



*Improving Needs Assessment and Victims Support  
in Domestic Violence Related Criminal Proceedings*

# The protection of IPV victims: legal framework and criminal procedures

The Netherlands

Lisanne Drost | Tinka van der Kooij | Katinka Lünemann



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## 1. Introduction

The aim of the research is getting more insight in mechanisms of protection of victims of intimate partner violence in the criminal law system.

In this country report we give an overview of the legal framework in general and specific for domestic violence (Chapter 2). The next chapter is about investigation mechanisms: We first describe the Dutch criminal justice process. After that we describe the Dutch policy on domestic violence and thereafter we give figures on domestic violence; general figures and police figures on domestic violence. In chapter 4 we describe two risk assessment tools. One is used by the police when they want to impose a restraining order, and the other is used by probation. We also give information about protection measures and referral procedures.

### *Definition domestic violence*

In contrast to many other European countries the Netherlands uses a rather broad definition of the term domestic violence. In the Netherlands domestic violence is defined as any and all types of violence that are committed in the private sphere. Domestic violence has become a 'container concept' to mean the collective forms and types of violence committed by someone in the victim's domestic or family circle. This includes (intimate) partner violence, but also child abuse, abuse and neglect of the elderly and honor-based violence, among others (Dijkstra, 2007). Current policy and discourse on domestic violence in the Netherlands reflect a gender-neutral approach to the problem. Recently more attention is paid to a gender sensitive approach initiated by the Ministry of Education, Culture and Science, department Emancipation, framed within the domain of women's rights and violence against women (Römkens, et al, 2014; De Vaan et al, 2014; Römkens, 2010; Roest, 2011). Moreover, (intimate) partner violence, in particular violence against women, is the most common form of domestic violence in the Netherlands.



## 2. Law and regulations

### 2.1 Legal framework in general

The Dutch justice system consists of three areas of law. Civil law (also known as private law), administrative law and criminal law. Civil law is the umbrella term for the law dealing with conflicts between individual members of the public and/or organizations. Administrative law prescribes the rules that public authorities must keep to in their decision-making and regulates relations between government and citizens. The most important of these rules are laid down in the General Administrative Law Act (AWB). And criminal law deals with offences ranging from minor infringements such as failure to stop at a red light to serious offences such as drug trafficking, theft and murder ([www.government.nl](http://www.government.nl)).

The Public Prosecution Service (PPS) is one of the main parties involved in dealing with criminal cases. In the first place, the PPS decides whether or not a case should be brought to court. If so, it is represented by one of its officers - a public prosecutor or an advocate general (at appeal court)- who asks the court to impose an appropriate sanction. The Public Prosecution Service can also decide on how to deal with certain categories of petty crime without having to apply to the courts. The Public Prosecution Service decides whether an offender must appear before the court and it prepares the indictment. It has sole discretion to decide whether a case should be prosecuted. The Department only works in the field of criminal law and can only take action if a criminal offence has been committed. It is also responsible for protecting the rights of both victims and offenders throughout the judicial process ([www.om.nl](http://www.om.nl)).

The judiciary comprises both judges and public prosecutors. The Minister of Justice is responsible for the judiciary as far as it concerns the prosecution service (public prosecutor). Judges are independent and no Minister has authority over them (Tak, 2008).

In the Netherlands there are 11 district courts, 4 courts of appeal and 1 supreme court. Most cases start at a district court. The district court is made up of a maximum of five sectors. These always include the administrative sector, civil sector, criminal sector and sub-district sector. Family and juvenile cases are often put into a separate sector, as is sometimes the case with the administration of the law concerning aliens. The judges of the criminal law sector deal with all criminal cases which do not come before the sub-district judge. These cases can be heard by a single judge or in full-bench panels with three judges. The full-bench panel deals with more complex cases and all cases in which the prosecution demands a sentence of more than one year's imprisonment ([www.rechtspraak.nl](http://www.rechtspraak.nl)).



If one of the parties disagrees with the court's ruling, the case may be referred to a court of appeal. The Court of Appeal re-examines the facts of the case and reaches its own conclusions. In most cases it is possible to contest the Court of Appeal's decision by appealing in cassation to the Supreme Court of the Netherlands ([www.rechtspraak.nl](http://www.rechtspraak.nl)). To safeguard the quality of the justice system and to make the courts accessible to everyone, the Netherlands is divided into jurisdictions. This division determines, among other things, which district court will hear a given case ([www.government.nl](http://www.government.nl)).

## 2.2 Legal framework domestic violence

### *No Criminal Act Domestic Violence*

In the Netherlands there is no criminal act of 'domestic violence' as such. Domestic violence is covered by general provisions of criminal law, like common assault, causing grievous bodily harm, manslaughter, murder, rape, sexual assault and stalking. However intimate partner violence is an aggravated circumstance within the context of common assault or grievous bodily harm (art. 304 Criminal Act). The punishment can be raised by one third of the maximum penalty in cases where the victim is the wife, husband, parent or child of the perpetrator.

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There are no special criminal procedures in cases of IPV. Cases of IPV can be brought to court without an obligation of the victim to make a complaint. Only in cases of stalking a formal complaint is needed. In fact though a statement is often needed otherwise the offence is hard to prove. (See chapter 3.2 for more information).

### *Directive domestic violence and honor-related violence*

Since 2003 there is a "Directive domestic violence and honor-related violence" (Aanwijzing huiselijk geweld en eengerelateerd geweld) particularly developed for Public Prosecution, the police and probation. The most recent Directive is from 2010. A new Directive is under construction; that directive will be more focused on the interest of the victim and inter agency. Also elderly violence and youth get more attention in the new directive.

The Directive focuses on preventing the repetition of violence and has an eye for protective measures. For example, the police must ask the victim if she/he would like to pursue a street or contact ban. The police must also inform the victim about the possibility to leave out of the police report her/his address and contact information. If the victim is housed at a secure location, the

address must remain completely unlisted. When the victim is in great danger, a protective measure by police is possible. At the control room a special code is linked to the location, to ensure that the control room initiates an immediate response in case of emergency.

The Directive domestic violence and honor-related violence (2010) establishes rules concerning the investigation and prosecution of domestic violence and honor-related violence and also formulates preconditions on local cooperation between the police, prosecution, probation and municipal. In chapter 3.2 the rules concerning the investigation as written in the 'Directive domestic violence and honor-related violence' will be discussed in more detail.

### *Temporary Restraining Order Domestic violence*

Since 2009 senior police officers have been able to impose a ten-day restraining order<sup>1</sup> (which may be extended to 28 days), as commissioned by the mayor, on (potential) perpetrators of domestic violence. The temporary restraining order prohibits these perpetrators from entering their own house and contacting their partner and/or children (Temporary Restraining Order Domestic Violence Act (WTH)). When the victim reports the incident to the police, a restraining order can be imposed within 24 hours, if everything runs smoothly and the offender cooperates for example. The violent behavior in particular does not need to meet the criminal legal definition of violent abuse as the measure of the temporary restraining order is intended to be a preventive measure. The temporary restraining order can then be issued before the violence has had the chance to escalate to a form where it would be considered a criminal act. The police are responsible for determining whether there is immediate threat, and if so, an acute response is implemented. This order goes hand in hand with the provision of aid to those victims, including children who have been left behind or were removed from the home. Also the perpetrator is offered support. In the Netherlands this offer to victim, children and perpetrator is called a system approach (Lünnemann, Römken & De Roos, 2008; Schreienberg et al., 2010; De Vaan et al., 2013).

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<sup>1</sup> Different terms are used for the order under debate here. In the English speaking countries the term barring, go-order or sometimes eviction or restraining order is used. We prefer the term restraining order to distinguish it more clearly from the existing civil injunction or eviction order since it implies a different legal regulation to temporarily bar the perpetrator entrance to his or her home. In Austria the common term is *Wegweiseregeling*, In Germany *Platzverweis*. In Dutch the term is *huisverbod*.

A temporary restraining order can be imposed on the offender when the presence of the offender in the home causes a dangerous situation for those (or one of them) who live in the house together with the offender. However, jurisprudence has shown that a temporary restraining order was also imposed in cases where the victim had fled the house (to avoid further violence) and the incident took place in the victim's temporary place of residence. It is assumed that the victim wants to return to the home and the offender would in that case pose a threat to their safety.

The temporary restraining orders are an addition to the existing criminal measures regarding domestic violence because they enable intervention before the violence has actually taken place or the situation escalates. In practice, however, the restraining orders are frequently imposed after escalation of the situation, parallel to the arrest and possible restraining of the suspected perpetrator. It is also possible to impose a restraining order alongside a criminal charge. This restraining order, that provides for the temporary eviction of a perpetrator of domestic violence from the family home, is a relatively innovative legal option. It fits in the call for more integrated preventive interventions of the state that go beyond the use of criminal law (See also Humphreys & Carter, 2006, pp. 23, 40; Hagemann-White, et al., 2006). (See further chapter 4.1).

### *Act Reporting Code domestic violence and child abuse*

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Since July 2013, organizations and independent professionals working with families, children or adults are required by law to use a Reporting code for domestic violence. The law obliges this organizations to implement a procedure what to do when a professional suspects domestic violence or child abuse. This reporting code includes an action plan, guiding professionals through all the obliged steps in the process. The steps make it clear to professionals what is expected of them when they identify signs of domestic violence or child abuse and how, given their duty of confidentiality, they can reach a sound decision on whether to file a report to the Advice and Report Center on Child abuse or the Domestic Violence Support Centers (reporting code for domestic violence, Ministry of Health, Welfare and Sport).

### *Restorative justice and domestic violence*

Partly on the basis of the obligation to implement The Directive 2012/29/EU of the European Parliament and the Council establishing minimum standards on the rights, support and protection of victims of crime, the Dutch Ministry of Justice came with a preliminary (draft) policy paper on 27





February 2013 concerning restorative mediation in penal cases (herstelbemiddeling in het strafrecht). The policy paper describes the way restorative justice can support strengthening the position of the victim (Ministry of Security & Justice, 2013). As a purpose of the penal mediation it is mentioned that: victim and offender should be given the possibility to restore the harm (material or immaterial) done after a criminal offence. It also stimulates the participation of others directly involved; it strengthens the social capability of citizens and creates procedural justice. There is no special policy formulated for cases of IPV or DV. A European research on this subject is running<sup>2</sup>.

## 2.3 Legal framework victims' rights in general

### *European background*

The position and treatment of victims during criminal proceedings has been an ongoing issue partially due to the stimulus of different European Victim Directives. Nowadays, human rights are also petitioned for strengthening the position of crime victims during criminal proceedings (Kwakman, 2012, Lünemann & Mein, 2014).

The *Directive Minimum Standards of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA* focuses on strengthening the position of crime victims in all EU-Member States.

The goal of the Directive Minimum Standards is to ensure that crime victims are treated with respect and are informed, supported and protected accordingly during the criminal proceedings. The authorized persons and organizations who come into contact with victims, such as victim assistance organizations or restorative justice bodies must adhere to the personal situation, acute needs, age, sex, possible handicap and level of development of crime victims. The physical, mental, and moral integrity of crime victims must be respected to the fullest extent and they must be protected against secondary and repeat victimization, as well as intimidation and retribution. Crime victims must also be supported in their recovery and access to the judge must be ensured (preamble 9). Article 22 of the Directive requires Member States to assess the needs of the victim individually and offer victims

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<sup>2</sup> The Verwey-Jonker Instituut is currently conducting the research project *'Best practice examples between increasing mutual understanding and awareness of specific protection needs'*, in collaboration with research institutes from five other European countries. This research project was commissioned by the European Commission and forms a partnership between organizations from Austria, Denmark, England & Wales, Finland, Greece and the Netherlands.

who are identified as particularly vulnerable, namely victims of intimate partner violence, specific protection measures.

### *The position of the victim during criminal proceedings in the Netherlands*

Since 1986, the Netherlands has developed various indications of strengthening the legal position of victims, the last of which was formulated in response to the Law to Strengthen the Position of the Victim.<sup>3</sup> However, although the position of the victim as a participant of the process is strengthened, the victim is not an official party to the proceedings – in which case, the victim would also be allowed to prosecute. This Law grants victims access to treatment and information and offers victims the right to examine, and add information to the dossier, as well as the right to pass judgment and access to legal assistance. The following section will discuss this in more detail.

The right respectful treatment is grounded in article 51a lid 2 Sv jo, and it implies amongst other things: a personal approach, serious consideration for and handling of information requests, informing the victim of their rights and ensuring that the victim does not get lost between the participating bodies. Nonetheless, victims themselves are responsible for making the rights they wish to exercise known: so-called active reciprocity. For victims who have undergone serious crimes, such as grievous bodily harm and sexual offences, more personalized and customized treatment is offered.

The Law to Strengthen the Position of the Victim has improved the right of information to the victim (article 51a lid 3 Sv). The police must inform in writing the victim (if desired to be informed) about the decisions not to investigate the case, or the police send the report to the public prosecutor, who in turn is required to make an inventory of the victim's wishes and direct the victim to the relevant organizations.

The public prosecutor has the duty, if desired by the victim, to provide information on the criminal proceedings, such as a dismissal (and the possibility of a 12 Sv-procedure)<sup>4</sup>, the opening and continuation of the prosecution, the time and date of the hearing and the final verdict. Furthermore, the victim has the right to information concerning the release of the suspect/convicted in case of a

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<sup>3</sup> Stb. 2010, nr. 1

<sup>4</sup> This means that the victim or persons concerned can complain about the decision of the public prosecutor to dismiss the case.



serious offence (article 51<sup>e</sup> lid 4 Sv). This process is overseen by the Detention Information Services of the Public Prosecution Department.

As a process participant, the victim has the right, if desired, to examine the trial dossier (art. 51b lid 1 Sv) and submit documents to the dossier (art. 51b lid 2). The officer is only allowed to decline documents with the authorization of a judge (art. 51b lid 3 en 4).

The victim may receive support from whomever she or he desires, such as a confidante or an advocate. Legal assistance for victims of sexual or excessively violent offences is free of charge on the condition that the injury is so severe that victims are qualified to receive benefits according to article 3 of the Law Injury Fund of Violent Offences.<sup>5</sup>

The right to speak out (or in the form of written victim testimony) is reserved for victims of serious offences (art. 51e Sv)<sup>6</sup> and concerns a testimony about the implications of the criminal act. There is also room for mediation between the victim and the perpetrator (art. 51h Sv). Mediation can contribute to recovery and therefore prevent secondary victimization.<sup>7</sup> Victims and next of kin may also call upon these rights (art. 51f Sv).

### *The victim as the injured party and the right to compensation*

In 1995, a new law on compensation of damage caused by offenses (the Terwee Law) simplified the manner in which victims can receive compensation by abdicating the maximum limit and simplifying the criteria. Subsequently, the Law makes a distinction between simple and complex cases (art. 51a Sv), whereby the latter could be presented only to a civil judge (and not during the criminal procedure). At the same time, a compensation measure (art. 36f Sr) was introduced whereby the perpetrator is obligated to pay the state on behalf of the victim. Since 2011, the position of the aggrieved party has been strengthened even further due to the introduction of a prepayment measure. In cases whereby the perpetrator fails to fully compensate the victim within 8 months after the verdict has been made, an appeal may be made on a prepayment fund. Furthermore, the simplification criteria of the Terwee Law was altered to provide more room for the judge to impose

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<sup>5</sup> Handboek Toevoegen 2007 (www.rvr.org).

<sup>6</sup> It comes to adult victims, the father, mother or guardian of child victims, minors aged 12 or under the age of 12 when they are able to make a statement.

<sup>7</sup> Mediation can also help to prevent escalation and prevent recurrence of victimization.

compensation. Another possibility for victims is an adherence procedure, whereby the victim through consolidation can add a civil claim in the criminal procedure.

However, it is not always possible to claim compensation during the criminal procedure in the case. Victims of violent offences with serious injuries (or survivors, next of kin) are then able to make an appeal to the Compensation Fund for Violent Offences.

### *Other measures and services*

Besides the rights of victims within the criminal justice system that enables victims to receive compensation, there are other ways to receive support, for example through the Victim Assistance Desks (Slachtofferloket). This is a single point of contact between police, public prosecutor and victim support services to ensure that victims receive adequate information.<sup>8</sup> For example, the victim can contact the Victim Assistance Desks for questions regarding the sentence of the perpetrator and when he gets out of jail.

In some cases, the victims may also attend the hearings and provide their statement outside the courtroom via a video conference call. In order to protect the privacy of the victim, hearings may also take place behind closed doors. As a witness, a victim may also request the judge to handle a case privately.

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<sup>8</sup> Directive Victim Care (Aanwijzing Slachtofferzorg, 2010A029, *Stcrt.* 2010, 20476.

### 3. Investigation mechanisms

#### 3.1 Dutch policy on DV: a multi-agency-approach

The Dutch policy on tackling violence against women started in the eighties, but it is since the beginning of this century that there is a growing public attention for domestic violence. It started in 2002, when the Dutch government initiated a national policy program called Privé Geweld - Publieke Zaak (Private Violence - Public Issue) to tackle domestic violence. In the following years the public attention for DV increased and policy programs adjusted. One of the base principles of the DV policy is that no single authority can tackle domestic violence effectively on their own. The police, the Public Prosecution Service, probation, child care services, women's shelter groups, social work and other care organizations have to work together in a multi-agency approach. The use of a system of services that provides timely recognition, tighter risk assessment, swift and effective interventions, assistance for victims and corrective help for perpetrators is seen as an ideal approach ([www.huiselijkgeweld.nl](http://www.huiselijkgeweld.nl)).

The managing role for the work done to tackle domestic violence is in the hands of the **municipal authorities**. Since 2007, this has been defined in the Social Support Act (wet op de maatschappelijke ondersteuning (wmo)). The tasks of the municipal authorities are to coordinate, facilitate and monitor the *multi-agency approach*. ([www.huiselijkgeweld.nl](http://www.huiselijkgeweld.nl)). The government has developed a 'model approach on DV', specifically for the municipal authorities (modelaanpak huiselijk geweld). It is designed as a guide for local policy how to organize and develop policies for prevention and tackling domestic violence.

All **police** regions have appointed regional portfolio holders at the strategic level and regional coordinators for domestic violence at the tactical level. The police conduct a national registration of domestic violence cases. The police forces are specially trained in tackling domestic violence. When domestic violence is reported to the police, the police inform the Domestic Violence Support Centers. When children are at stake as witness of violence between their parents, the police will inform Advice and Report Center on Child abuse (AMK). SHG and AMK will merge in 2015 (see later on in this paragraph). When the police have found evidence of a criminal act, they submit the file to the public prosecutor who decides whether the case will be brought to a multi-agency consultation within a few days/weeks in a so called Safety House (see further on), prosecuted or dismissed (for example if there is not sufficient evidence to proceed) ([www.huiselijkgeweld.nl](http://www.huiselijkgeweld.nl); [www.openbaarminsterie.nl](http://www.openbaarminsterie.nl)).



The **Public Prosecution Service** (Openbaar Ministerie) is the coordinator of the investigation and prosecution of domestic violence. Every public prosecutor's office has a domestic violence liaison officer, often complemented by a support staff and since 2003 there is a "Directive domestic violence and honor-related violence" (Aanwijzing huiselijk geweld en eengerelateerd geweld. This Directive establishes rules concerning the investigation and prosecution of domestic violence and honor-related violence and also formulates preconditions on local cooperation between the police, prosecution and probation and municipal. (See also chapter 3.2)

The Public Prosecution Service aims to settle straightforward criminal cases as quickly as possible. Nowadays the public prosecutor can impose what is becoming an increasingly common form of sanction, in which he both prosecutes the crime and imposes a sanction (strafbeschikking). The courts are not involved. Suspects who accept the sanction thereby admit their guilt. And if they decide to reject it, they can have their case brought before the court. The sanction might be a fine, disqualification from driving (for up to six months), an alternative sanction (e.g. up to 180 hours' community service) or a compensation order, but not a prison sentence. This type of sanction is therefore more like a court judgment than payment in lieu of prosecution and will eventually replace it. If the public prosecutor decides that none of these options are appropriate, the suspect has to appear before a criminal court ([www.om.nl](http://www.om.nl)).

In 2012 the police and the Public Prosecution Service initiated **ZSM**. The Dutch abbreviation 'ZSM' literally means As Soon As Possible. In the Dutch criminal justice system, it stands for a response to a crime 'as speedy, smart, selective, simple, supportive to society and victims as possible'. Besides the police and the Public Prosecution Service the project also involves the Dutch Probation Services, Victim Support Netherlands and the Child Care and Protection Board. The goal of ZSM is to assure meaningful and fast interventions, based on quality and effectiveness for society, including suspects and victims. To reach this goal, the Public Prosecutor is situated at the front of the criminal justice chain and triages the high volume crimes to determine the best procedure for a case, in cooperation with the stakeholders (Bac & Vink, 2014).

In 2005 started the so called **Safety Houses** (Veiligheidshuizen), where a multi-agency approach is at stake. These are networks of local organizations working together to reduce crime. Criminal Justice Organizations cooperate with municipalities, social sector and care organizations to increase integration of penal and rehabilitative interventions for offenders. The operational goal is to create more alignment and unity in the approach towards different groups of offenders. Safety houses organize regular case meetings around individual offenders, like offenders of intimate partner

violence. The most complex multi problem cases are discussed during these meetings. In each case meeting professionals from various organizations discuss the interventions for offenders (Rovers, 2011; Hulsen et al., 2012).

Until 2015 the Netherlands had 39 local **Domestic Violence Support Centers** (Steunpunten Huiselijk Geweld) spread over the country. These centers are advice centers. Some of them are part of a shelter organization. Professionals, victims, perpetrators or other people involved in domestic violence can receive advice or support about the steps required to stop domestic violence. Besides an advisory task the Domestic Violence Support Centers have recently also taken on an intervention and a research task. These centers are therefore a kind of front office for the local and/or regional authorities that work together. Most of the DV cases are referred by the police. Also professionals from other organizations, victims and a few perpetrators go for advice and help to the Domestic Violence Support Centers (Lünnemann, Goderie & Tierolf, 2010).

In 2015 the local Domestic Violence Support Centers will be merged with the Advice and Report Centers on Child abuse. This means that all cases or presumptions of child abuse or domestic violence will be reported to one center dealing with domestic violence and child abuse and that expertise can be combined. Logistically this means that the 39 Domestic Violence Support Centers as well as the 29 Advice and Report Centers on Child Abuse will be transformed into 26 new centers, called SafeHome (Veilig Thuis).

There are several small and large **women's shelters** spread over the country. The Council of Europe's recommendation to offer at least one shelter place per 10,000 inhabitants is only met by the Netherlands (EIGE 2012: 21). Shelters house women and children who are victims of domestic violence or under threat from a partner or relative, but also victims of human trafficking. There are also a few places for men who are victims of DV, honor violence and/or human trafficking. Since 2013 nearly all shelters work with a so-called 'strength based method'. In recent years, the "Oranje Huis" (Orange House) approach has been developed. This is a new style of women's shelter for tackling domestic violence; it provides care in a safe but not secret housing ([www.blijfgroep.nl](http://www.blijfgroep.nl)).

The **Victim Support Netherlands** (Slachtofferhulp Nederland), funded by the Ministry of Safety and Justice and the municipal authorities, provides help and guidance to individual victims of crime. The Victim Support Services in the Netherlands has roughly 80 offices throughout the country and in 2013 they approached around 164.000 victims of crime ([www.slachtofferhulp.nl](http://www.slachtofferhulp.nl)).

Victim Support provides legal aid and refers victims to the Domestic Violence Support Centers for any psychological, emotional or financial support they may require. Victim Support provides information

about the criminal case and the offender, as well as information on the technical aspects of crime prevention. Particular attention is given to victims of incest, rape and other types of violence. A number of schemes are developed for special types of aid, such as support groups for victims of sexual violence.

Victim Support also can give special legal assistance for victims of domestic violence. It can assist the victim of DV with reporting domestic violence to the police, they provide information on the criminal proceedings, support the preparation of a written victim statement or preparing the right to speak and/or can assist in an interview with the prosecutor or witness interview. Victim Support can also help a victim of DV (if they want to bring a claim for damages) in applying for financial compensation. In complex cases they should refer to a lawyer specialized in domestic and sexual violence (LANGSZ).

Especially for victims of domestic violence, sexual violence and sexual abuse there is a **network of lawyers** specialized in domestic violence, rape and sexual abuse (LANGZS). This network can assist victims in the legal procedure. The lawyers are specialized and trained in working with victims of domestic violence, sexual violence and sexual abuse. In some cases this legal assistance is free of charge. ([www.langzs.nl](http://www.langzs.nl))

### 3.2 Investigation mechanisms for the police and Public Prosecution

The Directive domestic violence and honor-related violence (2010) establishes rules concerning the investigation and prosecution of domestic violence and honor-related violence and also formulates preconditions on local cooperation between the police, prosecution, probation and municipal (see chapter 2.2). In the following paragraphs the rules concerning the investigation as written in this 'Directive' will be discussed in more detail.

#### *The arrest*

The police will arrest a suspect of domestic violence if the offender is caught in the act and there is reasonable suspicion of guilt. When the police are informed of a situation of (threatened) domestic violence, the officers will go to the crime scene and will inspect the (area surrounding the) house and take notes about the situation. With consent of the victim, physical injuries and destruction of property are captured on photograph as much as possible. All the data is added to a file labeled as 'domestic violence'. If there are any witnesses, they will be questioned shortly at the scene by police officers and if needed witnesses can be questioned further at a later stage.



When there is no situation of catching the person in the act, but a criminal offense has been committed that warrants temporary custody and permission has been granted by a public prosecutor, the suspect is arrested as soon as possible. When the committed criminal offense(s) do(es) not warrant temporary custody, the suspect is asked to come to the police station (Directive domestic violence and honor-related crimes, 2010).

### *Police Report*

In case of domestic violence the police inform the victim about the criminal procedure and strongly recommend the victim to report the crime. In case of stalking the police strongly recommend to file a complaint with the police.<sup>9</sup> When drawing up the official report, the police have to use a checklist (Checklist proces-verbaal van aangifte huiselijk geweld). This checklist contains subjects like: background of the relationship and violence, children living at home, alcohol and/or drug addiction, financial situation, fear of the victim. The police must get good insight into the pattern of violence. The police have to ask for the first incident of violence within the relationship, the most severe incident, the most typical incident of violence, the most actual incident. They have to know the places, time and dates of those incidents. Also other criminal offenses should be placed in the timeline. Moreover, the police have to ask the victim about her (or his) feelings and thoughts about punishment, and future contact with the suspect. The police have to check if she or he wishes a street ban or contact ban to be issued against the suspect.

The police have to point out to the victim the possibility of undisclosed address at the office of the police. The police officers will make sure that the address of the victim will not be recorded in the police report if necessary. This also applies to minor children who are placed at a different address. In those cases the police officer will record a postal address for the victim.

In case of a sex offence the “Directive detection and prosecution of sexual abuse” is fully applicable. It is important that it becomes clear as soon as possible if there is a conjuncture of a sex offence and domestic violence. It is possible to prosecute a suspect simultaneously for a sex offence and domestic violence. (Directive domestic violence and honor-related crimes.)

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<sup>9</sup> Stalking is a criminal offence prosecutable only in case of a complaint.

## *Questioning the suspect/ victim/ witness*

The separate questioning of the suspect and/or victim and/or witness will focus on the dates, times and locations where and when the criminal offences supposedly took place. This is also for the purpose of requiring insight into the systematic pattern of violence (stelselmatigheid).

The suspect has the right to be silent. In general, the victim as a witness is obliged to speak the truth when she is obliged to make a statement under oath (at court) But as a family member she has the right to refuse to give evidence. When the police are doing the investigation, the victim can refuse to give evidence. When she has reported the violence to the police, it is not possible to withdraw the complaint.

In case of the questioning of children, officers will approach this with great caution. Because of conflicts of loyalty that can possibly arise, children will only be questioned as witnesses if this is truly essential for the collection of evidence. The suspect has to be asked if he or she is prepared to accept offender treatment.

During a hearing all elements from the police report and/or the statement of the victims and/or witnesses will be discussed. The police officer has to verify the mentioned dates, times, locations etc. during or after the hearing on the basis of earlier mutations, information provided by the general practitioner etc.

In all cases where children are victims or witnesses of domestic violence, the police officer needs to inform the Child Abuse Support Center. (Directive domestic violence and honor-related crimes, 2010.)

## *Police Custody*

After taking the suspect into police custody (this can be for maximal 3 days), the police will immediately inform probation services. In case of recidivism the suspect will generally be brought to the delegated judge who has to decide about pre-trial detention. When there are grounds for a pre-trial detention, the delegated judge can decide to suspend the pre-trial detention under certain conditions like the condition not to have contact with the victim or accepting a perpetrator's program on intimate partner violence.

When the probation office is informed about the police custody, the probation services will generally provide pre-trial assistance at the police station, in jail or even at the probation office if the suspect is

released. Probation assesses the risk of recidivism during the pre-trial assistance (with the B-Safer, see chapter 4.2). Probation writes an advisory report on the possibilities of perpetrator treatment and the necessities of special conditions to the Public Prosecution and/or the delegated judge (Directive domestic violence and honor-related crimes, 2010.)

Since 2012 it's also possible that the suspect is brought to the ZSM (see paragraph 3.1). The Public Prosecutor in cooperation with the stakeholders (Police, Probation, Victim Support and the Child Care and Protection Board) determine the best intervention for the case (Bac & Vink, 2014).



### 3.3 Figures on Domestic Violence

#### *General Figures on domestic violence / intimate partner violence*

Mostly, large survey studies have been conducted in the Netherlands on the topic of domestic violence. These studies have focused on the broad definition of domestic violence and therefore do not distinguish between intimate partner violence and other violence in private sphere. We will present those figures here and later zoom in on intimate partner violence as secondary analyses have been done that focus on intimate partner violence in particular.

In 1997 a study (Van Dijk, Flight, Oppenhuis & Duesmann, 1997) showed that almost half of the Dutch citizens had ever been a victim of domestic violence (45%). Especially women are victim to very severe (serious) forms of violence as well as repeated violence. In 2010 a study (Van der Veen & Bogaerts, 2010) showed that in the previous five years (2005-2010) 9% has been victim to persistent domestic violence, mostly of a physical nature (65%) and sometimes of a sexual nature (8%). By 'persistent violence' is meant violence that has occurred at least 10 times in the last five years. Out of all the victims of persistent domestic violence around 60% are women and 40% are men. Both physical and psychological violence are experienced as often by women as by men, however, sexual violence is experienced more often by women. One fourth of victims of domestic violence attempts suicide, these are mainly women and youths.

The research showed that around 60% of all domestic violence can be characterized as intimate partner violence. When we focus on intimate partner violence the study showed that women (60%) are more often victims than men (40%). When men are victim of domestic violence it is mostly by brothers, family or close family friends. When we look at persistent partner violence, women are also more often victims (78%) than men (59%). However, when we look at persistent violence by other family members or family friends, men are more often victims than women (40% vs. 28%).

The most recent figures come from the FRA study in 2014 (FRA – European Union Agency for Fundamental Rights). In the FRA survey of 2014, 22% of all Dutch women say that the physical violence they experienced was perpetrated by a partner or ex-partner. And 11% of all Dutch women reported having experienced sexual violence from a partner or ex-partner (Römkens et al, 2014). The fact that the FRA figures are higher than the figures above (Van Veen & Bogaerts, 2010) can partly be explained by differences in the research methods: the Dutch survey was conducted using written questionnaires to be filled in on-line, the sample is less representative because it was drawn from an internet survey panel and there are differences in the definitions and in the time period surveyed.



The figures of FRA are in line with the research of Römken in 1989: one in five (20.9%) of all women has ever experienced one-sided violence in a relationship with a man. More than half of those were cases of serious and repeated violence. 5.5% of women were ever involved in a relationship with reciprocal/mutual violence where both the women and the men would use violence against the other and has a minor to medium serious nature. No cases of reciprocal violence were found of a serious nature.

One out of six women who had experienced violence during their relationships also experienced violence by their partner after their divorce. And 4 percent of women got raped after their divorce (Römken, 1992). One in five women states a history of violence within the relationship as a reason for divorce (De Graaf, 2010).

### *Police figures on domestic violence*

Ever since 2004 the Dutch police force has conducted an annual analysis of the extent, nature and characteristics of domestic violence, its victims and the perpetrators. The most recent of these reports presents facts and figures about domestic violence in the Netherlands in the years 2010, 2011 and 2012 (Ferwerda & Hardeman, 2013).

We know from the surveys on domestic violence (see above) that in 2010 about 20 percent of the victims of domestic violence reported the violence to the police. In 1997 this was 12 percent.

In 2012 the police force has registered 95.000 cases of domestic violence. The bulk of these cases were cases of partner violence (44.8%) or ex-partner violence (22%), 66.8% in total. Of the 95.000 registered cases in 2012 the majority by far were cases of psychological violence (57,5%). Physical violence was the second largest share, 23% of the cases. Most victims are women (75,5%). Out of the 95.000 cases that the police force has registered both victims and suspects are mostly between the ages of 25 and 45 years old.

Ferweda and colleagues did an in dept research on attrition of the cases reported to the police. From a sample of 322 domestic violence cases reported to the police the offender is arrested in 47% of the cases. From those who were arrested, 57% were taken into police custody.

42% of the 322 cases was send to the public prosecution service. The two main reasons not sending the report to the public prosecution are lack of evidence and the victim didn't want to report. (Ferweda et al., 2013).

In 2012 the public prosecutor department registered 12.051 cases of domestic violence. The suspect was brought before the public prosecutor in 1990 cases. Nearly half of the cases was brought before court (45%), 5 percent was settled with a transaction. Nearly 45 percent was dismissed, half of them under certain conditions (Figures public prosecution department).

In the Netherlands there is a multi-agency approach towards domestic violence, as we mentioned before. Figures of the police shows that 49% of the 322 domestic violence cases were send from the police to a consult with the local organizations (case meetings like in the Safety Houses, mentioned before). 29% of the cases was send by the police to the local Domestic violence support centers (Ferweda et al., 2013). Since a few years the police pursuit to send all domestic violence cases to the local domestic support centers.



## 4. Victims protection mechanisms

In this chapter we will describe protection measures. First we will describe two risk assessments: RIHG and B-Safer. The Risk Assessment Domestic Violence (Risicotaxatie Instrument Huiselijk Geweld or RIHG) is used by senior police officers (Hulp officier van Justitie) to decide on issuing a restraining order. We not only describe de risk assessment, but also the context in which the risk assessment is used. After that we describe the B-Safer, which is used by probation services to assess the risk of repeat domestic violence. Secondly we describe different modalities of protection measures. Finally we give some information about referral procedures.

### 4.1 Risk assessments procedures: RIHG

The temporarily restraining order (Tijdelijk Huisverbod) can be imposed in a situation of domestic violence. The mayor of every city can impose a restraining order to evict the perpetrators of domestic violence or those who threaten their partners or children (or any other resident of the house) with violent behavior in the home (see chapter 2.2). The main objective is to prevent (further escalation of) domestic violence. The situation of domestic violence has to satisfy three legal conditions. There has to be a situation of serious and immediate danger or threat of danger, secondly the (potential) perpetrator has to be of age and third the perpetrator has to live regularly (more than incidental) in the home of the (potential) victim. When a basic police officer recognizes that the situation satisfies the above mentioned conditions he/she can decide to ask for a senior police officer to make a Risk Assessment.

The violent behavior in particular does not need to meet the criminal legal definition of violent abuse as the measure of the temporary restraining order is intended to be a preventive measure. The temporary restraining order can then be issued before the violence has had the chance to escalate to a form where it would be considered a criminal act. The senior police officers (Hulp Officiers van Justitie) are deployed to assess the need for a restraining order in situations of domestic violence. Note that the restraining order can only be issued after a formal standardized risk assessment by senior police officers has been made. The senior police officers use a 'Risk Assessment Domestic Violence' (Risicotaxatie Instrument Huiselijk Geweld or RIHG) to judge the necessity of a restraining order. (De Vaan et al., 2013; Römkens & Van Poppel, 2007.)



This tool for risk assessment helps police officers gather information. The risk assessment consists of a structured questionnaire about twenty variables that were selected as indicators of future risk of perpetrating domestic violence (indicators regarding the nature and severity of the violence, i.e., individual characteristics of the perpetrator and characteristics of the social and relational context of the couple).<sup>10</sup> The Dutch risk assessment is loosely based on a compilation of existing risk assessment instruments (Kuppens & Beke, 2006). Its validity and reliability have not been established yet. During a limited pilot study, only its practical usefulness had been evaluated (Römkens & Van Poppel, 2007). The police have to interview both perpetrator and victim (separately) before making a final risk assessment and deciding on the barring order.

By use of this risk assessment tool, police officers are able to make an informed decision about whether or not a particular case of domestic violence merits a restraining order. The questions can be answered by ticking those signals that apply to the particular case, the more signals are ticked the stronger the signal is that this particular case is risky.

### *Practical implementation of the instrument*

Over the years there has been a steady increase in the number of temporary restraining orders that are issued annually. This increase has been growing gradually and only indicates more competent use of the law by police officers. In 2009 there were 2715 risk assessments registered and 2150 restraining orders imposed. In 2012 the police force registered 4553 risk assessments and imposed 3529 actual temporary restraining orders for cases of domestic violence. This means that over the past four years (2009-2012) an average of 56 temporary restraining orders were issued in the Netherlands every week (Ferwerda & Hardeman, 2013). The percentages temporary restraining orders issued out of the Risk Assessments registered has been quite constant, between 77% and 81% over the four years mentioned here. The decision not to issue a temporary restraining order, when it is appropriate in the situation, is made by the senior police officers for various reasons. (De Vaan, Timmermans & Homburg, 2013).

In 2012 a total of 95.451 cases of domestic violence were registered by the police. The number of Risk assessments executed in that same year was 4553 (Ferwerda & Hardeman, 2013). This means

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<sup>10</sup> In a government decree the aspect of the Risk Assessment are published. The mayor is obliged to take those aspect in consideration when deciding on the temporarily restraining order.

[http://wetten.overheid.nl/BWBR0024658/geldigheidsdatum\\_14-03-2013](http://wetten.overheid.nl/BWBR0024658/geldigheidsdatum_14-03-2013)





that more than 90.000 cases of domestic violence are not assessed by use of the risk assessment tool; only 4,8% of all domestic violence cases in 2012 are. Moreover, this 4,8% is the highest percentage of Risk Assessment executed out of cases of domestic violence in four years since the origin of the Temporary Restraining Order measure.

Römkens and Van Poppel (2007) have done a preliminary evaluation of the Temporary Restraining Order measure and the Risk Assessment tool when the Act Temporary Restraining Order was still under construction. They conclude that in theory the option of a temporary restraining order is always available when assessing a situation of threatened or already committed domestic violence, either in case of a criminal offence or not. The police are more likely to select more serious cases of domestic violence, where escalation already happened. Often they start with the criminal procedure and at the police station they start the procedure of the restraining order. During the pilot phase in 2007 police officers perceived the procedure of calling in a senior police officer to make a risk-assessment that may not lead to a temporary restraining order too time-consuming and simply did not prioritize these 'less serious' or threatened domestic violence cases because of the time-constraints. The attitude of the police was especially hesitant and reluctant when responding to domestic violence cases among cultural minorities, as language barriers and unfamiliar culturally specific dynamics created more hurdles for the police officers (Römkens & Lünemann, 2009). This seems still the case, because only 4,8% of all domestic violence cases in 2012 that are reported to the police do get a risk assessment, and these are the more serious cases (criminal offences).

### *Effectiveness Temporary Restraining Order measure*

In 2013 De Vaan and colleagues conducted a study about the effectiveness of the Temporary Restraining Order measure. The study was designed as a quasi-experimental study with an intervention group (restraining orders) and a control group (similar situations in which, however, for various reasons no restraining order was imposed). These groups are comparable, but the intervention group cases are more serious than the control group cases when the nature of the violence and the perpetrator are concerned. On the basis of police registrations they found that new (repeat) incidents do in fact happen still after a restraining order has run out (after 10 days or an extended to 28 days). However there are less cases of new incidents in the intervention group (those

with restraining orders) then in the control group (those without restraining orders).<sup>11</sup> The most important explanation for this effect can be found in the support offered to victim and perpetrators, especially starting treatment and the family approach.

## 4.2 Risk assessments procedures: B-Safer

The B-Safer is used specifically for offenders of intimate partner violence. B-Safer stands for Brief Spousal Assault For Evaluation of Risk. This instrument is developed in Canada and is based on police cases.

The B-Safer risk assessment tool is used by probation offices in the Netherlands. The instrument is developed in Canada and De Ruiter has written the Dutch version (De Ruiter, 2009, 2011). Its main goal is to assess the risk of repeated (ex) partner violence. The B-Safer risk assessment tool is an addition to the general risk assessment tools of probation, called RISC (and the QuickScan as a short variant). The RISC has a more general focus on different aspects of the life of the suspect/offender/convicted person.

The most important aim of risk assessment is prevention. It is simply not enough to determine what the chances are of repeated incidents of relational violence. A complete picture of the risk needs to be sketched, such as the nature of the expected violence, the expected seriousness, the expected frequency and the conditions under which the violence could take place (Kropp et al., 2009).

The B-Safer is meant for anyone over 18 years old with a proven or presumed history of intimate partner violence (Kropp et al., 2009). The B-Safer exists of 15 items, 10 about the perpetrator. De Ruiter appended 5 items about the victim. The first five questions assess the incident and the nature of the violence the perpetrator committed. The second set of five questions focus on psycho-social factors that assess the psychological state and the attitude of the perpetrator. The third set of questions assess the victims vulnerability. Every item, or risk factor, can be scored on a three-point scale. Based on these scores a professional assessment can be made of the risk of repeated domestic violence, existing of three parts: immediate risk, long term risk and risk of extremely serious violence (Kropp et al, 2009). When the risk assessment has been made there are four risk-management strategies that professionals can employ. Based on the outcome of the B-Safer professionals decide

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<sup>11</sup> The police registrations showed that 22 new cases of domestic violence had been recorded, 21%, in the intervention group and 31 new cases had been recorded in the control group, 31%.

the appropriate course of action for the particular type of risk. First, they can decide to monitor the person, where the focus is on evaluating changes in the risk this person poses over time. Second, professionals can decide on treatment for the person. Third and last, they can decide on restraining the freedom of the offender and simultaneously making plans for the safety of the victim. For example in the shape of a temporary restraining order or electronic monitoring by use of an ankle band. As of yet, no studies have been conducted to evaluate the use and effectiveness of the B-Safer.

### 4.3 Protection measures

In cases whereby the chance of repeated violence is high, such as domestic violence, there is a greater need of protection. There are various measurements in the Netherlands, also known as protective orders. The goal of a protective order is to protect a victim against repeated violations of her or his physical and or sexual integrity or personal freedom by imposing a banning or contact order. In the Netherlands, there are 14 criminal modalities on the basis of which a proper protective order can be imposed, which we will describe in more detail below.

Furthermore, possibilities may also be found in administrative and civil law. In administrative law we have the possibility to impose the temporarily restraining order in situations of domestic violence, as we have mentioned in chapters 2.2 and 4.1. In cases where public order is threatened, the mayor may ban individuals from entering certain areas or joining gatherings (Art. 172a Act of Municipality). Restraining orders may also be claimed through civil law. Dependent on the urgency of the situation, civil protective orders may be implemented via summary proceedings. A judge has the freedom to determine the content and extent of the protective order. Persons may be prohibited from entering certain streets, areas or may even be obligated to relocate or study at a different university (Van der Aa et al., 2012; Lünemann, Piechocki & De Boer, 2000). In cases where a protection order, such as a street or contact ban, has been made on the basis of civil law, the authority lies with the victim. She or he may determine the extent and content of the order.

#### *Criminal modalities*

Many protective orders can be imposed conditionally, and these conditions can appeal to different phases throughout the criminal proceedings. Such as:

a) During the **preliminary inquiry** by imposing an order during the suspension of temporary custody (artt. 80 e.v. Sv).



b) In case of **extrajudicial sanctions**. The prosecutor can give a designation to the offender instead of prosecuting the case. The offender has to follow the designation (art 257a lid 3 sub e Sv). Also a conditional decision not to prosecute (art. 167 lid 2 Sv) or notice to the effect that the prosecution will be discontinued (244 lid 3 Sv) are possibilities to impose a protection order.

c) During a **conditional punishment** (art 14c lid 2) or temporary measurement, such as a hospital order (detention in a hospital) (art.38 Sr) and a conditional placement in an institution for systematic offenders (art. 38p Sr). Since 2012, a judge may also restrict the freedoms of the convicted by imposing a territory ban, restraining order and mandatory contact with a probation officer (art. 38v Sr). This measurement is usually imposed for lighter offences, such as neighborhood nuisances, football vandalism, but also in cases where victims are more likely to be harassed, such as intimate partner violence, or violence against witnesses.

d) **During the implementation** of the punishment or measurement, such as during the conditional release (art. 15s lid 2 Sr), conditional termination of imposed mental treatment (hospital order) (art. 38g, 38h Sr) and conditions during leave.

Since the implementation of the Law Conditional Judgment and Conditional Release in 2012, a significant alteration is that the warrant for protection can be put into effect immediately. Previously, the implementation of a condition, such as a banning order, could be postponed until an imperative verdict was made. This meant that when an appeal was made, the banning order was no longer in effect and the victim had to go the civil judge (Lünnemann, Piechocki & De Boer, 2000). Furthermore, it is now possible to make an immediate arrest and incarcerate the convicted when they are in violation of their protective order (art. 14fa Sr).

So, the possibilities for the victim to receive protection throughout the criminal trial through restraining orders have increased. However, the victim has no authority when it comes to the implementation of these protective orders: victims have no legal basis to demand a protective order. Nonetheless, victims are able to request the public prosecutor to dismiss a restraining order or request the public prosecutor to claim a restraining order in court.

### *Provisions to protect (vulnerable) victims*

The Directive of Domestic and Honour-related Violence (2010) focuses on preventing the repetition of violence, thus has an eye for protective measures, as we described already (chapter 2.2). For example, the police must ask the victim if they would like to pursue a street or contact ban and must



inform the victim about the possibility not to write address and contact information in the police report. But there are more measures to protect the victim.

If the safety of the victim is in jeopardy, measures may be taken in the context of the Protection and Safety Scheme (Stelsel Bewaken en Beveiligen). The measure applies to all victims, it is not special for victims of domestic violence. Another possibility is the Protection Indication of Persons, Objects and Services (Aanwijzing Beveiligen van personen, objecten en diensten)<sup>12</sup> According to the Protection Indication of Persons, Objects and Services special attention is given to cases involving domestic violence and honour-related violence. Protection measures may also be taken as a response to a notification from domestic and honour-related violence services when a victim is in acute danger. However the chief prosecutor of justice must provide authorization.

Furthermore, AWARE (Abused Women's Active Response) is an alarm system for abused women and children when they are being threatened by their (ex)partners. This protection measure is linked to aid services and is mostly active in the larger municipalities. In case of an immediate threat, an individual may contact the police control room at the push of a button (Janssen, Wentzel & Visser, 2009; Balogh et al., 2008).

There are no protection measures for different groups of victims of domestic violence. Though there is some special attention for adolescents who are mild or moderate intellectual disabled.

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<sup>12</sup> *Stcr.* 2013, 8059.

## 4.4 Existing formal referral

### *Referral by police to local Domestic Violence Support Centers, vice versa*

Victims of domestic violence should be referred by the police to local Domestic Violence Support Centers for further assistance. In the past the police referred the victim of domestic violence to the victim support centers (see chapter 3.1).

A study conducted by Ferwerda and Harderman (2013) shows that 29% from a sample DV cases were referred to the local domestic violence support centers.

The local Domestic Violence Support Centers can also refer victims to the police, when a victim wants to report a case of domestic violence.



## 5. State of the art regarding victims' needs and victims' rights

We do not have recent research in the Netherlands about the needs of victims of domestic violence concerning the police, but in the nineties there was a lot of research on police action towards domestic violence. There was a lot of criticism: the police didn't take victims of domestic violence serious, when victims wanted to report domestic violence to the police, the police didn't want to draw up an official report. The police didn't see intimate partner violence as a crime; it was just an argument between wife and husband. Therefore the police didn't obtain evidence. Another criticism was that the incident was not put into the context of all the violence in the relationship (Wöstman, 1988; Cachet 1990; Lünemann, 1996).

Nowadays the police are trained in how to react on domestic violence. There is a Directive domestic violence and honor-related crimes and a Police Protocol on domestic violence (see chapter 3.2). From research on women's need in getting help from different organizations, we know that despite the new police policy on domestic violence, about half of the women interviewed don't feel protected by the police (Pels, Lünemann & Steketee, 2011; Tierolf, Lünemann & Steketee, 2014).

In 2012 there has been a meeting between police and victims of domestic violence, organized by the women shelters organization (Federatie Opvang).<sup>13</sup> Victims still have criticism on the way the police treat them when they report domestic violence to the police. The police do not always inform women about their rights. For example, victims are not informed about the possibility of stating the police station as their official address. Also women and children are not always protected by the special measure Protection Indication of Persons, Objects and Services. Victims also need more support when going to court.

Although on paper victims of domestic violence have a much better position than in the past century, in practice victims do not always get the treatment and protection they need.

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<sup>13</sup> Police and victims are working on a brochure for victims of domestic violence about their rights.

## 6. Conclusion

Victims of intimate partner violence are extremely vulnerable because they are at risk of repeated violence and the victim and perpetrator are engaged in an intimate relationship. Tackling domestic violence requires the cooperation of all parties, and must be carried out in an alignment between the criminal justice system and social services. On the basis of the Social Support Law, the municipality leads the approach on domestic violence and domestic violence centres play a supportive role (Lünnemann, Goderie & Tierolf, 2010; Maas- de Waal, 2006).

The Directive of Domestic and Honour-related Violence (2010) focuses on preventing the repetition of violence, thus has an eye for protective measures. But the question is if the police are adequately equipped to support and protect victims. As much as the police have a legal duty to “assist and help citizens”, the focus in police work is essentially on criminals, not on care for citizens, or victims for that matter. The dilemma is that the police are nonetheless expected to fulfil both duties, precisely in the complex field of domestic violence. For an organization that is ideologically geared toward maintaining criminal law and public order in a repressive way, taking prevention of domestic violence seriously, virtually requires a paradigm shift. Domestic violence has finally been designated as one of core tasks of the (Dutch) police, but we are also confronted with an increasingly punitive law-and-order social and political culture. With the inclusion of domestic violence as a police task, both in a repressive and in preventive sense, the Dutch police simultaneously and on a separate track (unrelated to domestic violence) adopted the policy that *diminishes* the number of “care tasks” of the police and gives priority to “crime control” (Huiselijk geweld, een kerntaak voor de politie, 2009).





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