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The Netherlands

## **The war on antisocial behaviour rationeles underlying antisocial behaviour policies : comparing British and Dutch discourse analyses**

Koemans, M.L.

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## Appendices



## Appendix I

### List of abbreviations

|                               |                                                  |
|-------------------------------|--------------------------------------------------|
| ASB ( <i>in this thesis</i> ) | Antisocial behaviour by youngsters on the street |
| ABC                           | Acceptable Behaviour Contract                    |
| ASBO                          | Anti-Social Behaviour Order                      |
| CDRP                          | Crime and Disorders Reduction Partnership        |
| CRASBO                        | Crime ASBO                                       |
| ESRC                          | Economic & Social Research Council               |
| NAO                           | National Audit Office                            |
| NCSN                          | National Community Safety Network                |
| SAOA                          | Stichting Aanpak Overlast Amsterdam              |



## Appendix II

### New British ASB-related enforcement powers and tools

| Power                               | Legislative basis                  | Type <sup>1</sup>                                                                     |
|-------------------------------------|------------------------------------|---------------------------------------------------------------------------------------|
| Acceptable Behaviour Contract (ABC) | none                               |                                                                                       |
| Anti-Social Behaviour Order (ASBO)  | Crime & Disorder Act 1998          | (Hybrid) court imposes prohibitions which become an offence if breached               |
| Individual Support Order            | Criminal Justice Act 2003          | Support element attached to ASBO for juveniles                                        |
| Drug Intervention Order             | Drug Act 2005                      | Support element attached to ASBO for adults                                           |
| Housing injunction                  | Housing Act                        | Civil injunction                                                                      |
| Parenting Contract                  | ASB Act 2003                       | <i>Voluntary</i> agreement                                                            |
| Parenting Order                     | Crime & Disorder Act 1998          | Court imposed requirement to attend counseling or parenting sessions                  |
| Penalty Notice for Disorder         | Criminal Justice & Police Act 2001 | Administrative fine with summary powers                                               |
| Demoted Tenancy                     | ASB-Act 2003                       | Reduced tenancy rights; rendering eviction easier                                     |
| Family Intervention Tenancy         | Housing & Regeneration Act 2008    | Insecure tenancy with support agreement for family intervention project accommodation |
| Housing Benefit Sanction            | Welfare reform Act 2007            | Reduction to housing benefit linked to grounds of antisocial behaviour                |
| Child Curfew Order                  | Crime & disorder Act 1998          | Power to impose curfew no direct penalty                                              |
| Dispersal Order                     | ASB Act 2003                       | Police direction to disperse from designated area, offence if breached                |

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<sup>1</sup> Order of the measures was taken from the ESRC-report, but tells nothing about the chronology of the measures or the order of imposition.

| <b>Power</b>                                | <b>Legislative basis</b>                | <b>Type<sup>1</sup></b>                                                |
|---------------------------------------------|-----------------------------------------|------------------------------------------------------------------------|
| Designated Public Places Order              | Criminal Justice & Police Act 2001      | Exceptional two-step prohibition- police direction                     |
| Drinking Banning Order                      | Violent Crime Reduction Act 2006        | Court imposed banning order, offence if breached                       |
| Alcohol related Directions to Leave an Area | Violent Crime Reduction Act 2006        | Police direction becomes an offence if breached (two-step prohibition) |
| Crack House Closure Order                   | ASB Act 2003                            | Temporary closure of premises regardless of tenure                     |
| Premise Closure Order                       | Criminal Justice & Immigration Act 2008 | Temporary closure of premises regardless of tenure                     |

Source: Economic & Social Research Council (ESRC) (2009). Situating Anti-social behaviour and respect

## Appendix III

### Dutch ASB-related enforcement powers & tools

#### I Measures to Combat Soccer Vandalism and Severe Anti-Social Behaviour Act (*Wet maatregelen bestrijding voetbalvandalisme en ernstige overlast*) (1-9-2010)

| <b>Gemeentewet</b> | <b>Local Government Act</b>                                                          | <b>Further explanation</b>                                                                                                                                                           |
|--------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Artikel 172a       | Notification duty, Restraining orders (Gebiedsverbod, groepsverbod & meldingsplicht) | <i>Mayor can impose restraining orders at local level. The jurisdiction (derived from article 172) is primarily focused on local causes of ASB in the public domain.<sup>1</sup></i> |
| Artikel 172b       | Parenting order for children under 12                                                | <i>Order not to leave children unaccompanied in certain areas</i>                                                                                                                    |

| <b>Wetboek van strafvordering</b> | <b>Code of Criminal Procedure</b>                                                                                                                                                |                                                                       |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Artikel 509hh                     | Notification duty, restraining orders & requirement to attend counseling (Gedragsaanwijziging door de OvJ gebiedsverbod, contactverbod, meldingsplicht, hulpverlening ondergaan) | <i>Public prosecutor authorized to impose behavioral prohibitions</i> |

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<sup>1</sup> Ministerie van Binnenlandse Zaken en Koninkrijksrelaties (2010). *Handreiking Wet maatregelen bestrijding voetbalvandalisme en ernstige overlast*. Den Haag; Ministeries van BZK en Justitie.

| Wetboek van Strafrecht | Titel VIII. Misdrijven tegen het openbaar gezag                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>Criminal code</i>                                                                                                                                                                                                                    |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Artikel 184            | Hij die opzettelijk niet voldoet aan een bevel of een vordering, krachtens wettelijk voorschrift gedaan door een ambtenaar met de uitoefening van enig toezicht belast of door een ambtenaar belast met of bevoegd verklaard tot het opsporen of onderzoeken van strafbare feiten, alsmede hij die opzettelijk enige handeling, door een van die ambtenaren ondernomen ter uitvoering van enig wettelijk voorschrift, belet, belemmert of vrijdelt, wordt gestraft met gevangenisstraf van ten hoogste 3 maanden of geldboete van de tweede categorie. | <i>(shortened translation) He who intentionally does not comply with an order or a claim, under legal requirement made by authorized officials is punished by imprisonment not exceeding 3 months or a fine of the second category.</i> |

## II Other Dutch administrative ASB-related enforcement powers and tools

| Dutch terminology                                                                       | Further English explanation                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gebiedsverboden op grond van artikel 172 Gemw of Algemene Plaatselijk Verordening (APV) | <i>Restraining order on basis of APV (General Local Regulation); local councils' own municipal byelaws (which by definition are offences under Dutch law).</i>                                                                                          |
| Samenscholingsverbod                                                                    | <i>In (APV) dispersal/congregation order issued by mayor for designated area.</i>                                                                                                                                                                       |
| Bestuurlijke ophouding                                                                  | <i>Local Government Law (Gemw) articles 154a and 176a, the mayor is authorized to detain groups temporarily.<sup>2</sup></i>                                                                                                                            |
| Wet bestuurlijke boete overlant in de openbare ruimte                                   | <i>Local council (mayor)<sup>3</sup> may impose an administrative fine when autonomous regulations (article 154 of Gemw) are breached (other than APV). For instance; urinating in public, the wrong provision of garbage and graffiti.<sup>4</sup></i> |

2 Brouwer, J. & A. Schilder (1999). Het wetsvoorstel bestuurlijke ophouding, een verkenning van de rechtsstatelijke grenzen, NJB, 1640-1648.

3 <http://www.eerstekamer.nl/9370000/1/j9vvhwtbnzpbzcc/vh5ll12xt0we>  
[http://wetten.overheid.nl/BWBR0023480/geldigheidsdatum\\_10-04-2009](http://wetten.overheid.nl/BWBR0023480/geldigheidsdatum_10-04-2009)

4 Cachet, L. (ed.) (2008). Governance of security in the Netherlands and Belgium. Den Haag: Bju legal publishers.

### III Examples of Criminal law instruments

*In general within Dutch criminal law there is the possibility of different types of behavioral prohibitions, or in the phase prior to a trial, as conditions combined with a detention on remand (article 180 sr) or after trial as extra with a suspended sentence (article 14 c SR). See below for some examples.*

| Dutch terminology                             | Further English explanation                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Halt-traject (& STOP for 12 minners)          | Police direction for slight offences offers children (STOP; younger than twelve) the opportunity to avoid a criminal record. <sup>5/6/</sup><br><sup>7</sup> Via agency dedicated to preventing youth crime (Bureau Halt). <sup>8</sup>                                                                                            |
| Gedragsaanwijzingen in het kader OM-afdoening | The public prosecution service settlement law (art. 257, 3 <sup>e</sup> lid SV). <i>The public prosecutor and other civil servants are authorized to impose penalties for certain punishable offences. This decision is an out-of-court settlement and the suspect must declare its readiness to comply with the instructions.</i> |

5 Stokkom, B. van (2007). Regulering van antisociaal gedrag. Aanpak van persistent Overlast-gevende jongeren in Engeland en Nederland. *Tijdschrift voor veiligheid*, (6) 3, 36-50.

6 Kruissink, M. & C. Verwers, (1989). *Halt: een alternatieve aanpak van vandalisme. Eindrapport van een evaluatieonderzoek naar Halt-projecten*. Arnhem: Gouda Quint.

7 Ferwerda, H, e.a. (2006). *Halt: het alternatief? De effecten van Halt beschreven. Onderzoek & beleid nr 244*. Den Haag: WODC/Boom juridische uitgevers.

8 Nauta, O. & L. Loef (2011). *Evaluatie pilot landelijk instrumentarium jeugdstrafrechtken*. Den Haag: WODC.

