



# Knowing what is going on



## Mayors' information needs regarding public safety

### **SUMMARY**

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### **Introduction**

Ensuring and maintaining safety is one of the principal responsibilities of government. Safety can be classified into two kinds, public and physical. Physical safety issues commonly relate to force majeure (disasters) or intentional/unintentional human acts, fire, road accidents, etc. In this context public safety issues can be defined as damage, disorder and losses due to deliberate human acts, and attention focuses primarily on the types of crime and disorder that affect people and companies and organizations in the public arena.

The mayor and aldermen both have a role to play in public safety policy and public order. When it comes to maintaining public order, the mayor is the competent authority under the Municipalities Act: in other words, this is the exclusive province of the mayor as an administrative authority. The municipal executive (mayor and aldermen) is responsible for public safety policy. In this capacity it can provide input to the overall safety plan and make policy on aspects of overall safety policy, such as disorder, home burglaries, tourism, youth welfare, welfare, education and so on. When it comes to the actual implementation of overall enforcement policy, it is generally the mayor who is the competent authority and therefore responsible.

Ensuring public safety is not the sole province of municipal authorities; organizations such as the police, the Public Prosecution Service, *Veiligheidshuizen* (local crime and disorder partnerships), Regional Information and Expertise Centres, welfare organizations, Youth Care Agencies, Municipal Health Departments and various other mental health organizations also have a part to play. Mayors and municipal executives need information from these organizations to enable them to exercise their responsibility for public safety.

### **Problem definition and research method**

Pro Facto has done research for the Research and Documentation Centre of the Dutch Ministry of Justice into the information situation of mayors and municipal executives as regards public safety. The survey was carried out in response to a motion tabled by MP Attje Kuiken. The main question it set out to answer was as follows:

*What information do mayors and municipal executives need as regards public safety and maintaining public order, what is the actual information situation, and if there is a gap between the need and the reality, what is the explanation for this?*

The survey therefore falls into the following parts:

- The information need
- The actual information situation
- The explanation for any gap between the two

The survey distinguishes between operational and analytical information. Operational information is about specific cases and incidents that have occurred. By analytical information we mean analyses, trends, monitoring reports, etc. relating to developments or events in the past.

The following research activities were undertaken to answer the main question:

- Interviews with 65 persons
- A legal analysis of the statutory framework
- A documentation and literature survey
- A digital poll of mayors and policy officers

### **Municipal executive**

It emerged from the interviews that the operational aspects of public safety policy are primarily the mayor’s responsibility in virtually all municipalities. If incidents occur involving young people, for instance – a policy area that is for which an alderman is almost always responsible – it is generally the mayor who is informed about them by the police or his own Public Order and Safety Advisor. Aldermen do concern themselves with incidents or events on a case-by-case basis, but this is generally not from a safety point of view but from a care perspective, for example. The information that aldermen need when it comes to specific safety aspects is therefore very limited, generally speaking, and their information situation as regards public safety is thus adequate more or less by definition: if there is not much need for safety information this is easily met.

### **The legal context of information transfer**

Mayors depend on various organizations to provide them with information on the public safety situation. Under the law the Public Prosecution Service and the police have various ways of sharing information with a mayor. In the context of their responsibility for public order and their authority over the police, mayors are entitled to information from the police – for instance in the form of daily reports – gathered in the course of maintaining public order.

The Public Prosecution Service has restricted the possibilities of sharing information by the Judicial and Criminal Procedure Data Act Directive. Staff of health organizations and welfare organizations must decide in each individual case whether it is permissible to supply information to the mayor and the municipal executive, given the duty of confidentiality that

often exists. With more and more information being shared by partnerships, which often apply privacy regulations, when looking at the legal possibilities of exchanging information we need to consider not only the law but also the arrangements that the partners have agreed on this subject.

### **The information need**

Mayors regard the police as by far their most important partner when it comes to fulfilling their public safety responsibilities, and their need for information from the police is therefore substantial. Other partners that mayors regard as important providers of information on public safety are the Public Prosecution Service, the *Veiligheidshuis* (local crime and disorder partnership), the 'triangle'<sup>1</sup> and the Regional Information and Expertise Centre. Like the police, these partners focus specifically on safety. In practice mayors do not need so much information on public safety from partners with a different focus, such as housing associations and organizations working in the area of care and welfare.

The deciding factor as regards mayors' need for operational information is not the policy area but the impact (or potential impact) of an incident or event on the community. Most mayors want to be informed immediately of events resulting in fatalities or serious injuries, incidents that are politically or media-sensitive and serious crimes. Some municipal authorities refers to these as the 'five P's': press, public, personnel, politics and personal suffering. As regards analytical information, the information that mayors need tends to relate to topics covered by the overall safety plan, for example. They want to have an idea of developments in such areas as home burglaries, disorderly and criminal youth, domestic violence etc., based on trends, analyses and monitoring reports.

### **The information situation**

Mayors have most contact, officially and unofficially, with the police, compared with other organizations. In the larger municipalities (with populations of over 50,000) the vast majority of mayors have official contacts at least once a week with a senior officer of the police force responsible for their area. The contacts with the police are close and the lines of communication short. If a situation occurs that the mayor needs to be informed about immediately this is usually done by text message or telephone by the usual contact (head of the uniform branch, community police officer or district head, depending on local practice).

Contacts on public safety with other organizations in the security chain are far less frequent, and less information comes from those organizations – including the mayor's own organization, for that matter. In practice mayors are therefore largely dependent on the police.

Generally speaking, mayors are satisfied with their information situation, which they rate on average as 3.75 on a scale of 1 to 5. What these figures express is the extent to which mayors feel they are in control; they do not express the extent to which this is actually the case. This report examines various aspects of the extent to which the information situation is in line with the information need, thus providing a more accurate picture of the extent to which mayors are in control. When it comes to operational matters, mayors are generally justifiably satisfied with their information situation, especially as regards the primary source, namely the police. Mayors receive less operational information from the other partners in the security chain: operational information from partners other than the police is often ad hoc and concerned with specific cases where the mayor needs to take action. It is

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<sup>1</sup> The 'triangle' for a particular area is the consultative body representing the police, the Public Prosecution Service and the local authority (the mayor).

far less common for these organizations to provide mayors with information that could be relevant to their public safety responsibilities but does not require immediate action.

As regards analytical information, the mayor's information situation is often out of line with his needs. When analytical information is provided mayors are generally satisfied with it; the problem is that they do not find this information to be sufficiently available: the need for analytical information is not met. This is true of all organizations, including the police and mayors' own municipal organizations. Meta-analyses, for example, are in short supply in municipalities: Public Order and Safety policy officers say that these are carried out regularly in only one in seven municipalities (14%). Less than a third (31%) say that they are sometimes produced, and the majority (56%) say that this is seldom if ever done. This is particularly the case in the smaller municipalities.

It can be concluded from our analysis that mayors' satisfaction with their information situation is not always justified. They ought to be able to obtain more operational information from partners other than the police and more analytical information from all their partners.

So what gives rise to this general feeling of satisfaction on the part of mayors? As they do receive operational information from their most important partner with the most information, namely the police, and they generally regard this as good, mayors say that they are able to fulfil their responsibilities properly, which makes for satisfaction. They are not so happy with the information provided by other partners, but in many cases these organizations do not have a great deal of relevant information at their disposal. On the whole, then, mayors consider that there is no major problem with their information situation. Nonetheless there is a discrepancy between the information need and the information situation.

### **Explanations**

In practice mayors depend largely (or very largely) on partners to provide them with information on public safety. These partners do not provide this information to mayors as a matter of course. A number of factors can be identified that can impede, or alternatively facilitate, this transfer of information.

#### *Administrative sensitivity*

The various security partners that can provide mayors with information on public safety need to be aware of a mayor's information need if they are to respond to it. This need is not easy to define, however. As already pointed out, a mayor will want to be informed about anything that could cause social unrest, but this is not easy to capture in protocols or other written agreements. It is therefore not always easy for these organizations to gauge what information the mayor will want to have in specific cases. We refer to the ability to gauge this correctly as 'administrative sensitivity'. In virtually all organizations mayors consider that this is an area in need of attention and/or improvement to a greater or lesser extent.

#### *Privacy/confidentiality*

It is fairly uncommon for the various organizations to cite privacy reasons for officially withholding information from a mayor. According to mayors it is the Public Prosecution Service that most commonly cites privacy regulations and guidelines. Many of the representatives of the Service interviewed did not recognize the perceived reluctance to provide information. The perceived unwillingness to share information is explained partly by the Judicial and Criminal Procedure Data Act Directive, which is based on the principle that

the Service only shares information if there has been a judgment by a criminal court or if there is a compelling reason in the course of an investigation. When it comes to the police sharing or not sharing information, daily reports are the hot topic. A daily report is a printout of updates (or selected updates) to the Enforcement Database (the police records system), and quite a few mayors regard this as an important source of information. It is not by any means supplied to all mayors, however, despite the fact that confidentiality is not an obstacle.

#### *The mayor's profile*

In the area of public safety a mayor has three different roles: that of competent authority, that of bearing ultimate responsibility for overall security, and that of 'city father'. Mayors flesh out these roles in different ways, depending on the context in which they operate and their personal profile. They have different styles and require different amounts of information at different levels of abstraction, and one may depend on security partners where another takes a lot of personal initiative. What a mayor wants to know, then, depends on his personality, his interpretation of his duties and the context in which he operates. How a mayor fleshes out his role and to what extent he is personally active and ensures his need for information is met substantially affects the extent to which he is able to achieve an information situation that is in line with his needs.

#### *Trust*

The relationships that mayors have with their partners are vitally important as regards the extent to which they are able to fulfil their responsibilities. Virtually all mayors say that the mutual trust between their partners and them is essential to a good information situation.

#### *Municipal organization*

It is evidently difficult for municipal authorities to organize internal information flows so that they contribute systematically to the information situation of mayors in the area of public safety. Information that could be relevant to the mayor's public safety responsibilities is often fragmented within the organization, being held by special investigating officers, for instance, or staff working in the areas of social welfare, housing or youth welfare. In the municipalities where interviews were held for this survey, these staff generally had little notion that certain municipal information could be useful to the mayor for public safety purposes.

#### **Conclusion**

Mayors could bring their information situation into line with their needs by dealing adequately with the above factors. New legislation is not required per se to strengthen their information situation. Many mayors are not at present taking full advantage of the opportunities they have to invest in acquiring information on public safety without new legislation. Expectations as to the effect of the newly created National Police Force vary, but the majority of mayors do not expect there to be any change. The transfer of information from the police to mayors has not in fact changed as a result of the Police Act 2012. As before, it is specific acts such as the Police Data Act, the Personal Data Protection Act and the Judicial and Criminal Procedure Data Act (not the Police Act) that lay down requirements for and restrictions on the supply of information from the police to mayors.