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Upperdogs Versus Underdogs

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Upperdogs versus underdogs: The strength of parties in drug-related closure cases

Introduction

In the Netherlands, mayors are entitled to close both public and nonpublic premises, including private housing, due to drug-related criminal activities. Although rights and freedoms are endangered by these closures, previous studies on party capability lead to believe that the mayor is more likely to win in court than the individual contesting the closure. This study examines the relative success of the different types of litigants and the influence of case characteristics, such as the type of drugs, type of property, and invoked defenses in drug-related closure cases.



Methods

Statistical analysis of all published case law

- Retrieved from the website of the Dutch Judiciary
- Judgements of courts of first instance (district courts)
- Drug-related closure cases
- 2008 2016
- N=217
- Dependent variable: whether the upperdog won or lost the case. This is equal to whether the appeal was dismissed (=upperdog won) or allowed (=upperdog lost)

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Fig 1. Number of wins (N=217) 160 151 140 120 100 80 60 40 20 0

Upperdogs

H2. +

Table 1. Predicting the probability an appeal will be denied for strong and weak upperdogs and underdogs

H2. Upperdogs: strong versus weak Population size

Case-specific experience

H2. Upperdogs: combined (reference =

large and more experienced) Large and less experienced Small and more experienced Small and less experienced

H3. Underdogs

Strong versus weak underdogs *Note*: Estimated coefficients in log odds. Standard errors in parentheses.

Strength of parties

Upperdogs are more likely to win in court than

H2. The strength of an upperdog does not influence the win rates (experience nor size) The odds that the upperdog wins is 2.68 times higher if the upperdog faces a strong underdog in court instead of facing a weak underdog



CONCLUSION

Beyond strength of parties After adjusting for the type of drugs and property, the probability that the upperdog will win the case is not significantly different The chance for the upperdog to win the case increases when a party invokes a proportionality defense. Especially when financial problems, a general proportionality-defense or a combination of different arguments are put forward

Other case characteristics are most important!





Logistic Regression Results: Beyond Strength of Parties

Table 2. Predicting the probability of success for upperdogs among drug-

Model 1 Model 3 Model 5 rdogs 0.99** (0.31) 0.83 (0.74) 0.97 (0.86) ard drugs) -0.71 (0.45) -0.47 (0.48) -0.71 (0.62) -0.41 (0.68) -0.71 (0.62) -0.41 (0.68) -1.86** (0.70) -1.37 (0.76) es) -0.22 (0.84) 0.39 (0.94) 0.09 (0.78) 0.05 (0.87) 0.08 (0.88) -0.04 (0.98) reference -0.02 (0.84) 0.05 (0.87) 0.80 (0.88) -0.04 (0.98) reference -0.04 (0.98) -0.04 (0.98) reference -0.02 (0.84) 0.39 (0.94) 0.13 (1.26) 2.25 (1.35) 2.13 (1.26) 2.25 (1.35) 0.83 (0.70) 1.07* (0.53) 2.21*** (0.57) 0.23 (0.23) 0.87* (0.41) -0.76 (0.62) 10.37 (1) 14.38 38.16 (14) 0.0013 0.044 0.0005 213 186 186				
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		213	186	186

Note: Estimated coefficients in log odds. Standard errors in parentheses.