

# Introduction

## Twenty years: The Age when we look to the Future

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The result of a year of work, deep thought and moments of camaraderie, this book marks the 20th anniversary of the Criminology Department of the National Institute of Criminalistics and Criminology (NICC). For just over one year, the members of the Criminology Department looked back to their past, but they especially tried to project themselves into the future. It was somewhat predictable that this would lead to a publication as a way to keep track of some of the work that was done for the occasion.

### Inception of a research department

In the early 1970s, when the NIC was officially established, at least on paper, the second C in the abbreviation NICC did not yet exist. It was not until the early 1990s that the NIC, founded by the Royal Decree of 5 November 1971 and still missing that second C, became truly operational.<sup>1</sup> Soon after opening its doors in late 1991,<sup>2</sup> the NIC expanded and two (contractual) criminologists were appointed in 1996. The statutory staff for the new Criminology Department was hired in 1997.

This addition of a Criminology Department was prompted by the work of a commission composed entirely of magistrates that was set up in 1991 and led by Lode De Wilde. The De Wilde Commission was established in the wake of the

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1. Royal Decree of 5 November 1971 pertaining to the establishment of a National Institute for Criminalistics, with the Statute of a State Scientific Institution, *Belgian Official Journal* 10 November 1971, 13474.

2. For more information: Chris de Veth 1997.

*Pinksterplan* (Whitsun Plan) of 5 June 1990 and was tasked with ‘drawing up a report on the establishment of a Criminal Policy Department’. This plan was the government’s response to the conclusions of the parliamentary committee of inquiry into how the struggle against banditry and terrorism is organised (known as the *Bendecommissie I*).

The intermediate report of the De Wilde Commission concluded that, among other things, Belgium was in need of a ‘scientific department’, following the example of the WODC (*Wetenschappelijk Onderzoek- en Documentatiecentrum*) in the Netherlands (De Wilde 1992a). The Commission asserted that this department should not only conduct fundamental, but also policy-oriented research, and do so objectively and scientifically (De Wilde 1992a, 70).

In order to carry out these tasks, the Commission was well aware that gathering information is essential. First and foremost, the Commission expected statistics, findings from other scientific research and information on the practices of the police, judiciary and criminal policy and the relationship between the criminal justice system and the public perception of the criminal justice system (complaints about the police and the judiciary, signs of uproar, interest group concerns) (De Wilde 1992a, 71).

The structure proposed in the interim report is a directorate-general (De Wilde 1992a). However, the final report stated that even though the Minister of Justice and the College of Public Prosecutors General approved the missions of such an institution, the procedure for establishing one by legislative means was considered to be too time-consuming. Therefore, the Commission proposed that a new Criminal Policy Department be created, whereby, in order to safeguard scientific independence, the department for scientific research would be placed within the existing NIC (De Wilde 1992b).

Thus, the Royal Decree of 29 November 1994, ‘to amend the Royal Decree dated 5 November 1971 pertaining to the establishment of a National Institute for Criminalistics, with the State Scientific Institution Statute, and the Royal Decree dated 9 November 1992 pertaining to the restructuring of the School for Criminology and Criminalistics due to its incorporation in the National Institute for Criminalistics’<sup>3</sup>, added a Criminology Department to the NIC, thereby changing its name to the NICC.

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3. Royal Decree of 29 November 1994 to amend the Royal Decree dated 5 November 1971 pertaining to the establishment of a National Institute for Criminalistics, with the State

Article 2 of the Royal Decree describes the Criminology Department's brief. Three of the seven listed missions of the NICC are more specifically addressed to this new department, particularly the responsibility to: '(...) 4. *continually update and share an inventory of anything that may be of interest with respect to criminalistics and criminology with Belgian judicial bodies and police services, as well as international centres for criminalistics and criminology; (...) 6. conduct studies or do research, at the request or with the approval of the Minister of Justice or the Advisor-General for Criminal Policy, regarding criminology, statistical data or judicial matters relating to criminal policy, or have these studies or research carried out by third parties; 7. provide training in a manner determined by us in the area of criminalistics and criminology to people who hold, or are preparing for, public office in the Justice Department.*'

During the first decade of its existence, the Criminology Department relied heavily on the guidance or approval of the Advisor-General for Criminal Policy or the Minister of Justice to decide its research topics. Whereas some legislatures fully recognise the usefulness of a federal research institute for criminological research and many research assignments are assigned and proposals are approved, others occasionally see it as less beneficial.

A typical example of this is the intention announced in the Federal Security and Detention Plan<sup>4</sup> in 2000 to '*integrate the Criminology Department into the Criminal Policy Department while respecting the researchers' scientific independence*' (point 5.3.1).<sup>5</sup> It is argued that the 'fragmentation' of policy-supporting scientific research across federal institutions (including the NICC) and universities alike ensures that '*economies of scale have not been exploited. The results in the field of security sometimes failed to materialise, or were not immediately visible and not measurable.*'<sup>6</sup> On 4 June 2000, in response to a parliamentary question, the competent Minister of Justice stated that the scientific staff that was to be transferred from the NICC to the Criminal Policy Department would be eliminated over time.

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Scientific Institution Statute and the Royal Decree dated 9 November 1992 pertaining to the restructuring of the School for Criminology and Criminalistics due to its incorporation in the National Institute for Criminalistics, *Belgian Official Journal* 23 December 1994, 31768.

4. Parl.St. Kamer/Senaat, 1999-2000, nr. 2-461/1 (Senaat), DOC 50 0716/001 (Kamer) [*Het Federaal Veiligheids- en Detentieplan*].

5. *Ibid.*, 23.

6. *Ibid.*, 22.

However, it never went that far. This part of the Federal Security Plan was never implemented, and a few years later the number of potential commissioners for scientific research to the NICC rose significantly. The new Royal Decree of 21 April 2007 no longer only designated the Minister of Justice and Advisor-General for Criminal Policy as possible commissioning parties, but also the President and Directors-General of the FPS Justice and the College of Public Prosecutors General.<sup>7</sup> Furthermore, the description of the possible research topics was also reformulated to include research '*related to criminal legal policy with regard to victims of crime and policy with regard to the execution of penalties and measures*'. Less than a year later, the statute on the scientific staff of federal scientific institutions was also thoroughly reworked.<sup>8</sup>

Today, the Criminology Department is a flourishing research division of the NICC, employing over 20 staff members with a broad range of expertise. While the number of those working in the Criminology Department leapt in the early years during the implementation of its scientific research programme, based on three pillars (proactive research in the struggle against organised crime, research into penitentiary inflation and alternatives and the drafting of a vademecum of criminological research), a historical low was reached just after the turn of the century in light of the aforementioned developments. Since then, however, the Criminology Department has steadily expanded again, partly because of occasional statutory recruitment or appointments between 2004 and 2009, and partly due to the increasing use of external sources of funding (programmes or projects financed by Belspo, the FWO, the European Commission, the police, etc.).

While the NICC Criminology Department did begin its activity gradually, the 2017-2018 academic year was chosen to commemorate the 20th anniversary of its creation, considering that the first criminologists were hired at the Criminology Department in 1997. This is when we could say that its long gestation process came to an end. Since then, of course, the research reports have accumulated, the publications have multiplied and the researchers at the

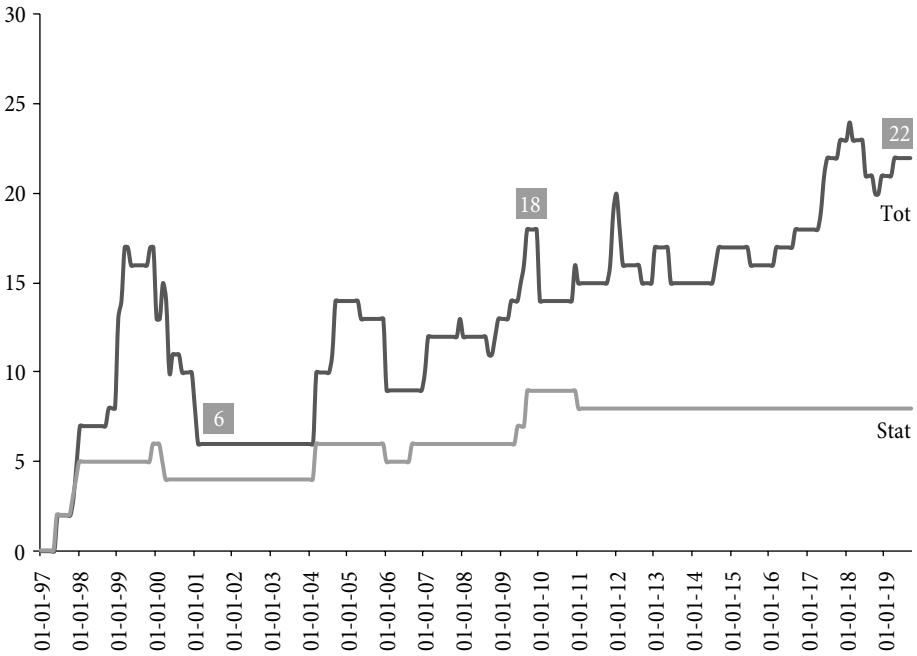
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7. Royal Decree of 21 April 2007 to amend the Royal Decree dated 5 November 1971 pertaining to the establishment of a National Institute for Criminalistics, with the State Scientific Institution Statute, *Belgian Official Journal* 4 May 2007, 23805.

8. Royal Decree of 25 February 2008 establishing the statute of the scientific staff of the federal scientific institutions, *Belgian Official Journal* 7 April 2008, 18462.

Criminology Department have travelled the country and the world to present their work.

Table 1. Evolution Department of Criminology NICC



### How should we commemorate it?

The 20th anniversary is merely a pretext, an opportunity to take a pause, look back and consider the work done. But how should we commemorate it? The Department staff would like to answer that question by turning to the three main groups of people that their work addresses: colleagues working in the criminal justice system in some way, the public at large and the scientific community.

First, members of the Criminology Department presented the results of their research in meetings of bodies bringing together people who work in the criminal justice system. Second, a film club was organised in partnership with the *Cinémathèque royale de Belgique* that screened films to audiences under the title ‘Punish?’, accompanied by talks by criminologists. Third, they have produced this book.

Rather than hold a scientific symposium to present their achievements, the Criminology Department's management team hoped to use the Department's history to ask questions about its future. To this end, a series of seminars was organised in which researchers discussed the development and current state of research at the Department. A speaker from the sector echoed them by explaining how this research relates to the operational departments and by talking about current needs. Finally, a foreign expert was invited to provide a perspective on the context in which the NICC Criminology Department was incorporated and discussed foreseeable or desirable developments in research. Taking seriously the idea that the scientific approach is based on regularly questioning the issues, the methods used and the results gathered, the members of the Criminology Department have chosen to celebrate their 20th anniversary by asking questions about the future, rather than celebrating the gains made.

## Perspectives

Those seminars resulted in the chapters of this book, which include essays by Criminology Department researchers and foreign experts. It is not a smooth and comprehensive presentation of the work done, nor a clear and definitive plan, laying the ground for the future. Instead, it is a team's reflections on their practices, their achievements, and also the challenges that have come their way. We see hope – the hope of any researcher – to discover new questions, to explore new dimensions of his field, to develop new methods and to accumulate new knowledge.

Our book opens with a chapter by Sarah Van Praet, Dieter BursSENS and Silke Steenwegen that traces how research themes and methodologies have evolved in the history of the NICC Criminology Department. It shows a research department in full growth: starting from studies relatively modest in ambition, it would quickly conduct research based on the databases of the criminal justice system, complicating its approaches, then supplementing them with qualitative methodologies. This chapter provides the image of a department increasingly seeking to develop through external means, which have helped to fund more research, but also depicts one opening up more widely to the academic world and developing partnerships with it.

The chapter by Alexia Jonckheere and Eric Maes deals with research on pre-trial detention, retracing both legislative developments in Belgium and the

evolution of studies on their application and effects. It is as much the chronicle of an important analysis of one of the most controversial mechanisms in criminal procedure as it is a disillusioned report of failure in successive attempts to make less use of pre-trial detention.

The situation described by these authors is addressed in the chapter by Christine Morgenstern. Here, Morgenstern shows us how the situation in Belgium makes perfect sense in a European context marked by the success of the European arrest warrant and by the failure of attempts to facilitate the execution of alternatives to pre-trial detention beyond the boundaries of the state that implements them. This brings out the idea of a Europe generally marked by a culture of preventive detention, which is a major obstacle to the implementation of real alternatives.

The chapter written by Anne Lemonne, Isabelle Ravier and Charlotte Vanneste presents a recent line of research (active since 2012) on Intimate Partner Violence (IPV) at the Criminology Department. Therefore, it mainly reviews the approaches and main findings of two research projects conducted thus far by researchers at the NICC Criminology Department. However, it also features the main objectives and methodology of an ongoing research project on Intimate Partner Violence launched in 2017. The text enables us to situate this line of research within broader legal and scientific developments, to follow its continuity with respect to other research projects already pursued at the Criminology Department and, above all, to highlight some future prospects for it.

Taking into account the recent development of this line of research at the NICC, these perspectives are also usefully outlined in the chapter by Elisa Herman, a French sociologist who worked for several years on domestic violence in France. The 20th anniversary of the Criminology Department provided a great opportunity for her to present her work. Her text highlights the main conclusions of her analysis of the development of French public policy on domestic violence. This analysis is very interesting for studying the development of such policies in Belgium. Her visit also undoubtedly prompted researchers at the Criminology Department to reflect on their own past and ongoing work.

The chapter by Luc Robert, Rembert De Blander, Isabelle Detry, Eric Maes, Benjamin Mine and Charlotte Vanneste discusses Belgian research on recidivism. Paradoxically, the country of Quêtelet, one of the inventors of judicial statistics, is today particularly poorly endowed in this area. Indeed, after brilliant beginnings in the 19th and early 20th centuries, recidivism has been depopulated as a field of study, to the point that only limited studies have

been carried out for several decades. The authors review existing studies and construct the landscape of fragmented research, where updating data and comparing different results are particularly difficult. It is this context that will give rise to the ambition to carry out general studies, based on clear definitions of recidivism and a rigorously defined methodology.

In response, Wesley Jennings describes the context of NICC recidivism studies as well as the studies themselves. This perspective serves as a basis for indicating the complexity of the field and the diverse methodological options available to those wishing to explore it. As a polysemic term (at least in criminology), 'recidivism' opens up many ways to address the issue of repeat offence. Indicating both the potentialities of the field and the interest of the research begun at the Criminology Department, it outlines stimulating and demanding future prospects.

Bertrand Renard's chapter covers relations between criminology and forensic science. It shows how the Criminology Department has endeavoured to fill a gap in research related to forensic expertise and to open new projects, while also revealing perspectives that were at first unexpected. Reflection around the duality of the NICC (forensic science and criminology) has focused on expertise not only as one judicial practice among others, and therefore the study of criminology, but also as an opportunity to build databases to better understand how the law enforcement system works and to grasp the values and models underpinning it. This chapter also focuses on the perspectives opened up by technological development and shows how the study of forensic science helps us to observe changes in law enforcement paradigms as closely as possible.

Finally, the chapter by Olivier Delémont discusses the relations between forensic science and criminology. Radically contesting the idea of two fields that do not communicate, he shows how much each has to gain from exchanging and contrasting ideas and results. Specifically, he argues for criminological support to develop new forensic techniques in order to better understand the potentialities and effects, including perverse ones. In doing so, he invites us to think about technology in its social and institutional context and to stop thinking of the forensic sciences as neutral officials of the criminal justice system.



## Bibliography

- de Veth, Chris. 1997. 'Rubriek Deskundigenonderzoek: Het Nationaal Instituut voor Criminalistiek en Criminologie.' *Panopticon. Tijdschrift Voor Strafrecht, Criminologie en Forensisch Welzijnswerk*, no. 2: 185-88.
- De Wilde, Lode. 1992a. *Commissie belast met het opstellen van een verslag betreffende de oprichting van een dienst criminele politiek*. Tussentijds Verslag. Brussel.
- De Wilde, Lode. 1992b. *Commissie belast met het opstellen van een verslag betreffende de oprichting van een dienst criminele politiek*. Eindverslag. Brussel.