



Bont en Blauw

Summary

Ilse van Leiden
Henk Ferwerda

Beke // reeks

Summary

Police officers themselves are at risk of being insulted, threatened and sometimes even of being assaulted in the execution of their duty. When this occurs, there is always the chance of (material and immaterial) damage. By means of the programme called "Safety and the Public Task 2007 – 2011" the Dutch government propagates that violence by civilians against civil servants, including police officers, who perform public tasks will no longer be tolerated. The programme is aimed at preventing aggression and violence against employees who perform public tasks, at helping employers to both protect the public task and their employees, and at dealing with perpetrators. The basic principle is that perpetrators who have aggressively treated or violently assaulted an employee in public service will always be held accountable. The programme includes actions regarding detection and prosecution of violent crime cases against civil servants. Both police forces and the Public Prosecution Service (PPS) are expected to take such violent crimes seriously and to detect and prosecute in an adequate way. Police forces are required to meet a number of minimum standards as to the way in which they deal with cases and treat their officers who have been the victims of assault. These standards were recorded in the 'Instructions concerning the Protocol of Violence against Police Officers' in 2005. Since 2006 the PPS has had guidelines for the prosecution policy regarding violence against professionals (including police officers), which entail a doubling of the sentence demanded. In addition, the Board of Procurators General has communicated a number of policy guidelines to the district courts in two letters concerning the treatment of violent crimes of which police officers (among others) were the victims.

The Scientific Research and Documentation Centre (WODC) of the Dutch Ministry of Justice has commissioned Beke Consultancy and Research Group to conduct a study into the way in which violent crime cases against police officers are dealt with and the treatment of victims proceeds. The study focuses on the handling of cases with respect to procedure and criminal proceedings. This national study was conducted in all 26 police forces and all 19 district courts. As to the police forces, 256 paper files concerning violence against police officers were analyzed and various representatives of the forces were interviewed. At the PPS, a total of 192 criminal files on violence against police officers were studied. In addition, interviews were held with a judge and a public prosecutor. In cooperation with the WODC, data in the registration system of the PPS were analyzed.

Violence against the police

Violence against the police is often a combination of punishable behaviours. For example, a thief who is being apprehended, resists arrest and verbally abuses the police officer. This is a case of resistance and insulting behaviour towards a police officer (a civil servant)

in the execution of their duty. The cases examined in our study were mainly about verbal abuse (insulting language). Insulting language also occurred in combination with other manifestations of violence. Simple assault of a police officer, resisting arrest or official coercion and threats as well as insults were predominant. The police officers who had been the victims in these cases had frequently incurred immaterial damage including (mainly minor) physical injury.

In the cases analyzed the perpetrators of violent assault on police officers were often arrested on the spot and in two thirds of the cases the assault was reported to the police. In four out of ten cases the joinder procedure was used in order to recover damages from the perpetrator (on average €400 per case). The majority of these violent crimes were submitted to the PPS.

Police practice

In accordance with standards all police forces worked with a violence protocol on how to act when a police officer had become the victim of an incident involving aggression or violence. However, these protocols differed from region to region and thus had their own characteristics. The police forces appeared to have found their own way of putting protocol into practice, but not every interpretation appeared to completely comply with minimum standards. Generally speaking, many agreements and procedures that had been written down were not adhered to in practice because they either appeared to be impractical or because potential victims and their immediate superiors on the force were insufficiently aware of them. A major conclusion concerning the way in which the various police forces dealt with these situations is that they had all created possibilities to comply with standards but due to the absence of such aspects as uniform operating procedures, facilitation and expertise, these procedures can be characterized as reactive for the time being. An active approach towards victims of violence and a streamlined procedure to deal with these cases in accordance with the established standards were still lacking.

Practice at the Public Prosecution Service

Analysis of the criminal files shows that in almost 25 per cent of the cases the PPS demanded preventive custody for the suspects of violent crimes against police officers. In 25 per cent of the cases a summons was issued immediately (the so called AU procedure, or *aanhouden en uitreiken* in Dutch) and in three out of ten cases the PPS itself dealt with the cases by means of a settlement. Only a few cases were dismissed by the PPS. Two thirds of the criminal cases were brought to court and in the majority of these cases the public prosecutor demanded community service or detention. In over ten per cent of the cases a claim for damages was made.

As to the type of sanction, the rulings of the courts often complied with the sentences demanded, be it that the courts more often imposed fines or acquitted the suspect than demanded by the PPS.

The criminal files hardly ever contained information about the reasoning behind the sentences demanded; the prosecution's charge was not included. That is why in the majority of criminal cases no light could be shed on the extent to which the PPS had complied with the guideline to double the sentence demanded in cases of violent crimes

against police officers. In more than ten per cent of the cases, however, it was concluded with some certainty that a more severe sentence demanded was allowed for.

Lead times

Most police actions concerning violence against police officers usually took place within a few days following the incident. These actions included not only the arrest and interrogation of the individual involved in the case and the report of the crime, but the presentation of the case to the PPS as well. The actual submission of the police report to the PPS demanding prosecution occurred on average one month after the time of the incident. Then it would take approximately one month for the case to be considered for the first time and another month for the summons to be issued. The court session itself would take place approximately four months after reception of the case and the verdict was usually delivered immediately. The final administrative completion of the case (the inclusion into the execution system) would take place one month after the final verdict. The lead times in cases involving arrest and summons (the AU procedure) turned out to take only half the time of the cases in which this procedure was not followed.

Points for improvement

On the basis of our study some points for improvement with respect to the treatment of violence against police officers could be identified. The practical interpretation and application of violence protocols varied widely from region to region and lacked uniformity. So a first point for improvement would relate to setting national examples and standards and giving practical assistance. Backing up procedures and the presence of staff in the police forces and the PPS who are knowledgeable about the subject matter would be a second point of attention. As a third point for improvement, greater adjustment and transparency concerning the definition of violence against the police and the scope of the violence protocols could contribute to an improved approach. Targeted communication and a broader, practical propagation of knowledge of procedures would be a fourth point for improvement. A fifth point that would deserve attention is uniformity with respect to the registration and monitoring of violence incidents against police officers. Creating good quality police files, which can be recognized easily, would be a sixth point for improvement. As a seventh and final point for improvement, national agreements between police and PPS are needed in order to establish a transparent government policy and uniform operating procedures.