

Summaries

Justitiële verkenningen (Judicial explorations) is published eight times a year by the Research and Documentation Centre of the Dutch Ministry of Security and Justice in cooperation with Boom Lemma uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 5, 2012) is *Police anno 2012*.

Fifty three shades of grey; decreasing accountability and control concerning hybrid police work

A.J.J. Meershoek and A.B. Hoogenboom

Fifty three shades of grey refers to the radical transformation of policing and security in society from a traditional public – and foremost ‘blue’ – police system into a hybrid(semi)public and private policing system which is losing its dominant – and visible – blue character. Using the criminological concepts ‘police as an institute’ and ‘policing as a process’ the ongoing blurring of boundaries between different public and private organisations is discussed in the context of the proliferation of different forms of multi-agency cooperation. Whereas in the traditional discourse of the public police system a strong tradition of analysing the democratic nature of policing exists, in the public and scientific perception of the new, variegated police constellation such notions are still lacking, which contributes to the relative lack of political control, the defective democratic accountability and fragile human rights in the grey areas. The public discourse on the police remains too narrowly focused on the public police system. ‘Normal science’ of policing needs to break away from ‘police as an institute’ to incorporate new research questions and new concepts regarding ‘policing as a process’.

Sharing criminal investigative information; on technical and especially organisatory obstacles within the police

J. Kort

Crime suspects followed by the police move well across various police regions and national borders. As a result, police forces independently collect information on the same people. It is essential that whenever

possible, accurate information is shared between various police forces and e.g. investigation teams. Developments in the field of ICTs have opened many possibilities for this, long ago. However, information exchange hardly improved. In this article it is argued that apart from the quality of existing ICT-applications, there are also organisational problems creating obstacles for information sharing. The article starts with a brief history of intelligence-led policing in the Netherlands, followed by an overview of the obstacles for information sharing within the Dutch police. It concludes with similarities between police reforms based on new ICTs in the Netherlands and the USA.

Police patrolling and downtracking on the Internet

J.J. Oerlemans and B.J. Koops

Publicly available information on the Internet about people or criminal acts can be relevant to criminal investigations. This article analyses to what extent Dutch criminal procedure law allows open source intelligence for law-enforcement purposes. When more than 'minor' privacy interferences arise, an explicit investigatory power in the criminal procedure code is required. Minor infringements are allowed under the general task description in the Police Act 1993. It is unclear however when 'substantial' privacy infringements arise. On the basis of ECHR jurisprudence on foreseeability and the Dutch criteria for 'systematic observation', the authors conclude that Internet data-gathering will often require an explicit investigatory power and can only be used for criminal investigation with an order from the public prosecutor, but not, except for small-scale and ad hoc searches, for general police practice purposes. Because the Internet is much different in its nature from a decade ago and the investigatory powers are not in all respects easily applicable to Internet surveillance, the authors argue that the Dutch legislator must take action and make clear under which conditions information on the Internet can be gathered by law enforcement.

The pitfalls of problem-oriented policing in the Netherlands

A.C. Berghuis and J. de Waard

The Dutch police has embraced the concept of problem-oriented policing as an effective strategy to combat crime. This police strategy is based on information, analyses and cooperation with relevant stakeholders outside the police. The authors argue that the implementation

of the concept of problem-oriented policing is essentially still in an infant stage due to tenacious internal and inter-organizational difficulties. More fundamental, the concept of problem-oriented policing is used in an intuitive and superficial manner, instead of introducing a more rigorous analytical one. Suggested is a more modest and disciplined approach, which functions not as an alternative for, but as a supplement to classical reactive policing.

The democratic gap in the police order and the legitimacy of the police; an opinion and a proposal for a Council for the Police

J. Wiarda and J. Vrolijk

From January 2013 on, the Dutch civil police will be brought together in one organisation, still directed by the (local) mayors and public prosecutors, but managed by one chief of police. The authors discuss the impact of this rearrangement on police legitimacy. Evaluating the new constellation at four levels: the citizen, the community, the region and the state, they point out lacunae in public accountability. To compensate for these deficiencies, a Council for the Police should be installed.

The Dutch police in public debate

T. Kansil

How should the police operate in the media and in public debate? This question has become more urgent since the rise of populism in The Netherlands. The media expect the police to give its views when incidents, riots, shocking crimes etc. happen. But to communicate effectively with the public it's nowadays not enough to stick to 'the facts' and take an independent position above the various parties involved. Doing this is often misunderstood as denying the needs of people suffering from social security problems and not taking them seriously. The author discusses which media strategies the police could adopt to effectively handle security issues and clarify its position in democratic society.

Emancipatory fatigue as a problem for the police

G. van Oenen

Public attitude towards police intervention has changed in the last twenty years or so, as a result of more general changes in society towards figures and institutions of authority. From the 1970s onward,

we have witnessed a change from an authoritarian ‘command household’ to a ‘household of negotiation’ in which parties mutually exchange views and reasons. Since the 1990s however, unanticipated consequences of this emancipatory movement are becoming apparent, most importantly the inability of citizens to always live up to this emancipatory responsibility. And more importantly, a generally shared sense that we are overburdened by this responsibility, and thus cannot reasonably be expected to act according to emancipatory norms. This creates a new kind of problem or challenge for the police. Appeals to the emancipatory responsibility of the public, or entering into dialogue with offenders and bystanders, are not as effective as before. Both police and public are therefore in search of a new kind of authority that is responsive to the emancipatory ‘fatigue’ increasingly experienced by citizens.

Coloured ideas; concepts behind the striving for diversity within the Dutch police

J. Janssen

The Dutch police has a long tradition regarding the development of diversity policies. Although these policies also deal with issues concerning gender, (homo)sexuality, the position of the elderly and chronically ill or invalid employees, this contribution mainly focusses on diversity regarding the ethnic background of police officers and particular aspects of crime and safety within Dutch multi-ethnic society. First of all a brief historical (1950s till present) overview is presented of ideas and projects regarding this aspect of diversity. Furthermore a shift in focus is presented: diversity used to be a social issue and nowadays it is understood as a business issue. The difference between these two is explained and discussed. Finally some suggestions are made concerning future research.

Pioneering and formalisation; the international interweaving of police work

J. van Buuren

International police cooperation is characterised by sometimes conflicting dynamics between informal security entrepreneurship and formal institutionalisation and centralisation. In spite of claims in governance literature that states are losing their commanding heights due to internationalisation, experience shows that states are in fact able

and willing to control and steer international police networks. Whether matching processes of politicisation and bureaucratisation conflict with operational effectiveness remains to be seen. Both in politics and science the institutional approach is dominant in describing, explaining and evaluating international police cooperation. This runs the risk of losing sight of the 'logic of practicality' that in reality is very important for innovations and developments regarding cross-border cooperation. In the logic of practicality, dimensions like intuition, creativity, trust and perseverance are more important than rules, policy preferences or organisational charts.