Contested Police Systems

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1 Introduction

This issue of German Policy Studies is dedicated to police and policing. To be more precise, the focus is on trends and developments that have taken place in policing and in the police system of Germany, in particular of North Rhine-Westphalia, from a comparative perspective, by analyzing similarities and dissimilarities with changes in the police systems of England, Wales and The Netherlands.

These three countries (or rather, two countries and one German state) have gone through recent reforms to their police systems. All three have been wrestling with the proper arrangements for the organization as well as with steering and controlling their police systems in ways that fit both national, or federal, and local demands, in an effort to improve police performance.

Symposium on police reform at the German Police University

This issue of German Policy Studies is the result of a Symposium on Police Reform in Europe at the German Police University in Münster in February 2009. It was inspired by a comparative research study into the organization and governance of the police in Denmark, Belgium, The Netherlands, Germany (especially North Rhine-Westphalia), England and Wales, funded by the Police and Science Program of the Dutch Police Academy. The results were published in 2009 in Dutch, in a book entitled "Het Betwiste Politiebestel" (*The Contested Police System*) (Cachet, van Sluis et.al, 2009). The aim was to learn from developments and experiences abroad so as to introduce scientific arguments into the debate about the future of the Dutch police system. In

contrast to Germany, for example, where the police and the police system in general are not, as a rule, heavily debated or put to the test, the Dutch debate is rather more politicized, normative and sometimes more emotional ("we want national police", or, "we'll stick to our regional police", or, "we want our municipal police back") than based on solid arguments. The politicization of policing is not an exclusively Dutch phenomenon. It has also occurred in countries such as Belgium (the Dutroux affair), England and Wales (the merging of regional police forces into strategic super forces).

The findings of this research are presented in this issue of German Policy Studies. However, the primary focus is on a comparative study of the developments in the police systems in Germany as opposed to those in the Netherlands, England and Wales. In Germany, developments at the federal level, particularly in North Rhine-Westphalia, are primarily analyzed.

2   Police reform

Since 2007, the police forces in North Rhine-Westphalia have been organized along functional lines, or by specialization (Direktionen) in 2007. Before this, the police forces were organized geographically in police inspections (Inspektionen). By changing their organizational structure, the police aimed to strengthen their core tasks, which include traffic management, the general prevention of danger and criminal prosecution (Schulte 2008, p. 296).

At the beginning of the 21st century, the field of policing is being restructured around the world and police reform is high on the agenda of many nation states (Bayley and Shearing, 2001; Stenning and Shearing, 2005; Savage, 2007; Groß/Frevel/Dams, 2008), including western European countries. In England and Wales, police reform in the last 20 years or so has been aimed at improving effectiveness and 'value for money' in the delivery of public services. Performance management regimes have had a massive impact on policing in England and Wales during this period of time. More recently, there has been a strong trend towards revitalizing community policing and strengthening local partnerships. In the Netherlands, a new Police Act took effect in 1993, which resulted in an increase in the scale of the police

force and the introduction of new regional police forces. The aim was to improve police performance, especially in crime fighting.

Other examples of countries that have undergone police reform are Belgium and Denmark. In Belgium, the Dutroux affair put an end to the existence of three independent police organizations that had trouble cooperating. An integrated police system was introduced in 1998. In Denmark, a national police force was established in 2007, headed by the Justice Minister.

Part of a broader pattern of changes

These attempts at restructuring the police are part of a broader pattern of changes. Police systems, especially the internal and external governance of police systems, are but one of the three important areas in which significant changes have occurred, with models of policing and the policing function in society being the other two.

Changes in policing models

Braga and Weisburd (2006) have stated that, in the 1980s and 1990s, police systems went through fundamental, paradigmatic changes within a relatively short span of time: in police work, in police 'philosophy', in police management and in thinking about their societal functions and their role in dealing with safety. Taken together, these innovations resulted in a significant transformation of police systems. Innovations in the work, management and philosophy of the police can be seen as responses to new threats and challenges, and as an effort to regain lost confidence in the police due to underperformance. These changes implied that the traditional police model and the existing police strategies were no longer effective.

Changes in the function of policing in society

One of the most fundamental changes in policing since the 1960s is the process of pluralization, which refers to the end of the regular police's monopoly on policing (Bayley and Shearing, 2001; Behr 2002). There has been a significant proliferation of 'policing beyond the police' (Crawford, 2003), or 'gray policing' (Hoogenboom, 1994). "Blue has many colors", as Ringeling (2009) rightly observed. Many functions in the field of public

safety are not performed by the regular police today, but by private police organizations or other public organizations.

Why study changes in police systems?

Critics could argue that developments in police systems are a mere rearguard action, because the regular police covers only a small portion of the policing system; they have become but one of the players within security networks.

The regular police have become partners in security networks, instead of being the sole crime-fighting organization they were in the past. Their role has changed because the targets of the police have been redefined and broadened. Today, the police are supposed to contribute to public safety, while traditionally, their core function was to materially maintain the civil order. The uniqueness of the police disappears with this redefinition, because many other public and private organizations are actively involved in the world of safety. Therefore, why should we study the regular police? In our view, there are three arguments for this.

1. The police are still dominant actors

Empirical studies show that regular police forces are still the dominant actors in the broader security networks that exist nowadays (Jones, 2003). Local security networks in the Netherlands (Terpstra, 2009, or Germany see Frevel 2007) could not function without the specific expertise, dedication, support and symbolic role played by the police, as well as their ability to use force in the last instance. Other partners need the visible presence and support of the police. Despite the governmental deficit in ensuring safety, the government and the police are indispensable in plural policing (see also Terpstra and Kouwenhoven, 2004).

2. Democratic legitimacy and police accountability

Other fundamental issues are also at stake here. The regular police are (and probably will remain [see Behr 2002, p. 98]) the strong arm of the government and the bearers of the state monopoly on the legitimate use of physical force, with far-reaching authority to intervene in citizens' lives. This authority distinguishes the regular police from other forms of policing and points out the importance of dealing with organizational and structural aspects of the police (Lange/Schenck 2004, p. 132). We want the police to protect us, but at the same time we want to

be protected against the police. Therefore, authority and power over the police and their democratic legitimacy and accountability deserve careful scrutiny.

3. National trajectories

The system of policing is meant to have been restructured in many Western countries. However, although this restructuring is a global development, it has not been a linear and uniform process. "The extent and form of the restructuring depend on local history and circumstances, and particularly on the trajectory on which the policing system is already developing. Locality matters, even for generic trends such as restructuring"(Bayley and Shearing, 2001, p. 5).

In our view, locality in this sense would, in fact, involve taking into consideration the different national contexts. It can be rightfully asserted that policing and police systems bear the impact not only of safety problems and the size and nature of crime, but also of the existing politico-administrative and judicial structure and culture, the existing institutionalized power structure and power relations, and the history of policing and the police system (Lange 1999). These are to a large extent determined by state structures. National police systems seem to be relatively immune from impulses that come from internalization and Europeanization (compare den Boer and Doelle, 2002; Frevel 2009).

3 Police reform in democratic European countries

Checks and balances

The police systems discussed in this issue are part of established Western democratic countries. These systems are characterized by arrangements in which power over the police is spread out over various authorities (checks and balances) and where the police is democratically accountable to the public. No sole authority is put in charge of the police. But there are several possible institutional arrangements for organizing this.

The Netherlands has regional police forces, 25 police regions, and a national police force. However, there are no administrative regions. Political control is achieved at the local and national levels. England and Wales have a regional police force, but political control is held by the national parliament. Germany has two fed-

eral polices but 16 state police forces, and the states are the key institutions that steer and control the police. State parliaments exercise democratic control over the police forces (Groß/Frevel/Dams 2008).

Other countries have their own unique police forces. For example, Belgium has an integrated police force on two levels: local and federal. Political control is achieved both at the federal and local levels. In Denmark, there is a national police force. The Minister of Justice – and not of the Interior – is in charge of the police, and he is accountable to the national parliament. There is democratic control on the local level.

"One size fits all" or room for variety?

Traditions, and of course the political system, play an important role in determining the shape of the police system to a large extent. Differences in the organization or governance of the police force may not necessarily indicate differences in their quality or effectiveness.

In reality, no police system in a Western country has a police force that is exclusively organized at solely the national level or the local level. Police systems are usually set up as multi-level organizations and their systems of governance are spread out over various levels of government. Many actors are involved in the organization and governance of the police, with various tasks and responsibilities distributed among them.

This multi-level character leads to complexity, a hallmark of police systems in Western democratic countries, and is caused by the need for checks and balances. The resulting "administrative business", although perhaps inefficient and incompatible with modern views on management, seems to be an inevitable part of modern, democratic police systems.

Contested police systems

How a police system is organized is not a neutral issue. According to Ringeling (2009, p. 9): "It leads to different ways of determining what problems are and what not. It leads to different priorities, to different partners and enemies, to different standards of success and to different allocation of values in the society. Changing the organization means changing the politics of the police".

Differences of opinion about a national versus local police force, or centralized versus decentralized police systems, are often interwoven with political and ideological points of view, which create controversies about police reform. The debate focuses on the question of who should be in charge of the police and what kind of police we really want. "Police reform is always a contested terrain with differing visions of reform and a variety of sources of resistance to any particular reform vision" (Stenning and Shearing, 2005, p. 172). The politicization of the police and of the police system ("high politics"), often triggered by particular incidents, combined with the introduction of "policy entrepreneurs", can sometimes explain why police systems undergo more radical changes. Serious crises can open doors to more radical reform.

There is no reason to assume uniformity in the dynamics of police reform. Reform patterns can vary from gradual and long-term changes to more sudden and drastic changes and all kinds of variants in between. Results are contingent; i.e., they can converge or diverge. Sometimes reforms succeed, sometimes they fail. Each country probably has its own specific pattern of police reform and its own mix of successes and failures. This makes a comparative study of police systems a relevant and useful exercise.

4 The structure and content of this issue

The central question in this issue of German Policy Studies

The central questions addressed in this issue of German Policy Studies are: a) what developments have taken place in the respective police systems with regard to the organization and the governance of the police, b) what centralizing and decentralizing tendencies can be distinguished and, c) how can these tendencies be assessed? The approach taken in this issue is to view the police system as composed of regular police forces, as well as their political-administrative environment and the existing system of administrative responsibility and democratic accountability, i.e. the governance of the police (steering and control). Changes in police systems often involve the redistribution of power and authority over the police (Savage, 2007). Therefore, police reform is often coupled with debates about 'good governance' of the po-

lice. In our view, police systems are not only technical-instrumental arrangements, but also represent democratic processes.

The focus will be on changes in the ways in which police systems are organized at the national and local levels so as to improve police performance, how central and local steering of the police is balanced, the possible tensions that may arise between these two forms of steering, and the solutions that have been attempted to smooth over these tensions.

Attention is also paid to how police systems that are more centralized, where simultaneous policing tends to involve co-production in (local) networks, achieve democratic accountability. Other questions that will be addressed are: how is local political influence organized, and how does cooperation with other parties take place?; to what extent does the police force participate in a broad approach towards crime and public safety, given the rather strong centralizing tendencies of police systems?; and, how are citizens able to exert their influence (if any) on police policy?

Where necessary, attention is paid to other relevant areas of policing, because shifts in police systems are a part of and (sometimes) correlated with a broader pattern of restructuring the policing function and of police work.

The structure of the articles

In their contributions to this issue, the authors attempt to address the central research question from their specific point of view. The articles on police reform in North Rhine-Westphalia, England, Wales and The Netherlands have roughly the same structure, for the purposes of clarity and ease of comparison.

All of the articles begin by introducing the specific police system, the polity, the position of the police, the organization and structure of the police force, and its system of governance. Next, they discuss the history of police reform ("waves of reform") and describe the most recent reform, its goals, the motivation for it, and the type of shift that it has led to. Next, the papers assess police reform. Points of attention include: the success and failure of reform, shifts in the governance of the police (especially in terms of the centralization of steering and control versus localism), the role of new public management, and the shifts in the types of police work that are affected (crime control, community policing,

"police professionalism"). In a concluding section, the authors address the specific dynamics of police reform in the country of their research. They also answer the question of whether continuity or change is predominant in the police system, and express their expectations about the short-term future of the police system.

Individual contributions

The first two articles address police reform in Germany. The first addresses the central role of New Public Management (Neues Steuerungsmodell) in German police reform.

New Public Management Reforms
in German Police Services
(Authors: Mirjam Pekar and Rolf Ritsert)

In Germany, some state police forces were reformed at the end of the 20th century, inspired by New Public Management (NPM), following reforms in local government. Budget constraints, the aging and decreasing population, and a critique of the Weberian bureaucratic model expressed in a 1995 study by the "Municipal Joint Agency for Simplification of Administration" appear to have oriented the German police forces towards certain NPM concepts.

Mirjam Pekar and Rolf Ritsert divide the NPM process into a pioneer phase (1995-1999), a modification phase (1999-2002) and an integration phase (2002-2007), and they assess the significance of NPM for German policing at different stages. The NPM reforms did not constitute a holistic model for police administration and therefore were unable to completely replace the bureaucratic model. Partisan politics has also had an impact on NPM reforms. Initially, politicians perceived that championing the reforms was an opportunity to enhance their electability, because the need to modernize public bureaucracies was self-evident to voters. In the course of implementing the reforms, however, resistance grew from the parliamentary opposition and trade unions. Turnover in the governing parties led to the highly publicized termination and/or redirection of reform efforts, with the accession to power of the conservative-liberal-coalition government in 2005 in Northrhine-Westphalia being a relatively recent example. Such policy reversals underscore the rather sym-

bolic nature of NPM reforms in Germany's police forces. The authors conclude their article by discussing the impact of NPM critically, its constraints and future prospects for the police system in Germany.

Police Organization and Police Reform in Germany.
The Case of North Rhine-Westphalia
(Authors: Bernhard Frevel and Philipp Kuschewski)

The police in Germany are mainly organized at the level of the federal states, called "Länder", with North Rhine-Westphalia being one of the largest states. Only the Federal Police (Bundespolizei) and Germany's Federal Criminal Police Office (Bundeskriminalamt) come under the responsibility of the German Federal Ministry of the Interior. These agencies have limited powers. Bernhard Frevel and Philipp Kuschewski have divided their article into three sections. The first section deals with the police system in North Rhine-Westphalia. The organization of the police system was reformed in the mid-1990s and again in 2007. While the reforms in the 1990s were aimed at police performance "out of one hand" in particular geographical areas, the reforms in 2007 were aimed at a reorientation of the police forces towards their core tasks. The second section discusses relevant aspects of police modernization since the 1980s, such as the integration of women and ethnic minorities into the police system and activities to enhance the status of policemen (for instance, through improved remuneration and better training). In addition, shifts in the police programme, especially changes in community policing and crime prevention, are discussed.

The third portion of this article is dedicated to the issue of the steering of the police force. In the early 1990s, New Public Management was implemented. However, great difficulties had to be confronted with these reforms, such as bureaucratic overload, difficulties in defining the specific aims of police and policing, and resistance from police employees. The reforms in 2007 altered the concept of steering and now favour measuring inputs and outputs, instead of outcomes, as well as benchmarking between the 47 police authorities.

Overall the article shows that the police in North Rhine-Westphalia have made progress with modernization, civilization, pluralism and professionalization. The challenges ahead in im-

plementing further reforms can already be seen however, for example as a result of changes in the security situation and the surfacing of a new security architecture.

'A dance between national steering and local performing'.
Police reform in The Netherlands
(Authors: Lex Cachet and Peter Marks)

In their contribution to this issue, Lex Cachet and Peter Marks describe and analyze police reform in The Netherlands. The 1993 Police Act, which replaced the municipal police forces and the state police with regional police forces, was the result of elements of (perceived) insecurity that created growing and perhaps unreasonable demands on police performance. The managerial/administrative problems of size and efficiency, together with increasing public demand for performance, left the government, politicians and the police scrambling for answers, one of which was police reform.

However, the new police system did not end the debate on police reform in The Netherlands. The traditional 'soul' (Das et al. 2007) of the Dutch police system could be typified as being basically decentralized, rather soft, strongly community-based, and preventive. In recent years, many politicians in the national government have prioritized safety and security, and a more centralized, strong, national, and repressive police system emerged. Until a couple of years ago, the management of the police was partially national, and the steering of police work was mainly local. Since the mid-1990s, the national government has exerted more influence on local police policies and began creating many national policies. Local policies had to fit into these national formats. This highlights decentralization and local steering, that is:

1) It was recognized that the police force is not a solitary actor in reducing crime and especially in reducing the fear of crime. The shift from government to governance shows itself at the local level. The police have become an integral part of local safety programs, resulting in a shift in tasks from the police to other actors in the safety network. The police require room for effective cooperation with other local actors.

2) Community and neighborhood policing and responsibilization strategies are implemented to strengthen the accountability and control of the police (Punch, et al. 2002).

Both centralization and decentralization create new steering instruments, such as performance management and quality systems. Targets are formulated centrally, but offer enough discretion for the police and their partners in deciding on how to meet these targets. In other words, the central government steers on targets, while local performance is tailor-made.

'National standards, local delivery'.
Police reform in England and Wales
(Authors: Trevor Jones and Arie van Sluis)

In their article on police reform in England and Wales, Trevor Jones and Arie van Sluis describe the unsuccessful attempt on the part of the central government to amalgamate the police forces in England and Wales and to reduce the 43 police forces to a small number of strategic police forces. Despite this failure, there has been a long-term, incremental trend toward centralization within the British police system and towards the growing influence of the Home Office on policing, followed by a period of localization of the police system.

The authors describe and analyze the successive shifts that have occurred. They distinguish between three stages in British police reform. The first was a period of managerial renewal, as part of the reform agenda of successive Conservative governments. Next, local accountability of the police and the position of law-abiding citizens were added ('new localism') to the agenda under New Labor. Today, community policing is being revitalized in Britain as part of a shift towards a more integrated approach toward safety at the local level.

The authors analyze various factors that have contributed to these changes. Above all, the increasingly rigorous performance management framework – largely centrally-driven – seems to have been one of the key factors in the development of the British police system in the past few decades. The authors analyze the impact of police reforms on the performance of the police force, on their organizational structure, and on the traditional tripartite structure of democratic control over the British police system (Home Office, chief constables, and police authorities). They identify and label centralizing forces and countervailing forces. Finally, the authors provide their diagnosis for the near-term future of the British police system.

Evolving patterns in the police systems of
North Rhine-Westphalia, The Netherlands and
England and Wales
(Authors: Arie van Sluis, Arthur Ringeling and Bernhard Frevel)

In this article, the authors systematically explore the similarities and dissimilarities between the police systems of North Rhine-Westphalia, the Netherlands, England and Wales. These countries are established democracies with democratically-controlled police organizations, and their police forces are organized at multiple levels. However, the institutional arrangements and the ratio between the levels through which the police are organized, as well as the systemic governance of the police, vary significantly. In some countries, the police are predominantly organized on a national scale, while elsewhere, they are organized on a more regional and sometimes local scale, depending on the structure of democratic accountability of the police.

Continuity, rather than change, is typical of police systems. Police systems are very persistent and significant changes in fundamental arrangements are rare. Even seemingly drastic changes are probably more incremental in nature. History matters. Their persistence has to do with the fact that arrangements for the steering and control of the police are linked to the existing political order. Real fissures coincide with political or societal crises and existing institutions have to be replaced. History, traditions and, of course, the political system, play an important role and determine to a large extent the shape of the police system. There seems to be no "one size fits all" model. However, centralization and localism do seem to be important trends in all police systems.

However, there have been police reforms made in all three countries. New Public Management has become dominant in the governance of the police. As a rule, police reforms come in waves; they have a history. According to the authors, however, the dynamics of police reform in the three countries show significant differences in terms of their tempo and shape, thereby affecting the outcomes of the police reform process. The unforeseen effects of the foregoing reforms have had an impact. Underperformance and scandals are often triggers for reform. Other factors have also had an impact on police reform, such as events in the political cycle. The authors of this article argue that, where police systems seem to be highly path-dependent, the develop-

ments in the policing profession seem to converge. Community policing and increasing professionalism in crime control are hallmarks of policing in all the three countries studied.

The authors round off their contribution by expressing their expectations for the future of the police systems in the three countries and by raising the question of whether there are sufficient arguments to assume the existence of a common Western European developmental path for police systems.

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