

## “Cultural reform” in Belgium

# Reforming the police is more than changing structures

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### Introduction

In our country the police question got onto the political agenda<sup>1</sup> terribly late. We had to wait till 1985 before the police matter was discussed in depth for the first time in Parliament, particularly on the occasion of various successive parliamentary research committees<sup>2</sup> which were running in parallel. These debates found their translation in a government plan, the so-called "Pinksterplan" which contained about thirty different measures. Most of these measures aimed to mutually improve the coordination and cooperation between the three general polices at that time, (particularly the local state police, (gendarmerie), the judicial police at the offices of the public prosecutors and the municipal police)<sup>3</sup>.

This Pinksterplan undoubtedly contained a range of useful measures. Nevertheless it had to be observed that a clear diagnosis was lacking with regard to the poor functioning of the police order. For a large part this can be explained by the fact that each time the police system became the object of a parliamentary

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<sup>1</sup> VAN OUIRIVE, L., CARTUYVELS, Y., PONSAAERS, P., *Sire, ik ben ongerust. Geschiedenis van de Belgische politie (Your Majesty, I am worried. History of the Belgian police)1794-1991*, 1992, publisher Kritak, Leuven, pp. 367.

<sup>2</sup> See: Parliamentary research committee regarding the private militias, Parliamentary research committee regarding the Heizeldrama, Parliamentary research committees regarding terrorism and banditry (also called “Bende I”-committee).

<sup>3</sup> Pinksterplan I of 5 June 1990 and Pinksterplan II of 19 June 1992.

inquiry this committee was related to a specific file or casus (the private militias, the Heizeldrama, the Bende van Nijvel), but never on the police system in its entirety, and certainly not to the overall policy vision of the functioning of the police. Synthetically one can say that the political class took knowledge of an unknown police file that was neglected over a considerable period of time, however without having knowledge of the inherent fields of tension linked to that. The people responsible for the policy could do little more than list a large variety of elements which were more or less sensitive, important and problematic, but without too much coherence. The remedies that figured in the Pinksterplan<sup>4</sup> could therefore no longer be more than the logical translation of this lack of overall reform vision on the Belgian police order. In this context the existence of the three general polices (at least provisionally) were maintained.

### Demilitarization as a condition

However, the impact of the demilitarization of the local state police (gendarmerie) (as from 1 January 1992), a central objective of the Pinksterplan<sup>5</sup>, must not be underestimated<sup>6</sup>. It is unmistakable that the overall reform of the Belgian police order, which only started many years later, was strongly influenced by the internal reorganisation of this centrally managed and hierarchical force. The local state police was exemplary for what in police literature is called "a military-bureaucratic police force" or a "professional police force"<sup>7</sup>. In other words, it concerned police that were miles away from the population, namely state police"<sup>8</sup>. It concerned a police with tight internal and disciplinary rules, strongly aimed at the creation of autonomous corporate spirit, where the "elite idea" and the "honour" were central, strongly reactive against phenomena such as corruption and politicization, two practices which were greatly associated with this professional ideology. As from the moment that the demilitarization was introduced the general staff of the local state police engaged itself in a thorough process of renewal on its own strength. The new mission of the force became: "to become a fully fledged *police force*". The general staff started with the development of a strategy which: firstly, emphasised on the diversity of police activities<sup>9</sup> (*multi-agency*), and secondly, defended itself against its social isolation (*community oriented*)<sup>10</sup>. The internal resistance against these changes was unmistakable, although that was not always the case at base level (and especially in the lap of the brigades), but it was overcome. It concerned the introduction of an ambitious strategy, which questioned the old military model and replaced it with an "integrated vision": the police-action had to register itself in a "general", "overall" or "integrated" policy logic<sup>11</sup> that turned against too partial a solution of the type of "peace-meal engineering". "Community", "co-production", "partnership", "decentralization", accountability "and" pro-activity" became the terms which symbolised<sup>12</sup> the renewal, where the slogan of "

<sup>4</sup> Apart from these criticisms it must be recognized that the Pinksterplan is one of the rare government plans that was carried out from beginning to end, which can be described as a Herculean task, given the large number of measures that it included.

<sup>5</sup> Act of 1 July 1991.

<sup>6</sup> PONSAERS, P., "Het militair-bureaucratisch politiemodel: demilitarization als gangmaker van politiehervorming (The military-bureaucratic police model: demilitarization as initiator of police reform)", in : *Strafrecht als roeping (criminal justice as a vocation) - Liber Amicorum Lieven Dupont*, VERBRUGGEN, F., VERSTRAETEN, R., VAN DAELE, D., SPRIET, B. (eds.), Universitaire Pers Leuven, Samenleving Criminaliteit & Strafrechtspleging (Society Criminality & Administration of criminal justice), no. 31, Leuven, 2005, p. 933-948.

<sup>7</sup> BITTNER, E., Aspects of police work. Boston, North Eastern University Press, 1990.

<sup>8</sup> MONTJARDET, D., Ce que fait la police-sociologie de la force publique. Paris, La Découverte, 1996.

<sup>9</sup> MUIR, W.K., Police: Streetcorner politicians, Chicago: University of Chicago Press; ERICSON, R.V., Reproducing order: a study of police patrol work. Toronto, University of Toronto Press, 1982; GOLDSTEIN, H., Improving policing: A problem-oriented approach, *Crime and Delinquency*, 25, 1979, pp.236-258.

<sup>10</sup> SKOGAN, W.G., HARNETT, S.M., Community policing, Chicago style. New York, Oxford University Press, 1997; BENNETT, R. R., Police at work: policy issues and analysis (perspectives in Criminal Justice, vol. 5). Beverly Hills, CA Sage, 1983; MASTROFSKI, S.B., MOORE, M., SKOGAN, W., Thinking out loud: How far has CJ research come in 10 years?, *Law Enforcement News*, John Jay College of Criminal Justice/CUNY, Vol. XXV, N° 513, pp.8-10.

<sup>11</sup> PONSAERS, P. (ed.), *Integraal Veiligheidsbeleid 2005 (Integral Safety policy)*, Kluwer, Mechelen, 2005, pp. 479.

<sup>12</sup> VAN DE SOMPEL, R., "De basispolitiezorg en haar plaats binnen de rijkswacht" (The basis police care in its place within the gendarmerie), in: *Politeia*, 1995, no. 9.

basic police care (with K)<sup>13</sup> ", "community-oriented police "or "community policing" were still used. The general staff strongly emphasised the managerial aspect of the organisation renewal, where the emphasis was laid on quality, the legitimacy and the cost of police work. From this logic, the external transparency of the organisation became greatly increased.

### **Too much strategy, too little vision?**

Whereas this thorough internal reorganisation of the local state police registered itself in the Pinksterplan and aimed at better inter-police cooperation, in the long term this transpired to fall within a contrary effect and this from three points of views:

*Firstly* the general staff decided to grant considerable autonomy to the local brigades, which were the finest roots of the organisation, strongly decentralized and well implanted at a local level. These started to focus more and more on basic police care. So-called "sector workers" were sent into the municipal neighbourhoods, both in rural and urban municipalities. They had the task of developing better relationships with the population and to improve communication. During its service round this "sector worker" met the "local bobby", which was a traditional function in the lap of the municipal police. The heads of police forces of the municipal police experienced the interventions of the brigade commanders as interference in the field of traditional areas of the municipal police, including the relationships with the mayors, which they had considered as their exclusive field since Belgian independence. The initiatives of the local state police had the effect that the competitive tendency between the two police forces was intensified, whereas it was foreseen in the Pinksterplan that the inter-police cooperation had to be improved. The earlier initiative of the minister of Home Affairs<sup>14</sup> to reach a division of labour between municipal police and local state police regarding administrative tasks at a local level, on the basis reciprocal protocols to be concluded on a voluntary basis, had never lead to the desired local pacification and thus resulted in rather moderate success.

*Secondly* it must be noted that general staff wished to activate the judicial detective department function in the lap of the organisation, where the emphasis was laid on so-called "proactive" work within the framework of "Community Policing". The development of this strategy opened a second war front in the Belgian "guerre des flics" of that time, this time with the judicial police at the offices of the public prosecutors, and this whilst it officially concerned a period of reconciliation. From a historical point of view the establishment of the judicial police was with the offices of the public prosecutors (gpp = gerechtelijke politie bij de parketten) in 1919, the result of never-ending requirements which were put first by representatives of the office of the public prosecutor: they wished to have a police force at their disposal with a view to the improvement of the quality of the detective department activities. The result of this was that after the arrangement of these general police forces the gpp essentially continued to function as a *reactive* detective department. Within the framework of the functioning of this police force a proactive detective service was unthinkable at that moment, if not impossible. Nonetheless contemplative this police force considered the legal specialised work as its exclusive field of work. It is thus logical that the promotion of the proactive detective department by the local state police led to the occurrence of a new competitive tendency, especially in the field of organized crime, rather

<sup>13</sup> K then stood for "kwaliteit" (quality).

<sup>14</sup> Circular of the minister of Home Affairs (00P13).

then pacification between the two police forces involved. The minister of justice, at that time minister De Klerck, tried indeed to impose a division of labour which provided a task division according to the type of crime. This initiative, which had to lead to specific specialisms in the lap of both police forces, did at that moment however not result in the desired consensus between the police partners.

*Thirdly* it is important to underline that the head of the local state police made enormous efforts during this period to allow the demilitarization to converge with the introduction of a rational management of a modern police force. However, contrary to what one could expect this tendency brought along new areas of tension, this time not so much in the relationships between the different police forces, but rather in the relationships with those responsible for politics. Whereas the local state police developed a strategy which was more or less homogeneous and coherent, the political agenda was permanently messed up during the nineties by new political-judicial incidents and police scandals. These events enhanced the bitter feeling that the general staff of the local state police experienced when they found out that the political agenda did not follow the invested efforts in the internal force reorganization. This led to the fact that the conviction that a rational and professionally modern force management were made impossible, gained ground. This perception of the facts encouraged the development of an adequate, sometimes even arrogant, attitude in the relationships with the political world. These elements played a particularly pernicious role in the reciprocal relationships between the political class and general staff. They have led to those politically responsible being pushed in the direction of a much more structural reform than the mere improvement of the cooperation and the coordination between the police forces.

Summarised, it can be said that the local state police had indeed succeeded in having a new police vision accepted within the organization on its personal strength and with much insight, which to a large degree was based on the basic principles of "Community (Oriented) Policing", yet which possibly used these insights too instrumentally in an organisation strategy which was oriented as strongly competitive. Possibly too much strategy and... insufficient real vision?

### **No equal police care**

The Pinksterplan also provided a reassessment operation of the municipal police. It was in that perspective that the minister of Home Affairs at that time, Louis Tobback, developed a contractual cooperation strategy between the municipalities, encouraged by means of federal resources. It is clear that this federal strategy has given an important impulse to the professionalisation and the renewal of the municipal police<sup>15</sup>. The department of Home Affairs, however, had to come to the conclusion that certain municipalities invested greatly in their police force from their own resources, whereas others did that less, given their restricted financial options, which made it clear that an insufficient realistic vision lie at the basis of the pursued policy. At that moment we could not speak of "equal minimal police care", a condition for community-oriented police care, with regard to the entire territory of the country.

After evaluation and investigation this observation however proved to be even more pertinent: the relative wealth of municipalities did not determine the efforts made in the area of security. Certain municipalities limited their efforts at the cost of additional efforts which the local state police then had to make in their territories, which of course came at the expense of the federal budget. The security efforts of the local and federal governments seemed, in other words, to function as sounding boards, depending on the good will

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<sup>15</sup> PONSAERS, P., TREPANT, M., "Beleidsondersteuning in een veranderend politielandschap" (Policy support in a changing police landscape), in: *Panopticon*, 17th volume, n°. 2, 1996, pp. 130-151; For an internal source from the side of the municipal

of the mayors. It is from this perspective that the minister of Home Affairs started his unrelenting plea for equal investment because of the municipalities in the financing of the municipal police, in function of a so-called "minimum standard" that was introduced by Royal Decree and in which the necessarily minimum number of members of the forces per by municipality were laid down<sup>16</sup>.

However it must be concluded that the federal governments did not have imperative power with respect to the mayors, who called upon the "municipal autonomy" and did not refrain from mentioning that the financial stewardship of the municipalities did not come under federal powers, but was part of community matters. It was thus only by means of the formula of voluntary contractualisation, and thanks to additional federal financing to the municipalities, if they got onboard in line with Home Affairs, that the department could persuade certain mayors, but certainly not all. Those municipalities which showed themselves prepared to finance "full police care"<sup>17</sup> (and therefore accepted to register themselves in an inter-municipal collaboration) could count on federal support.

When the Police policy support department of the General Police support service carried through, after a course of time, an evaluation regarding inter municipal cooperation, it was concluded that no less than 83% of overall effectiveness of the forces of municipal police was situated in those forces which had voluntarily affiliated themselves to some form of inter-police cooperation. One can therefore state that - globally seen - the federal strategy had borne its fruit. On the other hand it had to be concluded that there were still 249 municipalities (of the 598 municipalities in total) that did not take part in the voluntary initiative of Home Affairs. Those that refused to join an inter-municipal collaboration were mainly municipalities of the "rural type", which employed at the most 5.56% of the total active whole.

Even when the chosen policy was pursued with perseverance, creativity and diligence, Home Affairs had to conclude a partial failure of the pursued policy: it was manifestly impossible to go ahead with and complete the exercise of expansion through adding the missing municipalities to the existing collaboration. On the contrary, the opposite seemed to be the case. While the municipalities, which in the past had already invested in their force, still turned out to step up their efforts, on the other hand it appeared that those municipalities which had invested little in the past, limited their efforts even more. The pursued policy of Home Affairs appeared to turn into a "Matthew impact": those that were poor became even poorer; those that were rich became increasingly richer. The conclusion which could be drawn from this was quite simple: the risk of a diverging evolution was great if Home Affairs continued its postulated strategy.<sup>18</sup> In fact it came down to the federal government having to reconcile itself (temporarily) to the principle of municipal autonomy<sup>19</sup>.

Globally seen the government was therefore faced with the fact that the principle that was registered in the Pinksterplan, particularly that of rising collaboration and coordination, turned out almost impossible to realise by means of a simple collaboration between municipal police forces. The effect of the entire operation was nevertheless - for the entirety of the municipal police forces - that the globally effective number had increased

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police, consult: DE TROCH, C., "De gemeentepolitie en haar plaats voor de basispolitiezorg (The municipal police and their place for the basis police care)", dans: *Politeia*, 1995, n°. 9.

<sup>16</sup> Royal Decree of 9 May 1994.

<sup>17</sup> Royal Decree of 10 June 1994.

<sup>18</sup> DERRIKS, E., RENAULT, G., *La collaboration entre les trois services de police réguliers*, ed. Politeia asbl, Bruxelles, 1996; PASMANS, V., STUYTS, S., VAN OTRIVE, L., *Coördinatie tussen politiediensten (Coordination between police forces)*, Publisher Politeia vzw, Brussels, 1997.

<sup>19</sup> ELIAERTS, Ch., "Naar een (gewapende?) vrede; de hervorming van het Belgische politiewezen voor en na de zaak Dutroux", (To a (armed ?) peace; the reform of the Belgium police before and after the Dutroux case) in: *Justitiële Verkenningen (Judicial explorations)*, Theme number Politie en justitie in België (Police and Justice in Belgium), WODC, Gouda Quint, no. 8/97, pp.120-135.

by 2,500 units, realised over a period of three years, on a total effective number of 18,500 policemen. From the point of view of the strengthening and revaluation of the municipal police this operation could be considered therefore as a success. From a more general point of view, that was, however, not the case: after all there was still the problem of federal over-investment, by means of the system of "sounding boards" between local state police and municipal police forces that did not participate in the government strategy.

This observation became even more oppressive as one concluded that the strategy of Home Affairs resulted in such a large quantitative strengthening of the municipal police that the local state police, which traditionally was the largest police force with its 16,000 members, counted fewer members than the municipal police. This, whereas the strategy of Home Affairs in fact aimed to strengthen *both* police forces, mainly in the large cities, where the crime and security problems were especially concentrated. In other words: the re-allocation of a relatively large number of members of the local state police to problematic cities was prevented by the attitude of the mayors of the small municipalities, who did not wish to invest (sufficiently) in their security problems. The positive result of this was that the conviction won ground that the police problem could not be solved without a global and structural answer. The idea of a necessary overall reform of the police thus started to emerge in political discourse.

### **Difficult integration of security policy on a voluntary basis**

The law on the office of the police of 1992 provided the setting up of a new body, namely the "pentagon consultation". This pentagon consultation had to become a body of dialogue, harmonisation and coordination because of the pursued judicial and administrative policy. The local pentagon consultation brought together around the table the mayor, the Crown prosecutor, the group commander of the municipal police, the local state police commander of the brigade or the district, and the committees of the gpp. The Royal Decree of 10 April 1995 determined the general rules of this consultation. The decree aimed to establish a relationship of equality between the five partners. The objective of the consultation was not the taking of autonomous decisions. In other words, it was not about that the body would abrogate itself the powers of existing responsible parties, but the objective was the promotion of the harmonisation of the pursued policy, to come to an *integrated* policy, where agreements would be reached through consensus. The criminal policy remained the exclusive field of the judicial government, and the administrative policy remained that of the mayor, but the partners had to try to coordinate their efforts in the different security fields. The objective was to arrive at an integrated security policy.

In the course of the years 1995 and 1996 the minister of Home Affairs Vande Lanotte and the minister of Justice De Klerck developed a new strategy regarding inter-police cooperation. This time, at least, that was the intention, the establishment of "Inter-police zones" (IPZ) would have a less voluntary and, without engagement, but rather a more binding character. In the regulatory texts which came about at this stage those responsible for the politics more and more spoke of two "components" of the police care to be distinguished, particularly "the basic component" and the "additional component". The basic component referred to regular police work, among which could be understood: the arranging of a 24-to-24 hour permanence, the manning of contact points with the population and a modern police force, aimed at the community. The additional component referred much more to the police care that implied the intervention of particular or specialised units. The forming of the Inter-police zones and the cooperation agreements at this level were discussed in the lap of the pentagon consultation that started to organise itself more and more at the level of the zones and no longer at a municipal level. The discussions of that time were strongly dominated by the topic of the inter-police cooperation and resulted in "security charters", in which the objectives and the concrete agreements were formally laid down. The creation of the Inter-police zones was in fact the result of the tensions which

had grown between the municipal police and the local state police. The minister of Home Affairs explained: “The most important reason is the implementation by the local state police and the municipal police of ‘community policing’ during the design and the implementation of their tasks”<sup>20</sup>.

On 28 June 1995 the government made its new government agreement public. The creation of IPZs was confirmed in this and new accents were introduced<sup>21</sup>. In function of the implementation of this agreement the minister of Home Affairs again started a contract and subsidizing strategy for the benefit of those municipalities which align themselves with the federal policy. The Council had to approve the adherence of a municipality to an Inter-police zone, whereas the minister of Home Affairs on his part had to approve the division of the IPZ. At a second stage the minister of Home Affairs started to formalise the contents of the security charters more and more. In this the emphasis was strongly laid on the methodological. In 1997, Belgium numbered 202 Inter-police zones, in which 529 of the 570 municipalities to be classified were categorised. 92.8% of the entirety of municipalities was therefore involved in the Inter-police zones. In July 1997 the minister of Home Affairs had approved 150 security charters, which meant that 74.3% of the IPZs had succeeded in laying down on paper a formal concrete cooperation agreement.

### Reforming “a little” is not enough

In December 1996 the council of ministers decided to appoint a "Committee for a more efficient police structure"<sup>22</sup>. This decision was the consequence of a range of dramatic events, peaking with the "Dutroux affair" and everything involved. This affair had already created the reason to appoint a parliamentary research committee, under the chairmanship of the liberal representative Marc Verwilghen. The government wanted to prepare itself to lay down the report of this research committee by setting up a government committee of experts, this time placed under the chairmanship of a high magistrate of the Court of cassation, Councillor Luc Huybrechts. The original task of this committee read: “...*This committee examines the various possibilities to modernise the federal police forces (...) in functional and structural areas. It proposes a sufficiently detailed solution in order to allow the government to take a fundamental decision (...)*”. With, as a not unimportant closing: *In essence it does not modify the structure of the municipal police*”<sup>23</sup>.

Obviously those politically responsible in the lap of the government had initially agreed regarding the definition of the situation, where a reform of the police in Belgium was anticipated which would leave the municipal police out off consideration, which in fact came down to the integration of the gpp and the local state police in a new federal, integrated police force. In this respect it is important to have a good understanding of the implantation of the three general police forces in the country (anno 1996). Thus it could be concluded that the local state police was present in all geographical sections, but in a changing proportion depending on the level. If the local state police, in terms of effectiveness, had the predominance on all supra local levels, on a local level (Inter-police zones) it was represented as a lot less strong and it clearly was the municipal police which stood the strongest, quantitatively. The judicial police was exclusively situated at district level, on a more or less equal quantitative level as the BOBs (Surveillance and investigation squads) of the local state police.

<sup>20</sup> Minister of Home Affairs, Academic Sitting Politeia, Brussels, 7 November 1995, Politeia, 1995, n°. 9, 22.

<sup>21</sup> DERRIKS, E., RENAULT, G., *La collaboration entre les trois services de police réguliers*, ed. Politeia asbl, Bruxelles, 1996; PASMANS, V., STUYTS, S., VAN OUIRIVE, L., *Coördinatie tussen politiediensten (Coordination between police forces)*, Publisher Politeia vzw, Brussels, 1997.

<sup>22</sup> HUYBRECHTS, L., et. al., *Eenheid in verscheidenheid - Vrijheid in gebondenheid*, (Unity in diversity – Freedom in alignment) End report Committee for a more efficient Police structure, Federal public information service, Brussels, pp. 118.

<sup>23</sup> Art. 1, MB 10 January 1997.

Whereas the aforesaid committee went to work, the parliamentary research committee in the "Dutroux-Nihoul and associates case<sup>24</sup>" laid down its report. A number of recommendations were made regarding the structure of the police order. All members of the committee sided themselves behind a consensus on one formulation: "*integrated police care structured on two levels, namely the federal level and the (above) local level*". Both the representatives of the majority parties and those of the minority parties could find themselves in this formulation, which nevertheless sounded a little hermetical. In spite of that the committee declared itself in favour of an *integration* of the three general police forces in one police structure. At the (above) local level the geographic entity of the local level concurred with the Inter-police zones<sup>25</sup>. The police care at this level was grafted onto the "basic police care concept". The policy rapport between administrative and the judicial police at (above) local level went by means of the tripartite discussion. The policy and operational harmonisation between the local and federal level had to be well structured.

As a result of these events both ministers communicated that the government subscribed to the recommendations of the parliamentary committee. They requested the Expert committee to propose concrete modalities for the implementation of these recommendations, the different stages in the realisation of it and to evaluate the budgetary impact of it. Regarding the reservation concerning the integration of the municipal police, their Excellencies, to some extent, reconsidered their steps.

The report of the Expert committee was laid down on 20 June '97 overall it was supposed that the *integrated police structure* could imply a monolithic police unit with complete centralisation of authorities and responsibilities, nor that they bring along the creation of 201 totally independent services with complete decentralisation of authorities and responsibilities. The Expert committee suggested the appointment of one federal chief of police, who was competent and responsible for the *integrated police structure*. This did not mean that all authorities and responsibilities were concentrated in the hands of one man. Curtailments of these authorities were provided, so that the undermining of the municipal autonomy or of those authorities of the judicial government was avoided<sup>26</sup>. The *integrated police structure* was a structure with two policy levels, as a result of which the most important emphasis came to lie both on the local and on the federal level. The interim level, situated at the level of the judicial district, was not seen as an autonomous policy level, yet it answered support and coordination, in order to realise the policy and operational harmonisation between both policy levels. The Expert committee explicitly stated in its report<sup>27</sup> the need to create Inter-police zones at a local level that were sufficiently close to the municipalities. These police zones had to answer to certain criteria: a local anchoring, as strong as possible, respect logic and pertinent criteria, ensure all tasks of the basic component and group a maximum of 3 up to 4 municipalities. In this point of view the Inter-police zones formed the basis for the establishment of the future police zones. The committee was nevertheless of the opinion that one had to examine the extent to which these Inter-police zones answered to the enumerated criteria and that, if necessary, the demarcation of the zones had to be adapted.

Two days after the Committee for a more Efficient Police structure had laid down its report, the Senate committee of Internal Affairs, on their part, under the presidency of Miss Milquet, did so as well. Set-up of this Senate committee<sup>28</sup> was to get an overview of the overall functioning of the police forces and to draw conclusions to reach concrete proposals regarding a restructuring of the police forces. In its report the

<sup>24</sup> Report of the parliamentary investigation to the way in which the investigation, in its police and judicial section, was carried out in the « Dutroux-Nihoul and associates case », Ch., 1996-1997, 713/6, p. 169.

<sup>25</sup> Report of the parliamentary investigation to the way in which the investigation, in its police and judicial section, was carried out in the « Dutroux-Nihoul and associates case », Ch., 1996-1997, 713/6, p. 169.

<sup>26</sup> It must be noted that two members of the 15 committee members rather consider desirable a secretary-general, therefore a civilian, than an actual chief of police.

<sup>27</sup> Committee for a more efficient police structure - end report, 20 June 1997, p. 67 et seq.

<sup>28</sup> *Parl. St.*, Senaat, Evaluation of the police forces, 1996-1997, 3 July 1997, no. 1-700/1

committee made an analysis of the various reform proposals. After a number of conclusions regarding the functioning of our police force, it formulated a range of recommendations regarding the reform of the police forces. The committee had the opinion that first there was a need for reflection regarding the needs of the population, *the philosophy behind the acting of the police* and the conditions to reach an efficient, professional, democratically answerable police force that was accepted by the population. Only after that was it possible to think about restructuring the police forces. With this logic the Senate explicitly expressed itself for the benefit of the term "*community policing*"<sup>29</sup>. In order to satisfy the security needs of the population, there was a need for the reassuring presence of the police, a fast and appropriate treatment of the requests of the citizens and a larger percentage of the cases had to be solved. In order to get to know the needs of the population, there was a need for new methods to question the population regarding the lack of security and such feelings<sup>30</sup>.

On the basis of its findings the committee reached a proposal for a new structure for the police forces, based on three complementary terms, namely a decentralised police force, a federal police force and an *integrated police force*. (1) A *decentralised police force*, according to the committee, was the logical consequence of the option of "community policing". The police had to be developed the strongest in the local area, this means a far-reaching decentralising and devolution with free autonomous governing board structures, on which democratic supervision would be exercised. (2) The *federal police* would answer for the specialised police care, both regarding the administrative and judicial police. (3) Coordination and very narrow partnership between the local and federal police had to take place by means of *integrated police*, based on the principle of complementarity and no longer on competition.

Shortly after parliamentary recess, at the beginning of October '97, the government came out with its proposal with respect to Parliament regarding the "reorganisation of the police forces". On a national level a complete fusion was presented, whereas on a local level the municipal police continued to exist separately, besides the local brigades of the national police, but with identical training, statute, communal computer science... The government suggested, in other words, deepening the formula of Inter-police zones (IPZs) and consolidation between the municipal police and the local state police, instead of integrating these units into one and the same local police force. This option offered, according to the government, the necessary guarantees for municipal autonomy and for the coherence of a national security policy. The pre-eminent argument to plead for the conservation of the brigades of the federal police on a local level was the fear that otherwise the federal police would become, as it were, "blind", cut off from the information which was gathered on the local shop floor. Again the government showed its reticence here with respect to a real, total and structural reform of the entire police landscape, slightly ignoring the proposals which the Senate had made regarding this.

<sup>29</sup> Les experts de cette commissions ont des opinions assez explicites. Le Prof. dr. Ch. De Valkeneer plaide pour la mise sur pied d'une police fédérale, active là où il n'y a pas de police urbaine assez forte, une police criminelle fédérale, le maintien des polices urbaines, une division géographique entre les services, ... Prof. dr. L. Van Oustrive est plutôt partisan d'une administration de police centrale, avec plusieurs branches: police de recherche fédérale et locale, police administrative fédérale, police de Bruxelles, police intercommunale, services d'appui. Il accentue que la police fédérale ne peut pas être active au niveau local. Voir : Voir: Committee du Sénat Affaires Intérieures, Evaluation des services de police, 1997, Parl. St., Sen., 1-700/1.

<sup>30</sup> See in connection to this the results of the first Safety monitor: DE VREESE, St., SCHARFF, P., and other (led by Ponsaers P.), *De Veiligheidsmonitor; Beschrijving van de federale veiligheidsmonitor en vergelijking tussen de lokale veiligheidsmonitoren* (The Safety monitor, Description of the federal safety monitor and comparison between the local safety monitors) , in: *Handboek Politiediensten*(Handbook Police forces), Episode 46, Kluwer Editorial / Afdeling Politiebeleidssteuning APSD (Police policy support department), pp. 133; PONSAERS, P., "Criminaliteit en onveiligheid in België; recente cijfers en gegevens" Criminality and insecurity in Belgium; recent figures and data), in: *Justitiële Verkenningen*, Theme number Politie en justitie in België (Police and judiciary in Belgium) , WODC, Gouda Quint, no. 8/97, pp.45-61.

The government proposal regarding police reform was most radical at a federal level. Here the local state police, the judicial police, the General police support service, the Hoog Comité van Toezicht (High committee of supervision), the railway police, aviation and marine police were joined to one national police force. The ministers of justice and Home Affairs carried the final responsibility for their respective political sectors, being the criminal policy and the tasks of administrative police and maintaining of order. The daily management of this national police force was given over to a Commissioner-General. He would be assisted by six deputies, each of which had to manage a department. There were also thoughts about certain autonomy for the police officials who would be occupied with the specialised judicial police work. They would work under the exclusive management of the magistrates. The steering body would be the national police council, who had to see, among other things, that the objectives of the policy introduced by the ministers would be achieved and that all governments involved would be capable of realising their policy. No explicit judgements were made regarding the vision of the police work. The Chairman of the "Dutroux-Nihoul & co" committee, Mr. Verwilghen, explained, during the parliamentary debate, that the plan of the Dehaene government "for a large part" - "even for the greatest part ", he emphasises – accommodated the findings of the "Dutroux and Huybarechts committees". It was only a section of parliament that appeared not completely happy with the failure of the *integration* of the local police and local state police units to occur. On the other hand there were others that made it clear that the *integration* of the local police forces could, under no circumstances, mean a fusion. Again a lot of strategic structural positioning, with little substantive vision.

### **Compromise as reformation model ...**

The period which followed on from the first government memorandum, particularly the period between July and December 1997, was strongly marked by the political debate regarding the nevertheless slightly surprising position which was taken by the government majority. The police forces made themselves heard, especially the municipal police. The representatives of this police force expressed their concern and dissatisfaction. They feared that the municipal police would disappear in the longer term and be absorbed into one large, devolved federal police force. The discussion continued to evolve around the non-integration of the municipal police and the local state police units into one single local police force.

During the parliamentary debate regarding the government memorandum in the united committees of justice and Home Affairs it soon became clear which compromise one oriented oneself towards: it was about linking the file regarding the reform of justice (depoliticizing, appointment of a federal office of the public prosecutor, vertical and horizontal integration of the offices of the public prosecutors...) to that of the police reform. The escape of Dutroux accelerated the reform process: after all, this improbable event resulted in the double resignation of the ministers of Home Affairs and of justice. The commander of the local state police also offered his resignation. The two resigning ministers were replaced, on one side at Home Affairs by Tobback and on the other side, at justice, by Van Parys. After the return of Tobback, ex-minister of Home Affairs, the tandem of Dehaene-Tobback was back in the saddle. It is under these circumstances that Prime Minister Dehaene, in a feat of strength, succeeded in bringing together representatives of the majority and of the opposition around the negotiation table. Members of parliament and government officials participated in a monster debate regarding the reform of judicial authorities and police. The octopus was born. The search for a laborious compromise could begin. The circumstances obliged the political class to act fast. Also because of this the discussion with respect to content about which *type* of police vision had to prevail faded away into the background.

The negotiations took place in greatest discretion without minutes being taken. In May 1998 the participants announced to the Octopus consultation that an agreement had come about there in which - among other

things - the general principles of the police reorganisation were laid down. The agreement talked about *"integrated police forces, structured at two levels"*. The Octopus consultation allowed reaching a compromise that implied both the integration of the federal and local forces. The resistance of the government with respect to the integration of the municipal police and the local state police units seemed to have been broken. The reform will be general and absolute, but without explicit commitment regarding the philosophy lying behind it on police functioning. The dramatic events came to no end. The death of Semira Adamu brought along the dismissal of Louis Tobback, and a new reshuffling of the ministerial posts was thrust forward. Tobback returned to his Leuven's Mayorship and was temporarily replaced at Home Affairs by Luc Van den Bossche. Nevertheless time was pressing for the government to carry out the Octopus agreement, given that the parliamentary elections were on the doorstep in July 1999. An official working party, under the chairmanship of governor Lodewijk De Witte was set up to develop the organic law on the new police structure.

The official working party succeeded in developing a legal text, which was voted in at the end of 1998. A titanic job had been accomplished. The law of 7 December 1998 numbered 260 Articles. It contained one of the most serious institutional reforms which our country has ever known. The law foresaw that the police forces would be organised and structured at two levels: the federal level and the local level, that together ensure integrated police care. These levels will function autonomously and be dependant upon different governments. The law did not opt therefore for a hierarchical relationship between both levels, but for a "functional relationship". In other words two types of police force were foreseen. The concept of an Interpolice zone was replaced by that of Police zone: after all there will only be one police force per zone. The zonal force will be responsible for all judicial and administrative tasks in the territory of the zone and for certain federal tasks. The federal police will be operative throughout the entire territory of the country. In this the members of this police force will take the principles of "speciality" and "subsidiarity" into consideration, which means that in principle they will only intervene in two instances and this in a specialised manner.

The organic law also foresaw that the ministers of Home Affairs and justice had to draw up a "national security plan". That plan had to stand guarantor for an overall and integrated approach to security by the police forces. These security plans also became foreseen on a local level. During the drawing up of it one had to take the national security plan into account. Furthermore the law also announced the installation of a federal police council, which was composed of representatives from administrative and judicial governments, both at a federal and a local level. This Council also had to give its recommendation regarding the design of a national security plan. At a local level the law provided a relatively complex structure of decision and consultation bodies. Firstly it was about harmonising the management of the police at zone level with the general municipal policy (police council, police college, zonal Security Council). The latter body replaced the former pentagon consultation and was predestined to become the forum on which the local security plans would be developed. The position of the mayor was consolidated. But on the other hand the police force was placed under the chairmanship of the zonal corps commander. He was responsible for the implementation of the local security plan. A precise reading of the legal text learns that the administrative working group De Witte has drawn, to large degree, from the report of the Expert committee Huybrechts.

### **... and yet a reformation vision**

The various sections of the police forces reacted to the announced reform. Events and even strikes multiplied, mainly when the police trade unions became involved in the debate regarding the statutory, union and disciplinary statute. Meanwhile the electoral campaign started, in view of the elections of June 1999. The different political parties made an important issue of the security topic. The Christian democrats lost the elections to the benefit of the liberals and greens. The liberal Guy Verhofstad became the new prime minister.

He composed a government with liberals, Socialists and greens. The former chairman of the Dutroux committee, Marc Verwilghen, was appointed as minister of justice, whereas Antoine Duquenne received the department of Home Affairs. The new government decided that the police reform would start on 1 January 2001<sup>31</sup>.

Mr. Fransen was appointed as commissioner-general and Mr Closset as inspector-general by Royal Decree as of 4 December 2000. Five director-generals and their deputies were indicated by Royal Decree of 19 December 2000, it concerned the general management administrative police, judicial police, operational support, staff and material resources. The new minister of Home Affairs established ten different working groups, with a view to the implementation of the new police law. An accompanying group was in charge. This consisted of two participating ministers, the heads of the three police services, two governors, a magistrate, the government commissioner of big town policy and the head of the General state police. A pilot group, also with representatives of the magistrate and the three police forces had to assist the chairman of the accompaniment group, the minister of Home Affairs. In this phase much of the attention naturally went to the transition problems of moving from the old to the new situation. Quite a bit still needed to be arranged. A lot of items were related to practical and material matters. Not everyone was elated about the way in which this transition had been realised. On occasion, in this phase it was indeed impossible to imagine being without some regulating inflation. The working groups were cancelled at the end of 2000. Gradually all the different affairs were taken over by the management of the federal police. The Algemeen Technisch Secretariaat (ATS) (General technical secretariat), which consisted of 15 persons, took over the functions of the pilot group<sup>32</sup>. The Management of the Relations with the Local police was categorised with the cabinet of the minister of Home Affairs, at the ATS. One will occupy themselves especially with the support of the zonal police and with the zonal security plans, and especially with the development of the new mission of the Belgian police order, particularly the "*Community (Oriented) policing*" -vision.

One of the working groups had been given the task to work out "Vademecum Security plans", with a view to the realisation of the National and Zonal Security plans<sup>33</sup>. The old, traditional police models, the military-bureaucratic model and the maintenance of law and order model, were rejected. "Whatever the opinion was which one had about the police, it was always about an organisation which stood at a particularly long distance from the population, and usually one back then one also found that it should be that way. Not infrequently did these police models result in a deterioration of the relationship between police and population. The fact was pointed out that in police literature a thorough criticism had developed, based on empirical perception of the delivered police work, from which it transpired that the actual delivered police work, however, could not be reduced to these old police models. The working group broke a lance for what in the course of the eighties had become colloquially known as "*Community oriented Policing*" (COP). "On the one hand this approach opposed the development of partial solutions, such as e.g. team policing or patrol policing, and on the other, was against the isolation of the police with respect to society. In the totality of the police literature COP can be seen as a concept which supports change and reform oriented thinking, in the direction of a more democratic interpretation of police work". The working group also referred to "*Problem-Oriented Policing*" (POP, also referred to as "Problem-Solving Policing"), as well as to the term "*integrated security*". It was pointed out that, on the occasion of the police

<sup>31</sup> Regarding this we refer to: PONSAERS, P., DE KIMPE, S., *Consensusmania - Over de achtergronden van de politiehervorming (about the backgrounds of the police reform)*, 2001, ACCO, Leuven/Leusden, pp. 283.

<sup>32</sup> Police journal, n°3 of 15 February 2001, 3.

<sup>33</sup> PONSAERS, P., ENHUS, E., "Vademecum veiligheidsplannen ten behoeve van het opstellen van het nationaal veiligheidsplan en de zonale veiligheidsplannen" (Vademecum safety plans for the benefit of the drawing up of the national security plan and the zonal security plans), in : *Vademecum Politiezones*, Publisher Politeia, 2000, Addendum 2, p. 1-108 (french version also available).

reform, "the government wished to bring about a modern, contemporary police apparatus, particularly a police force that stands within society and without". As essential land-marks for both the federal and local police of the future were named: community orientation, visibility and approachability, proactivity, integration, quality, decentralisation, devolution, despecialisation, monitoring and accountability.

In the extension to these activities the Executive Board of the Relations with the Local Police took the initiative to establish an *accompagnement committee* "Community (Oriented) Policing", which in essence had to act in an advisory and galvanising capacity at the implementation of the new police model in a number of pilot zones. The same Executive Board also took the initiative to prepare a circular letter regarding this, which finally came about on 27 May 2003<sup>34</sup>. At last the new Belgian police order had not only a reformed structure, but also a reformed vision of the police function. The circular letter was accompanied by an extensive appendix, entitled "Sources of Community (Oriented) Policing and the application of it in Belgium"<sup>35</sup>. It was a text of a conceptual nature. It was the intention to describe in more detail the basic notions which were linked with the COP in this *basic text*, to clear possible diversity in interpretations and to make the choices linked to that explicit. The text was constructed in four chapters: (1) a comment on the traditional police model, (2) an explanation on the COP-model, (3) a representation of the Belgian pillars of COP-police care, and (4) a further discussion of it.

This text had *three versions*. In the *mother text*, which was worked out broadly, no completeness was pursued, but the most important material was brought together. This happened with reference to the founders of the COP body of ideas. After the text was written out in broad draft version it was presented to a broad spectrum of participants in the police policy, from Procurator Generals, Crown prosecutors, mayors, governors, cabinet employees, academicians, and suchlike. In other words the conceptual text was reviewed to the views of the Belgian players on the shop floor. Community (Oriented) Policing, the Belgian way as it were. A second version of this text was the *synthesis*. Here it concerned a manageable, fast and more easily readable text, stripped of footers, which formulated the core ideas of the mother text. In this text the five pillars of the Belgian alternative of COP stood central, in particular: (1) the external orientation, (2) problem-solving working, (3) the partnership, (4) giving account and (5) the competent involvement (or "empowerment"). These five pillars had to support the new Belgian police vision. A third version was the short *ministerial circular letter* which accompanied these texts. In this circular letter the political government drew its conclusions from the present whole. Meanwhile the Executive Board of the Relations with the Local Police had taken various initiatives, which were grafted onto these basic texts. It can thus be assumed that the recent restructuring of the police force will have a positive influence on the further development and deepening of the new police vision.

### Send-off.

The reform of the Belgian police has taught us that modifying police structures goes with difficulty and arouses resistance. Nevertheless it appeared to be a lot more radical - and therefore even more difficult - to develop a new police vision, or, in other words, to reform the dominant police *culture*. By fiddling with structures the danger existed that the police would continue to work with the existing, old conceptions.<sup>36</sup>

<sup>34</sup> DUQUESNE, A., VERWILGHEN, M., Circulation letter CP 1 of 27 May 2003 regarding Community Policing, definition of the Belgian interpretation of application on the integrated police force, structured on two levels, B.S. 09-07-2003.

<sup>35</sup> VAN BRANTHEGEM, J-M., VANDEVENNE, Y., VAN DE SOMPEL, R., PONSAERS, P., "De pijlers van de gemeenschapsgerichte politiezorg in België" (The pillars of the community oriented police care in Belgium), pp. 66 (French version available).

<sup>36</sup> ENHUS, E., PONSAERS, P., "Onmacht tot cultuurverandering - Politiehervorming in België"(Incapacity to culture change - Police reform in Belgium), in : *Tijdschrift voor criminologie (Magazine for Criminology)*, Boom Juridical Publishers, The Hague, 2005, (47) 4, pp. 345-354.

It was not enough of course to subscribe once in the memory of explanation to the *Law to organisation of an integrated police force, structured at two levels* that the police had to focus on a 'Community (Oriented) policing' philosophy to have the renewed police order in our country undertake a cultural turnaround. In order to realise that community orientation, beside the structure discussion, a lot of attention had to be spent on developing sufficient and *other* cultural capital than what was available at that moment. The Executive Board of the Relations with the Local Police has performed innovative work in this field and played a pioneer role. After all the necessary cultural capital could only be built up and acquired through a slow process. The pacification between different "police tribes" has by now been digested to a large degree, policy employees have settled in, to a great extent, to the new police vision, in the security councils work takes place in a deepened way and there is a culture of open debate more than ever before, the police care has been distributed "more equally" throughout the territory. Many of the old problems have therefore disappeared, or will erode over the course of time.

However, this does not mean we have made it. It is not the moment for us to wallow in self-satisfaction and to rest on our laurels. The Belgian police can be proud of the house which has been created, but much more must still be invested to further deepen the vision of the police work. Cultural capital must still be built further. Here we think in the first place of stronger socially embedded police training. We also think about a heterogeneous, in every sense of the word, composed and locally-bound police force, where furthermore interaction takes place by means of consultation and dialogue on the yet over-conservative police culture<sup>37</sup>. "Cultural reform" cannot be understood as a plea against structure reforms. On the contrary. Ideas must be further crystallised in action and interaction patterns, which will inevitably adopt a structure over the course of time<sup>38</sup>. For us it is more about real change not *starting* with structural adaptations. We must also not lose sight that this "cultural reform" cannot adopt monolithic thinking regarding "Community (Oriented) Policing". COP is not a Holy Scripture, but police thinking in evolution. Each day again this police vision must again be up for discussion, with respect for the central democratic values<sup>39</sup>. COP incites to the considering and reconsidering of the police force's core tasks<sup>40</sup>. In this sense "cultural reform" is not a temporary task, but a permanent one.

<sup>37</sup> ALBERS, Ch., TELLER, M., PONSAERS, P., Algemeen Verslag over Onveiligheidsgevoelens - Luisteren naar mensen over onveiligheid, (General report on Insecurity feelings – Listening to people about insecurity) Koning Boudewijnstichting, Brussels, 2006, pp. 226 (french version available); DE WREE, E., VANDER BEKEN, T., PONSAERS, P., "Help, ik voel mij onveilig. Diversiteit in representaties over het ervaren van onveiligheid"(Help I feel unsafe. Diversity in representations over the experience of insecurity), in: *Panopticon*, Maklu, Antwerpen, Jg. 27, no. 2, p. 5-29.

<sup>38</sup> VANDEVOORDE, N., VAEREWYCK, W., ENHUS, E., PONSAERS, P., *Politie in de steigers – Bouwen aan gemeenschapsgerichte politiefuncties in een lokale context (Police in scaffolds – Building on community oriented police functions in a local context)*, Politeia, Brussels, 2003, pp. 294.

<sup>39</sup> EASTON, M., PONSAERS, P., "Community (Oriented) Policing reassured: meaning in a Flamish context", in : *Reassurance Policing: Concepten en Receptie (Concepts and Reception)* PONSAERS, P., GUNTHER MOOR, L. (eds.), Politeia, Centre for Police studies - Stichting Maatschappij, Veiligheid en Politie (Foundation Society, Safety and Police), Cahiers Politiestudies (exercise book police studies) n° 3, Brussels, p. 49-78.

<sup>40</sup> MEERT, D., DEVROE, E., PONSAERS, P., "Het debat geopend - Naar de kern van de taak", (The debate opened – To the core of the task) in : *Orde van de Dag (Order of the Day)*, Kluwer, Mechelen, 2006, no. 33, p. 3-6; PONSAERS, P., DEVROE, E., MEERT, D., "Kiezen voor een democratische politie. Wat is dat?" (Opting for a democratic police. What is that?), in : *Orde van de Dag (Order of the Day)*, Kluwer, Mechelen, 2006, no. 33, p. 7-14; PONSAERS, P., ENHUS, E., HUTSEBAUT, F. (eds.), *Het kerntakendebat continued (The core task debate continued)*, 2006, Politeia, Centrum voor Politiestudies (Centre for Police studies), Cahiers Politiestudies (Exercise book Police studies) n° 0, Brussel, pp. 219.