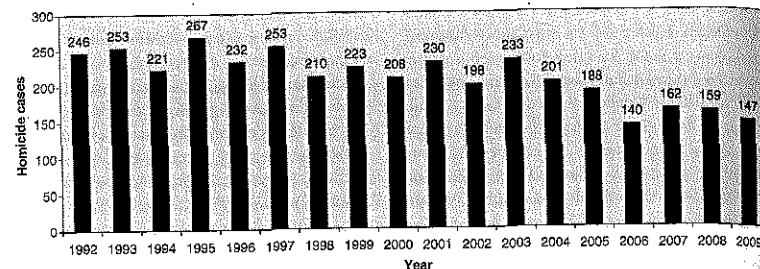


Fig. 21.1 Number of homicide cases in the Netherlands 1992–2009

homicides per year has declined steadily over the past decade, with a sharp decline in 2006 (see Fig. 21.1). The highest number of homicide victims was reported in 1995, in which 281 individuals died. The lowest number of homicide victims was reported in 2006, when 148 individuals died in a homicide.

Since the beginning of the 1990s, the Dutch population increased with almost one million inhabitants to 16.5 million. In the early 90s, the homicide rate was approximately 1.7 per 100,000 inhabitants. In the years that followed the average homicide rate remained steady at around 1.5 per 100,000. In the last 3 years this rate has decreased even further to 1.2 per 100,000. In 2007, the homicide rate was reported to be at its lowest at 0.9 per 100,000. In sum, both the total number of homicides as well as the overall homicide rate have steadily decreased over the last decades. The drop in intentional homicide is, however, not unique to the Netherlands: As Aebi & Linde have shown earlier in this handbook and in previous publications (Aebi et al., 2010), other European countries have also shown a decrease in the homicide rate.

Compared to homicide rates in other Western European countries, the homicide rate in the Netherlands is about average. Compared to Eastern-European countries, however, the homicide rate in the Netherlands is relatively low (WHO, 2009).

Regional Distribution of Homicide Rates

The majority of the homicide cases took place in main urban areas: in particular in Amsterdam, Rotterdam, and The Hague. A relatively large number of criminal homicide cases occur in these cities compared with other areas in the Netherlands: 18% of the total number of homicide cases occurred in Amsterdam, whereas 26% of all criminal homicide cases were registered here. Amsterdam also has a relatively high percentage of unsolved homicide cases (35%). Even though there is a high fluctuation of regional homicide rates over time, a systematic trend is lacking.

Incident Characteristics

In the period 1992–2009, a total of 3,771 homicide cases were committed, involving a total of 4,028 victims and 4,181 perpetrators.³ Overall, approximately 10% of the homicide cases are unsolved.

In the Dutch, Homicide Monitor homicides are categorized according to the relationship

³The description of the characteristics of homicide perpetrators covers the perpetrators that have been prosecuted for homicide by the Public Prosecutor. In addition, perpetrators who could not be prosecuted because they committed suicide or who were prosecuted abroad are included.

Table 21.1 Homicide in the Netherlands by type, 1992–2009

Type of homicide	% Homicide cases	% Solved homicide cases
Intimate partner	17	19
Child	4	4
Parent	2	2
Other family	7	8
Argument/altercation	21	23
Criminal	12	13
Robbery	7	8
Sexual	3	3
Other	18	20
Not solved	10	—

between victim and perpetrator as well as according to the context in which the homicide occurred, distinguishing a total of nine categories: Four categories involving homicides in the family realm (the so-called “domestic homicides”), criminal homicides, robbery homicides, homicides occurring in the context of an argument, sexual homicides and the category “other”.

One of the most predominant types of homicide involves homicides including an (estranged) intimate partner (see Table 21.1), accounting for approximately one fifth of all homicide cases. The killing of a child or the killing of a parent constitutes a total of 6% of all homicide cases. Other homicides taking place within the family include the killing of siblings, aunts, uncles, and other family members as well as the killings of rivals in love. Altogether, approximately one third of all homicide cases in the Netherlands occur within the family.

Other predominant categories are criminal homicides and robbery homicides. Criminal homicides mostly involved drug-related homicides. These incidents varied from drug addicts who killed one another, drug users who killed their dealers, and dealers who killed one another during a bad deal. This category also involves homicides in the context of criminal retributions. In total this category encapsulates approximately 12% of all homicide cases. Robbery homicides,

accounting for 7% of the total number of homicide cases, include victims who died in the course of a robbery, burglary, or theft (Fig. 21.2).

The most predominant type of homicide constitutes homicide in the context of an argument or altercation between friends, acquaintances, or strangers. This category only includes victims and offenders who were not related by family ties and who were not involved in the criminal milieu. In the period 1992–2009, more than one fifth of all cases were classified as such.

Sexual homicides, accounting for 3% of the total homicide cases, involve prostitute victims and victims who had been sexually assaulted prior to, during, or after the homicide. The category “other” includes homicide cases that could not be included in any of the previous categories (either due to the context in which the homicide occurred or due to a lack of information on the relationship between victim and perpetrator) and is heterogeneous in nature. The distribution of homicides according to type has remained fairly constant throughout the years: The data do not suggest that there is a systematic increase or decrease of a particular type of homicide.

The number of perpetrators and victims involved in homicide cases has remained fairly stable over time. On average each homicide case involves 1.07 victims; roughly 4% of all homicide cases include two victims, while 1% involves three victims or more. The majority of all solved homicide cases are committed by one perpetrator (77%), 14% are committed by two perpetrators, and 10% involve three or more perpetrators; on average each case includes 1.40 perpetrators.

Domestic homicides typically include one victim and one perpetrator; this statistic is found in 88% of intimate partner homicides, 67% of child homicides, and in 81% of homicides involving parents. Sexual homicides include one victim and one perpetrator in 80% of all cases; in 78% of homicides that occurred in the context of an argument or altercation, there was one victim and one perpetrator. In general, in 54% of robbery homicides and 47% of criminal homicides multiple perpetrators are involved.

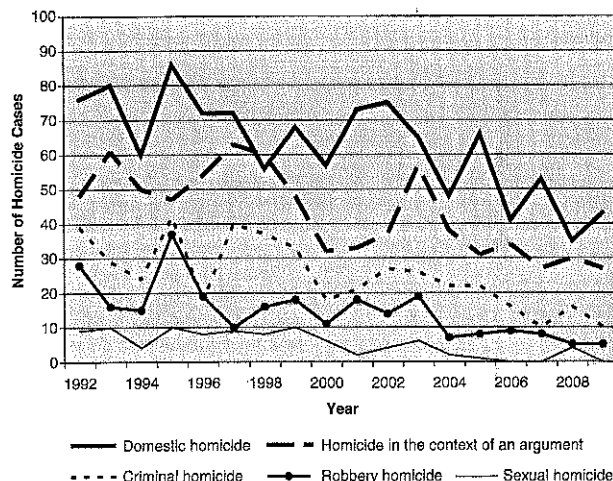


Fig. 21.2 Type of homicide in the Netherlands by year 1992-2009

Location

Approximately one out of every two homicide victims is killed in a residential setting. Roughly one third of the victims are murdered near a public road; in approximately one tenth (7%) victims are murdered in other public places such as in a park or forested area. Eight per cent of all homicide victims are murdered in discos, bars, and cafes. These figures have remained constant over time. Female victims are most likely to be killed in a residential setting (71%); men are often killed in a public area (46%) or in a residential setting (41%). When differentiating according to type of homicide, it appears that domestic homicides mostly take place in a residential setting (74%) and only occasionally in locations such as bars and cafes (2%). Criminal homicides, on the contrary, take place in a residential setting in only one third of cases; victims of this type of homicide are mostly murdered near a public road, in parks, or in water. Robbery homicides, including burglaries, are committed in a residential setting in 58% of cases. Sexual

homicides are mostly committed in public areas or in residential areas.

Modus Operandi

More than one third of the victims (37%) were killed with a firearm; another third was killed with a sharp instrument such as a knife or stiletto (34%). Other modi operandi include a blunt weapon (7%), strangulation and suffocation (10%), or physical instruments such as hitting or beating (7%). A very small percentage (5%) died of poisoning, drowning, burning, or by injuries inflicted by car. The modi operandi remained fairly stable over time. Most men were killed with a firearm (46%) or were killed with a sharp instrument (33%); women were mostly killed with a sharp instrument (35%) or died of strangulation (25%). Differences were found when distinguishing according to type of homicide: Criminal homicides were committed with a firearm in 69% of the cases. This is in contrast to domestic homicides, which involved a firearm in only

one-quarter of all cases. Compared to criminal homicides, domestic homicides were committed by stabbing or strangulation. Intimate partner homicides were mostly completed with a sharp instrument (42%), with a firearm (23%), or by strangulation (20%).

Victim and Perpetrator Characteristics

Gender

Like other types of criminal behavior, homicide mainly occurs between men: Approximately 70% of all victims and 90% of all perpetrators are male. This implies that women run a risk of 0.8 out of 100,000 to be killed vs. a risk of 2.0 out of 100,000 for men. These figures imply that 2.6 out of 100,000 men become homicide perpetrators, which is almost nine times as many compared to women, 0.3 of 100,000 of whom commit a homicide. These differences remain constant over time.

Gender differences can further be observed when distinguishing types of homicide. Victims of criminal liquidations and robbery homicides are predominantly male (96 and 76%, respectively). When women are victimized in these types of homicides, they are generally accompanied by a male intimate partner who is the original target of the homicide. Perpetrators of criminal homicides are also mostly male (97%). Although perpetrators of domestic homicides are also mostly men (82%), the majority of the child homicides are committed by women (52%). The figures show that women are rarely involved as homicide perpetrators; they are more likely to be involved as victims, particularly in domestic homicides between intimates. When women kill, they usually kill within the family.

Age

Differences between men and women are also pronounced when assessing the age at which they

become involved in a homicide. Boys and girls run a similar risk of being killed in the first years of their lives. On average, 2.1 per 100,000 children under the age of 1 year become homicide victims. This risk decreases as children age. Children between 1 and 14 years of age run the lowest risk of being killed (0.3 per 100,000). After 15 years, the risk rapidly increases. Generally, adolescents between the ages of 15 and 19 run a risk of 1.2 in 100,000 of becoming a homicide victim; this risk increases until they are 25-years old, when they run the highest risk of becoming victimized. Around this age, however, considerable gender differences arise. At age 25, men run a risk of 4.1 in 100,000 to become victimized, whereas women run a risk of 1.5 per 100,000. The risk of overall victimization slowly decreases, mainly because of a sharp decrease in male victimization. Around the age of retirement, men run a risk of 1.3 in 100,000 of becoming a homicide victim and women less than 1.0 in 100,000. Overall, roughly 8% of all victims were under 18; approximately 6% of victims were past retirement age (65 years). The majority of the victims (58%) were between 18 and 40 at the time they were killed.

These gender differences can also be observed in perpetrator age characteristics. For men, the likelihood of becoming a perpetrator is highest between the ages of 20 and 25. In this age category, almost 8.0 out of every 100,000 men commit a homicide. Even though women peak at the same age, their likelihood of committing a homicide is much lower, at 0.8 out of 100,000. Gender differences slowly decrease, mainly because the likelihood of becoming a perpetrator decreases for males. After the age of retirement, both men and women hardly commit homicide. The youngest homicide perpetrator in the period under study was 9-years old; the oldest 101. Approximately 5% of all perpetrators were under the age of 18 and roughly 1% was past retirement age. Most perpetrators (77%) were between 18 and 40 years old when they committed a homicide. Similar to other victim and perpetrator characteristics, considerable age differences exist when differentiating according to type of homicide.

Ethnicity

Roughly half of the total number of victims and perpetrators were of non-Dutch ethnicity⁶; the majority (65%) of non-Dutch perpetrators and non-Dutch victims (58%) were of Dutch Antillean, Surinamese, Turkish, or North African⁷ descent. Approximately 16% of non-Dutch perpetrators and 19% of victims originated from other Western European countries, and the remaining 20% of the perpetrators and 23% of the victims belonged to other ethnic groups. The distribution of victims and perpetrators according to ethnicity has remained constant over time. The relative risk of becoming a victim or perpetrator of homicide is higher for individuals who are of non-Dutch ethnicity when compared with those of Dutch ethnicity. As mentioned earlier, the predominant ethnic groups in the Netherlands consist of those of Dutch Antillean (0.7%), Surinamese (1.9%), Turkish (2.0%), and Moroccan (1.7%) descent. However, these population-based figures contrast considerably with the degree to which individuals of these groups are represented in homicide statistics. Individuals of Dutch ethnicity run a risk of 0.7 per 100,000 of becoming a homicide victim, whereas the relative risk for individuals of Antillean descent is 6.8 per 100,000, for individuals of Surinamese descent, 4.2, for individuals of Turkish descent, 4.9, and for individuals of Moroccan descent, 5.7 per 100,000.⁸ When examining men in particular,

figures show that Antillean men run a risk of 11.7 out of 100,000 of being killed.

Homicide perpetrators show a similar ethnic representation: individuals of Dutch descent run a risk of 0.7 per 100,000 of becoming a homicide perpetrator, whereas for those of Antillean descent this risk is 14.3 per 100,000. Individuals of Surinamese origin run a risk of 5.5 per 100,000, for those of Turkish origin, the risk is 6.0 and for individuals of Moroccan descent the risk is 5.0 per 100,000. Again, when examining men alone, Antillean men run a risk of 28.1 per 100,000 of committing a homicide.

When assessing the ethnic background of perpetrator and victim according to type of homicide, data show that among criminal homicides, two thirds of the perpetrators and 70% of the victims are of non-Dutch ethnicity. Turkish perpetrators and victims are particularly overrepresented in this category (approximately 16% of the victims and 13% of the perpetrators); roughly one fifth of the perpetrators and victims of criminal liquidations are of Turkish origin. Turkish perpetrators and victims are further overrepresented among domestic homicides; these cases typically involve honor killings.

Explanations for Homicide in the Netherlands

As mentioned earlier, the decline in the overall homicide rate is not unique to the Netherlands, as a steady decline has been observed in other European countries as well (Aebi et al., 2010). Several explanations have been suggested for this decrease, varying from medical improvement and a growing sensitivity for violence, to explanations concerning an increase in internal (high self-control) and external control (increasing control by social institutions), which might have resulted in a decrease in violent behavior (see e.g., Eisner, 2000; Gurr, 1989; Spierenburg, 1996).

Several hypotheses can be put forward to explain the above-described drop in homicide rates since 2004. Previously, it has been suggested that homicide rates are related to the demographic composition of society (Parker, Mc

Call, & Land, 1999). In particular, the total population size as well as factors such as the societal distribution of age and ethnicity are considered to be related to the overall level of (lethal) violence (Messner & Blau, 1987; Messner & Sampson, 1991). Young men and those belonging to an ethnic minority are thought to experience the reality of life in the lower classes of society and are thus more likely to feel alienated and experience frustration (Anderson, 1997). Another interpretation for the overrepresentation of these groups of individuals is cultural: because of their cultural background, these individuals might be more prone to engage in violent behavior when it comes to honor and respect (Anderson, 1999). According to this line of reasoning, the recent drop in the homicide rate could be ascribed to a decrease in the total number of young men and individuals of non-Dutch descent.

Other hypotheses to explain this drop focus on social disorganization. Leading back to Shaw and McKay (1942), in socially disorganized areas (characterized by a heterogeneous population, poverty, and residential mobility) structural barricades seem to impede formal and informal control. According to this perspective, social disorganization thus results in a high degree of aggressive and violent behavior, the most extreme form being homicide. Previous empirical studies have shown that indicators for social disorganization, such as the number of single-parent families and the number of divorces, are significantly related to the degree of lethal violence (Lee, Maume, & Ousey, 2003; Maume & Lee, 2003; Rosenfeld, Messner, & Baumer, 2001; Stretesky, Schuck, & Hogan, 2004).

Still others argue that the degree of lethal violence is reflected in the degree of economic stress, typically indicated by the overall unemployment rate. Previous studies provide mixed results: some find that unemployment rates have no influence; others even find a positive relationship between the level of unemployment and the homicide rate (Land, McCall, & Cohen, 1990; Rosenfeld et al., 2001).

Finally, from a situational point of view, Gartner (1990) held that rates of violent crime are lower in a society in which there are (a) fewer

potential perpetrators, (b) fewer opportunities to commit a violent act, and (c) preventative measures that have been taken to prevent lethal violence (Cohen & Felson, 1979; Cohen, Felson, & Land, 1980; Cohen, Kluegel, & Land, 1981).

When examining these hypotheses in the Dutch context, the results remain ambiguous as there is no single indicator explaining the trends as described earlier. As recent data indicate, changes in the population size and societal distribution follow the opposite direction: whereas the homicide rate decreased, the overall population increased from roughly 15 million in the beginning of the nineties to 16.5 million in recent years. Similarly, the percent of non-Dutch citizens in this period increased too, from 6.5% of the total population to 11% in 2009. Other demographic explanations such as a change in age composition do not seem to be fully explanatory, either: the change in age composition of the population (measured in the proportion of young persons in society) is not limited to the years in which the homicide rate drop took place. The relative prevalence of young persons decreased throughout the nineties, and stabilized well into the new century, which does not provide a sufficient explanation for the recent decrease in the homicide rate. The same is true for the proportion of single-parent families, the use of firearms, and the unemployment rate: whereas the homicide rate decreased, the rate of these indicators followed an opposite trend. Other indicators, such as divorce rate, residential mobility, and urbanization, did not provide support for the abovementioned hypotheses either.

Indicators that might be related to the decrease and stabilization in the proportion of lethal violence in the Netherlands are substance use and detention policy. Simultaneously with the increase in the number of prisoners, there has been a sharp decline in homicides that were committed in the criminal milieu, robbery homicide, sexual homicide, and homicide in the context of an argument or altercation. In contrast, homicides in the family realm have remained relatively stable during the same time period. These hypotheses are, however, speculative – more comprehensive, detailed

⁶ Ethnicity might not be a completely reliable variable as it is often based on the personal judgment of the police officer.

⁷ In most cases this involves perpetrators or victims from Morocco. To a lesser extent, this category includes perpetrators or victims from Tunisia and Algeria.

⁸ Because of a relatively high number of missings in the variable ethnicity for the years 2005–2009, the rates of becoming a homicide victim or perpetrator according to ethnicity might be distorted. In fact, compared to the years 1992–2004, there seems to be an underrepresentation. The relatively high number of missing data on the variable ethnicity is probably caused by the fact that the verification process for the homicides committed in 2005–2010 was not completely finished at the moment of writing this chapter due to capacity problems in some police regions.

research is needed before the causes of the decrease in lethal violence in the Netherlands can be extensively explored.

Policies Specific to the Netherlands

In the Netherlands, prison sentences are the norm for convicted homicide offenders. Life imprisonment is occasionally applied; non-life sentences are limited to 30 years for murder and 15 years for manslaughter. In the Dutch system, the criminal code only contains a sentencing maximum. The minimum term when a prison sentence is imposed is 1 day. There are no sentencing guidelines and no mandatory minimum sentences in The Netherlands. Dutch judges therefore enjoy broad discretionary power in both the type and severity of criminal punishment. The prosecutorial recommendation is in no way legally binding for the judge, although it is likely to offer a useful anchoring point in judicial sentencing deliberations, and judges are asked to offer reasons for deviating starkly from it (Johnson et al., 2010). One unique aspect of homicide sentencing in The Netherlands is a treatment option available to Dutch judges for offenders deemed to not be accountable for their actions because of their mental state at the time of the offense. For these offenders, a treatment-based sentencing option abbreviated as TBS is available. TBS is a mandatory treatment order in a special penal institute for the mentally ill. If an offender is deemed partially unaccountable for their crime, the TBS treatment may be imposed in conjunction with a prison term. After serving their time in prison, the inmate is then transferred to a mental institution, where they are periodically evaluated to determine if and when they should be released. This term is indeterminate and some offenders may spend the rest of their lives in these special facilities.

In the period 1992–2009, approximately 90% of all homicide cases were cleared – in other words, at least one suspect was known to the police. These suspects also include individuals who were prosecuted abroad and those who died after the homicide, either by homicide, suicide, or an accident. Among all homicide prosecutions,

about 72% were prosecuted for murder rather than manslaughter.

The large majority of suspects who were prosecuted were also summoned before a judge for a homicide offence (87%) – mostly for murder. Also, of the summoned homicide suspects, more than 80% were convicted of the offence, 5% were acquitted for the homicidal offence or released from all charges, and, for 13%, the trial results are yet unknown.

Of the homicide suspects who were convicted by the judge, a total of 52% were convicted of murder, and more than one third (38%) were convicted of manslaughter. Roughly 10% were eventually sentenced for a lesser offence such as physical maltreatment leading to death or negligent homicide.

In cases in which the suspects were summoned for homicide, the Dutch prosecutors recommended an average of 9 years of imprisonment. Dutch judges, however, sentenced offenders to about 7.31 years on average. Prosecutorial recommendations were typically more severe than the prison terms meted out by Dutch judges. For the homicide offence, approximately 73% of the convicted suspects were sentenced to incarceration alone, 5% to TBS, and 19% were sentenced to a combination of incarceration and TBS. Three per cent of the convicted suspects were sentenced for the homicidal offence to incarceration in a juvenile detention centre. Even though there were relatively small differences between the severity of punishment in the cases in which the suspect was convicted of murder or manslaughter (on average 8.97 years for murder vs. 6.72 years for manslaughter), substantial differences can be noted when differentiating according to the type of homicide committed. The majority of the convicted perpetrators were typically sentenced to incarceration only when they committed homicide in the family realm (domestic homicides), homicide in the context of an argument, criminal homicide, robbery homicide, or sexual homicide. In comparison with other types of homicides, individuals who killed their child, their parent or who committed a sexual homicide were more often sentenced to incarceration in combination with a TBS sanction.

One per cent of the perpetrators who were convicted for the homicide were sanctioned to 20 years of imprisonment or sentenced for life.

The average length of imprisonment and the frequency of life imprisonment sanctions has increased in recent years. In 1993,⁹ in the cases in which the suspects were summoned for homicide, the average length of the prosecutorial recommendation of imprisonment was 7.8 years. By 2006, the average length increased by 2.2–10.0 years. In the same period, in the cases in which the suspects were summoned for homicide, the imposed sanction increased from 6.0 years of imprisonment to 8.5 years: an increase of 2.5 years. This trend shows that in comparison to the year 1993, the average length of imprisonment recommended by the public prosecutors and imposed by the judge have increased in recent years.

In a recent study on sentencing homicide offenders in the Netherlands, Johnson et al. (2010) found that, in addition to legal case characteristics, age, nationality, and gender characteristics exert substantial influences in sentencing. Their study, making use of the same data described above, revealed that female offenders were sentenced to significantly shorter terms of incarceration, whereas non-European foreigners received significantly longer sentences. Very young and very old offenders also received partial leniency in sentencing. Victim characteristics mirror these findings: homicides involving female and Dutch victims typically receive longer prison sentences and offences involving very young or old victims are also punished more severely. The authors showed that criminal sentences were particularly severe for homicides involving male offenders and female victims, for those involving foreign offenders who victimized Dutch citizens, and for those who used a firearm in the homicide. It may be hypothesized that the latter finding can be attributed to the above-described relatively rare possession of firearms. Killing by means of a firearm might be considered particularly heinous and deserving of increased punishment.

⁹ Because of a relatively high number of missing cases, the length of imprisonment is only described for the years 1993–2006.

Conclusion

This chapter has provided an overview of homicide in the Netherlands over the last 18 years, outlining the epidemiology of homicide in the Netherlands, recent trends of homicide, as well as the nature and types of policies and punishment of this type of violent crime. In the Netherlands, on average, 223 persons per year die in a homicide. The majority of the cases concern homicides arising from an argument and domestic homicides. The majority of the victims and perpetrators are male, even though there are substantial gender differences according to type of homicide. The same accounts for characteristics such as location and modus operandi – both differ according to the type of the homicide committed. Roughly half of the total number of victims and perpetrators were of non-Dutch ethnicity. Regarding regional variation, most homicides are committed in urban areas. Most perpetrators are sentenced to incarceration; those who are sentenced to a combination of incarceration and TBS are typically found guilty of domestic homicide or sexual homicide.

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