

Police reform in The Netherlands: A dance between national steering and local performing

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Abstract

The Dutch police system has been under pressure during the last decades. Critical debates focused on police' dealing with the growing (perceived) insecurity, the administrative problems of size and efficiency, the core tasks of the police, the distribution of power over the police and it's accountability. These issues have become even more relevant since integrated local safety policies have been developed to tackle public safety problems by the police together with more and different partners, within government or even outside of it. At the same time the national government wants to direct its local and regional partners more, while holding on to local performance. The aim of this article is to show the developments of the last decades that have influenced the (re)organization of the police and the way they are steered and democratically controlled. Police forces are now closely cooperating with other actors in rather complex safety networks, steered by local government and concentrating on their core tasks, leaving more tasks to other actors than in the past. Finding sensible balances between centrally organized tasks and variants of steering (direction), and more local organization and steering (discretion) will be crucial for the future of the public police.

1 Introduction

Since the Second World War the Dutch police system has been the subject of many debates, finally resulting in a new Police Act in 1993. However, the debate did not stop and has even intensified since 2005. The debates on how to organize, steer and control the police had technical, political and administrative dimensions. Elements of (perceived) insecurity have created a growing and maybe sometimes unreasonable pressure on police performance the last couple of years (Boutellier 2002, Terpstra and Van

der Vijver 2006). The managerial/administrative problems of size and efficiency together with the rising public demand on performance made the government, politicians and the police search for answers, one of them being police reform. The Dutch police reform has been a constant and precarious balancing of power and authority; a balance between the distribution of power and authority within and around the police, between actors, or from one actor to another. What autonomy is to be given to partners, what freedom and control is required in decision-making, what level of discretion do partners get in decisions and more importantly in actions, who is responsible or can be hold accountable? These questions have become even more relevant the last decade, due to integrated local safety policies having been developed in which several different elements of safety issues are tackled by more and different partners. The police reform is about give and take, it is about empowerment and disempowerment (Savage 2007), or in other terms it is about direction and discretion. Government has “a special role within society to regulate actions of public interest” (Schnabel 2001: 17). She directs partners what (safety) issues to tackle and how, i.e. she sets the course how to reach desired social outcomes. Governments cannot handle everything themselves and they have to rely upon other actors, sectors and other governmental layers, and these should be involved in the policy formation and/or implementation (e.g. network management). By defining regulations the government can provide elbowroom – also policy freedom – to partners, or she can put limitations to their freedom. This discretion can be necessary for proper policy execution. All in all, discretion has to do with ‘how’ the government goes about her business.

The debates about the reform have been about the national government wanting to direct its local and regional partners more, while at the same time holding on to local performance. This leads us to our research question: What developments have taken place the last decades in the Dutch police systems with regard to the organization of the police and the way the police are steered and democratically controlled within a continuously evolving social and political context, and what assessment can be made of the centralizing and decentralizing tendencies within the system?

To be able to answer this research question we will describe the current police system in The Netherlands in section two, and

in the third section we will put the police reform in a historical perspective to show the successive waves of reform.

As mentioned before the debate about police reform has intensified again in 2005. We will describe in section four what this reform discussion is about, and what the implications are of this recent police reform discussion. Direction and discretion can be substitutes in some respects but also complementary in other respects. Central and local steering for instance do not necessarily have to collide. They can also strengthen each other. We will use (elements of) direction and discretion to be able to assess the Dutch police reform in section five. In the last section some concluding remarks follow.

2 The current police system in the Netherlands

The Netherlands are a parliamentary democracy with a separation of powers between the legislature (parliament), the executive (government) and the judiciary (the courts). These powers are formally independent. The police, who have a monopoly on the legitimate use of force, are a branch of the executive that must operate within the law. The current police system is based on the 1993 Police Act, which is the successor of the 1957 Police Act. The core of the 1993 Police Act is the up scaling from 148 municipal police forces and 17 districts of the national police into 25 police regions and one national support force, i.e. the National Police Services Agency (KLPD), which has several national tasks like Water police and highway surveillance, also serves as a coordinator and facilitator for the regional police. This organizational format has been operational since 1994. The size of the total police force grew from around 40,000 fulltime-equivalents (fte) to 53,500 fte in 2006. The regional forces vary in size, based on factors such as population size, crime levels and building density. The largest police force has close to ten times as many ftes compared to the smallest, which has 550 fte. This is a big difference to the former municipal forces which sometimes consisted of just 40 fte.

The core task of the police hasn't changed much from the old police act. 'The police have the task, subordinate to the competent authority and in accordance with the applicable rules of law, of ensuring effective law enforcement and rendering assistance to

those who need it' (art. 2, Police Act 1993). Included in this description of police work are the maintenance of public order, the enforcement of the legal order through the criminal law and the performance of policing duties for the justice authorities (Police department 2004: 9).

Most regional forces are subdivided in a number of districts (territorial) and divisions (functional). A large part of the police officers work in basic units, i.e. neighborhood teams, because they have to act in very close vicinity of the general public. To enhance their relationships with the public the police base their approach on community policing. A basic unit operates from one or more police stations and its duties consist of many territorially bound activities, like daily patrols, mediating in disputes, and keeping in touch with the public and with businesses and institutions, neighborhood associations and other interest groups. Functional units are specialized in different aspects of policing, some of them operating on an inter-regional basis (Police department 2004: 16). Examples of specialized units are emergency services, arrest teams, police infiltration teams, and criminal investigation support teams.

The Netherlands have three governmental layers: at the national, provincial and municipal level, with no defined hierarchical relation. The Netherlands are a decentralized unitary state, which means that actions are organized based on the principle of 'decentralized, unless ...'. The current regional police system is also basically a decentralized system.

Governance of the police

Within the Dutch decentralized unitary state the need for protection by the police has always been accompanied by the need for protection against the police, i.e. against a strong and powerful central police force. Therefore, checks and balances traditionally characterize arrangements for steering and control of the Dutch police. No single body should have sole authority over the police (Van Sluis and Cachet 2007: 107). The authority is shared between the ministers of the Interior and Kingdom Relations (from now on called Interior) and of Justice on the one hand and municipal authorities on the other hand (Police department 2004: 10). At the municipal level, the mayor holds authority over and is responsible for the maintenance of public order or the rendering of assistance. Where the police are enforcing the criminal law or

carrying out duties for the justice authorities, they act under the authority of the public prosecutor (art. 13, Police Act 1993). In carrying out these duties, the public prosecutors are supervised by the Board of Procurators General. The Minister of Justice is politically accountable for the work of the public prosecutor and the procurators general (Police department 2004: 10).

The minister of Interior together with the minister of Justice formulates the General Police Policy for a period of four years. Every two years Interior provides provisional information about the funding for each police force. The forces then decide internally how this budget will be spent (Police department 2004: 13). The force manager (see below), the chief public prosecutor and all the mayors in a region make up the executive board of the police force and take the formal policy decisions for the regional level. The policy is formulated taking into consideration the wishes of the municipalities, the police force and the national government. The regional council then determines the policy. In the regional tripartite consultation the force manager, together with the chief of police and the public prosecutor, make a detailed plan of operations within this policy framework.

According to chapter VIII of the 1993 Police Act the Minister of Interior distributes the police budget (art. 44), but he can also decide which rules regional forces have to follow (art. 45), or facilitate cooperation between regional forces (art. 46). In other words, the general management of the police forces is national. The ministry of Interior is also responsible for the management of the National Police Services Agency. The operational management of the 25 police forces is mainly determined regionally, with their own discretion in the exercise of their duties (Police department 2004: 10). The regional executive board does the administration, which encompasses the 'decisions about the organization, staffing, budget, annual accounts and the regional policy plan' (Beheer Beheerst 2005: 16).

The management and administration of the police has been delegated to the force manager, which most of the times is the mayor of the largest municipality in the police region. As such he liaises with the minister of Interior.

The chief of police, who has been mandated by the force manager, supports the police force manager and his main task is the daily management of the police force. The mayor, the local chief of police and the public prosecutor, make up the local tripartite

consultation, in which the implementation of the police tasks is decided.

The 25 force managers and the manager of the National Police Services Agency form the Board of Regional Police Force Managers. The Board has no formal status and is not mentioned in the 1993 Police act, but they do meet every six weeks where they make influential decisions. In their meetings they do discuss issues like level and amount of organized crime or the more general problems of police force strength. They also regularly meet the Council of Police Chiefs that consists of the 25 regional police chiefs and the chief of the National Police Service Agency. This Council, that started on January 1, 1994, also has no official status. The Council supports the Board, and it functions as an advisor to the ministry of Interior for the police policy.

Dualisms

The Dutch police can be characterized by two dualisms: that between authority and management and that between administrative and judicial authority. According to the 1993 Police Act authority precedes management. That is, the police force managers have to adjust their management decisions to the wishes of the regional authorities (i.e. all mayors and the chief public prosecutors for each region) and the wishes of the national police policy makers (i.e. the ministers). In practice, authority and management decisions are interconnected. The chief public prosecutor, for instance, holds co-authority over the regional police force and at the same time is part of the regional council and in this position is surrounded by all the mayors.

Recently local public safety policies have been developed as alternatives to local steering of the police (Cachet, Van Sluis et al. 2009). The Police Act has been adjusted so that the policy planning cycle starts at the local level. That is, it starts with the wishes of the municipal council. There are no guarantees that these wishes are realized, however. Mayors hold the authority over the police and are responsible for the maintenance of public order or the rendering of assistance in their municipality. At the same time, the police ministers are making more police policy decisions. The mayor of a municipality is held accountable by the municipal council for the maintenance of the public order, but not for the functioning of the police force in every respect. This creates a democratic gap (Huberts, et al. 2004).

3 Reform of the police in historical perspective

History of the debate, till 1989

After the Second World War the police system functioned in a stable and relatively quiet country. For a very long time Dutch police almost had been invisible. In a stable society where societal order was seldom contested and crime rates were very low, the police only acted as a medium of last resort, and full enforcement was still possible then. The police did what was necessary to enforce the law and to maintain order. Social order was based on a broad consensus, even though society was divided in distinct 'pillars' (Lijphart, 1966). This changed rather fast during the second half of the nineteen sixties. What the police did or did not, and how the police did what they did became the subject of fierce political debate. Societal unrest and fast rising crime rates made full enforcement absolutely impossible. Political decisions about police work became inevitable (Reiner, 1985; Van Sluis en Cachet, 2007). The police was one of the first to be confronted with new trends and problems in society. As a frontline organization the police became much more visible and vulnerable for criticism. It led to broad and sometimes fierce debates about effectiveness and legitimacy of the Dutch police. The police, especially the police system, were put high on the societal and political agendas. Hence, it led to increasing pressures to reform the police. Pressures that finally resulted in the police reform of the early nineteen nineties.

For the government in general, but for the police in particular, large scale social disorder and quickly rising crime rates were new challenges. Nevertheless many attempts to change the 1957 Police Act failed. Since the 1957 Police Act the police system in the Netherlands consisted of state and municipal police forces. The municipal police served municipalities of at least 25.000 citizens, later on upgraded to 40.000 citizens in 1968. In smaller municipalities the police tasks were performed by the national police force. Between 1945 and 1990 the debate about the police system was about the system itself, but even more so about parameters within the system. The discussion was about the size and strength of the forces and about the division between state and municipal police. Bottom-line of the debate was that the police efficiency had to improve. The efficiency did not improve, because of different interests; especially since (conflicting) inter-

ests of the different local authorities (the mayors) over the police had to be taken into account. In 1977 a government initiated report called *The Changing Police* appeared which for the first time spoke about a social and involved police (Cachet et al. 1998).

Emergence of the 1993 Police Act

During the early eighties the police reform debate was reintroduced and intensified, because the coalition partners had put the reform high on their political agenda during the formation of the Lubbers III coalition in 1989. After an unorganized start the two ministers, i.e. of Interior and Justice, worked in harmony on the police system reform. Problems of disorder and rising crime rates were one reason to start the debate about police reform. The last decades of the twentieth century crime rates have risen to tenfold now compared to 1960. The professionalization and internationalization of crime and its visibility were also important factors (Wittebrood and Nieuwbeerta 2006). It had also become clear that the police could not do everything by themselves (Cachet 1990). At the same time, all parts of government, and thus the police as well, were put under pressure to start being more efficient and effective, since the public finances were growing out of control. Many societal developments were putting extra pressure on police performance: increasing mobility, decreasing social cohesion, internationalization, major increases in information and communication technology and exchange, and new forms of insecurity (Castells 1996). It became clear that politics had to set priorities and policy for the police (Van Sluis and Cachet 2007).

The reform debate was mainly about scale: the police system was inefficient, too small, incapable of coordinating, and not able to cope with (the expansion of) (inter)national and organized crime (Cachet, Van Sluis et al. 2009). A larger scale and better administration were the key words to enhance effectiveness and efficiency. Recurring theme in the debate was that this size and scale discussion should not lead to a larger distance between citizens and the police. The basic police care must be up to standard and the democratic control in order.

The whole reorganization of the police was a unique operation, because firstly it was the police that was reorganized, secondly it was a major and successful reorganization – unusual within Dutch public administration – and thirdly it happened within one cabinet's period of four years. The new police system coincided

with the emergence of policy planning as an instrument for steering and control of the police and with an increase in management information systems (Van Sluis and Cachet 2007: 108). Gradually, the ministry of Interior has become more dominant in the Dutch police system by using rather new instruments like policy planning and performance-based steering (Van Sluis and Van Thiel 2003).

First impressions, investigations and analyses during 1994-1998

After the initial hurdles and organizational problems of the reorganization the first impressions and indications of the functioning of the new police system started to show. The pros and cons of the new system came to the fore. The new police system has been investigated and analyzed quite intensively during the first couple of years after the reorganization. Besides many other researches the two major research reports about the 1993 Police Act were the 'in-depth research' of a university police research consortium (1998) and a 'broadly-based research' by the Institute for applied social sciences (ITS 1998). These investigations and analyses mainly focused on two elements. On the one hand the operational and administrative strength, i.e. the effectiveness, efficiency and quality of the organization and the execution of the police tasks, and on the other hand the administrative steering and democratic control. The relationship between these two had not always had a clear demarcation, which created two sided debates. On the one hand the debates had been about the performance (output) and the real effect (outcome) of the police system and police functioning, while on the other hand the discussions involved the (pre)conditions for the police functioning (input). The 1993 Police Acts did not function properly when informal and personal relations in and around the police force were disturbed. Connections between administration, the judiciary and the police proved to be heavily dependent on personal relations. Hence the questions who should hold authority over the police and is responsible and who should have administrative powers (re)appeared in all of the debates. This resulted in arguments pro centralization to enhance the performance, but the same line of reasoning would be applied in favor of decentralization. In other words, the debate about the police system continued.

The police system in balance: 1998-2002

In 1999 the ministry of Interior and of Justice presented their reaction to the ongoing debate about the police system in a report entitled 'The police system in balance' (Bestel in Balans). Several propositions for changes in the Police Act were made, but none really have been implemented since several of the proposed changes were already informally in motion. Most propositions were about the administration of the force and the democratic accountability of the police system. Measures about the output or outcome of police activities were not present in the report. The most important proposed change was that the force manager was now to be accountable to the minister of Interior. This minister also got the power to give directions in implementing national police issues to the force manager. This created a new debate because now the minister was able to steer through the administrative line, which makes the division between authority and administration more unclear. Also the information model that compares between the different forces was introduced in the report.

Another very relevant proposed change (Bestel in Balans 1999: 21-23) was that in 2000 a national policy cycle for the police would be introduced which states that regional priorities from now on had to be compatible with national priorities in the 'Policy plan for the Dutch Police' (Beleidsplan Nederlandse Politie 1998). This was a significant break with former policy (Van Sluis and Cachet 2007: 108).

The call for further reform: 2002-2005

During the next years several minor and a couple of larger changes were introduced. In 2002 a fierce election campaign by Pim Fortuyn, who was murdered just before the elections in June, made safety a central theme on the agenda of every political party. In October of that year the Balkenende I cabinet presented their first Safety program (BZK 2002) right before the coalition broke up. This Safety program changes the focus from the police as primary actor in tackling (local) safety issues to working together with different organizations and partners in both the public and private domains. One of the aims is to put the responsibility of tackling certain safety issues at the 'rightful' owner, which may be the police but can also be another partner.

To counter the problems and advise the Balkenende II coalition about the effectiveness, efficiency, flexibility and transparency of the current police system a state committee (Leemhuis-Stout 2004) was instated. One of its main proposals was to hand over the administration of the regional forces and the National Police Services Agency exclusively to the ministers of Interior and of Justice. The mayor still holds the authority over the police, however. The National Police Services Agency had already come completely under administration of the ministry of Interior (Das, et al. 2007: 523). Also a first attempt was made to introduce legal provisions to make the regional police forces cooperate better. In response to this the regional forces initiated the service for cooperation of the Dutch Police (voorziening tot samenwerking Politie Nederland or vtsPN) in 2005. However, the governing coalition wanted more control and possibilities to steer and thus introduced an amendment to the Police Act in which a legal basis was formed to give the national government, i.e. Interior, more instruments to be able to steer the administration and the police performance so national priorities could be better safeguarded (Bruggeman 2005). This of course led to much debate because the principle ‘decentralized, unless...’ could not be upheld in this format. Also the National Criminal Investigation Services (Nationale Recherche) was formed as a new method of fighting serious and organized crime in 2003.

Intensification of the debate: 2005-2008

The aforementioned Leemhuis committee presented their report ‘Locally rooted, nationally strengthened’ (Lokaal verankerd, nationaal versterkt) in which they reemphasized problems like democratic accountability and police effectiveness, but also made clear that a top-down policy approach holds the danger of national priorities superseding local priorities (Stuurgroep Evaluatie Politieorganisatie 2005). The committee proposed changes of the 1993 Police Act and wanted to introduce the idea of the Dutch Police as one concern. In this concern model the mayor and public prosecutor still hold authority over the police and the municipal council should have a strengthened position. This was done by the so-called fetch duty (‘haalplicht’) of the regional police authority, which means that the priorities of the municipal council must be fetched and introduced at the beginning of the police policy planning cycle.

Most important recommendation is that the police concern should exist out of a board, that manages the police as a national concern, the regional forces and the National Police Service Agency and in which the chiefs of police are the daily manager of the police forces (Stuurgroep Evaluatie Politieorganisatie 2005: 165-168). This way the Dutch police will have their roots locally, but will be strengthened nationally.

4 The most recent reform debate: Police Act 200X

The proposal of the new Police Act

The Leemhuis committee report led to another broad and intense debate about the future of the Dutch police system. The ongoing debate about the police system became more widespread and more and more parties – like the taskforce IBO, the Association of Netherlands Municipalities (VNG 2005), and the Dutch Society, Security and Police Foundation (SMVP 2005) – joined in with their own visions on how the police should be organized. In search for an answer to all these positions, the Balkenende II coalition proposed a change of the 1993 Police Act.

The concept for the new Police Act (2006; later on referred to as Police Act 200X) was introduced on November 23, 2005. The coalition agreed with the bottle-necks mentioned by the Leemhuis committee. She further stated that a ‘roof’ was missing on the current police system. That is, national priorities had difficulties getting visible in the rather autonomous police regions. Because of the dominant position of the force managers, the authority of the regional executive board had weakened. Also the different roles and positions of the force managers – being force manager as well as mayor of the central city in the region – were a problem. The municipal councils had only a marginal role in the formulation of the regional police policy and last but not least there was the democratic gap, the accountability deficit inherent in the regional organization of the police. Other bottle-necks were that police forces did not cooperate enough, the lack of a proper information structure and exchange, no transparency in the administrative and bureaucratic numbers, and weak strategic flexibility of the police. Tackling all these problems required a police organization that at all levels, from local to international, has both authority and administration properly embedded. This

requires a greater unity of the police system (BZK & Justitie 2006).

Proposed changes

The authority over the police and the police tasks defined in the 1993 Police Act will not change. A large alteration is that the 25 police forces and the National Police Services Agency are no longer autonomously managed, but will be part of one public corporation, i.e. one national police organization. This organization will consist of a management board, 25 regional police forces and the National Police Services Agency as national police force. The cabinet appointed management board does the management and administration of the police, within the policy framework of the two ministers. The police chiefs are mandated to perform the daily management. In this format there are no force managers anymore.

Since local anchoring of the police is still one of the fundamentals of the police, the authority over the police will remain with the mayor and the Public Prosecutor. The mayor remains responsible for the maintenance of public order or the rendering of assistance, and the Public Prosecutor remains responsible for enforcing the criminal law.

The local tripartite consultation will remain. At regional level a regional police administration will be formed that will consist of the mayors in the region and the Chief Public Prosecutor.

These changes should lead to a better unity in management and police task performance and a better balance between local, regional and national police tasks. This would make the police perform more efficiently and effectively, resulting in higher quality police care. It should also lead to a better democratic embedded police organization.

Political dynamics

While the debate about the new Police Act was intensifying, the Balkenende II coalition unexpectedly collapsed. This made it impossible for parliament to pass the Act. After the elections the new interim Balkenende III coalition stated that she will carefully handle the proposed changes since these didn't get enough support.

In the Balkenende IV coalition the new Police Act was a topic that created furious discussions. The Christian Democratic Party (CDA) was in favor of a national police, while the Dutch Labor Party (PvdA) and the Christian Union (ChristenUnie) were against. In the coalition agreement the treatment of the proposal was adjourned. According to the new Cabinet the long lasting debate about the national police has had positive impact on the collaboration between the different police forces. However, before the end of 2008 the collaboration had to improve – one computer network, specializations should be better coordinated, material must be bought centrally – otherwise the national police would still be implemented. The original 2006 Police Act (now 200X) functioned as a booster to improve the collaboration. This also formed the motive for developing the aforementioned service for cooperation of the Dutch Police (vtsPN)

According to the cabinet some elements required immediate attention and two minor adjustments were proposed and accepted by the Lower and Higher Chambers. The adjustments to the 1993 Police Act reduced the autonomy of the regional forces and enlarged the authority of the two police ministers, and the Cabinet can at least once in four years enforce national priorities to the regional forces. Also Interior now has the power to appoint, suspend or fire the force manager by royal decree. That is, the force manager is not any longer by definition the mayor of the largest municipality.

Recent developments

The Balkenende IV coalition has given an extra boost to the improvement of safety for the coalition period of 2007-2011. In the coalition agreement the focus was on enhancing the collaboration and the collective functioning of the police forces. Agreements were made about ICT, specialization of the forces and a joint policy on material, personnel and management.

Recent developments and ‘successes’ made the police ministers decide on December 19 2008 that the adjourned proposal to form one national police organization could be withdrawn. The core of the 1993 Police Act remains the same and only certain preconditions are to be changed. In these plans the regional system remains, as well as the authority, administration and steering of the regional forces. Most of the supporting administrative

tasks of the police will be centralized, however, which should lead to an improved efficiency.

A major change is that the position of the (national) Board of Regional Police Force Managers is being strengthened and formalized. The Board, which will be chaired by an independent chairman, makes agreements about the national priorities with the police ministers and also decides about the common policy of the tasks and management of the police. The chairman is appointed by the police ministers after consultation with the board. The (national) Council of Police Chiefs will support the Board and will also be formalized. The Board of Regional Police Force Managers together with the Board of Chief Public Prosecutors will discuss issues of interregional collaboration, with the police ministers. The steering of the ministers will move away from input (e.g. staffing) to output, i.e. quality and results of the police functioning. A national service will emerge that will consist of three parts: the concern staff, the service operational management and the Police academy. If needed to be more efficient the regional operational management tasks can be brought together in the national service (Muller 2009: 3-5).

Accountability

All in all at the moment many decisions relating to the management and control of the police are taken in an informal way. This has the advantage that decisions are quickly made and that they are widely supported. Disadvantage is that they are hard to control. "Force managers realize that giving all the parties involved ample scope for consultation is the best way of arriving at successful police policy" (Muller 2002: 255). This does make the decision-making hard to reconstruct. As all the different parties have had the opportunity to express their wishes a great majority of the regional council supports the decisions. However, this creates the problem that practically no mayor has the opportunity to influence the decisions. When it comes to management of the police forces the mayors should be held accountable to the municipal council, but these councils only discuss the way the mayor exercises his/her authority in maintaining public order. "The fact that in a few cases 'authority' is confused with 'management' is take for granted by both the mayor and the council" (Muller 2002: 256).

5 Assessment of the Dutch police reform

Changes in the formal structure of the Dutch police system have been scarce and rather small since 1993. That could give the impression that all changes within the Dutch system of policing were rather scarce and unimportant during the last two decades. Such an impression would be false however. Within the confines of the formal system of the Dutch police a lot of change occurred. Many of those changes had tremendous impact on the functioning of the Dutch police system and on policing. The continuous debate about the police system was one of the important triggers for change. In this section we explore and analyze the changes that took place in and within the police system and the impact they actually had on the functioning of the Dutch police system.

Main trend: centralization

The Dutch police system always has been a strongly decentralized one. Even the national police force that covered the rural areas until the 1994 reform was strongly decentralized in seventeen rather autonomous districts and many local units. In the police reform debate worries about a strong central police system have never been far away.

A strong national police force, like the Gendarmerie in France or the Carabinieri in Italy, is thought to be in conflict with the Dutch tradition of pillarization, pacification and consensus seeking (Lijphart 1966). Dutch policing is seen as a very broad and multifaceted function.

The 1994 police reform was a significant deviation from the decentralization principle that dominated until then. 148 Municipal police forces and 17 districts of the national police force were merged into 25 police regions that were both considerably larger than earlier forces and far more distant from local authorities. These authorities retained steering power over the police force, together with the public prosecutor. Nevertheless, the Dutch police system was still decentralized in 1994. The division of labor between the police regions and the National Police Services Agency was still based on the principle ‘decentralized, unless...’, and a national police force was not seen as a feasible option. The influence of the minister of Interior remained limited to decisions on management matters, like personnel and finance. At

the local level the mayor and the public prosecutor still directed the police forces, i.e. they decided what the local police were to do (steering, policy). This strict separation between management and authority, and the separate steering of them, is a unique characteristic of the Dutch system of policing. There has always been a strict separation on a formal level, but in the everyday reality of policing what the police (can) do is obviously strongly dependent on management matters like the number of personnel and the amount of money that is available nationally and how it is distributed over the police regions and the National Police Services Agency.

Since 1994 the Dutch Police Act has not changed fundamentally. Incremental change occurred, but this did not essentially alter the principle of regional police forces and a (mainly) supportive National Police Services Agency. However, central steering by the minister of Interior is rather strong nowadays. The introduction of one national police force, i.e. the Police Act 200X, has only just been avoided and the Balkenende IV cabinet is about to introduce a new Police Act that will certainly strengthen central influence and steering (Muller 2009).

During the eighties the Dutch Home Office almost unnoticed changed the direction of its management and steering efforts. In two pivotal policy papers (Integraal Veiligheidsprogramma 1999; Beleidsplan Nederlandse Politie 1998) the minister of Interior broadened the focus of its steering efforts - and that of the Justice Department - to include the content of regional and local police work as well. Until then national decision-making about what the police should do was very unusual, due to the strict separation between authority and management. Most surprising was that the introduction of national steering of police activities hardly met any serious societal or political resistance. It might be that only a few were aware of the far-reaching implications of this new kind of steering. The system of national steering was developing fast (see Landelijk Kader Nederlandse Politie 2003) and ultimately led to a system of performance management, based on contracts between the minister of Interior and the regional forces. The interventions by the minister of Interior, with parliamentary consent, could be characterized as a creeping nationalization and centralization. Or, there was "the slow but sure centralization of its (i.e. the Dutch police; LC and PM) decentralized structure" (Das et al. 2007: 519).

An explicit breach with the past was the introduction of the National Criminal Investigation Services in 2003. Until then, combating serious and organized crime was one of the (many) tasks of the regional forces and the National Police Services Agency. Due to the complexity and scale of this kind of criminal activities, neighboring regions were obligated to cooperate with each other within Interregional Investigation Services (IRT's). The IRT's were replaced by so-called Core teams (Kernteamen) after a serious scandal about their investigation methods. These new teams were also based on cooperation between regional forces. The type of crime – and its country of origin – formed the basis for a rather strong division of labor and specialization between the Core Teams. In 1992 the Kok II cabinet decided to close down the Core Teams and introduce National Criminal Investigation Services instead. The National Criminal Investigation Services has become part of the National Police Services Agency and is now numbering about 1000 collaborators. The introduction of the National Criminal Investigation Services is a further and explicit move towards centralization. Possibly due to the ever-increasing fear of (serious) crime and the also ever increasing discontent about police results this centralization also met little resistance. The introduction of a National Criminal Investigation Services also shows the ample room the Police Act 1993 offers to organize police activities in alternative ways. Some alternatives do not alter the balance between direction (central steering) and discretion (local freedom to act). Other alternatives however – like the introduction of the National Criminal Investigation Services – alter that balance drastically.

A broader general influence on the police is the introduction of modern steering instruments from New Public Management (NPM), especially performance contracts. In an attempt to implement more central steering the minister of Interior made performance contracts with the regional police forces. Van Sluis et al. (2008) showed that performance contracts had positive effects and avoided many perverse effects (Van Sluis and Van Thiel 2003). Introducing NPM steering did significantly contribute to an increase in central steering of the regional police forces even though it did not change the police system itself.

Trend: an increase in the total amount of steering

National steering of the police in the Netherlands has increased in the past decades (Cachet, et al. 2009). However, this national steering did not increase at the expense of decentralized and especially local steering of the police. Power and influence do not necessarily have the characteristics of a zero-sum game. It is also possible for the total amount of power and influence to increase (Tannenbaum 1968). National steering of the Dutch police became stronger, but so did local steering. However, national steering of the Dutch police gained relatively more compared to local steering, i.e. direction won over discretion. National steering has become normal, while in the past the national government limited its interventions to management only.

Tensions between local and supra local steering are also mitigated by congruence. Till today national and local priorities have seldom been really competitive or conflicting. National priorities are deduced from local police information, and the national government is trying to facilitate the local government's fight against safety problems. Local steering – utilizing discretionary room on the local level – has become a lot more serious and professional, e.g. local policy plans, monitoring of results, regional coordination of local policy formation and execution.

Theoretically in the future a serious clash between local priorities, like petty crime and disorderly behavior, and national priorities, like organized crime or drugs trafficking, remains possible however.

A lot of incremental and gradual change took place within the margins of the 1993 Police Act. The Dutch police are very prone to accept new fashions in management and steering (Braga and Weisburd 2006). Some of these innovative ways of steering and acting are specific for the police, like community policing or information led policing, while others reflect more general trends and fashions in public administration. Within the margins of the 1993 Police Act police forces kept innovating and changing their organizations and the police work itself. The most important change was the introduction of area-bound policing ('gebiedsgebonden politiewerk') in almost all regions (Beumer 1997), which is the Dutch version of community policing. The introduction of area-bound policing is an attempt to close the gap between regional police forces and local communities. The introduction of community policing can be seen as an attempt to restore the bal-

ance on the regional level between centralizing tendencies (especially a drastic increase in scale of the police forces) and decentralizing tendencies (especially strengthening bonds with local communities).

Trend: centralizing and decentralizing tendencies. Towards a new equilibrium?

Since the reorganization direction has gained momentum. There has been a strong tendency towards more steering and especially towards more central steering. But the trend towards more central steering is mitigated by another trend: the trend towards more local steering. Local government has become aware it must share the burden of fighting crime and disorder with the police, with the public prosecutor and the courts of law and with many societal organizations and citizens. Until now national steering of the police is rather schematically, leaving the authorities on the local level enough discretion to direct their own course within the broad boundaries of the central government's policies.

The trend towards more direction by the minister of Interior can also be seen as a response to the drastically increased autonomy of the police forces. Before the reorganization support between the rather small police forces was frequently needed and became a crucial problem. After the reorganization the larger regional forces could cope with far more problems without asking support from adjoining forces. However, an unexpected effect was a rather fast increasing autonomy of separate forces. Cooperation and mutual support between strong and independent regional forces, though less frequently needed than in the past, became a problem in itself, triggering interventions by national government.

The performance crisis around 2000, the terrorist attacks in New York, London and Madrid and the murders of politician Pim Fortuyn and writer Theo van Gogh fuelled a strong demand for more effective as well as more repressive police work. Das, et al (2007) assert that the 'soul' of Dutch policing has changed drastically during the past decade. "Dutch policing and justice apparatus has traditionally been associated with pragmatism, tolerance and a systematic distaste for 'anything which smacks of militarism' "(519). But nowadays: "(t)he Netherlands seems to drift toward the opposite side of the previously progressive ideal" (ibidem). In a less tolerant and more repressive climate – see also

the fast rise of a right-wing anti Islam party as Geert Wilders' PVV –the police are pressured to be more effective in traditional core tasks (kerntaken), like repression and enforcement.

In many police regions debates about the core tasks have occurred. Many police forces were ordered to leave softer and more preventive functions to others and to concentrate their efforts on more repressive tasks. The withdrawal of the police from many preventive activities triggered the further development of local safety policy in many communities.

The murder of Theo van Gogh, committed by an at that time almost unknown Muslim fanatic, stressed the importance for the police of a strong information position at the local and sub local levels. Especially the beat officer could provide invaluable and otherwise unavailable information about shifts in opinion, radicalizing tendencies et cetera on his beat. In the fight against terror even the National Criminal Investigation Services or the National Intelligence Service (AIVD) would be heavily dependent on the kind of information from the societal capillaries. Here centralizing and decentralizing tendencies come together again.

6 Conclusions

The Dutch police system was a much debated but hardly ever changing system during the first post World War decades. Since the beginning of the 90's the even more debated system has changed, sometimes drastically but most of the time incrementally. Notwithstanding much debate and some successful attempts at change, many characteristics of the police system remained the same. For example, the separation of power over the police between administration and law enforcement and between those responsible for steering and for management, the so-called two 'dualisms', remain in tact.

In spite of some unique characteristics– like the dualisms - many characteristics and developments of the Dutch police system seem to find their basis in more general Western-European developments. In the Netherlands safety concerns led to fierce criticism of the police effectiveness; the societal police function is less than in the past a governmental monopoly and national and local governments fight with each other for (more) control over the public police. The politicization of the police has led to

disempowerment of the police, i.e. loss of autonomy, as well as to empowerment, i.e. more discretion and embeddedness at the local level (Savage 2007).

The police ministers have strengthened their control of the Dutch police; thus directing the police more. The 1994 Dutch police reform was a shift towards a more centralized and distant kind of policing. However, the most significant shift towards more, and more centralized, (national) control of the police was not brought about by the 1994 system change, but by shifts within the then existing police system. Incremental change towards more central steering by the minister of Interior had a tremendous impact on Dutch policing. It went almost unnoticed and with a minimum of opposition, but it did change the soul of Dutch policing fundamentally (Das, et al. 2007).

Recent trends in the control of law and order on the local level are characterized by sharing and networking between the police and many other actors. Police work at the local level has become part of a much broader approach to problems of disorder or insecurity. The gradual development of integrated local safety policies in many cities has led to a redistribution of tasks between police, local government and many other actors. It has also led to more embedded local police work, i.e. community policing.

Police forces are now closely cooperating with other actors in safety networks (Terpstra and Kouwenhoven 2004), steered by local government and concentrating on their core tasks, leaving more tasks to other actors than in the past.

Real and perceived safety problems have obtained a much more prominent place on public and political agendas. As long as they stay prominent on these agendas there will be debate about steering, managing and functioning of the police. Whether that debate focuses on system change or change within the existing police system seems to be of lesser importance. What really matters is how any change whatsoever will do justice to the variety and diversity of the police function. After all, the police function extends 'from the beat unto the world' ('van wijk tot wereld' SMVP 2005). Finding sensible balances between centrally organized tasks and kinds of steering (direction), and more local organization and steering (discretion) will be crucial for the future of the public police.

In the Netherlands a new round in the ongoing debate about policing and the police system is about to begin. In the fall or

winter of 2009 the current Dutch cabinet will present its final proposals for changing the 1993 Police Act. That will provide us with an 'in vivo' experiment to see whether it is still possible in a highly politicized law and order climate to find a sensible balance between centralizing and decentralizing tendencies.

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