

FIRST EXPERIENCES WITH
URGENT PREVENTIVE BODY SEARCH

Summary of a study

June 2016

Background and objective

Since July 2014 the options for preventive body search have been expanded. An amendment of the Municipalities Act (Article 174b) made it possible that in unforeseen and emergency situations the mayor can designate an area for a maximum of twelve hours as a safety risk area. For this emergency variant of preventive body search it is not necessary that the city council grants prior authority to the mayor through the APV.

More than 18 months after the change in legislation, the Research and Documentation Centre (WODC) of the Ministry of Security and Justice wanted to investigate how often urgent preventive body search has been applied, what the considerations were and what experiences have been gained. The outcomes of the research are used to give the House of Representatives a first impression of the use and the experiences of urgent preventive body search in practice. The research has been carried out by means of desk research, an online survey among municipalities and interviews with mayors and government civil servants.

Key results

- *Key of urgent preventive body search*

Since the amendment of the law in mid 2014, the urgent preventive body search has only been used to a very limited extent. In the past 18 months within the framework of this investigation not more than five body search campaigns have been found in four municipalities. In addition, in eight municipalities the use has been considered, but has not to actually taken place.

- *Reasons whether or not to use urgent preventive body search*

The most important argument to use urgent preventive body search is to be able to act quickly in case of threats that arise outside the existing safety risk areas.

A majority of the municipalities have not used that option up to now because so far there has been no need yet. Furthermore, the availability of alternative options and the unfamiliarity of this option plays a role. Some municipalities are hesitant to be the first to use this type of new authorities.

- *Experience to date*

The municipalities that have used urgent preventive body searches, have positive experiences. The use proved not only to be effective, but also the decision-making process went well. All in all, they consider it to be a useful addition to the existing instruments and in the future they expect to use it again. Nearly half of the municipalities that have still not used urgent preventive body searches, do see added value in

the instrument compared to existing options. At the same time, it is noticeable that many still don't have a clear opinion, especially as a result of the unfamiliarity of the instrument. Only few municipalities reject the use of urgent preventive body search in advance.

Consideration

At the time of this research, urgent preventive body search has been 'available' for more than 18 months. From this inventory it appears that the actual application is limited. The number of municipalities that have used urgent preventive body search, is still very small.

But this is not the whole story, because there are eight municipalities that still have not actually used the instrument, but have made all preparations 'just in case'. In these cases, in a certain way the new legal option has indeed been used.

The fact that many municipalities do not expect to use the instrument, seems to be related to the issue for which the urgent preventive body search is most appropriate; unexpected escalations in usually quiet areas. In larger municipalities are (large) parts of the municipality identified as safety risk and there is extensive experience to quickly in case of an emergency. The fact that these risks are unforeseen, makes it difficult to estimate that for this emergency a variant of preventive body search will be used.

A majority of the municipalities are still not aware of the new possibilities that the Law offers or are hesitant to be the first one to use this kind of new authorities. As soon as the awareness of the instrument will increase, there is a chance that more municipalities will use the option of urgent preventive body search. In particular, from the interviews it appears that there is public support for the instrument, because of the differences from the regular version. The most defining difference is that urgent preventive body search is focused on events rather than on areas.

