

Politiegeweld

Geweldgebruik van en tegen de politie in Nederland

Jaap Timmer

KLUWER 

Alphen aan den Rijn, 2005

Summary

Police Violence

In 's-Hertogenbosch in the Netherlands, on 16 December 2000 a police officer shot and killed a man who had attacked him with a knife. It led to three days of rioting in 's-Hertogenbosch and widespread public debating. According to the Court of Appeal in 's-Hertogenbosch, the Chief Public Prosecutor had been right not to prosecute the police officer. In a pub in Amsterdam, on 6 August 2003 a police officer shot and killed a man who had attacked him with a knife. This time there was no rioting, but there were demonstrations and once again widespread public debating. The Court of Appeal in Amsterdam backed the decision not to prosecute the police officer, but was of the opinion that the investigation into the rightfulness of the fatal shot could have been better and more objective.

Police violence is part and parcel of the dynamics of society. This similarly holds true of civilian violence against the police. This means the nature and amount of police violence and the reasons for it derive from what is going on in the field in society and how people feel and speak about it and the decisions that are made. In view of the legitimacy of official conduct, police violence should be a constant point of attention and issue of concern to the political and public administration. Social science theories note that focusing on managing high police risks and police violence and clearly stipulating the powers can reduce the nature, amount and results of police violence.

How do the police deal with their monopoly on violence? What has changed in time as regards police violence and violence against the police in the Netherlands? What are the ramifications of police violence and violence against the police? These are questions addressed in this study. In an effort to find the answers, this aspect of police work is examined against the background of developments in other fields such as violence-related crime. In this study, various topics have been examined and described. This study consists of the following five parts:

1. Powers and firearms (Chapters 2 and 3)
2. Police violence (Chapters 4, 5, 6 and 7)
3. Violence against the police (Chapter 8)
4. Violence specialists (Chapters 9, 10 and 11)
5. Conclusions and recommendations (Chapter 12)

1. Powers and firearms

POLICE POWERS

Ever since the 1993 Police Act and the 1994 Police Instructions, the power to engage in police violence has been monitored by a comprehensive legal system. The system goes via international and European human and civil rights agreements via the Dutch Constitution, the 1993 Police Act and the 1994 Police Instructions to the Police Weaponry Regulation and the 1994 Police Equipment Regulation. It follows from this legislative chain that police violence is never an isolated matter. From a simple slap on the face to a fatal shot, police violence is only legitimate if it is functional for the exercise of police powers in the framework of police work. A police officer should act in the rightful exercise of his powers and be proficient in the use of the instruments of violence in question. The link between the violence stipulations in the 1994 Police Instructions and the 1993 Police Act implies that the potential use of violence should meet with the requirements of proportionality and subsidiarity and in view of the aim in mind, should be reasonable and moderate. Thus police violence as an extreme means to a legitimate end now has a thorough legal basis.

In the past forty years, the Dutch police regulations on violence have been subject to considerable change. They have evolved from an implicitly legitimated law enforcement instrument, using violence if necessary, to powers embedded in international law as regards the professional deployment of violence for the effective preservation of law and order. The official police monopoly on violence has thus developed into a competence for violence that can be better monitored and

is more differentiated in a political, administrative and legislative perspective. In the 1990s a legitimacy crisis in the investigation of organized crime in general and the drug trade in particular added a new leitmotif. In the words of the temporary Parliamentary Committee for the Investigation of Crime, the Van Traa committee: 'No powers without responsibility, no responsibility without accountability.'

The actual practice of reporting and recording, monitoring and evaluating police violence is fragmented and differs quantitatively and qualitatively in various parts of the country. Each of the 25 police regions has its own methods and approaches. This is why there is no central supervision, let alone insight into this essential aspect of the constitutional state. In 2001 the Dutch Minister of the Interior responsible for the police withdrew as addressee for reports on police violence and information on civilian violence against the police. As regards the supervision of the police as stipulated in the 1993 Police Act, references are made to a *gap in the democracy*. Under the 1993 Police Act, the regional police management is not accountable to any elected body representing the people, not to the City Council, not to the Provincial States, and not to the Netherlands Parliament either. It is only indirectly that there is some manner of supervision from a distance by the Lower Chamber of Parliament via the Minister of the Interior. Accountability for the entire spectrum of violence in the work of the police has thus imperceptibly wound up in the democratic gap of the 1993 Police Act. So the further course of the monopoly on violence does not unfold in keeping with the Van Traa committee's leitmotif imposed by the world of politics upon itself.

POLICE FIREARMS

The Dutch police have been using the Walther P5 police pistol for a quarter of a century and it is time for it to be replaced. The Dutch authorities would be wise to introduce a modern police pistol that can be adapted to suit the personal needs, function and position of the individual police officer.

By replacing the old military full-metal jacket by the Ruag hollow point Action 3 with barely any deformation as standard ammunition for the police in 1990, the Netherlands was approximately ten years ahead of the developments in other European countries. This selection was based on an extensive set of requirements. What is more, the legislature held international agreements on distorting wartime ammunition appli-

cable to the Dutch police in peacetime. The practical implementation of this norm is that after hitting soft tissue, potential deformation should not make the tip of the bullet any larger than the bullet's own 9 mm caliber. The goal – less chance of the bullet going through the body with Action 3 – has been achieved. The Action 3 is better in this respect than the full-metal jacket. The Action 3 penetrates fully in 73% as compared with 83% of the cases with the full-metal jacket.

Another goal – injuries that are less serious and easier to heal – has also been achieved with Action 3 ammunition. Human bones generally break after being hit by Action 3 bullets. The old full-metal jackets were more apt to bore through bones or shatter them. Almost half the bones hit by Action 3 bullets break. This is effective because in virtually all the cases, the opponent is immediately eliminated. In a medical sense, broken bones can be better treated than shattered ones.

The recent replacement of the Ruag Action 3 by the similar Ruag Action Effect gives the Dutch police time to use experiences and insights acquired elsewhere in Europe and the rest of the world to make a well-considered decision in selecting a new police bullet, which can coincide with the replacement of the police pistol. It is better to view the combination of pistol and bullet as one and the same firearms system that needs to function well.

The successive selection processes for new weaponry (service pistol and bullets) could have been better. The monitoring aspect as regards police force support and other considerations also could have been better too.

EDUCATION AND TRAINING

More skilled police officers are the most essential component of the adjustment by the police to changing conditions in society. Improvements in education and training in danger management and the professional use of violence play a vital role.

Efforts in this field have helped reduce the number of casualties due to police violence. Police fatalities have also been kept down and in the 1980s and 1990s the figures were lower than in the 1970s. All this did not keep the relative number of police officers wounded in the line of duty from doubling in the same period. There is thus ample reason to make more of an effort to improve safety in police work. This can be done by improving the education and training, making police work more information-steered, providing bet-

ter supervision and including a three-week course in group apprehension skills in the basic education and regular training.

PROFICIENCY

In the period from 1995 to 2001, every armed police officer had to attend shooting practice every three months with the police pistol and take a test every six months. Of the police officers who reported having used their police pistol from 1998 to 2000, 78% had had sufficient shooting practice in the previous twelve months, as compared with only 41% in 1996 and 1997. A quarter of the police officers who fired their pistols and caused injuries in the period from 1998 to 2000 did not meet with this requirement and were formally not competent to use their pistol. This pertains to one fatal shot, five shots causing serious injuries and nine shots causing slight injuries.

The Public Order and Safety Inspection notes that in 2002, 9% of the armed police officers had not had enough shooting practice. The National Police Internal Investigations Department (NPIID) records show that in three of the 21 shootings where someone was hit in 2001 and 2002 (15%), the shooter had not had sufficient shooting practice at the time of the shooting. In two of these 21 cases, the NPIID did not investigate the proficiency of the police shooters.

2. Police violence

POLICE VIOLENCE 1996-2000

In the five years from 1996 to 2000, the Dutch police reported more than 4,600 cases of police violence to the Police Directorate at the Ministry of the Interior. The police reports pertain to 3,292 cases of police violence against one or more individuals. They include 2,200 cases involving a police pistol (threatening to use it and shooting it). In addition, 122 NPIID files were examined on police violence leading to casualties (1996-2000). The figures give a tentative impression of police violence in the second half of the 1990s, since the police did not accurately report and record incidents of police violence leading to injuries and the use of the police pistol. This mainly holds true as regards casualties due to police bullets. The police only brought 18 of the 82 shootings leading to injuries (22%) to the attention of the Minister of the Interior themselves. Practically all these incidents can be found in the archives of the NPIID.

The average situation where the police use of violence occurs is in the course of criminal law enforcement. The top five punishable acts the police use violence to confront are violence against individuals (28%), violation of the Firearms and Ammunition Act (13%), theft (13%), crimes against the public authority such as resisting arrest (9%) and theft with violence (8%). The average act of violence mainly occurs in an effort to prevent or combat crimes that can or do violate the physical integrity and invade the space of individuals. This is in keeping with the aims of the 1993 Police Act and the 1994 Police Instructions as regards the power to use violence.

In half the incidents (52%), the direct purpose of police violence is to prevent violence against the police or others. In the other half (48%), the police use violence to apprehend one or more suspects. The police mainly use physical violence or their truncheon for purposes of self-defense. The police dog and police pistol are usually used in making an arrest. Threats by armed civilians against the police and third parties increased as a reason for police violence from 27% in 1996 and 1997 to 37% in 1998 to 2000.

POLICE USE OF FIREARMS 1978-2000

The best-documented category of the police use of firearms pertains to shooting with the service pistol. In this study, 1,073 incidents of this kind were reported in 23 years, an average of 47 a year. More intensive on site searches for reports on the police use of firearms yield 30 to 100% more instances of aiming and shooting than were made known to the public authorities via the regular registration channels.

In the 23 years this study focuses on, the purpose of the use of firearms remained virtually unaltered. In their own police reports, 21% of all the police firearms incidents from 1978 to 2000 were primarily to prevent violence against themselves, other police officers or third parties. Three quarters (74%) of all the police firearms incidents involved the arrest of one or more suspects. Maintaining public order and other goals only accounted for 5% of the use of firearms by the police.

When the police aim and shoot, it is more apt (37%) to be to cope with violence, though this is still not the primary goal. In addition, in 57% of the incidents involving the use of firearms by the police, it is in arresting one or more suspects. Most of these arrests pertain to people who are suspected or have been found guilty of committing a serious crime. Suspects who are ar-

med and dangerous constitute an important category as regards the use of firearms in arresting suspects (approximately 45%).

In 57% of the cases, the purpose of aiming and shooting at individuals is to prevent violence. The police relatively rarely aim and shoot at cars to prevent violence (15%) and relatively often aim and shoot at cars to arrest someone (82%). These are often cases where people suspected of a serious crime are trying to escape being arrested. In 46% of the cases where the police use firearms, there is no threat to the police on the part of civilians.

EFFECTS OF POLICE VIOLENCE

No agency has a systematic and conclusive overview of police violence, let alone the physical harm it causes in individual cases. The cases in the Ministry of the Interior archives for the period from 1996 to 2000 supplemented by data from NPIID files present the following picture.

In the five years from 1996 to 2000, a total of 345 people were injured (69 a year) in the instances of police violence not entailing firearms that were reported to the Ministry of the Interior. A total of 134 of them (39%) were injured due to physical police violence and 64 (19%) due to the use of a long or short truncheon. Police dog bites accounted for injuries to 113 people (33%). Improvised police violence, e.g. hitting with a flashlight or two-way radio, and other forms of violence injured 14 people (4%).

In certainly four of the fatalities resulting from police violence in 1978 to 2000 including the use of firearms, the victims themselves wanted to die and deliberately provoked the police into killing them. This category is referred to as *suicide by cop*. Four other people who were injured by police bullets were trying to be shot and killed by the police.

An equally little known cause of death during or after police intervention is *positional asphyxia*. A suspect who is resisting arrest is brought under control and dies of a shortage of oxygen in the brain due to hampered breathing caused by an awkward position. In the period from 1996 to 2000 there were six instances of presumable positional asphyxia, none of which involved the use of firearms by the police.

Excited delirium is also something the Dutch police know little about. It consists of disorientation, hallucinations and delusions mainly caused by the excessive long-term use of cocaine by individuals who are confused. The pulse goes way up and the person acts

more and more disturbed and becomes a dangerous nuisance. The police are summoned and try to get the individual under control. Under the influence of drugs, the person becomes increasingly agitated, the symptoms are intensified and the situation escalates out of control. Of the 67 people killed by police bullets from 1978 to 2000, 19 (28%) were mentally disturbed or excessively under the influence of alcohol or drugs, and often a combination of all three.

CASUALTIES CAUSED BY POLICE BULLETS 1978-2002

As far as we know, there were 69 fatalities and 357 injuries due to police bullets in the Netherlands in the 25 years from 1978 to 2002. An average of three people a year are thus killed by police bullets and an annual 14 are injured by them. The figures have been relatively stable over the years. Of the people killed by police bullets from 1978 to 2002, 11 (16%) were killed by an unintentional shot and 33 (9%) of the injuries were due to an unintentional shot. The number of unintentional shots fired by police pistols and leading to casualties is fluctuating but is not decreasing.

MONITORING POLICE VIOLENCE

Certainly since the 1960s, the NPIID has had a monopoly on research on the police use of firearms and other types of violence leading to casualties. Reports on other police violence leading to extremely severe injuries and incidents of violence that there are serious complaints about or that charges are filed about are generally also submitted to the NPIID.

POSITION OF THE POLICE OFFICER

Police officers are obliged to report the use of violence to their superior. The superior writes a report, fills in the required form reporting the violence and sends it to the police chief. Depending on the nature of the violence (instruments of violence) and severity of the effects (significant injuries), the police chief informs the regional police force manager and Public Prosecution Service. If the victim has been admitted to the hospital or is deceased, the Chief Public Prosecutor considers the possibility of involving the NPIID. This is compulsory in the event of shooting incidents and fatal injuries. The Chief Public Prosecutor ultimately

responds to every investigation of police violence with an official notice presenting a motivated decision to dismiss or prosecute the case.

Unless the Chief Public Prosecutor decides otherwise, the position of the police officer who used violence is as a witness. If a strong suspicion arises about the police officer immediately after the violent incident or in the course of the investigation by e.g. the regional Internal Affairs Office or the NPIID, the Chief Public Prosecutor can treat the police officer as a suspect.

If necessary the NPIID and the Public Prosecution Service refuse to disclose the identity of the police shooter or shooters. Members of the arrest teams (cf. SWAT) sign their statements with a code and never with their name. Only the police chief knows the name of the police officer in question. Even more careful measures are taken to prevent disclosing the identity of members of special police forces like the sniper units. In cases of this kind, only the examining magistrate knows the identity of the shooter. This is how the safety of police officers is guaranteed and the accountability is regularly arranged for the deployment of powers to use violence.

EVALUATION OF POLICE VIOLENCE

The police chief arrives at a positive evaluation in 93% of the cases of police violence. The Public Prosecution Service evaluates more strictly and approves police violence in 87% of the cases and the use of firearms by the police in 85% of the cases. The Public Chief evaluates shooting less favorably than threatening with the police pistol: fewer than half the warning shots are evaluated as rightful and 65% of the shots aimed to hit. More than a third of the shots aimed to hit are negatively evaluated. In 69% of the cases, the Public Prosecution Service evaluates shooting at cars as not rightful and only as rightful in 31% of the cases. In most of these cases, people have been hit by police bullets. The Chief Public Prosecutor evaluates shooting to hit as rightful in 75% of the cases and as not rightful in 25%.

In the 23-year period from 1978 to 2000, 31 police officers were prosecuted in a total of 980 cases of shooting to hit and 346 cases of actual casualties. Of the 31 police officers, 11 were found guilty and convicted, 10 of whom were sentenced. The chance of being prosecuted after one or more shots aimed to hit is 3% and the chance of being sentenced is 1%. In four cases, the judge gave the police officer a suspended order to pay a fine, and in four other cases a suspended prison sen-

tence. One police officer was ordered to do 240 hours of community service.

The longest sentence pronounced in the period from 1978 to 1995 was a non-suspended prison sentence of two months for gross maltreatment leading to grievous bodily harm. The longest sentence in the entire research period was a prison sentence of two years in 1997 for manslaughter in the unprovoked shooting and killing of a motorist.

3. Violence against the police

Little systematic information is available on the nature and amount of violence against the police or the effects and trends. It is known though that charges of violence against the public were registered on 17,146 occasions in the period from 1996 to 2000. The charges are for resisting arrest or obstructing, insulting and maltreating the public authorities. A total of 2,086 charges of this kind were filed in 1996 and no fewer than 5,115 in 2000.

DANGEROUS SITUATIONS

In a sample of six of the 25 police regions, an inventory was drawn up of the nature and underlying circumstances of cases of violence against the police. In more than a quarter (28%) of the 548 incidents that were analyzed, civilians used violence against the police to resist arrest. The second important category consisted of people under the influence of alcohol or drugs or both or mentally disturbed (*aggressive disturbed people*, 15%). These people are unpredictable, usually difficult to communicate with, and often have such a high pain threshold that the use of police violence would not have much of an effect. The third category (*verbal police intervention*, 14%) pertains to situations where the police only intervene verbally. The fourth category of dangerous situations, numerically speaking, pertains to *bystanders* who interfere with the police doing their job (12%). This often happens in a busy entertainment district, where people who have been to pubs or clubs and are acting under the influence of alcohol or drugs get involved. The fifth category (9%) pertains to situations where the police are confronted with violence *without any particular reason* for it other than for example the police presence in connection with a traffic check or a potential disturbance of the peace. In the sixth category (7%), the police are summoned to help settle *disputes among relatives*,

friends or neighbors that have become overly emotional, sometimes under the influence of alcohol or drugs. The seventh category pertains to civilians who *insult or intimidate* police officers (5%). The eighth category, *miscellaneous* (10%), includes a wide range of incidents with very little regularity and very few aspects in common.

A good information position is essential if police intervention in dangerous situations is to be successful. The police do not however systematically register instances of civilian aggression and violence against police officers. This is why there is insufficient insight into the types and numbers of dangerous situations police officers find themselves in. In the routine of basic police units, the evaluation of police conduct is also largely lacking. This is why there is evidence of a chronic loss of experience. The systematic evaluation and registration of incidents can serve as a useful source of information for the development of best practice scenarios to be used at the work site as well as for practice-steered training.

Supervision with respect to danger management is important as regards the course and outcome of dangerous situations as well as the after-care and evaluation. Supervision should also entail clarity of policy and interest and support for the work site. Emotional support facilities usually function well, but many police officers note that they barely hear from their supervisors after an incident involving violence. After a violent incident there are also rarely any special agreements or counseling when police officers return to active duty.

For the credibility of the legal order, the legitimacy of police interventions and the safety of civilians and police officers alike, the police should perform in a skilled and professional manner in dangerous situations. However, the conduct of the basic police units in dangerous situations is generally poorly structured. Barely any carefully formulated and well-practiced procedures are available that police officers in the basic police units can rely on. The situation is different for specialized units such as the riot police, the arrest squads for the riot police and the arrest teams. These specialized units have clear policy lines, a fixed division of labor, good preparations and structured communication and evaluation for the express purpose of insuring public safety.

Using the experience of these specialized units, the seemingly unpredictable element of danger can be made more predictable and manageable for the basic police units. The riot police, the arrest squads for the riot police and the arrest teams regularly have rush

jobs to do. Even in emergencies of this kind, fixed divisions of labor and procedures are adhered to, be it in a more improvised fashion than in planned actions. The police are in charge and the police actions are carried out in a more planned and safer manner, all within the margins of reasonableness and moderation, subsidiary and proportionality.

The most successful police performance consists of step-by-step reflective and restrained but effective action. It is important to note in this connection that ample interpersonal distance is of vital importance. Physical contact with the adversary should be well thought out beforehand and applied with careful precision. There should constantly be open lines of communication with the adversaries and fellow police officers. In a closed space, the door should always be *under police control*.

At the preliminary stage of dangerous situations, there is frequently a failure to take advantage of opportunities to turn the entire incident in a completely different direction. Police officers can become more skilled in this respect, especially via more targeted and practice-steered training and better management. This can be done by way of more procedures supported by practical examples to teach police officers how to cope better with tricky or dangerous situations. In part these best practice scenarios can be developed based upon actions that either are or are not recommended. This type of training packet that combines knowledge about dangerous situations with basic principles, procedures and methods should enable police officers to act in the framework of the law in a way that is creative, flexible and safe and allows them to improvise.

CASUALTIES

Two Dutch police officers were killed by civilians in the 1990s. Another two were killed in the period from 2000 to 2004. In the 1970s, six police officers were killed by civilians.

In 1978, a total of 376 police officers were injured by civilian violence. Quite careful records were kept at the time of bodily harm to the police resulting from civilian violence. In 1999 a careful estimate was that 895 police officers were injured, as were at least 658 in 2000. A cautious estimate of the number of police officers injured by civilian violence expressed as percentage of the total police force is now more than one and a half times what it was in the 1970s. It increased from 1% in the 1970s to 1.7% in the 1990s.

In the second half of the 1990s the direct damage in the sense of absenteeism and loss resulting from injuries amounted to an annual average of € 2,300,000. This does not include the material damage, for example to police vehicles and uniforms, or the immaterial damage such as injuries to the mental health and happiness of police officers and their families. Insurance companies generally estimate the indirect damage at four times the direct damage. In this case, this calculation method would yield an indirect damage of € 9,200,000. The total damage to the police caused by civilian violence thus amounts to an estimated annual € 11,500,000.

An investment equal to only part of this material damage in better organization, supervision, training and equipment would save material as well as immaterial – i.e. emotional – costs. The estimated damage might seem insignificant compared with the total public budget, but a professionalization of their performance would give the police more credibility, legitimacy and authority. This type of policy will have to be centrally implemented, coordinated and monitored.

4. Violence specialists

ARREST TEAMS

For police work under life-threatening conditions, the police and the Royal Netherlands Constabulary or gendarmerie have eight arrest teams, comparable with the US SWAT teams (Special Weapons and Tactics) and the German Spezialeinsatzkräfte (SEK). With 196 workplaces but in reality only 126 members, in recent years the arrest teams have arrested approximately 1,500 dangerous suspects a year. The strength of the arrest teams lies in the carefully thought out procedures used to arrest dangerous suspects, terminate hostage-takings or safeguard people who are being threatened. The arrest teams play an important role in enhancing the safety of police work. They succeed in the paradoxical task of being so skillful at the application and management of violence that they barely have to use their potential for violence in situations that are increasingly dangerous.

The work of the arrest teams is becoming more complex, dangerous and comprehensive. The starting criterion of the *threat of firearms* has been replaced by *life-threatening* or *high risk*. The increasing number of interventions in hostage-takings and that type of situation requires more rapid availability of more exact and

perhaps also more drastic means and concepts such as snipers. All this means the arrest teams are increasingly expected to be able to quickly ascend and descend the violence ladder. The arrest teams have not had additional new personnel for these more and increasingly difficult tasks, nor do they have special instruments of violence such as snipers in their own ranks and procedures. The expanded list of task also requires more less-fatal alternatives for the use of firearms.

There is an imbalance in the division of the arrest teams over the Netherlands and the division of the work over the arrest teams. For example one arrest team with 12 members serves almost half of the Netherlands (44%). Another arrest team with nine members serves an area that only covers 7% of the Netherlands. The average work pressure annually amounts to approximately 130 arrest actions for each arrest team varying from 41 for one team to 212 for another. To be able to meet the rising expectations, the arrest teams need a legal basis for their role in the police organization, more personnel, enough training capacity and more leeway to update their professional skills. The arrest teams serve as the life insurance policy for the ordinary police officer, but if the premium is not paid, the coverage is cancelled.

GROUP APPREHENSION SKILL TEAMS

The training in group apprehension skills is designed to supplement the education and training of the regular police officer. Police officers who take the training course learn to work as a group to make arrests in a carefully supervised and planned fashion using safe procedures that have proved their worth. One of the basic principles is that speed and numerical superiority can overwhelm suspects. The training in group apprehension skills provides many of the elements that – in view of the dangerous situations the police are confronted with in day-to-day practice – should be included in the basic police education and basic police training. The training in group apprehension skills is however not part of the basic police education. What is more, the Ministry of the Interior has stopped funding the training in group apprehension skills so the police forces now have to pay for it themselves. The Police Academy of the Netherlands is now only training two groups of police officers a year as compared with an average of ten a year in the past.

An unintentional result of this training in group apprehension skills has been the emergence of special

group apprehension teams for arresting dangerous suspects. Most of the group apprehension teams operate part-time. Police officers usually do this work on the side in addition to their main job elsewhere in the Police Department. In 2000 the 24 group apprehension teams had an estimated 387 members and arrested an estimated total of 1,303 suspects. This new violence specialism is not embedded in legislation or regulations. On the contrary, the expansion of the starting criterion for the arrest teams from the *threat of firearms to life-threatening or high risk* was designed to reduce the need for group apprehension teams. The result is that the drastic apprehension methods the police ministers wanted to reserve for the arrest teams are now being used by teams that are not as well trained and without the Chief Public Prosecutor having tested the use of these methods.

The training in group apprehension skills is a valuable instrument for improving the skills of regular police officers in the safe performance of dangerous arrests. The political and public administration have however failed to incorporate the training in group apprehension skills into the basic police education and regular training in professional skills. Despite the expansion in tasks, they have also failed to give the arrest teams more personnel, even though the arrest teams do make a good 300 more arrests a year as a result. The political and public administration have allowed a new violence specialism to unintentionally emerge, whose practice is still unregulated and unclear. This is why the organization and supervision of the sub-top of the police monopoly on violence is so fragmented.

SPECIAL ASSISTANCE UNITS

In an effort to prevent or combat extremely serious crimes under directly life-threatening conditions such as (terrorist) attacks, kidnappings, hijackings and hostage-takings, there are three special assistance units in the Netherlands, two sniper units and one counter terror unit of the Royal Netherlands Marine Corps. The one sniper unit consists of approximately forty members of the arrest teams. The second sniper unit consists of forty members, mainly from the gendarmerie. The special assistance unit Marines is a full-time unit consisting of approximately 120 marines who are educated, trained and armed for close combat with heavily armed criminals and terrorists.

The European Court for Human Rights has stipulated that the police should master all the facets of law

enforcement including combating terrorism themselves and rely as little as possible on the armed forces. Developments since the attacks in 2001 in the United States and in 2004 in Spain have increased the urgent need to revise the present structure of the special assistance units as regards their availability and the effectiveness of their efforts.

Heavily armed hit-and-run criminals and terrorists call for flexible, professional and integrated run-and-hit intervention units of police officers completely embedded in the police organization and with access to all the available information and support needed to be able to operate safely and accurately. In view of this, in their present structure the three separate special assistance units have had their merits but have lost their justification.

FRAGMENTATION

Due in part to the changing nature of crime, there is an ongoing police trend towards concentration, standardization and greater cohesion and cooperation. The practice of fragmentation as regards the violence specialisms is opposed to this trend. The 24 group apprehension teams arrest almost as many suspects as the eight arrest teams. They do so using methods that resemble those of the arrest teams but are not linked to the same quality of selection and training or to any judicial testing beforehand. Pioneering work is being done at the sub-top of the police violence potential without being preceded by decision-making in the political and public administration.

The arrest teams have been operating since the late 1960s, sometimes in the face of criticism from the political and public administration. The arrest teams have been effective in improving the management of danger in police work. The arrest teams are however weighed down by an inefficient division of the work field and the work itself, inadequate staffing and personnel guarantees, and an insufficient legislative embedment in the Dutch police organization as a whole and the information and investigation processes within it.

To be able to cope with recent terrorist threats, a temporary fourth special assistance unit has been launched, the rapid intervention unit. It consists of marines of the special assistance unit and of snipers from both sniper units, and is led by (former) members of the arrest teams. The existing special assistance units were unable to meet the new needs. The arrest teams did not have the personnel capacity or powers. In the

second half of the 1990s the top management of the Dutch police did not have the expertise, vision and decisiveness to reorganize the arrest teams rapidly and comprehensively enough to take on this essential police responsibility.

Nowadays, in 2005, the Dutch police have some 35 units for arrests and interventions in the higher segments of the police violence spectrum. These units count 854 members, half of whom are part-time active in such a team. This fragmentation does not contribute to the quality and legitimacy of the police performance in the higher segments of the violence spectrum. A doubling of the arrest team personnel and an information-steered reorganization of the arrest teams can provide sufficient capacity and quality for police work under high-risk conditions. Nation-wide management and support can provide effective deployment and permanent expertise development as regards the arrest teams. A selection of police officers from the arrest teams and other units with proven proficiency in interventions at the top of the violence spectrum can fill the need for an accurate special operations unit.

5. Conclusions and recommendations

CONCLUSIONS

The Dutch police did not respond to the growing and increasingly severe violence in society in the period from 1978 to 2000 with more or more severe police violence. The number of victims of police bullets remained stable, though the population grew, the size of the police force increased and violent crime has multiplied by five.

In the same period, the police monopoly on violence was qualitatively improved by a better legislative embedding. The police powers as regards the use of violence became more precise and clearer in the research period. The increasing focus on the skills of police officers in the management of danger and violence contributed towards restricting the number of victims on both sides. The launching and development of violence specialisms such as the riot police and arrest teams were also important to the police proficiency in danger management and the effective use of police violence. In part these findings confirm the social science theories that attention devoted to police danger and violence management in policy, clearly stipulated powers, well founded investigation and good and objective testing and evaluating of police violence all contribute towards restricting it.

Though the number of victims of police bullets has stabilized, there has been an increase in the police injuries caused by civilian violence. The performance of basic police units in dangerous situations has not been very structured at all. The regular police do not have the supervision, fixed division of labor and procedures, good preparations and structured information, communication and evaluation to cope effectively with dangerous situations. Successful police work in dangerous situations consists of step-by-step, reflective and restrained but effective action. This enables the police to stay in charge and perform in a more planned and more importantly in a safer fashion. The seemingly unpredictable element of danger in police work can be made more predictable, more manageable and consequently safer for police officers and civilians alike.

The police and public authorities have not made enough effort to become more accountable as regards police violence. On the average, the reporting and recording are still poor. Internal policy barely devotes any attention to monitoring or evaluation in this connection. The police overlook the leitmotif, 'No powers without responsibility, no responsibility without accountability' if it comes to being accountable for the use of violence.

At first sight, the effects of the use of firearms by the police would seem to be satisfactory. Due however to the inadequate reporting and recording of other forms of police violence, very little can be said at this point on their nature or the number of victims. In the past few decades, neither the police nor the public authorities or the Ministry of the Interior has been able to make this part of the monopoly on violence practice visible and controllable. The courts have expressed criticism of guarantees for the independence of the NPIID in investigations into lethal police violence, the division of the investigative responsibility, and the way the investigations have been organized. The monopoly on violence in Dutch society is nonetheless not a topic of debate, though it will never be totally non-problematic either.

Recommendations

1. The quality, legitimacy and safety of police work in dangerous situations would benefit from a nationwide registration of all police violence and a uniform, nationally required monitoring and evaluation system.
2. It is advisable to elevate the twenty to thirty investi-

gations that the National Police Internal Investigations Department yearly conducts into casualties due to police violence and the technical support for these investigations to a higher and more objective level. To provide greater legal equality and legal clarity for the police, it would be wise to have these cases monitored and evaluated by one national official supported by a multi-disciplinary group of independent experts.

3. The rising number of police casualties due to civilian violence calls for more efforts to improve the organization, steering, education and training as regards police performance in dangerous situations.
4. To reduce the fragmentation of violence specialisms and their supervision, it is advisable to re-

introduce the two-level model (basic police units and arrest teams). To achieve this end, it would be wise to double the personnel on the arrest teams, improve the labor conditions of the arrest teams, and reorganize the teams so the division of the work field and the work itself is more balanced and the links are reinforced with the local police organization.

5. A selection of competent police officers from the arrest teams and other relevant units should be educated, trained, equipped and kept at hand for special interventions that go beyond the means and capacities of the arrest teams.

Translation: Sheila Gogol