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Checks and balances in democratic control of public police. A case study of the Dutch national police after the reform

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ABSTRACT

This paper researches the quality of democratic control of the public police in a democratic society. Governance structures tend to be complex, reflecting that in democratic societies the police perform a wide range of tasks, both (inter) nationally and locally. Given the variety of police authorities and consultations at different levels, is there room for adequate democratic oversight? In this article, a theoretical frame on democratic control is drawn up which is applied on the recently established Dutch system of national police. Based on an extensive multi-method field research the authors conclude that the governance of the Dutch national police is not multi-level, that centralist influences are strong, that the mechanisms for vertical integration of local concerns in national policies are weak, and that there is a democratic deficit within the Dutch police system.

Introduction

As police reforms are neither neutral nor technical arrangements but politically delicate operations (Reiner, 2013; Fyfe, Terpstra & Tops, 2013; Van Sluis, Cachet, Ringeling, Sey, & Jochoms, 2013), they tend to affect the distribution of power, authority, and democratic control over the police. This in turn implies empowerment of some actors and disempowerment of others and, consequently, tends to raise questions about the democratic legitimacy of the police (Ponsaers, 2015; Savage, 2007).

In this article we focus on changes in the democratic control of the national police in the Netherlands, operating, after the reform in 2013[1], in a multilevel governance structure. In 2013, the Netherlands witnessed the introduction of a single national police force that replaced the (since 1993) existing regional police forces. This has been a significant reform that changed both the organization of the police and the governance structure of the police. The Police Act 2012 envisages a structure for governance and democratic control that acknowledges the need for balance between national and local governance of the police as well as robust democratic accountability. Formal democratic control lies with parliament at the national level and with municipal councils at the local level (called the 'council' from now on). However, the governance structure in the new Dutch police system is actually rather complex. Spread out over local, supra local, and national levels and both between different governance levels and at the same level, a variety of actors and consultations forums engage in administration, policy, or authority with regard to the police.

The research question to be answered in this article are 'Can the structures for democratic control of the police in a system of multilevel governance be adequate, given the variety of police authorities

and consultations at different levels and the presence of actors and structures which serve as linking pins that cut across decisional levels?' Most studies converge on the growth of processes of 'multilevel governance' in policy-making, related to the often-combined trends towards supra-nationalism and regionalism. Such processes are usually analysed under the angle of their efficiency, while their impact on the quality of democracy is neglected (Papadopoulos, 2007).

The aim of the research is to present a clear picture of both the implementation of the provisions of the Act on democratic control and the concrete practical consequences. For this purpose, an extensive multimethod field research was carried out in 2017. Theoretically, we draw upon the notion of multilevel governance and the 'democratic deficit' that is associated with multilevel governance (Bovens, 2007; Papadopoulos, 2007; Scholten, 2013).

The structure of this article is as follows. In Section 1, the theoretical framework is presented. Section 2 describes the case of the Dutch police after the reform and, more specifically, the legislative organization of democratic control. Section 3 defines the methodology used in this research. Section 4 presents the results of the research, answering the research question. In the final sections, we draw our conclusions (Section 5). By applying the typology of governance in a multilevel setting and reflecting on the explanatory value of our theoretical frame, we consider to what extent the Dutch police system reflects balance in governance and democratic control as is expressed in the Police Act 2012,

Theoretical framework: multilevel police governance and democratic control

Interrelated assumptions

In this theoretical framework on democratic control we start from three interrelated assumptions. First of all, police work is multi-faceted and is performed at various levels, from 'neighbourhood to globe'. Subsequently, the police operate in democratic countries for officials who are politically accountable to democratically elected bodies and, thus, democratically legitimised (Mannings, 2010; Marx, 2001; Terpstra, 2011). Thirdly, given the multiplicity of police tasks, it may be assumed that authority and democratic control are spread over multiple levels (multilevel governance). We delve deeper into each of these assumptions in the next paragraph.

Neighbourhood to globe

The existing police-based literature illustrates that police authorities always enforce police systems to perform a broad range of different tasks (Devroe, Edwards, & Ponsaers, 2017; Fijnaut, 2012; Koopman, 2013; Naeyé, 2014; Van Sluis et al., 2013). These tasks cover hard as well as soft policing (Punch, 2010; Van Dijk, Hoogewoning, & Punch, 2016), sometimes referred to as the 'dual face of policing' (Anderson, 2011). In this approach, police work means 'the strong arm of government', (Punch, 2010, p. 203), including fighting terrorism, combating organised crime, and protecting the unity and continuity of the state in case of serious and large-scale incidents and disasters. This approach is the state-centred part of policing. These tasks tend to structure the police organization along functional lines and strengthen unifying and centralising tendencies in the police system at the national level. However, in liberal democracies, the police are not only viewed as the strong arm of the central government, but also as the protectors of the freedoms and rights of ordinary citizens (Marx, 2001; Noppe, Pashley, De Hert, & Huisman, 2013). Certainly in the Western world, the community-oriented policing model is common (Davis, Henderson, & Merrick, 2003; Ponsaers, 2001); here, the police are close to citizens, aware of community priorities, and doing their best to respond to them (Crawford, 1997). This police model demands that society trust the police and vice versa. Working together closely for and with communities requires organisational decentralisation and the empowerment of community police officers to deliver tailor-made solutions (Van den Broeck, 2002). Thus, if police tasks are defined broadly, the police need to be simultaneously nationally (and internationally)

coherent and locally responsive. As a consequence, the police system will display contradictory centralising and decentralising tendencies simultaneously (Edwards, Devroe, & Ponsaers, 2017), reflecting the dual face of policing (Bryett, 1997). This fact is reproduced in the organisational structures of police systems (Devroe, Edwards, & Ponsaers, 2017).

Democratic legitimation

The police are responsible for the community under their care and accountable to the democratically elected bodies for their functions and tasks (law enforcement, order maintenance, provision of miscellaneous public services) and for the way that they conduct themselves. This is a normative prerequisite for the public police in democratic societies. In his overview of the literature on democratic policing (Manning, 2010, p. 68) observes that there is no disagreement among researchers 'that policing in a democracy is inevitably rooted in and embedded in the power of the people in a modest agreement to make elected officials accountable.' The police in democracies are subject to democratic control, whereby the organisation provides for the legitimacy and the authority (compare Marx, 2001; Terpstra, 2011).[2]

Multilevel governance

The third assumption is that, given the foregoing assumptions, both authority and accountability have to be spread over multiple levels. As the 'strong arm of the government' the police should be subordinate to the national governance actors (the responsible minister(s) or the department(s), cabinet members, judiciary powers and elected political representatives). Formal democratic control is then exercised at the national level. In contrast, local democratically accountable policing is associated with a certain degree of local autonomy in determining policing strategies and in setting priorities in consultation with local stakeholders. Local political-democratic influence and accountability in policymaking is important as it can counter efforts to implement repressive and punitive strategies at the national level (Das, Huberts, & van Steden, 2007; Jones, 2003; Jones, Newburn, & Smith, 1996; Savage, 2007; Van Dijk et al., 2016). Democratic policing requires the political and administrative embedding of the police at both national and local levels, ' a balance of power' between different segments of government (Manning, 2010, p. 68). The challenge that this requirement faces is how to integrate both national and local dimensions into the democratic control structure. Comparative research shows that in particular the 'national-local' or 'central-decentral' dilemma is important for shaping the police system, much more so than the international dimension of police work (see Fyfe, Terpstra, & Tops, 2013; Van Sluis et al., 2013). Because the notion of 'multilevel governance' can assist in elaborating checks and balances in governance systems, we elaborate on multilevel governance as a theoretical framework.

Multilevel governance

The concept of multilevel governance originates in the study of complex policy processes within the European Union (Bache & Flinders, 2004). Multilevel governance refers to the spread of decision-making competencies from central government to other government levels in a setting in which political arenas are interconnected rather than nested (Hooghe & Marx, 2003, p. 1–2). The assumption of interrelatedness is in essence a normative stance, but one that is shared among many liberal democratic countries (Bekkers, et al., 2017). Local levels provide arenas for problem solving that can eventually also affect the national level and vice versa. Multilevel governance involves '*a large number of decision-making arenas, differentiated along both functional and territorial lines, and interlinked in a non–hierarchical way; deliberation, bargaining and compromise-seeking are the rule in governance arenas, which are characterized by cooperative relations between governmental units attached to different territorial levels and by collaboration of these units with various non-public bodies*' (Papadopoulos, 2007, p. 469–470). It has both a vertical and a horizontal

dimension, i.e., cooperation and mutual adjustments between actors on different levels and, within these levels, between multiple involved actors.

Multilevel governance is appropriate in situations where the multilevel character of a policy problem is explicitly recognized because it facilitates modes of cooperation between government levels that support the development of a joint approach towards a commonly felt policy problem. As such, it helps to create congruence of policies between different levels, distinguishing itself by the existence of some form of coordinated interaction between various government levels. This is reflected in functional institutional policy structures that facilitate interaction and vertical integration between the levels. These are labelled by some as venues that enable 'vertical shopping' at multiple levels. *'If important decision-making competencies are situated at multiple levels of government, this is expected to stimulate the development of influence strategies at these different levels'* (Byers & Kerremans, 2011, p. 264).

As Scholten (2013) notes, multilevel governance is just one of various possible modes of governance in multilevel settings. He identifies four ways in which national and local imperatives can be *balanced*, namely, the centralist, the localist, the decoupling of policy and the multilevel mode. We explain these different modes in the following paragraphs.

The *centralist* approach assumes a top-down relationship between national and local governments. National governments formulate policies which local governments implement. The centralist approach is most likely to emerge when an issue is politicized on the national level and connected to other national issues, and when there is a strong national framework for policy coordination. It requires a strong central policy coordination structure.

In contrast, *localist* approaches involve more bottom-up approaches where local governments also set policies of their own. This perspective is most likely to emerge when problems are defined as 'local 'and in need of clear 'local' tailor-made answers. For instance, they could be phrased as 'close to the citizen', or 'requiring practical knowledge' (Scholten, 2013, p. 220). This mode facilitates policy structures at the local level, combined with structures for horizontal policy learning amongst local governments.

Decoupling implies the absence of meaningful interaction between different government levels. As a consequence, policies at various levels may contradict and be in conflict with each other. This approach may be found when, for example, various levels of government are involved in a particular area of policy, but each of them defines the underlying policy problem very differently (Scholten, 2013, p. 221). This will mostly be the case in federal states with complex constitutional settings (Devroe et al., 2017).

Multilevel governance is regarded an effective mode for solving complicated policy issues, because of its differentiated perspective on problems, with national as well as local aspects. It is a mode to maintain the balance between the different levels, because it presumes the existence of strong vertical structures for mutual adjustments. On the other hand, the centralist and the localist modes have a strong level-specific character, thus complicating effective multi-governance and allowing for the growth of decoupling, which can go in all directions (Scholten, 2013, 220, p. 234).

Multilevel governance and democratic control

Generally speaking, multilevel governance often coincides with shortcomings in democratic accountability (Bovens, 2007). Papadopoulos (2007) identifies four problems in this respect: the weak presence of citizen representatives in networks; the lack of visibility and uncoupling from the democratic circuit; the multilevel aspect; and the prevalence of 'peer' forms of accountability. Lack of visibility results from the fact that decisional procedures in policy networks are often informal, thereby facilitating the achievement of compromise. *'Policy networks are largely composed of top-level bureaucrats, policy experts and interest representatives. Some of these actors are only indirectly accountable to the citizenry due to a lengthy "chain of delegation" (administrators), or only to their peers (experts) or to limited constituencies (interest group negotiators).'* (Papadopoulos, 2007, p. 476).

'High rank bureaucrats are accountable to their minister, but this is administrative, not political accountability, lacking the public dimension. Democratic control is much attenuated by the long chain of delegation' (Papadopoulos, 2007, p. 477).

Democratic control takes place *ex post* and *ex ante* (Koop, 2009), and, in particular, when policies and targets are formulated in order to set priorities. In this way, the police and police authorities can be called to account for their performance on pre-established policy frameworks or results. In such a setting, accountability is more or less institutionalized as part of a cyclical process of steering and control, irrespective of whether the accountholders were actually involved in priority setting. Otherwise, accountability is rather limited and ad hoc with members of parliament and municipal councils primarily engaging in *incidentalism* (Cachet, 2015). In our article, we distinguish between formal powers and authority on the one hand (as expressed in legislation Acts) and, on the other hand, the way these powers are implemented in practice. Accordingly, we are interested in how key actors in the democratic control of the police play their role within the frame of the new Police Act.

Case description: the Dutch police reform

In the following section, we describe the case chosen to apply the theory, and provide the most important provisions (with regard to organization, governance and democratic control) of the Dutch Police Act 2012[3] (further mentioned as 'the Act'). In this paragraph, we elaborate on (1) organization, (2) national and local governance and democratic control, and (3) provisions for checks and balances. The same division will be used to present the research findings in Section 4.

On the police reform: organization

The police reform of 2012 included all parts of the police system in one force, the Dutch National Police. Since then, the police functions under the authority of the new Ministry of Security and Justice[4]. The 25 regional forces and the KLPD were restructured into 10 subnational entities (from now on called 'units'), a national unit, a police service centre and the police academy. The regional units of the national police are the backbone of the new police system (Vlek & Van Reenen, 2012).

The geographical subdivision of the 10 regional units matches the new geographical subdivision of the judicial system. A regional unit is composed of districts (overall 43), support services and staff. Each district is composed of basic teams (overall 167), an investigation unit and a so-called 'flexible team' (Bruggeman & Ponsaers, 2011). Basic teams execute all non-specialist, basic police functions at the local level. The basic teams are meant to provide for a strong local anchoring of the police and for cooperation with other agencies. These are important focal points of the unified national police force. The community police officers are the key figures in these teams. By law, each basic team has to have a community police officer for every 5,000 inhabitants, and this officer should spend most of his time in his area (Act, 2012). In case of crisis, the police collaborate with the fire brigade and medical ambulance services within the so-called safety-region. The mayor and the public prosecutor share jurisdiction over the local policing, and these two parties negotiate agreements in the local triangular consultation with the police. Within this consultation, the priorities are determined based on the integral security plan of the municipality and the national priorities (Fijnaut, 2012).

National democratic control

The Minister of Justice & Security has exclusive political responsibility for the police system as a whole, for the management of the police, and for police policy. The Minister fixes the annual police budget and determines the allocation of police strength across the regional police units. He also sets the national police targets and the regional targets that are derived from the national targets. The national police force is headed by the national chief of police, who is the chairman of

the management team of the national police and the single police director. He reports to the Minister of Justice and Security and is responsible for the implementation of the national policy. All regional police chiefs report to the national chief of police. At the national level, democratic control is exercised by the National Parliament. It holds the minister of Justice & Security to account for the way he manages the national police force, for his responsibility for the performance of the police in meeting the national targets, and for the functioning of the police system as a whole. Since the new Act, Parliament decides on the national policy targets as well as the draft financial management plan and the draft plan for the distribution of police capacity over the ten regional police units. The national targets are the result of a policy planning process, partly based on (bottom-up) adding up local security concerns (Bekkers et al., 2017) and partly on (top-down) concerns of the Ministry of Justice & Security and the public prosecutor's office.

Local democratic control

As a legacy of the Napoleonic period, local authority over the police remains with the mayor and the public prosecutor (Devroe, 2013). The mayor holds authority over and is responsible for the maintenance of public order or the rendering of assistance. Where the police are enforcing the criminal law or carrying out duties for the justice authorities, they act under the authority of the public prosecutor (Act, 2012). The local authority over the police reflects the importance of locally embedded policing, which is seen as a cornerstone of Dutch policing, as it has been since the late 1970s when community policing was introduced (Van Sluis et al., 2013). At the local level, democratic control lies with the council. Local government – not the police – draws up a local security plan that has to be agreed upon by the council once every four years coinciding with local elections every 4 years. The security plans of the municipality provide the framework for the exercise of authority over the police by the mayor, who is accountable to the council for the implementation of this plan. The mayor has an obligation to account *ex post* to the council not only for the execution of police tasks and the progress made in achieving the targets of the integrated security plan, but also for his functioning as police authority and his responsibility in maintaining public order. The council cannot directly call the police to account. The public prosecutor is only accountable internally, through the hierarchy of the public prosecution service.

Provisions for checks and balances

In the Act, some provisions for checks and balances in steering the police and for democratic control are made. In this paragraph, we elaborate on those provisions.

First of all, the Act installed a regular concertation between the minister and local police authorities called the 'National Concertation board on Safety and Police' (*Landelijk Overleg Veiligheid en Politie, LOVP*). In this set-up, the Minister and the chairman of the Board of Attorney Generals, ten 'regional[5]' mayors who represent their regional units, along with two mayors of small municipalities representing smaller communities discuss the input of local police authorities in setting priorities at the national level (Jacobs, 2015). The national targets are part of the four-yearly 'National Safety Agenda' developed by the LOVP, and approved in parliament.

Secondly, policy planning is considered an important linking mechanism for steering police activities at various governance levels. Police units are obliged to develop police policy plans for a duration of four years (local elections) (Cachet & van Sluis, 2013). Regional security plans integrate both local security concerns (of local security plans) and national priorities. The minister monitors whether the regional plans sufficiently reflect national targets. Before finalizing the regional security plan of the police unit, each mayor is obliged to consult with his own council on the draft version of this plan. The council assesses whether there is an acceptable degree of consistency between the regional plan and the local targets.

Thirdly, the Act created a range of interlinked tripartite consultations for policy planning at the national level (LOVP), at the level of the regional police units, the districts, the basic teams and sometimes the municipalities. Within the regional units, the mayor and the public prosecutor engage in tripartite consultations (*driehoeksoverleg*) with the police chief on the use of police capacity needed to execute tasks set out in the integrated local security plan. At the local level, triangular consultation exists at the level of one municipality, several municipalities for one basic team, or for multiple basic teams. Tripartite consultations at the municipal level are compulsory if and when the mayor requests them: this acts as a guarantee that the mayor can *enforce* municipal tripartite consultations. Additionally, mayors of smaller municipalities can organize what is called 'joint triangles'.

To conclude, the tripartite consultations are a typical Dutch aspect of multilevel governance called '*poldermodel*'. With regard to the police, it refers to concertation-seeking for consensus between judicial and administrative police authorities at the same level. This has a legal basis in the Act (Prins & Devroe, 2017).

Methodology

In 2017 an extensive multimethod field research was carried out, with triangulation of quantitative and qualitative methods and a combination of both 'range and depth' in the data collection (Bekkers et al., 2017). This research was part of the official evaluation of the Police Act 2012 commissioned by the Commission Evaluation Police Act 2012, which was installed by the Minister of Justice and Security. The scope was the governance of the Dutch police after the reform at large. Therefore, different methods were applied (triangulation). Figure 1 shows the different methods used in the empirical research, which we explain in more depth in this section.

First of all, a *systematic review* of all existing empirical research on the Dutch national police system and democratic control was completed. This study resulted in an extensive research report. Subsequently, a *content analysis* of journals and newspapers was elaborated. This analysis aimed at gaining insights into the perceptions and experiences of actors involved in police governance and democratic control covered in the media. This content analysis comprised the topics and police subjects in two national newspapers, a number of professional journals and web-based articles for the period 1 January 2013 to 1 January 2016.
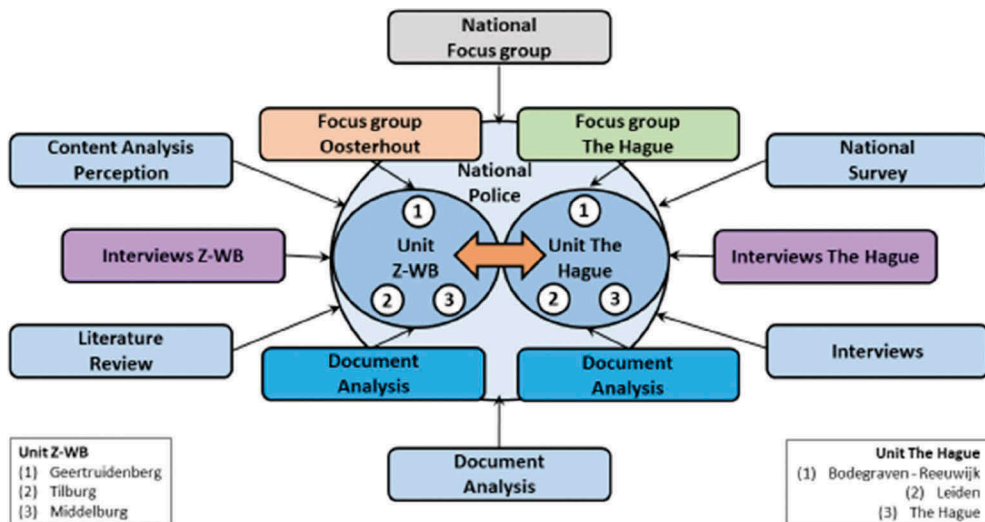

Figure 1. Mixed methods.

Secondly, a *nationwide Internet survey* amongst mayors, members of municipal councils, public prosecutors, and police chiefs was set up. The questionnaire, with a total of over 60 questions, contained both open and closed questions. Some questions related to the extent to which provisions in the Act were implemented in practice and how they functioned according to the respondents. Other questions were about role fulfilment. How did key actors involved in governance and democratic control perform and how did they fulfil their role after the Act? In total, 1009 responses completed the questionnaire, which means an average response rate of 48%. However, there were significant differences in response rates between target groups. The highest response rate came from police chiefs at local (60%) and regional level (80%), from regional mayors and chef public prosecutors (both 70%), while the lowest came from members of municipal councils (8%) and public prosecutors (3.3%), A chi-square test showed that all response groups were representative for municipal size and police region (Sig. <0,05). For members of municipal councils, the level of significance for representability was 0.17.

Thirdly, three *focus groups* were organized with a variety of partner organizations of the police on national, regional and local levels. Many different stakeholders participated in these focus groups (48), making it a very rich qualitative study.

Finally, to acquire more *in-depth* research results, a multiple embedded case study (Yin, 2003) was held in two specific police units: one in an urban area and the other in a more rural unit with a huge surface and low population density. The selection of regional units was based on the criterion of maximum variety in terms of numbers of municipalities (large versus small number of munici- palities). Subsequently, the largest, a mid-sized and a small municipality were selected in each police region. This selection enabled the researchers to study the implementation of the Act in police units under varying conditions. The research in the two regional units consisted of the analysis of relevant policy documents, in-depth interviews with actors involved in the governance and democratic control of the police and the two focus groups. In the variety of respondents, the researchers were particularly interested in whether and how viewpoints and interests of administrative and juridical authorities were balanced. In addition, in-depth interviews were conducted with actors who were involved in management of the police at the national level. In total, 81 in-depth interviews were conducted with a mean length of 1, 5 hour.

Both the interviews and the focus groups were entirely recorded, transcribed, and analyzed using ATLAS-TI. Code lists were developed by the researchers and tested on a number of interviews before being completed for final use. Each interview was sent back to the respondent for further information, and quotes from these were chosen by the researchers are used in the final report (Bekkers et al., 2017). Consequently, the combination of in-depth interviews, (inside) documents and focus groups led to an increased internal validity and a high degree of saturation for each case.

Empirical results

In this section, we present the research findings using the same categories in the same order as those used in the case description: governance at the national level, governance at the local level, democratic control, and checks and balances. We examine how the different provisions of the Act are implemented in practice and how key actors consider this new reality.

Governance at the national level

One of the most notable changes is the transfer of power to the Minister of Justice and Security as the sole actor responsible for the police. The Act created a *single hierarchical model* of governance. A solid majority of all the respondents to the Internet survey admit that the minister has indeed gained more influence and that the national police are currently better and more uniformly administered and national targets are better achieved than before.

However, critical notes from the systematic review illustrate that the accumulation of roles in hands of one minister has caused many concerns even before the implementation of the national police force. In fact, the Act distorts the traditional model of checks and balances in the democratic control of the Dutch police system (Fijnaut, 2012; Koopman, 2013; Terpstra, et al., 2012). Research findings (in-depth interviews with key players) show that these concerns have not disappeared. On the contrary, they have been reinforced with these multiple roles for the minister installed, especially in the first period after the formation of the national police, which was characterized by micro-management in administration and top-down target setting. In this section, we explain both findings in-depth.

Micro-management in administration

The first stage of the implementation of the Act coincided with fierce police budget cuts due to austerity problems. This was imposed by the national government as part of a series of economic measures to tackle the economic crisis. At the same time, the Act had to be instituted, creating a huge mobility problem for the many police sent to other cities. A high-ranking police manager claimed: '*The police were put on a drip, supplied by the department*' in order to realise the necessary budgetary discipline. This policy was labelled 'hands-on administration' and was administered at the micro-level as well, especially in the first stage after the Act was instituted. The centralisation following the implementation of the Act had, according to almost all respondents, gone too far causing great dissatisfaction and frustration among police chiefs at the basic team and district levels and among mayors. Our results show the lack of leeway and flexibility in financial management and the loss of support services supporting local operational decisions and tailor-made approaches as two major triggers for frustrations. According to one police manager, bureaucracy had become the leading principle: '*The number of forms is endless. Business operations are centralised and the number of FTE's has dropped. Now everything has to be standardised and automated, but we have gone too far in this respect.*' A district police chief complained about the centralism in purchases that had gone too far: '*I can't even decide about buying a helmet for our bikers or buying local flowers at the municipal florist for an event for the mayor. Even the flowers have to come from the central level, which means again frustration for local businesses*'.

Top-down target setting for the police

Since the new Act, the Ministry of Justice & Security has had four ministers. In particular, the first minister, Ivo Opstelten, the driving force behind the Act, estimated setting national targets for the national police as his prime responsibility. He was '*hard of hearing*', according to an interviewee. The first period of the LOVP was not lacking in disagreements, sometimes even 'lively' ones. Disputes were marked by attempts to demarcate the powers of the minister and the local police authorities. There has even been a LOVP -meeting where some participants left in anger because of the (steering) attitude of the minister. According to a regional mayor, this minister '*was very much focussed on the national priorities, which provoked continuous debate with the regional mayors who proclaimed that this was the responsibility of the local police authorities and not his. This was very characteristic.*'

Governance at the local level

A point of great concern in the run-up to national police was the local anchoring of the police. A small majority of all the survey respondents assumed that visibility and proximity of the police had decreased as a consequence of the reform of the national police. The focus groups pointed to the closing down of police stations in smaller municipalities as a source of growing feelings of uncertainty among citizens. The case studies show a significant difference in coverage ratio of community police officers between municipalities. In addition, capacity shortages within the basic teams (as mentioned by many police managers at both local and district levels) have resulted in community policing officers being deployed as 'backup' for emergency assistance work, crime

fighting and other non-area bound-related activities (such as daily operational coordination and police enforcement at such events as football games). As a consequence, they are not (or not available enough) available to perform their actual tasks, i.e., spending 80% of their time in the community as community officers. Community policing is under pressure as was the observation of many council members in the Internet survey (42%).

However, the survey shows that a large majority of mayors (82%) and a small majority of council members (57%) are satisfied with the way basic teams operate within their municipality. In general, mayors agree with the statement that the regional police unit does address the demands of their municipality (81% in agreement), contrary to council members, of whom 45% did not agree with this statement. A small majority of mayors perceives no actual discrepancies between national and local targets for police, contrary to a majority of council members. There is still room for local concerns and objectives. By far most police chiefs at the district level and the local level consider that they can sufficiently meet the priorities of the local police authorities (mayor and public prosecutor). However, a common complaint is that they do not have enough leeway in terms of finances and the number and allocation of staff. This is seen as the downside of too much centralisation in business operations.

According to our survey, many mayors see the advantages of centralising and standardising support services. However, many of them experience shortcomings as well, especially with regard to *their* authority over the police. They see their authority shrinking by national policy frames, especially with regard to police capacity. A mayor: *'There is no room for adjusting the size or the composition of police basic teams when needed. The police have become bulky and bureaucratic.'* How can mayors be held accountable in their responsibility for the total of local security provisions (and the police) with no say on police capacity? However, most mayors argued that, at present, national priorities and local safety problems often coincide. For this reason, the level of police resources that are available for local safety problems is still sufficient. A large majority of mayors (71%) consider the police strength in their municipality to be short as a result of the reallocation of police personnel following the formation of the national police.

Democratic accountability and democratic control

National

At the national level, parliament controls the Minister of Justice and Security (the national authority and ultimately responsible for the police). Our interviews showed that members of parliament were not interested in participation in the research; nevertheless, the few that we could interview were critical about their own role in this control oversight. They had only marginal interest in the police, a strong preoccupation with daily life incidents, combined with too little restraint in relation to what is and should remain local democratic issues. This self-image is in line with the perception of other actors regarding the role of parliament. A small majority (52%) of the survey respondents appreciated possibilities for more democratic control after the Act. This contrasts with the fact that barely 30% of them stipulate that the democratic control by parliament has actually improved, and only a quarter (26%) perceive that members of parliament have made better use of their possibilities after the Act.

In particular, mayors and chiefs of police express the feeling that members of parliament show a tendency towards '*indicentalism*'. This impression in combination with the direct involvement of the Minister of Justice & Security in police matters contributes to the apprehension that *politicisation* of the police complicates the management and steering governance of the police. According to a unit police chief *'Too little distance has been created between the Minister and politics on the one hand, and the police on the other, which makes the police vulnerable to the hypes and dynamics of the media.'*

Local

Opinions of members of the council are split on whether they can exert sufficient influence on the priorities of the local police. However, our survey shows that 73% of them perceive this influence to be increased through the creation of a national police although more than half of them (66%)

indicate a lack of influence on the deployment of police within their own municipalities. In total, 69% of all members of municipal councils found democratic control of the police to have deteriorated with the formation of the national police force. It appeared from their comments that councils have less influence and the gap between police and local government has become wider. The mayors are more at arm's length from the police and, therefore, also from the council. National targets limit the room for local priorities, and community-policing officers are neither available nor visible. They feel that they are never asked to confer with the authorities about priorities nor are their priorities included in the regional security plan.

Other than council members, respondents and interviewees in our survey are rather negative about how democratic control is exercised by councils.

Checks and balances

In the following paragraphs, we discuss the national platform LVOP, the local policy planning, and the triangular consultations between the two police authorities. These are the instruments installed by the Act to guarantee checks and balances.

National platform: Landelijk Overleg Veiligheid en Politie (LOVP)

Previously, we mentioned the platform (LVOP), where local police authorities could indirectly exert influence on the national police policy. However, the survey results show the lack of influence perceived by regional mayors on the allocation of police capacity and the (draft) police budget. The first period after the transition to the national police was characterised by disputes between the minister and the platform (LVOP) about the division of power over the police. Regional mayors were the new positions in the police system, and, as such, they had yet to organize their own information position and channels for input from the other mayors within their regional unit. Regarding checks and balances, our results indicate a weak position of the mayors of small municipalities who lack the authority of regional mayors and mayors of metropolises, such as Amsterdam, Rotterdam and The Hague. Unlike the regional mayors, they have no constituency and no formalised channels for consultations with their colleagues. The mayor of a small municipality: *'My role was not very transparent and clear. The Act is vague on my role. I have been doing this for 2.5 years now. When I started, I was searching. Now, I am still searching. I don't think that I have achieved much.'* In representing the views of mayors of smaller and mid-sized municipalities, the LOVP platform was not evaluated positively during the term of office of the first Minister. This picture is gradually changing. The interviews as well as the survey show the evolvement of the LOVP into a rather well-functioning platform and meeting place for dialogue on key safety issues, such as cybercrime, domestic burglaries, traffic enforcement, confused persons needing assistance, and large-scale safety problems on New Years' Eve. A joint agenda committee is now preparing the LVOP meetings and agendas, and regional mayors are involved in the development of policies at an earlier stage. Following the first minister in charge of the national police, his successors have showed a very different attitude and a more open mind towards consultations in the LOVP.

In addition, our interviews show that regional mayors have developed more power in policy development, both individually and collectively. Within their own police region, they have started to recruit support staff to improve on their information position in order to organise communication with the other mayors in their unit. Before the LOVP meetings, the regional mayors and the chairman of the board of general-prosecutors prepare their positions in preliminary consultations supported by the office for regional mayors. Recently, the regional mayors have appointed some of their colleagues to act as 'portfolio holders' on behalf of all the regional mayors in the consultations with the minster. The role of regional mayors has gained a foothold among the mayors in their regional units and in the police based on their personal qualities and authority as the mayors of the largest municipalities.

To conclude, the new position of regional mayor was not perceived as problematic in the research. Nevertheless, many mayors experience the consultations in LOVP as remote and far

away. They rarely use this route in order to influence national priorities the Minister of Justice and Security sets out for the police.

Local policy cycle

The Act foresees that *local* security plans are the start of the policy cycle. However, our research results show that many mayors and member of councils are unconvinced of this. Indeed, there is consensus among all the survey respondents that the regional police plan does not steer nor shape police activities. Rather, they see it as a plan on paper, an abstract agenda-setting exercise, in which national and local targets are merged. The mutual adjustment of (national) judicial and (local) administrative police tasks at the national, regional, and local levels has proven difficult, and, moreover, local issues are almost never taken into account as the starting point for priority setting of the policy cycle.

On the positive side, the results show that local government has increasingly taken the lead in the approach to local safety. Currently, local governments are obliged to develop 'integrated local safety plans for the duration of the mandate of the council (four years). These plans are probably the most powerful tools to embed national police priorities within local democracy strategies. Accordingly, the survey results show that almost all municipalities have their own integrated local safety program framing local police activities.

Triangular consultations

Our interviews show that mayors are not very interested in actively participating in triangular consultations above the local and district level because of the infrequency of the consultations and because they can no longer decide on the administration of the police. They have lost interest because, after the Act, they have no jurisdiction over the management (capacity and budget) of the police. Furthermore, as previously mentioned, they are not interested in the policy plan of the regional unit; decision making at the regional level is considered only a formality. Some police units have established auxiliary structures, such as a daily board or 'broadened triangle' with a smaller number of mayors and representatives from the public prosecutor office in order to strengthen decision making at the unit level. Thus, consultations between all the mayors and the chief public prosecutor has taken on another meaning than was intended, i.e., to *ex-post* legitimize decisions that are taken elsewhere. However, these auxiliary structures have no anchoring in the Act, it is purely procedural practice.

Consultations at the district level conform to the regionalization trend of local security policies. The survey results show that triangle meetings at the district level function to the satisfaction of the parties involved. Many regional units have used the boundaries of the former (25) police regions and districts as a subdivision into new districts. In practice, these triangle meetings build upon existing consultations, which partly explains their success. They build on the existing good personal relations in the regional police system, and coordination is achievable because of its rather limited scale. In terms of decision making and steering, their impact is higher than triangles at the level of the regional units. However, consultations at the district level have no legal decision-making authority; it is, again, purely an informal procedural practice.

The vast majority of mayors in our survey believe that agreements worked out in the 'team' triangle concerning police presence in their municipality do justice to the goals and priorities that their municipality has set out. Only 9%, all of whom are mayors of smaller municipalities (up to 50,000 inhabitants), disagree. The case studies also show that some mayors of small municipalities that share a basic police team feel that they have to compete with other municipalities for scarce police capacity.

Conclusions

The Act closed the democratic gap of the previous regional police system with regard to the allocation of resources for the police. This was done at the regional level, where there was no formal democratic control. However, the downside of the reform is centralism. At present, the Minister of Justice & Security is responsible for the budget and capacity of the police, and he is

accountable only to the National Parliament. Research results show that the Dutch police system moved towards a *centralist mode* (Scholten, 2013), adopting a governance model comparable to the Scandinavian model, with the Minister of Justice & Security as the sole minister in charge of the police (compare Van Sluis et al., 2013).

In practice, democratic control of the police has not kept pace with this change. This is the case despite the fact that the National Parliament has sufficient (and, indeed, even more than the previous regional police system) formal powers to hold the minister to account. Although the Minister is in fact more explicitly held to account, there is a tendency towards 'incidentalism' and politicisation at the national level. Political interest is primarily characterized by debating eye-catching incidents. This is a rather limited form of accountability (compare Cachet, 2015), which contrasts to the neighbouring country Belgium. The police system and its key features have never been the subject of much serious political debate in parliament in the Netherlands, let alone that these debates have ever been a trigger for change, (compare Ponsaers & Devroe, 2018; Van Sluis et al., 2013).

Unlike Belgium, councils in the Netherlands have limited formal powers to influence the police. The Act itself has not created this lack of influence; this has always been the case, even in the highly localised police system in the post-war period and in the previous regionally organised police system. This democratic institutional deficit is further exacerbated by a lack of interest and knowledge amongst democratically elected representatives both at the local and the national levels. The same observation is also made in previous research, for example in Van der Torre-eilert (2010) and Verkaik (2012). However, there is a difference between big cities and smaller cities. In the big cities members of municipal councils are actively questioning mayors on security and the police. But these discussions are often limited to incidents instead of policy. As a result, democratic control over priority setting and strategies is pushed to the background. Overall, a necessary prerequisite for balancing governance and democratic control of the Dutch police is missing.

At the local level, the growing importance of an integrated approach to local security brings local policing (at least parts of it) within reach of the municipal council. This is an important countervailing power against too much centralism (compare Jones, 2003; Jones et al., 1996). On the other hand, some developments in police work tend to weaken this, such as the trend towards regionalization of local security policies and the replacement of the previous neighbourhood teams by basic teams within the regional units that often operate at a supra-local level.

We conclude that the governance of the police below the national level seems to be concentrating at a supra-local level, especially outside the big cities. But the consultation triangles at the district level lack a legal basis in the Act, and there is no democratic control at this level. Agreements developed in triangles at the district level do not guarantee the consent of each individual mayor, nor do they provide appropriate democratic accountability to municipal councils.

For local democratic influence in the police system, the position of regional mayors is crucial. However, the Dutch national police system has created a new democratic shortcoming. A regional mayor cannot be called to account by one of the municipal councils, not even by his own council. Our research shows that members of councils are not able to adequately monitor how their own mayors deal with their requests at the regional level, or how they execute their tasks, let alone what the regional mayor is doing at the national level (LOVP). This is a major shortcoming.

Compared to the accumulation of powers in the hands of the Minister of Justice & Security, local police authorities (and thus councils) have considerably less influence on national police policy and resource allocation. Within the LOVP and in the policy cycle, the (local) inputs of mayors and regional mayors are not properly balanced against those of the minister, his department, and the public prosecutors. Top-down policy making is still dominant. In practice, it has proven to be difficult to organise and synchronise top-down policy planning cycles (starting within the police force and the Ministry of Justice & Security) with cycles that start in the municipalities, councils, and basic teams. It is far more difficult and time consuming to set up and organise bottom-up policy cycles. There are tenacious problems with police policy; national targets always seem to outweigh

local needs and issues despite bottom-up intentions. We conclude that there is no balance between national and local governance and democratic control in the new national police system.

In short

The answer to our research question is that there is a democratic deficit within the Dutch police system due to both weak formal powers and underutilisation of these powers by members of parliament and councils. At the local level, there is a lack of local democratic influence on the police, limited powers coupled with a lack of interest and knowledge. At the national level there are extended powers, but in conjunction with a fixation on incidents and politicisation.

The governance, both in terms of structure as well as in practice is biased: centralist influences are strong, not allowing for joint policy-making and for real local influence at the national level. This situation is due to the vulnerable position of regional mayors (who represent local interests) and to the weakness of provisions for balancing national and local elements in police governance.

In practice, the structures for decision-making and consultations (the carriers of multilevel governance) are complex, despite the fact that the Act clearly allocates both authority and democratic control over the police. A huge variety of informal, auxiliary structures for consultation has been established within different police levels and units in order to fill the gaps in the Act. These informal structures, which can be seen as manifestations of the Dutch '*poldermodel*' in the governance of the police, further complicate effective democratic control. Our case study confirms the difficult relation between multilevel governance and democratic control, which is observed in the literature (compare Papadopoulos, 2007).

Mitigating factors

However, there are a number of factors that lead to more moderate conclusions. The concepts introduced and the approach chosen can be characterised as a 'snapshot'. The timing of such a snapshot is relevant. One could argue that the Act was not fully implemented when the evaluation research took place. Drastic changes require a long implementation period. This fact influences the research results in the sense that start-up problems could be misinterpreted as issues of a structural nature. Follow-up research is needed to fully understand the effects of the Act on all levels.

A longer-term perspective can compensate for some of the shortcomings of a snapshot approach. Elsewhere, we have argued that the history of the Dutch police system shows that trends towards centralisation, economies of scale and more formal democracy have always mobilised counterforces towards more local involvement and a stronger local police force (see Cachet & van Sluis, 2013). In our research, we have seen some examples that indicate this:

– a policy document from the national government Ministerie van Veiligheid en Justitie (2015) that marks a different approach towards centralisation;
– the evolvement of the LOVP into a well-functioning platform for mutual adjustment;
– the increasing importance of regional mayors as policy actors, both individually and collectively;
– a new national police chief who is in favour of empowerment of police managers at regional and district level unit and below.

At the local level, we have pointed out the growing importance of an integrated local security approach facilitating local governments in their tasks. This is needed especially in a more centrally organized police system as it provides support for locally oriented policing (instead of policing that is a mere implementation of national priorities). This brings policing back within reach of democratically elected bodies that carry out democratic control.

This self-correcting capability has been recognised by the respondents and interviewees in the research. Not a single one of them is in favour of a new Act, although there are supporters of adjustments of the system of governance. The fear of another reorganisation while this first Act is not yet fully digested is immense.

In sum, despite deficiencies and shortcomings, both in design and in practical functioning, the system of governance shows some tendencies that indicate an evolvement from a centralist mode into a multilevel governance mode (Scholten, 2013) with more room to manoeuvre at a decentralised level. This would facilitate more and better democratic control of the police. In this respect, the system of governance has shown to be somewhat 'resilient', gradually adapting to changing sentiments.

Notes

1. Police Act 2012, https://www.government.nl/latest/news/2015/09/28/first-report-from-the-2012-police-act-politiewet-2012-evaluation-commission.
2. With this we don't claim that this is the sole prerequisite for democratic policing. Democratic policing and the factors that constitute democratic policing are analysed in for example Jones et al. (1996), Sklansky (2007), and Manning (2010). This is a much broader theme than we discuss in this article. However, these authors do not disagree on the relevance and significance of adequate structures for democratic control of the police for democratic policing.
3. Police Act 2012, https://www.government.nl/latest/news/2015/09/28/first-report-from-the-2012-police-act-politiewet-2012-evaluation-commission.
4. In 2017, the Ministry of Security & Justice was renamed Justice & Security.
5. The regional mayor is the main contact for the minister in a police unit. The regional mayors are supposed to express the wishes of all the mayors in their regional police unit.

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Disclosure statement

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