

House Arrest

After a few months on the job as prosecutor, it happened: I was on-call for the very first time. When I accepted the pager from my predecessor on Friday afternoon at around 5:00 PM, I had just settled down for a meal with my colleagues at a Greek restaurant. Altogether, we were good for around 50 to 70 years of combined recommended jail time per week.

The following week I was also scheduled for standby duty. In other words, I had to be ready to receive calls from the police or Public Health authorities from 5:00 in the afternoon on Friday, until Friday the week after, including after office hours on weekdays and during the weekend.

In the course of an on-call week, which, as a fulltime employee, I go through about four times per year, I might be called to search a home together with a judge, release a body for burial in case of an unnatural death such as suicide or euthanasia, or organize an emergency wiretap if there is an urgent need to monitor a telephone conversation.

In the latter case, I must first determine whether the request from the police concerns lawful interception, and next, even at night and under dire circumstances, call the judge to request a warrant to tap one or more mobile phone numbers. Once permission has been granted, I call a special number to reach the provider in question, and let them know which judge issued the warrant at what time, and the room number where the wiretap will be monitored. Next, lines are "switched" and calls can be monitored from that time on.

So I knew approximately what to expect.

A very nice colleague who had been doing this work for a long time was my backup for the upcoming week, which is to say, he had my back, and I could call him day or night if I needed advice. I wrote down his number on a scrap of paper which I guarded as carefully as if it were the all gold in Fort Knox.

In between bites of delicious souvlaki, my friendly colleague told me I should not hesitate to call in cases of murder, manslaughter, fire or a hostage situation. Hostage situation? This was one of the few scenarios that had never even occurred to me in the course my mental preparations for this extremely demanding week.

But, no – I assured him he really had no reason to be concerned. What I didn't mention is that he should probably be relieved if I refrained from calling him every few minutes asking for advice on all kinds of things. To say I was feeling a tad insecure about my first upcoming on-call shift would be a vast understatement.

He left me with one golden nugget of advice: if the police called with a question I really didn't know how to answer, I should answer with another question, namely: "What is your opinion?" Undoubtedly the police man or woman on the other end of the line would offer sensible recommendations which I could simply agree with, or, if that was not the case, at least I would have gained some time.

I joined the others for a meal for reasons of collegiality, but found myself unable to relax. I did not feel comfortable with that pager lying next to my plate. The prospect of being at the mercy of the beeper for the next week made me anxious. Actually, I was just shy of feeling completely overwhelmed.

When I finished eating and started on my way home with the beeper in my pocket, I felt altogether alone in the world.

With every step I took, I felt the judicial responsibilities of an entire district weighing ever more heavily on my frail shoulders. All week long I might receive calls about all manner of emergency situations, ranging from Maastricht to Roermond, some 50 kilometers on, where the next district started.

At home, I worked on arranging our large dinner table to accommodate what was heading my way.

First, I brought out my red civil code books, to which I was just as deeply connected as Sonny once was to Cher. Then I dug up a few syllabuses of courses I recently took - always useful - as well as a number of textbooks about criminal law and criminal procedure law. I also lugged over all manner of notes, tables, lists with recommendations for sentencing, and schedules for temporary custody from the office, so that I would be properly prepared, or, if not, at least able to look things up quickly.

But most indispensable was the booklet "Memo for the Public Prosecutor" written by colleague Mike Hoekendijk, full of accessible and practical information that would prove to be very useful in times of urgent need. This memo has saved me so often since those early days that the title should be changed to "How to Survive my On-Call Shift".

When I finally finished sorting out my paperwork, the situation looked more as if I was about to start prepping for final exams than that I might be expecting a phone call from the police.

My beeper remained completely silent. It was long past 8:00 PM, and I still hadn't had a single call. To be honest, after all the business of preparing, this was something of an anticlimax. I was starting to worry that the device was broken, and decided to call my own on-call number. Luckily it worked just fine.

But then the moment I had been so afraid of arrived: my pager beeped. I glanced at the phone number, took a seat at the table, and called the number, holding my pen at the ready with an elevated heartrate.

It was a doctor from Public Health services reporting a suicide. I almost sighed with relief. I knew this procedure. I retrieved the correct form, wrote down the information, and released the body.

I never realized how many people committed suicide until I became a public prosecutor. I was naïve, and simply had no idea.

After 15 years of working for the government as a crime fighter, I know better.

The phrase "died unexpectedly..." in obituaries is far more frequently a euphemism for this sad event than you might think. When I am the on-call duty prosecutor, I receive many calls regarding people who have taken their own lives. It is the public prosecutor who must assess, in the case of every unnatural death, whether a judicial post mortem is called for, or whether the body can be released to the bereaved.

This to rule out foul play.

I was also unaware of the seemingly endless variation in suicide methods. Of course I was familiar with the most common, as we all are: people who throw themselves under a train, jump from a tall building, take an overdose of sleeping pills, or hang themselves.

But I never realized desperate people often come up with the most ingenious constructions to put an end to their lives.

Take the middle-aged man who suffered from a terminal illness. He did not want to wait for euthanasia, and decided to do the job himself. He tied a piece of string around his big toe and attached it to the trigger of a hunting rifle. Complicated but effective.

Someone else took a couple of sleeping pills and rigged a timer to a different clever homemade device. He set it up so the trigger of a carefully placed pistol would be pulled when he was fast asleep.

It is sad to see how strong the will to die sometimes is.

But sometimes things also go wrong unintentionally. Such as the elderly man who lived in an assisted living home. He suffered from a serious lung disease and relied on an oxygen tank to breathe at his home. Unfortunately, he was also unable to give up his addiction to tobacco, despite obvious safety mandates. So he smoked in secret.

One day he lit a cigarette and the flame from his lighter came into contact with the pure oxygen in his tank. It exploded in his face.

Which lent quite a macabre additional layer to the warning on every pack of cigarettes: Smoking Kills.

After that first message, the beeper was true to its name, and never stopped bellowing. I barely finished one call before the next number I was supposed to call showed up on the display. Luckily the cases were all fairly simple, though I did sometimes ask a caller for a moment of patience while I looked something up. I made a note of each of my decisions in the logbook.

Just as I was getting ready to go to bed, the beeper went off again. What if they wanted to do a house search at this late hour? But no, this time it was the police calling about a probable cause arrest. I listened carefully to the situation as it was described, and gave permission to pick up the suspect.

I dropped into bed, exhausted, but was unable to fall asleep. I tossed and turned restlessly all night, worrying that the pager would beep. In the morning I felt miserable, but luckily the cursed thing never made another sound.

The rest of my on-call week passed in a haze. The weekend was insanely busy, and I answered one call after the other. I barely had time to go to the toilet in peace. Which, by the way, is where I draw the line. I absolutely refuse to take the beeper with me to the bathroom, because I feel like I have the right to my moment of privacy. Never mind obvious reasons of hygiene.

Then the thought occurred to me that I could not be entirely sure that some of my colleagues might actually take the beeper with them. And as the beeper is handed from one person to the next, I suddenly found myself looking at the little black device with a great deal of suspicion. God only knew where it had been.

In the meantime, I only had to call my backup advisor twice, and both times for good reason.

While I was on-call, it became increasingly clear that every caller considered their own case the most important. After I spent 20 minutes continuously talking about a case with one police officer, I was immediately called by the next.

"You are on-call, but your line is busy all the time. You can't be reached and I need to speak to you urgently!" was his grumpy and confrontational greeting as I sat there with my face flushed red from concentrating so hard and from total exhaustion, quickly scratching out my previous notes and holding my pen at the ready to take new notes about his case.

Whatever happened to "Good afternoon, Madam Prosecutor?"

My head was already filled to overflowing, and this was the last drop.

His reaction did not go down well.

"If your colleagues would stop calling me because they also need to speak to me urgently, you would be the first in line, but that's simply not the case!" I answered, a little too caustically.

After which I continued to gallop from one phone call to the next.

I got a call about somebody who was committed to a psychiatric unit because of a mental disorder, but had run away. Now he was at his parent's house creating a ruckus. I ordered the police to take him back to the institution.

A suspect who faced eight years of imprisonment in Belgium was arrested, but he was not sure whether he wanted to follow the abbreviated procedure or the regular one. I gave the order to have him call his attorney as soon as possible so that he could decide what he wanted to do.

In the case of a suspect involved in a "rip deal" scam, I phoned in the order for extended incarceration, so that the police would have time to continue their investigations.

Then the police called to say they suspected two women of smuggling drugs internally, based on a number of testimonies. I gave permission to ask the Public Health doctor to examine the bodies of both women. Nothing was found in their vaginas. Because the Public Health doctor is not permitted to perform rectal examinations, there was nothing else to do but lock up the two women and hope something came out of it. Literally and figuratively.

The probation officer called to say a lady who was suspended from temporary incarceration on condition she seek treatment at a clinic, had disappeared without a trace. I informed the police, and also put out a warrant for her arrest because of probation violations. And so on.

I was so busy that I was stuck inside the house, because I was constantly on the phone and I also had to write down every decision I made. I could not get around to doing anything without the pager demanding my attention. As a certified control freak, this was not easy for me.

If I pulled up a chair to the table, starving and looking forward to a hot meal? My mobile made sure the food was cold by the time I finally finished my call. A short stroll around the block? The holy trinity - mobile phone, notebook and pen - must come along. A quick visit to the supermarket on Saturday? Before I reached the laundry detergents, I was already on the phone and taking notes while fellow shoppers swirled around me.

From that time on, I was sentenced to house arrest whenever I was on-call.

I was often on-call on weekdays during office hours in combination with a standby shift. There I sat, the public prosecutor, in a special room together with a legal secretary and someone from the administration, to deal with urgent cases such as arranging exceptional investigative equipment, or the arraignment of a suspect. I have been known to work combined on-call and standby duties where I typed 29 full pages in the logbook in the course of seven days.

The standby duty room strongly reminds me of the War Room at the attorney's office in Los Angeles where I worked as a litigation paralegal - an assistant

attorney in civil cases - in the late 1980s. When you imagine this job, think LA Law, only without all the glamour, and sad to say, also without hunky actor Harry Hamlin.

That room was the epicenter where important meetings and deliberations took place, and where lots of decisions were made at high speed, under enormous time constraints. That's how you should imagine our standby duty room, which is characterized by constantly ringing phones and faxes, people talking loudly and non-stop at the same time, and staff members who walk in and out all day long to hold papers under my nose which I often sign practically blindly in the heat of the moment.

The difference with on-call shifts was that, as the standby duty officer, I could not be called away to be somewhere else in person, because at least one prosecutor must always be available during the day in order to make those decisions only a prosecutor can make.

Being on-call was not always a joyful occasion for my family members, either.

When I had to take a call at night, I tried to stay in bed in the hopes that I would fall asleep more quickly afterwards. Only when it became clear that the conversation was going to take a long time, did I reluctantly crawl out of bed to continue the call elsewhere.

My children were altogether unhappy with all of this. When they were little, they could not understand that they had to be quiet while I talked endlessly and intensely on the phone. Which happened all the time, because my pager had the habit of going off at the most inconvenient moments. Such as when I was curled up with my son and daughter, reading them a story. Or when I managed to get the bath filled at just the right temperature, and they were impatient to start playing in the water. Or when we went to see the goats at the petting zoo - that one time I decided to chance going out with them.

No, it was no fun at all when mommy decided to concentrate on a telephone call instead. The toddlers had a knack of asking me questions just when I was in the middle of a call with the police. Which went something like this:

Police officer: "We just discovered a dead man in municipality X. It looks like an accidental fall down the stairs, but..."

Child 1: "Mommy? Mommy? Mommmmyyyyy! (rapidly escalating volume).

Police officer: "Sorry, did you say something?"

Me, as I frown severely at Child 1 and put my finger to my lips to indicate silence: "No, no, please continue."

Police officer: "Well, as I was saying, it requires investigation."

Me, while trying to walk to a place where I can write something down with Child 2 clamped around my leg: "Who does this concern? Have the Crime Scene Investigators arrived?"

Child 1: Mommmmyyyyyy! I have to pee!

Police officer: "Ah, I can tell you have another crisis on your hands!"

Me: "Uhm, yes, something like that. Uhm, I'll just make a note of the details and get back to you in a minute, OK?"

Child 1 is hopping from one foot to the other, and I write down the name of the unfortunate man quickly.

In the meantime, Child 2 is trying hard to take away my phone.

Me, hissing at Child 2: "Stop that! Don't be naughty. Mommy has to talk on the phone."

Did I hear that police officer snigger in the background?

And so forth.

By the time they reached puberty, they absolutely understood the situation, but pretended not to. Beloved son and/or daughter called out loudly: "She's been in that bathroom far too long, do something!" "I don't have any clean socks!" or "We're almost out of maxi pads!" in the middle of my serious conversation with a detective. They also had very clear opinions about my on-call duties: "What, again? Oh, no. Yuck!"

It was a pretty stressful situation sometimes, combining on-call duties with children.

Which makes it even more amusing, now that my own children are just about grown up, to call younger colleagues and police officers and hear the familiar cries and whines of children in the background. Children insist on undivided attention from mommy and daddy, and they are absolutely right!

In retrospect, that first week on-call was not too bad, despite being so busy. I came through relatively unscathed.

Other on-call weeks followed where I experienced the strangest things.

Such as the time I stayed up all night after I got a message from the police telling me someone "of national importance" had been taken hostage. It was the kind of call where I immediately got up and continued the conversation downstairs. I spent hours on the phone with everybody involved: detectives, the chief, prosecutors, and the negotiating team. Every so often I received another update about the situation.

Available information suggested that a man entered the home of a well-known public official while threatening him with a firearm. The hostage was able to sneak a quick call to the police, indicating that he was being held prisoner.

I arranged emergency wiretaps and discussed various scenarios with the police. The next step was to involve the Arrest Unit. But then, at 5:00 in the morning, I received an astonishing call from the police. The "hostage" had just walked calmly out of the house. There was absolutely nothing wrong with him, and he coolly told the police that it had all been just one great big misunderstanding.

Or that one time when I was called in the middle of the night by a bunch of overly cheerful policemen who apparently had nothing better to do. The loud laughter and cracking of their radios echoed through my silent bedroom. When I managed to croak, half asleep, "Yes? What's the matter?" into my mobile, I was imagining all kinds of disasters. But then... why would they be laughing?

I listened in disbelief as the caller - far too loudly, in my opinion - started to talk: "Listen, we're all sitting around together, right? And you're on-call and we actually have a question (more bellowing in the background). When are premises frozen in the course of a house search? We're having a discussion here and can't decide when it is absolutely necessary and when it isn't. Can you help us?"

For a moment, I was speechless about something so preposterous, but his question was not a joke. As if this couldn't have waited until regular office hours. I expect it had something to do with the fact that they were wide awake because they had night shifts, and expected my on-call duties to be the same. Well, I had news for them. I do not remember my exact words, but I assure you that particular officer will never again call the on-call number with such rubbish in the middle of the night, that much is certain.

At the time, I was already living with Han, who woke up from all the commotion. When he asked me, still half asleep, what in God's name was going on, I couldn't refrain from telling him the police had done something not altogether clever, and my choice of words was far from subtle.

It was made worse by the fact that I always slept very lightly when I was on-call. Or rather: I slept badly. I had trouble falling asleep and the slightest sound woke me up. If my sleep was interrupted by a phone call, it was very difficult for me to return to the Land of Dreams.

The fact that the pager, and later the mobile phone, were next to me on the nightstand, did not improve the situation. The simple knowledge that I might be called at any moment meant I slept badly even when it didn't go off. It has happened that I tossed and turned all night long, only to discover at around 6:00 AM that I never had one single call.

By the way, I also quickly learned during my on-call shifts which police officers I could trust blindly, and which required vigorous interrogation. This also meant that when I heard the name of who was calling, I might be relieved and think: oh, thank goodness! Or groan to myself, oh no, not him again!

Many on-call weeks followed, whereby an evening and night might look something like this:

8:05 PM. A 15 year old boy raged out of control at a shelter, and seriously abused a staff member. I decide he must be incarcerated. Which meant he would spend the night in a police cell. His mother and an attorney had already been notified.

10:30 PM. The Joint Hit Team called to say they arrested a drug dealer and wanted to search his home. The suspect refused permission, and I called the judge to order a warrant by telephone. Ten minutes later, I am in the car. About 30 grams of coke belonging to the suspect had been discovered.

About 12:30 AM I arrive back home and go straight to bed.

1:04 AM. I had barely fallen asleep when I was called about a suicide. A young girl had jumped from an apartment building. I release the body so that the bereaved could start arranging the funeral. As I write down her information, I am covered in goosebumps.

3:10 AM. I had finally dozed off, when I took a phone call about a shooting where a victim was shot in the stomach. The shooter had been recognized. The police wanted permission to make an arrest based on circumstantial evidence, as well as engage an Arrest Unit because the suspect was armed and dangerous. For which I had to wake up the Chief of Police.

He was in agreement, and the Arrest Unit was activated. I scratched a few words on my notepad in the dark, hoping I'd be able to decipher them tomorrow morning, and nestled back under the comforter.

4:25 AM. My sleep-addled brain picked up on the vibrations of my mobile phone. It was the Public Health physician, who had just examined the body of an 82 year old woman who lived alone and had fallen down the stairs. Forensic investigators were at the scene, and after inspecting the scene, did not find any indication of third party involvement. I filled out another form for death by unnatural causes, and released the body.

6:45 AM. This time it was my alarm going off. A new work day had started.

Sometimes I can't settle a case from home, and must go somewhere when I am on-call.

It was the middle of the night when I got the call from the police. A woman reported that her husband had been shot in his own bed by his son. The boy was immediately arrested by the police at the house.

I was immediately wide awake, and 45 minutes later, I was sitting in a police car on my way to the crime scene. When the car stopped in front of the duplex, a crowd had already gathered in the streets. As I followed the detective into the house, I mentally prepared for what I would be seeing.

With every step up the stairs, I felt more tense.

The first sight of the dead man in his plain bedroom is one I will never forget. He lay partially on his side, dressed only in his underpants, with his face on the pillow in an enormous pool of blood. Underneath his body, the bed was soaked with so much blood that it dripped onto the floor. His eyelids were closed and swollen, his neck, arm and jaw displayed gaping wounds. The cheerful floral comforter was partially stained dark red. The wall, headboard, and nightstand were covered with blood spatter.

I looked around. The alarm clock next to the bed ticked as if nothing had happened. A pair of carefully folded jeans lay on a wicker chair, with a pair of black men's shoes beneath it.

Neither would ever be worn by their owner again. While I looked at this horrible scene from close up, I suddenly felt ashamed that I was standing in this bedroom. Somehow it was too intimate. Not in a warm, but rather in an ice cold sense.

I listened carefully to explanations from the Crime Scene Investigators. In the meantime, the smell of so much blood in the small, stuffy room became overwhelming, and I thought I tasted iron in my mouth. I longed to go outside as quickly as possible.

Murder is not exciting, romantic or heroic, like we see in so many TV shows and movies. At the raw reality of a crime scene, murder shows its true face.

That of hatred, stench, squalor and degradation.

A crime scene is a different story altogether.

When I started working as a public prosecutor, working methods at crime scenes were not very precise in cases of murder or manslaughter. Forensic Investigations were simply called Technical Investigations at the time, and when I went to a crime scene, I was not asked to wear a white jumpsuit or covers over my shoes, nor a facemask or white hood over my head.

The level of science regarding DNA evidence was far less developed than it is now. At the time, it was not a problem to let a prosecutor be one of the first to enter a crime scene. After all, the prosecutor was the head of the police investigation.

These were the days when it was best practice among prosecutors to simply avoid stepping into a pool of blood, and I calmly walked around the crime scene

in my everyday clothes, with my hair untied (!) The norm was to arrive as soon as possible after the crime was discovered, so that the body did not even have a chance to achieve rigor mortis. Actually, it was exactly like they still behave on every episode of CSI.

Years later I was told that the police at the time had come up with a nice nickname for us: Crime Scene Destroyers.

They must have laughed behind our backs at such ignorance.

I remember following a detective around, feeling interested, sometimes horrified, and every so often with bated breath because of unpleasant odors, while maneuvering diligently around undoubtedly extremely important clues. We had been trained to understand that it was extremely important to discover all we could about a crime scene, so that we were completely familiar with circumstances at the site. It was an indispensable aspect of being able to do our best in the courtroom later on.

Of course this was excellent advice, although these days it is luckily achieved by members of the Forensic Investigation team, outfitted like astronauts, who take photographs and films of the site from every imaginable angle. Just as reliable, with much less risk of destroying evidence.

Because, let's be clear: in the old days, it could have been my own DNA that suddenly showed up at a crime scene. And just try explaining that away.