Ontvoeringen & gijzelingen

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**Introduction** (Chapter 1)

The aim of this study is to provide a criminological description, analysis and theoretical interpretation of (trends and patterns in) kidnappings and hostage taking. More specifically, it focuses on the period 1999-2008 in the Netherlands. At the heart of the study are the following research questions: (1) Which trends in (types of) deprivation of liberty can be identified, in particular in the Netherlands, during the period 1999-2008? (2) Which types of perpetrators of the offence can be differentiated in the Netherlands? (3) To what extent and how does the rational choice approach help explain deprivation of liberty offences and the behaviour of (types of) persons who perpetrate the crime? (4) To what extent and how do measures to combat crime influence the way in which deprivation of liberty offences are organised? Are there any differences between types of offenders in this respect?

Deprivation of liberty is a criminal offence in the Netherlands by virtue of Article 282 and the aggravating Article 282a of the Criminal Code. We use this concept in this study, but differentiate between hostage taking and kidnapping – even though the latter term is not referred to in the Criminal Code. This distinction is in line with the terminology used in police practice and derived from other (scientific) studies. Hostage taking is when a person is deprived of their liberty against their will at a known location. If the location is unknown, we refer to it as kidnapping in this study.

**Variations in the deprivation of liberty** (Chapter 2)

In Dutch (and international) literature about kidnappings and hostage taking the focus is on the big, sensational cases. This does not give a balanced view of reality, as the majority of cases of deprivation of liberty dealt with by the police are of a different calibre. Typologies are used in criminological publications to clarify and classify the diversity within an offence. From an international perspective, typologies of deprivation of liberty are pretty scarce and often outdated or incomplete. This applies to both the offence and the offender. The Netherlands is no exception. A Dutch typology of deprivation of liberty has never been made before. Existing knowledge regarding deprivation of liberty is dominated by explanations based on the rational choice approach. But is that justified? Do those perpetrating the offence actually make a cost-benefit analysis or do they act on impulse? By allowing offenders themselves to have their say, we can obtain new answers and insights. That is why this study focuses on the offenders’ perspective.

**Methods** (Chapter 3)

In this study, both quantitative and qualitative research methods are used. Following an exhaustive literature study, we started by analysing data from the national police system HKS. By making a selection based on the relevant section of the law on the deprivation of liberty and/or hostage taking (Art. 282 and 282a of the Criminal Code), all cases of kidnapping and hostage taking known to the police over a ten-year period (1999-2008) were retrieved. The HKS data was not only used to answer questions about the nature and scale, but it also forms the basis for the clusters from which a typology of offenders can be compiled. With the aid of two-step cluster analysis, clusters can be differentiated for both the deprivation of liberty
offence and the suspects. Then, to obtain data not contained in the HKS file, twelve perpetrators of the offence with the appropriate criminal files (72 files in total) were selected at random for every suspect cluster for the years 2007 and 2008 and within two research areas (Eastern Netherlands and Amsterdam). This selection was evenly divided over the clusters and the two research areas. Finally, in-depth interviews were held with 38 perpetrators of the offence, selected from the 72 files. There were at least six from each suspect cluster.

Scale and nature of the deprivation of liberty (Chapter 4)
The national police data on deprivation of liberty offences in the period 1999-2008 was analysed. The data was taken from the national police system HKS and contains all official records of reports and arrests in which Articles 282 and/or 282a of the Criminal Code appear. After clearing both files, it appeared that, during these ten years, an average 682 cases of kidnapping or hostage taking a year had been reported and an average 913 arrests a year had been made. Over the period as a whole, there was a rise in the number of both reports and arrests. This upward trend is in line with developments abroad, although it must be said that these often cover a longer period. The analysis of the data on reports gave rise to eight offence clusters (types of deprivation of liberty), which were named as follows on the basis of the most characteristic features: (1) child cases, (2) sexual deprivation of liberty, (3) prolonged deprivation of liberty, (4) violent property crimes, (5) violent female kidnapping, (6) non-violent female kidnapping, (7) deprivation of liberty of males and (8) public deprivation of liberty. We also looked at possible trends in the period 1999-2008 in the Netherlands. This revealed that the percentage of reported crimes associated with the cluster ‘violent female kidnapping’ doubled, whereas the percentage of ‘violent property crimes’ and the percentage of ‘sexual deprivation of liberty’ fell through time. There is also evidence of regional differences. The increase seems to involve the cooperating regions of the Northeast and Southern Netherlands in particular. The analysis of the arrests resulted in six clusters of suspects of deprivation of liberty, which were referred to as follows on the grounds of the most distinctive characteristics: (A) the inexperienced, (B) experienced criminals, (C) young, violent males, (D) joint offenders, (E) sex offenders and (F) solo, violent males. Later, it turned out that sometimes the categories did not fully cover the connotations of the specific cluster, so these clusters were given different names in the final typology. As far as the trends in the period 1999-2008 in the Netherlands are concerned: an increasing number of perpetrators of deprivation of liberty belong to the clusters D (joint offenders) and A (the inexperienced), whilst the percentages of clusters C (young, violent males) and E (sex offenders) are becoming smaller.

File analysis (Chapter 5)
The 72 files show us that people commit the offence of deprivation of liberty for different motives. The files also contain information on the conscious or otherwise choice of victim, the extent to which and how suspects prepared to commit the offence and anticipated or responded to police intervention. In other words: the
use of counterstrategies. This extra information provides no clues on possible new suspect clusters. However, it does mean that the existing clusters can be refined and given more depth. The file analysis also focuses attention on the role of rationality in deprivation of liberty cases. After all, rationality is at odds with badly prepared and impulsive deprivation of liberty, which we regularly encounter in the files. The file analysis also reveals that the reaction of the police in deprivation of liberty cases can vary enormously, from simply taking down a statement to using a whole arsenal of techniques and tactics.

Participants (Chapter 6)
In this Chapter, the 38 respondents are introduced and the deprivation of liberty offences committed are described as they experienced and articulated them. The difference in perception is striking. Some admit that they themselves see the deprivation of liberty perpetrated as kidnapping or hostage taking, whilst others have a very different view of things (e.g. an argument among friends). During the interviews, both the general characteristics (age, gender, etc.) and psychosocial features (mental problems, use of alcohol or drugs, etc.) of the respondents are covered. Their criminal history is also looked at, with an indication of whether the respondent can be classified as a specialist, an all-rounder or as someone with little (criminal) experience based on this data. In some cases, information also emerged that had not been recorded, or not fully, in the police systems. All deprivation of liberty offences perpetrated by the respondents could be classified under the offence clusters previously identified. It is noted that, for example, a respondent who belongs in cluster E (sex offenders) need not necessarily commit a sexual deprivation of liberty offence and vice versa. The combination of HKS data, police files and interviews results in a typology of deprivation of liberty offenders. In comparison with the (previously formed) clusters, no new types were added or discarded on the basis of the complete data. However, the names of four of the six clusters were changed. This change is presented in the following overview. It also gives the criminal profile and the type of kidnapping or hostage taking perpetrated.

Cluster A (the inexperienced) changes to unknown persons. This is because it appears from the interviews that some respondents have acquired criminal experience in other countries (not registered in the Netherlands). Cluster B (experienced criminals) changes to intoxicated persons (specific: people under the influence of drugs or alcohol), because all of the respondents in this cluster were ‘under the influence’ whilst committing the offence, so they could make little use of their experience. Cluster C (young, violent males) changes to reckless persons, whereby the violence used is a form of expression and the respondents are also proud of the image the use of violence gives them. Clusters D (joint offenders) and E (sex offenders) remain unchanged. The name of cluster F (solo violent males) changes to violent offenders. It becomes clear from the interviews that some respondents committed their deprivation of liberty offences with others (not solo therefore) and that the use of violence, which is actually more instrumental in nature (to get control of the situation), is the only remaining characteristic.
### Rationality and deprivation of liberty offences (Chapter 7)

This chapter looks at the extent to which choices and the decisions perpetrators make during the preparation and the execution of the offence can be considered rational. It becomes clear that the decision points which are important in the deprivation of liberty consist of several steps (choice and willingness to commit a crime, choice of offence and execution) – and that they are also specific to the deprivation of liberty (surprise, restrain, relocate, keep concealed and make sure you get the loot). Zooming in on the different steps, it can be derived from the interviews with perpetrators of the offence that a minority (16/38) consciously choose to deprive others of their liberty and that an even smaller group (11/38) actually make thorough preparations. Strikingly, these respondents do not belong to a specific suspect cluster. They come from all clusters, with the exception of the intoxicated persons. Without exception, the majority of the respondents who actually commit the offence on impulse (22/38) can come from any of the suspect clusters identified. Half of this group (11/22) do not even realise they have committed a crime (and so did not make a specific decision to do so). The other half have no problem with committing a crime; the fact that it involves the deprivation of liberty on this occasion seems to be random, limited by the context.
When a well-considered decision to commit a deprivation of liberty offence has been made, there appears to be variation in the offence related to such factors as the choice of victim and the motive, with the situation often limiting these choices too. For that matter, it does not always involve the weighing of possible alternatives. Only a small number of respondents (5/38) choose very deliberately to deprive someone of their liberty after considering various alternatives in advance. Experience with criminality in general and deprivation of liberty in particular can be an advantage here, but not always. Possible pitfalls during the preparation and execution can be identified quickly by experienced perpetrators of this offence, but their own state of mind is decisive here.

Virtually all respondents (37/38) carefully select a particular person as the victim. The majority (28/38) even know the victim prior to the offence, but the relationship between offender and victim can vary considerably. On the basis of the rational choice approach, it does not seem logical to choose someone you know as the victim. After all, this increases the chance of being recognised and getting caught (higher costs). On the other hand, the benefits are often unknown in advance if your victim is a random stranger. After all, you do not know if there are any spoils to be had (both material and immaterial) and if these will offset any costs incurred.

Purely material motives are in the minority (4/38). Most respondents say that their motives were immaterial or a combination of the two. It appears from the interviews that violence accompanying the deprivation of liberty not only has an instrumental aspect (needed to get control of the situation) but also a clear expressive element for some respondents. Violence generates a certain image. This expressive side of violence seems to be at odds with the rational choice approach. After all, it is associated with higher costs – greater chance of getting caught (by leaving more tracks) and tougher punishment – whilst the benefits seem to remain unchanged at first glance. If, viewed from the offenders’ perspective, attention is also paid to the immaterial benefits (which can actually be the result of violence) and these are taken into consideration, the balance can shift and the decision can be considered highly rational. By taking account of ‘criminal values’ with immaterial benefits – which actually show striking similarities with the street values of Moroccan youths in the study by De Jong (2007) – it is easier to understand certain decisions from this angle. Violence as a form of expression then contributes towards one’s image and helps raise one’s status within a group (immaterial benefits). On the other hand, some respondents are ashamed of the violence they used. They are anything but proud of what they did and say that they went beyond their own moral boundaries.

In other words: the ‘criminal values’ do not apply to all perpetrators of the offence of deprivation of liberty. With decisions made by joint offenders, it is apparently also important to take group processes into consideration. Offenders who work together in a group are sometimes carried along by the group process, without doing, or being able to do, anything about it. This can influence both inexperienced and experienced respondents.

As far as the role of rationality in such offences is concerned, three groups of perpetrators can be differentiated (so-called RCA types; from: Rational Choice Approach). For the planners, rationality plays a big role. For the naïve group, this often seems irrelevant and the improvisers occupy a position somewhere in
between. The last group can include respondents from every suspect cluster. That does not apply to the other two. With the planners, there are no ‘unknown persons’ and ‘intoxicated persons’ and there are no perpetrators among the naive group from the clusters ‘intoxicated persons’ and ‘reckless persons’.

**Dynamic relationship with crime fighters** (Chapter 8)
The police use different techniques to ‘catch villains’ and criminals come up with and employ ways of avoiding capture and facing justice. The interviews with perpetrators of deprivation of liberty offences bring to light technical, social and information-oriented countermeasures. These countermeasures can be applied before, during or after the offence. The perpetrators base this use on their own perception of how the police operate and they act accordingly. Based on previous experience, ‘seasoned criminals’ can underestimate (the methods and techniques used by) the crime fighters. They are well aware that the police cannot be everywhere at the same time and that all available tactics and techniques are by no means used in every situation. Inexperienced peers lack such knowledge and base their image of how the crime fighters operate on what they see in the media or hear from others. As a result, there is a danger that inexperienced criminals will overestimate the crime fighters lying in wait. This in turn has consequences for their decisions.
The countermeasures used show certain variation. An important difference results from whether or not the choice to deprive someone of their liberty was well considered or impulsive and if it was prepared and executed in a ‘professional way’. In the latter case, conscious thought is given to possible police intervention and countermeasures are taken. Specific experience with kidnapping and hostage taking means that dangers and risks are identified more quickly during the preparation and execution, so that these can be anticipated. When offences take place and are executed on impulse, no countermeasures are taken (apart from routine actions), despite possible criminal experience. This does not necessarily mean that no countermeasures at all are used. On the contrary. After the event, respondents who are seasoned criminals consciously take countermeasures to obstruct the further investigation and reduce the chance of a conviction. This experienced group is in stark contrast to their inexperienced peers who take no account whatsoever of the police and judiciary when impulsively committing a kidnapping or hostage taking, neither before, during nor after the event.
Looking at the dynamic relationship with crime fighters and evaluating how the offenders handle this does not give rise to new classifications, but it seems that the variation in behaviour can be grouped under the earlier three categories: planners, improvisers and the naive group. It has added more colour to the picture. The overview below shows how the dynamic relations with the criminal investigators and crime fighters relate to this classification. It also shows which suspect clusters can be classed under the three groups that have emerged and which type of deprivation of liberty they committed.
<table>
<thead>
<tr>
<th>RCA type</th>
<th>Countermeasures before and during</th>
<th>Countermeasures after</th>
<th>Type of offender (n)</th>
<th>Type of deprivation of liberty (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planners (5)</td>
<td>Yes</td>
<td>Yes</td>
<td>reckless persons (1) joint offenders (1) sex offenders (2) violent offenders (1)</td>
<td>violent property crime (5)</td>
</tr>
<tr>
<td>Improvisers (24)</td>
<td>No (impulsive start), unless as part of routine</td>
<td>Yes (based on experience)</td>
<td>unknown persons (3) intoxicated persons (6) reckless persons (5) joint offenders (4) sex offenders (4) violent offenders (2)</td>
<td>child cases (1) sexual deprivation of liberty (4) prolonged deprivation of liberty (4) violent female kidnapping (5) non-violent female kidnapping (1) violent property crimes (5) deprivation of liberty of males (1) public deprivation of liberty (3)</td>
</tr>
<tr>
<td>Naive group (9)</td>
<td>No</td>
<td>No</td>
<td>unknown persons (3) joint offenders (1) sex offenders (1) violent offenders (4)</td>
<td>public deprivation of liberty (2) child cases (2) sexual deprivation of liberty (1) non-violent female kidnapping (1) violent female kidnapping (2) deprivation of liberty of males (1)</td>
</tr>
</tbody>
</table>

It is salient that some countermeasures are appropriate for obstructing several different police techniques. It also appears that not all countermeasures are aimed primarily at disrupting the police investigation. They are also used to offer protection against criminal rivals or the counterparty (victim and their supporters). It becomes clear that, together with experience, the context in which it takes places is important with regard to whether or not countermeasures are taken. Not only the respondent’s state of mind plays a role here (use of alcohol or drugs or the influence of mental or emotional pressure), but their own perception of the situation (involved or not in criminal behaviour) also influences the decision to take countermeasures or not.

How the planners organise their activities can only really be understood if it is seen as a way of avoiding investigation and prosecution. Mindful of McIntosh’s ideas (1975), they can be regarded as ‘professional criminals’. The improvisers are unable, during the preparation and execution, to concern themselves about measures to combat crime. Only after the event can they take action to minimise the chance of a conviction, based on previous experience with the police and judiciary. Countermeasures are totally lacking with the offenders classed under the naive group. They make no attempt to conceal their activities or reduce the chance of a conviction.

**Civilians, criminals & gangsters** (Chapter 9)
This chapter describes how those committing a deprivation of privacy offence categorise themselves. Their self-classification results in three groups. Respondents see themselves as ‘real gangsters’, ‘ordinary criminals’ or as ‘innocent civilians’. This
classification appears to coincide strikingly well with the RCA types differentiated in Chapter 8 on the basis of the rational choice approach. Real gangsters (RCA type planners, including the improvisers who normally prepare their criminal activities thoroughly) see themselves as professional criminals. They consciously choose to commit the deprivation of liberty offence and the victim; thought goes into the execution, with various preparations being made, and the possibility of police intervention is taken into account in all phases of the offence (before, during and after). Respondents in this group consist of all types of suspects. They mainly commit violent property crimes (as well as sexual and public deprivation of liberty and violent female kidnapping). Ordinary criminals (RCA type improvisers, excluding those who normally prepare their criminal activities thoroughly) commit a deprivation of liberty offence on impulse, taking no account of the police during the preparation and execution (with the exception of routine actions). Only after the event do they take countermeasures, based on previous experience. These are geared towards reducing the chance of an ultimate conviction. They embrace the criminal world, they come from every suspect cluster and commit every type of deprivation of liberty offence, with the exception of child cases. Innocent civilians (RCA type naive persons) commit the deprivation of liberty offence on impulse, taking no account of measures to combat crime either before, during or after the event. There is a total lack of countermeasures and they have no ambition to embark on a career in the criminal world. Respondents who class themselves in this group do not come from the suspect clusters ‘intoxicated persons’ and ‘reckless persons’. The type of offence they commit does not include violent property crimes and the prolonged deprivation of liberty.

**Conclusion – trends, types & theory** (Chapter 10)
In this concluding chapter, we bring together the findings from previous chapters and answer the four research questions. We conclude that an important added value of the rational choice approach is that it is easier to understand the offence of deprivation of liberty using the decision model of Cornish & Clarke (1996). It is possible to differentiate, descriptively, between successive stages, which are also specific to the deprivation of liberty. To a certain degree, the rational choice approach can also be used to explain the behaviour of the perpetrators of these crimes. The explanatory potential increases if not only material, but also immaterial aspects (emotions, group processes) are taken into account in the cost-benefit analysis. This applies even more if ‘criminal values’, such as loss of face and increase in status, and the dynamic relationship with crime fighters are also taken into account in the immaterial costs and benefits. However, by no means all deprivation of liberty cases can be explained well and fully by means of the rational choice approach. Even the most experienced real gangsters can make impulsive decisions during hostage taking and kidnapping. This applies even more to deprivation of liberty offences instigated on impulse by ordinary criminals. The rational choice approach can provide insight into their behaviour to a significant degree, but can only explain it to a limited extent – and then mainly their behaviour after the event. The routine activity approach, as an explanatory framework, seems to offer more possibilities particularly when it comes to the ordinary criminals.