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Police, Policing, Policy and the City in Europe

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1 Policing Germany

Thomas Feltes and Hubert Wimber

1.1 The German Police

The German constitution allows each of the 16 federal states ('Bundesländer') to have its own police law and force. Each of the states controls their forces from the state's Interior Ministry. The police in the Länder are not decentralised to municipalities or other units of local government, although there are decentralised management structures. There are several kinds of police within each Länder. The patrol (uniformed) police are the equivalent of municipal police; they are the first to arrive at the scene of most crimes and handle all general aspects of law enforcement and simple investigations. They also deal with general public security functions, traffic problems and accidents, conflict solutions, and 'helping people' in different situations. The criminal investigators are plainclothes police who handle serious crime investigations and situations that require developing a case against a suspect. The riot police (Bereitschaftspolisei) are usually officers-in-training living in barracks, but they serve as civil order police when the situation arises. Each state has its own police law, whilst one penal law and one penal procedure law are common for all of Germany. Within the police force, patrol police and criminal investigators work together. The exact assignment of responsibilities depend on the respective federal state: in some states, the uniformed police deals with more than 70% of all crimes, in other states the percentage is less than 30% (Feltes, 1993). The work of the patrol police is often supported by their colleagues from the district police (Bezirksdienst), who perform a more pro-active style of policing. The officers are seen to have a positive impact on the relationship between police and citizens, by being a presence and establishing trusted contacts. It is suggested that their actions should improve the acceptance of policing and enhance the overall feeling of safety. In some states this has led to specific so-called 'security partnerships' between police and representatives of citizen organisations, of businesses, and of private and state institutions. These security partnerships deal with social problems in the city. In some way this work can be regarded as community policing, although community policing as a distinct concept is novel in Germany and the work of the district police is often seen in terms of 'good to have around'. Their deployment and handling differs not only by state but also by cities within a state (Feltes, 2002).

The organisational structure of the Münster Police Department provides a separate organisational unit, district and focus on service (called BSD). This BSD has a major role in the community security work in the districts. On average a district

official is responsible for approximately 10,000 residents. His duties include the constant contact with the population in particular (residents, business people, institutions, associations, etc.). Here, security problems are identified and solutions developed. If it is not a matter of police responsibility, the information will be forwarded to the relevant authorities. Furthermore, the district service takes care of crime prevention and the prevention of traffic accidents.

The number of police officers on duty (patrol police, criminal investigators, and water police) was about 221,500 in 2006, which equates to one officer per 372 inhabitants. In fact, considering losses due to the shift system, sickness leave, training, administrative tasks in ministries etc., the 'real' number is closer to one officer available per 8,000 to 10,000 inhabitants at a given moment (Feltes, 1995).

Table 1.1 Inhabitants, police, and crime in Germany 2006/2007

	Inhabitants (in 1 000) 2006	Police 2005-2007[a]	Police-Pop. Ratio[b]	Documented Crimes[c]	Crime Detection Rate (%)
Baden Württemberg	10 744	26 699	1:402	5 694	59,9
Bavaria	12 493	32 966	1:379	5 338	64,9
Berlin	3 405	21 065	1:162	14 576	50,2
Brandenburg	2 549	8 287	1:308	8 889	58,6
Bremen	665	3 190	1:208	14 477	43,7
Hamburg	1 754	7 586	1:231	13 513	47,0
Hesse	6 078	14 810	1:410	6 925	55,1
Lower Saxony	7 985	17 800	1:449	7 605	55,5
Mecklenburg Western-Pomerania	1 696	5 916	1:287	8 900	60,4
North-Rhine Westphalia (NRW)	18 036	39 555	1:456	8 294	49,9
Rhineland-Palatinate	4 053	9 103	1:445	7 116	62,6
Saarland	1 045	2 861	1:365	7 076	54,6
Saxony	4 254	10 774	1:395	7 250	59,7
Saxony-Anhalt	2 446	7 804	1:313	8 875	58,4
Schleswig Holstein	2 834	6 644	1:427	8 560	47,1
Thuringia	2 315	6 416	1:361	6 366	64,1
Germany	82 352	221 476	1:372	7 635	55,4

[a] Police officers (excluding officers-in-training)

[b] Inhabitants per police officer

[c] Documented crimes per 100 000 inhabitants

Source: Groß, 2008, S. 21 http://www.bpb.de/files/GWST59.pdf

With regard to the prosecuting of criminals, the police are subordinate to the public prosecutor's offices which are under the Länder ministries of Justice and organised according to the court districts. An important aspect in German Law is the principle of the mandatory prosecution of offences. German Police must investigate all crimes that they are aware of: The principle, laid down in the Penal Prosecution Code (StPO), stipulates that the police are not allowed to dismiss a case. Only the public prosecutor is authorised to do so. Following completion of investigations, the office of the public prosecutor decides whether the proceedings should be terminated or prosecution instigated. About 70% of all cases, brought to the prosecutor's office by the police, are not processed by the court but dismissed by the prosecutor (the proceedings have been closed by the prosecutor).

1.2 Police Education and Training

For an individual who aspires to a career in policing, there are different options, depending on the Länder where he or she lives. Generally speaking, there are two lines of education. Both require 12 or 13 years of school and a university-entrance diploma (Abitur). In some Länder there is a three-fold course system: The first two years are spent at a Police Academy or Police School, undergoing basic training. A small part of this training focuses on riot control; the rest involves subjects such as legal studies, law enforcement, psychology, sociology, political science, criminology/criminalistics, and self-defence and shooting. After one year in the training schools, the young officers may be used for civil order control either in their own states or, if the need arises, in other states of the Federal Republic. After the two years of basic training and civil order control work, the officers begin street patrol work. With few exceptions, recruits must go through the street patrol experience for at least a few years. After that time, some of them may undergo two more years of education at a Police College (Polizei-Fachhochschule) to become either criminal investigators or middle-management supervisors. They get a university diploma in Public Administration: Police. In other Länder, new recruits are directly employed by the Police College, and after a 3 year education (Bachelor degree) they start their career as police officers. The recruits are usually living at home or in private apartments, and are called into barracks for special training purposes (such as riot control) only. Some Länder have student housing for police students. Candidates for the highest management and the top 3 percent of police jobs go through another two years of training, with one year at the German Police University (DHPol) where they meet and mingle with top management candidates from all the other states. Since 2008, Masters degrees in Public Administration and Police Management have been awarded there, and in the near future it may be possible to get a PhD. Since 2007 the German Police University has a chair in Police Science, the second chair after the Chair of Criminology and Police Science at the Ruhr-University in Bochum, established in 2003.

For all Länder and the Federal Police, training and education is organised in special schools, colleges or universities, separate from other universities, and under the control of the federal or state Ministries of Interior. Openness and reform of training is difficult because of this 'closed circuit' system in which training is organised from the beginning until the end in and by internal police training institutions, under the responsibility and supervision of the state ministries of interior.

Only a few officers, for very special tasks (for example chemical analysis, DNA-tests, lawyers, psychologists) are employed with a degree from a 'free' university. After graduating and becoming a life-long civil servant (usually at the age of 27), the officer has to work until the age of 60 or 62. Early retirement is possible only in cases of disability, and even then they may be asked to work in administration until retirement. Besides a few options within the private security system, police training and education offers no other career outside the police force.

German citizenship is not a requirement for police officers in Germany. Police departments in big cities are especially keen to recruit officers from ethnic minorities to reduce language and cultural barriers. However, minorities still make up less than one percent of officer numbers. The *Land* police have had women members since the forces were reconstituted after World War II. Initially, female officers were only assigned to cases involving juveniles and women but in the mid-1970s they were allowed to become patrol officers. The proportion of women on patrol duty is set to rise as 40-50% of police school inductees are currently female.

Police in Germany today are more highly trained than ever before, the police can choose better qualified recruits, and the quality of the training has probably never been higher. But the benefits of the training for institutions are generally more assumed than proven. A study in the US by Mastrofski and Ritti (1996) showed that the impact of training depends on organisation-level considerations. Training has a significantly positive effect in agencies that provide a supportive environment but fails to have an effect in agencies that otherwise are indifferent or hostile to the idea of officer training. The effect of the training, therefore, depends on the opportunities afforded by the institution to apply it, on supervisors who encourage the trained person and on its relevance to the prospects for career advancement.

The police can, to a large extent, serve as 'detectors' of problems through their daily contact with many parts of the population. However, police officers very often have the feeling that their work is not very effective or efficient but highly wasteful and bureaucratic. This feeling is often shared by politicians, resulting in mistrust and a steady call for strict regulation of the police. This mistrust is not based on concern that the police might abuse their powers; it is mainly based on lack of knowledge about what they do. In reality, while the German population is very satisfied with the police, police officers lack self-confidence. They think that the public does not trust the police and that the public believes that police are not doing their job very well.

A special feature of German law is the division of roles between the police and the prosecutor in combating crime. The police have to submit their findings to the prosecutor. The prosecutor decides completely independently how to deal with each case. The possibilities range from the termination of the proceedings to summary punishment, with or without conditions, to the application for an

indictment to the court. The prosecutor is called 'Master of the investigation', because he guides and directs the police, may give orders and decides whether new evidence needs to be collected or what kind of special investigation is necessary to bring the case to court. Many measures in the trial are therefore well within the authority of the prosecutor. Sporadically this creates a misunderstanding of the remit of the police. One example is when the police recommend getting an arrest warrant against a serial offender , a recommendation which is not followed by the prosecution. As a result no application for an arrest warrant is made by the court. The police have to then tell the citizens that the suspect will be released and may commit other crimes.

In Germany, the police always occupy top positions in public rankings. In 1997, more than 50% of all people surveyed found that the police (and not schools, politicians, churches, or families) should teach or bring 'values' to the people. Usually, community surveys show a high degree of general satisfaction with the police service.

The police rank first among institutions that the people trust according to a public survey of the Bundeswehr Institute of Social Sciences carried out in 2009 (see Table 1.2). Other surveys rank police just after citizen groups, environmentalists, human-rights activists, and courts.

Table 1.2 Comparison of confidence levels in German public institutions

Public Survey of the Bundeswehr Institute of Social Sciences 2009
Question: 'Do you have confidence in the following institutions?' (data in %); sorted according to the participants with higher trust levels.

	Trust very much	Trust to a degree	Hardly trust	Do not trust	Do not know
1. Police	61	29	6	2	2
2. Federal Armed Force (Bundeswehr)	52	36	5	3	4
3. Public Schools	47	39	8	3	3
4. Federal Constitutional Court	53	30	8	3	6
5. Federal Criminal Police Office (BKA)	47	35	8	3	7
6. National Parliament (Bundestag)	29	38	20	10	3
7. Protestant Church	33	31	15	12	9
8. Statutory Health Insurance (GKV)	28	36	24	9	3
9. Federal Information Service (BND)	28	34	17	10	11
10. Federal Government	25	36	24	12	3
11. Trade Unions	26	34	24	10	6
12. Statutory Pension Scheme (GRV)	24	32	27	14	3
13. Katholic Church	29	26	17	18	10
14. Federal Employment Agency (BA)	12	29	30	23	6
15. Political Parties	10	26	37	24	3

Source: http://www.streitkraeftebasis.de/fileserving/PortalFiles/02DB040000000001/W282WBVX-

Jointly with the University of Osnabrück – University of Applied Science – the Münster police conducted a special citizen survey about the acceptance of police work in 2009. 513 people (222 women and 291 men) participated. On a scale of 1 (poor) to 5 (very good) the average ratings were 4,12 and therefore gratifyingly high.

1.3 Maintaining Public Order and Rioting

Every state maintains separate stand-by or riot police force units ('Bereitschaftspolizei') within its police force. These are supplied with the necessary control structures and operational equipment by the Federal government. The emergency police forces are responsible for assisting with individual police duties, as well as for dealing with exceptional circumstances including dangerous situations in the case of natural disasters or accidents. The emergency police force (or standby police reserve) is also used as a riot police force in each state. As mentioned above, German police recruits are trained to do civil order control work at the earliest stage of their careers. Once they move on, their primary responsibility during their early years is patrol work, although they may be called upon to back up some of the riot police troops during particularly difficult confrontations with citizens, special mass events (such as G-8 summits, violent demonstrations, World Soccer Championships) or in other emergencies (natural disasters). Their training puts emphasis on crowd control techniques and non-lethal weaponry use in encounters with citizens. During the first years, using the recruits in such military-like duties is also a way to provide discipline and order, and to socialise the young officers into the police profession at a time when they are impressionable and compliant.

A particular burden for the police are the activities that take place during demonstrations. Here it is for the police to ensure the right of freedom of expression and freedom of assembly. This must be done neutrally and independently of the substantive concerns of the demonstrators. It is certainly understood that the majority of the population do not accept demonstrations by nationalists as a matter of course. The police must also provide for the safety of these demonstrators, as there are are regular conflicts with the counterdemonstrators. Interventions at football matches also represent a significant burden on the police. It should be noted that a significant human and financial effort are made by the police for such private events.

1.4 Problems Following the Reunification

The reunification of Germany in 1990 posed some organisational problems for police because East Germany at that time was broken up into its former states, and police organisations had to be decentralised to the state level. The process was facilitated by the fact that the new organisations were essentially similar to

those of West Germany. Personnel issues were more problematic, since many East German police had collaborated with the East German secret police, the Stasi, or were members of it, and were thus discredited. Some police, especially among the leadership ranks, were removed from office. In general, however, most of the rank-and-file East German police were incorporated into the new organisations. In 2009, media reported that some 17,000 of the 230,000 police officers in Germany had been members of the Stasi. A discussion started about whether all police officers (and also political representatives) should be cleared for their background again. Apart from some spectacular cases, most of the 17,000 former Stasi-members are supposed to have worked there in minor functions like drivers or in the administration. The others, especially high-ranking Stasi-members were able to clear their files in due time after the unification. The case of Karl-Heinz Kurras was disclosed in 2009. He killed a student named Benno Ohnesorg in 1967 and this incident was a catalyst for the important German student movement (called 68er-Bewegung) with long and deep political repercussions. It was also a catalyst for one of the roots of the RAF Terrorist movement.[1] Benno Ohnesorg was shot by this plain-clothes West-German police officer who was cleared of all charges in two separate trials. More than forty years later, in 2009, it was revealed that Kurras was an undercover agent of the East German secret police Stasi, and a long-time member of the Socialist Unity Party of Germany, the East-German communist party; however, the motive behind Kurras' act remains unclear. The Stasi archives contain no evidence that he was acting under their orders when he shot Ohnesorg.

The police in Germany have developed strategies for reform, but even today problem-oriented policing, team policing, and community policing are terms that are used but not really implemented or even evaluated in Germany. Although reforms are slow, for the police they are usually tremendous challenges because the main structures of leadership, and the structure and form of the organisation have changed. This includes attitudinal, organisational, and cultural changes. As in other countries, the police have to cope with an increase in the gravity and complexity of crimes, aggravated by the expanding international dimension which requires new resources, connections, and information exchange. Furthermore, the unstable economic and social situation, massive unemployment, and the 'terrorist threat' will cause massive problems for the police in the near future.

1 The RAF (Red Army Faction) operated from the late 1960s to 1998, conducting numerous operations, especially in the autumn of 1977, which led to a national crisis that became known as 'German Autumn'. It was held responsible for 34 deaths, including many secondary targets – such as chauffeurs and bodyguards – and many injuries in its almost 30 years of activity. Although more well-known, the RAF conducted fewer attacks than the Revolutionary Cells (RZ) (296 bomb attacks, arson and other attacks between 1973 and 1995).

1.5 Migration, Illegal Immigration, and Asylum

Migration brings people of different races, cultures, and languages into closer contact with each other, making enormous demands on their tolerance. Increasing numbers of immigrants are moving to cities but they are also moving to rural areas, where the people are not used to living together and next door to 'aliens'. Since the early 1990s, Germany has been experiencing economic problems that are due in part to the effects of unification. The beginning of the 21st century is challenging the German population with an overburdening of public services, increased unemployment, debates about the social security system, and a decline in personal income. There are widening class divisions (the rich are getting richer), more broken families, more children living below the poverty line, and growing anger among the disadvantaged. It seems that this anger has resulted in xenophobia and aversion to anyone who is or who looks like a foreigner, especially in the 1990s and the beginning of the 2000s.

In many empirical studies conducted during recent years, we found a common aspect causing public fear: strangers. When asked about the reason for their fear of crime or feelings of insecurity, more than three out of four people interviewed responded with 'strangers' as the number one reason, followed by 'darkness/ dark places' (like public parking garages, train stations, etc.), and 'incivilities'. The places that people find frightening are train stations and other public places where strangers (especially juveniles) hang around, behaving in a disorderly manner, and sometimes fighting. We also found that those who know people who have been victimised have higher rates of fear than those who were victimised themselves or who were not victimised at all.

In the 1990s, one major problem for the German police was the crime problems related to the large numbers of immigrants entering the country. Since the fall of the Berlin Wall, the number of foreigners registered in Germany went from 4.2 million (1987) to 7.4 million (1997) (Ewald & Feltes, 2003). In 2008, 7.2 million foreigners were registered (less than 9% of the total population), but twice as much (15.3 million.) had a migrant background (origins e.g. from Turkey, Russia, Poland, Italy).
After an initial rise in crime immediately after the unification, overall crime has stabilised in Germany and it even dropped after 2004. However, there is little doubt that there has been an increase in certain violent crimes. Crimes that rose sharply in the early 1990s were hate crimes. The influx of foreigners evoked hostile reactions from some Germans, primarily young working class youths, who felt that those from other countries were a threat to their lifestyle and future. After 1990 the number of violent offences recorded by police as having some xenophobic or right-wing connections rose. In 2008 police registered nearly 14,000 cases with a right-wing extremist background (a record number). Among those, 735 were violent cases involving the injury of 773 people. In July 2009, Marwa Ali El-Sherbini, a 31 year old Egyptian pharmacist, was killed in a courtroom in

Dresden by a man with German-Russian background against whom she had testified after he insulted her for wearing a headscarf. German NGOs claim that up to 136 people were killed by right-wing-extremists between 1990 and 2005.

There is a risk of increase in both crimes by foreigners and xenophobic crimes or hate crimes by natives in Germany. The establishment of special departments, task forces or units for fighting hate crimes seems to be necessary, and experience in some German states shows it can be successful.[2]

1.6 Plural and Private Policing in Germany

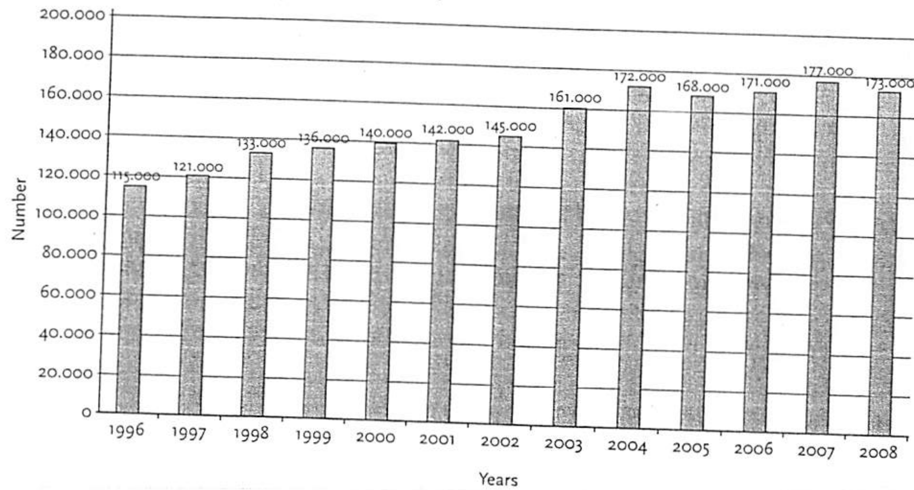
The market and demand for private security has increased in Germany since the 1980s. Nowadays there are some 3,000 enterprises with more than 170,000 employees (see Figure 1.1), compared to some 221,000 policemen (see Table 1.1).

Their main tasks are securing buildings (private property), transporting money, and security services in relation to mass events like football games or concerts. Most of the private security guards are not armed, but also not trained very well. The German law demands some four weeks of training only. More and more, public police are cooperating with private police, e.g. in train stations or during mass events. The results of the World Football Championship in 2006, where 20,000 private security personnel were involved showed that this cooperation was successful (Bach, 2008). But such 'police private partnerships' are still resisted by the police unions and by most politicians. Nevertheless, more and more cities outsource security tasks to private companies, mainly in connection with the protection of buildings, but the topic of cooperation between state and private police forces is still heavily debated, especially by police unions. Topics such as 'plural policing' (Crawford, Lister, Blackburn & Burnett, 2005; Jones & Newburn, 2006) or 'networked policing' (Ayling, Grabosky & Shearing, 2006), the 'multilateralisation of security' or even the idea of 'Shopping by Police' (Ayling & Grabosky, 2006; Ayling & Shearing, 2007) are known, but rarely discussed. The same is true for the multilateralisation of governance (Bayley & Shearing, 2001) as a keyword for the global transformation of security, and the necessary changes within the national police forces as a consequence. The theory of 'policing', as a theory of what the police is doing, is still being developed in Germany. The new term 'Polizieren' has been introduced by Jo Reichertz and Thomas Feltes (Feltes, 2009) to show that the German language misses an adequate term for what is called 'policing' in English. A project group on a European Approach to Police Science came up with perspectives of police science in Europe (Project Group,

2 E.g. in Saxony, where the task force 'Soko Rex' for taking preventive action and countering right-wing extremist activities has been up and running for years; see www.lka.sachsen.de/Infos/Soko-REX/sokorex.htm.

2007), but it will take time to include such ideas into police curricula and even more time to include it in practise in everyday policing.

Figure 1.1 Private policing in Germany



Source: Mario Luda, *Plural Policing*, Master-Thesis, Bochum, 2010, p. 26; with data from BDWS

1.7 Policing Münster[3]

In a recent study, we observed incidents in which the Münster patrol police and community beat patrols were involved. Münster (and Bochum) were chosen for various reasons, but mainly because the cities represent typical German medium-sized cities without special problems (perhaps besides the fact that Münster has the highest bicycle rate per capita in Germany).

Münster is called the 'city of students and administration'. Surrounded by smaller towns and villages, it is the centre of a region with more than 1.5 million inhabitants. Münster itself is home to 290,000 people; 48,000 of these are students, leaving their mark upon the city's character. Münster is the seat of 11 courts, the German Police University is located there, as are the first German/Netherlands Corps,[4] regional authorities and more than 30 banks. Furthermore, the city is famous for its 'bicycle-friendly' infrastructure that contains a wide network of

3 Parts of this chapter come from research by Martina Schreiber, Frank Fischelmanns and Sandra Jeremias under the supervision of Thomas Feltes for a comparative research project by Wouter Stol (Policing the Streets of Europe, to be published in 2010). The idea behind this project was to conduct a comparative analysis of everyday policing in different countries.

4 The German/Netherlands Corps is a multinational formation consisting of units from both the Royal Dutch Army and German Army, consisting of approximately 25,000 troops. Soldiers from other NATO member states are also stationed in Münster.

cycling paths and streets that are integrated into the wider transportation network. The number of cyclists is higher than the German average and has an effect on policing practices.

Police officer in Münster deals with 1.3 and their Community Beat Patrol [CBP] colleagues with 2.1 incidents per hour. Calls per hour were 0.8 for emergency patrol and 0.2 for community policing. In about half of the cases citizens called the emergency patrol. The calls for community beat patrols are substantially fewer. However, the numbers do not include incidents that involved answering questions from the public or chatting with citizens, which accounted for high numbers of incidents, see below.

The record of accidents in Münster from 2008 to 2009 shows an increase of 2.7% (9,405 to 9,661). This is also reflected in the number of traffic accidents involving dead and injured. In 2009 the number of injuries per 100,000 of population was 573 (the average in Northrhine-Westphalian [NRW] is 440). The risk of becoming a victim (death or injury) in a traffic accident in Münster is remarkably high. These figures are significantly influenced by the high proportion of cyclists on the road, but also involved in traffic accidents (in 2009 cyclists were involved in 724 out of 1,297 traffic accidents).

1.8 Sorts of Incidents Involved in Patrol Work

With regard to the total numbers, traffic seems to be an issue of emergency patrol rather than community policing. The share of those incidents that were initiated by citizens is particularly high in Bochum (the other city which was included in the study). Citizens initiated more than half of the traffic incidents. In Münster, it is more the officers who initiate the incidents. This has to be seen in the light of the specific context of the city. More than any other city in Germany, Münster is known for its high proportion of cyclists. This is also reflected in the statistics as nearly a quarter of the incidents related to cycling, e.g. riding without light at night or the illegal transport of a passenger. This is only exceeded by incidents that occurred during a special speed check that was carried out during the observation time and that accounted for a quarter of the incidents – all of which were observed on one day. Further incidents observed in Münster concern the use of safety belts.

For the total observations, the highest numbers related to 'maintaining the law'. However, the community police work in Bochum differs substantially from this category with significantly lower numbers: 21.9% compared to 34.0% in Münster. Accordingly, very few incidents relating to serious crimes were observed by CBP in Bochum. Also internal tasks seem to play a relatively minor role for community policing in Bochum and only account for 1.5% of tasks compared to 14.2% in

Münster. The CBP work in Bochum is largely concerned with 'networking' and 'giving assistance', particularly answering questions from the public.

The qualitative data reveals that CBP in Bochum was carried out by one officer only. As officers are relatively free to determine their style of policing, the explanation for these huge differences may be ascribed to personal traits or preferences. In Münster, on the other hand, figures for 'Giving assistance' differ significantly from the average with regard to the work of the emergency patrol. Officers here were for the most part engaged in recording accident data, assisting persons requiring help (see example below) or helping out during riots, e.g. at psychiatric departments. Particularly during night shifts, the officers assisted in cases of disturbance of the peace.

Incidents involving marginalised persons, such as alcoholics, drug addicts or homeless people are more likely to occur in non-traffic situations. Of these, most incidents are dealt with by the officers working on community beat patrols. The district officer seemed to have a very good knowledge of the marginalised persons in his district. When patrolling, he pro-actively approached and talked to marginalised groups or individuals. The encounters were always friendly, even when the officer had to ask them to leave certain places. He knew the people by name and was known to them and accepted by them, as his orders were generally complied with. On several occasions the observer noted that the CBP officer went up to persons he did not know, introduced himself and his job and asked for the person's name. Nearly all incidents that involve marginalised persons were initiated by the officer.

Table 1.3 Patrol work subdivided into main categories (%)

	N	Maintaining the law	Maintaining public order	Giving assistance	Net-working	Internal job	Other
				Emergency Patrol			
Bochum	167	61.1	8.4	22.2	3.0	0.6	4.8
Münster	129	47.3	3.9	38.8**	1.6	1.6	7.0
				Community Beat Patrol			
Bochum	196	21.9**	4.6	32.7**	31.6*	1.5**	7.7
Münster	162	34.0	9.3	17.3	22.2	14.2	3.1

* $p<0.01$; ** $p<0.001$

Table 1.4 Patrol work subdivided into subjects (%)

	Traffic				Law		Order/Assistance					Other		
	Collissions	Viol.	Check	Other	Serious crime	Other	Soc. problem	Qu. from public	Trouble-some youth	Public order	Other	Networking	Internal job	Else
							Emergency Patrol							
Bochum	12.0*	28.1	13.2	4.2	14.4	3.6	4.2	1.2	0.6	4.2	7.8	3.0	0.6	3.0
Münster	17.8**	25.6	5.4	3.1	10.1	3.1	13.2	3.1	0.0	0.8	10.1	1.6	1.6	5.4
							Community Beat Policing							
Bochum	1.5	15.8	3.6	3.6	1.0**	0.5	2.0	27.6**	0.0	4.6	4.1	31.6**	1.5**	2.6
Münster	0.6	15.4	9.9**	4.9	5.6	1.2	1.9	13.0	0.6	6.8	3.7	22.2	14.2	0.0

** $p<0.001$ (with respect to total PSE)

Münster has some characteristics that have an impact on police work. The proportion of young people who are living in Münster and the vicinity, coming to the city centre for amusement, pub visits or clubbing is very high. Therefore it is not surprising that the number of violent crimes – especially dangerous crimes and those involving serious bodily injury – is high compared to other cities. Strategically the police in Münster focus at the fight against crimes of aggression. By the flexible deployment of uniformed police officers to relevant places at relevant times, police prevent these acts. In addition the city council and the innkeepers instigated activities to fight crime, e.g. the use of private security, extra patrols to ensure public order. The high proportion of cyclists marketing this area has already been highlighted. This also means that the number of bicycle thefts is very high. Therefore another strategic objective of the police is to reduce the number of bicycle thefts and increase the awareness. Here, the police intensively carry out checks on cyclists and bicycles. Similarly, work to prevent cycle theft will be increased (e.g. by introducing bicycle passports). The third strategic objective of the police in Münster is the reduction of traffic accidents involving personal injury.

1.9 The Outcome of Incidents

The outcomes of incidents have been measured in terms of measures taken by the officers, divided into warnings, summons or tickets issued to citizens, and arrests. Considering the overall numbers, German emergency policing looks rather repressive, as many summons are issued. On the other hand, the Münster district police scores significantly low with regard to warnings given to citizens, and also summons and arrests in Münster are below the PSE average, though not significant.

Table 1.5 Proportion of incidents in which officers took oppressive measures – all incidents

	N	Warning	Summons	Arrest	One of these
			Emergency Patrol		
Bochum	167	21.6	22.8**	4.8	49.1**
Münster	129	22.5	20.9**	3.1	46.5
			Community Beat Patrol		
Bochum	196	18.4	1.5	1.0	20.9
Münster	162	6.2**	1.9	0.6	8.6**

* p<0.01; ** p<0.001

1.10 What Determines What Is Involved in Police Patrol Work?

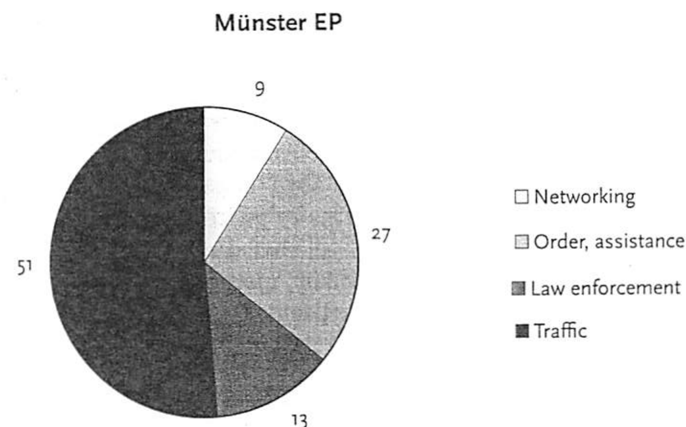
Before turning to the determinants of police patrol work, we summarise the above analysis and present an overview of what is involved in the work of the emergency patrol and the community beat patrols in Bochum and in Münster. In doing so we draw on the main categories of (1) traffic, (2) maintaining the law, (3) order and assistance, and (4) networking, internal jobs and other issues.

Summarising the above analysis, the majority of emergency police patrol work in the two German cities of Bochum and Münster is concerned with traffic issues. While issues of 'order and assistance' in Münster slightly exceeds Bochum, the two forces do not deal with much 'maintaining the law' which would is seen more as a task of emergency patrol.

Table 1.6 Patrol work subdivided into the main subjects (%)

	Traffic	Maintaining the law	Order/Assistance	Networking/ Internal job/Other
		PSE – EP		
Bochum	57,5	18,0	18	6,6
Münster	51,9	13,2	27,2	8,6
		PSE – CBP		
Bochum	24,5	1,5	38,3	35,7
Münster	30,8	6,8	26	36,4

Figure 1.2 Main subjects involved in emergency patrol work in Münster



The high numbers of traffic incidents that the German police deal with may be ascribed to specific national features. The high numbers of citizens' calls in Bochum contradicts the assumption that a high degree of urbanisation goes hand-in-hand with fewer calls. On the other hand, it may be the higher degree of anonymity in particular that may encourage people to call the police and to report an accident to an official body, whereas things may otherwise have been dealt with in private. Local urbanisation may also be responsible for the relatively low numbers of serious crimes that Münster police deal with in the more provincial 'Münsterland'.

Another feature of the Münster observations relates to the high numbers of cyclists in this city. Rather than speaking of 'exceptional local circumstances' one may here refer to 'specific local circumstances'. As such, it was shown that the high proportion of cyclists accounted for a great deal of traffic incidents that officers deal with, so that the character of the city is reflected in the style of policing.

Management control and police leadership was also found to have an impact on what is involved in police patrol work, again relating to the sphere of traffic: It turned out that 30% of the incidents in Münster were noted during a one-hour long traffic check that was ordered by the Northrhine-Westphalian home office. 'Management by objectives', for example, the requirement that patrol teams to fine a specific number of motorists for not fastening seat belts or phoning while driving, has increasingly become part of police management in NRW.

1.11 Police Use of Force

Violence against police has recently become a topic for discussion among politicians, police unions and academics. An empirical study, published in May 2010 by the Kriminologisches Forschungsinstitut Niedersachsen (KFN) in Hannover (Ellrich, Pfeiffer & Baier, 2010) showed an increase of self-reported violence (assault) against police[5] of nearly 100% between 2005 and 2009. One may doubt whether these figures are really representative. The topic (violence against police) was discussed with great political impetus by police unions in advance, with the effect that police officers were already sensitised to that topic, to put pressure on politicians for better working conditions, more staff etc., with the result that they over reported cases.[6] Nevertheless it seems that conflicts between police and especially younger people in the context of demonstrations, soccer matches and other public events are increasing, and that the intervention by police in the context of domestic violence in particular is getting more difficult and more violent over time.

Reducing violence, whether it is against the police or in the use of force by police officers, is one of the central aims of modern democratic societies. Thomas Ohlemacher et al. (2003) researched violence *against* the police but violence *by* the police was not a topic until some years ago when an international research group started a comparative analysis on that topic. Astrid Klukkert, Thomas Ohlemacher and Thomas Feltes (2009) conducted an empirical study on the individual and collective legitimisation of the use of force by German police officers from 2006-2008 (see also Waddington et al., 2009 for the overall concept[7]). Police officers gave various justifications for the use of force in eight German Federal States. The officers were responding to a hypothesised scenario. In the discussions observed within the groups, reference is first made to the state's duty to prosecute alleged offences and the measures or formal actions to do this – hence the legal authority to use force. In the course of the discussions, however, it became obvious that illegal violence may occur, although it was not perceived as such by the officers. Overall we stated that use of force (whether legal or not) depends on the police officer's perception of the resistance of the person involved. In this regard, different social-cultural or physical-material factors can be identified. These factors have different influences on the individual legitimisation of police actions, intertwined with the perception of the situation as construed by the officer. Three ways of perceiving the situation can be deduced, resulting in different patterns of justification for the use of force.

5 Nearly 18,000 police officers were interviewed, but not all German Länder took part due to politically motivated discussions about the content of the questionnaire.
6 It is a well-known fact, that people recollect cases that happened in the more recent past better than those which occurred e.g. 4 years ago.
7 See http://www.policeuseofforce.org/for more information on the international study.

The police law uses the term 'immediate physical coercion' ('unmittelbarer Zwang') when referring to the use of force on duty. 'Immediate physical coercion' is defined as using physical force on people or objects, devices aiding physical force (e.g. truncheons, batons and handcuffs) or weapons. What types of devices aid physical force and what weapons may be used are set out in separate regulations formulated by the Ministry of the Interior of each federal state. As with police institutions in other countries, the German police have issued very strict and extensive regulations concerning the use of physical coercion. In addition, intensive training is given which deals with the handling of conflicts, reduction of force and de-escalation techniques. Physical coercion is circumscribed by State Police legislation. In addition every citizen, including police officers, has a guaranteed right to self-defence. The legal requirements for using physical coercion are that (a) measures by the police cannot be implemented effectively in any other way, (b) the principle of proportionality is not neglected when implementing immediate coercion, (c) immediate coercion will have the desired effect, and (d) among the different coercive means the least harmful one (capable of bringing about the effect) is to be used. Regarding firearms, there are three ways police officers may use them (each one has different regulations in police law): (a) to protect others, (b) to protect themselves (self-defence) and (c) to kill an offender (e.g. in hostage-taking situations). Firearms may only be used without warning if this is necessary to prevent or to defend somebody against an immediate danger to life or body. The use of firearms against persons is stipulated very specifically, and is only permitted if the general requirements for the use of immediate coercion have been met and using physical force and devices aiding physical force have been applied without success, or it is obvious that their application will prove unsuccessful. Firearms may only be used against persons if the success of police measures cannot be achieved by using them against objects. Also, a firearm may not be used if there is a high probability of endangering recognisably innocent people. This does not apply if using a firearm is the only means to avert a direct threat to life. As far as intentional lethal shooting ('finaler Rettungsschuss') is concerned, the question of whether or not, and according to which pre-conditions, such a lethal shot could be justified has been the subject of intense debate.

Cases of police misconduct, excessive use of force or misuse of powers are investigated by special police departments; each and every case has to go to the public prosecutor. Nevertheless, more than 90% of all cases are dropped by the prosecutor's office. Special Commissions, an ombudsman and other systems or police complaints authorities as a means to address citizen complaints and unlawful police violence, are not available in Germany. Up until now, no official surveys on the excessive use of force and misconduct of the police or complaints by citizens have been conducted in Germany. Incidents in which force is used are documented in the annually updated statistics of weapons at the conference of the Ministers of the Interior.

The use of a firearm by a police officer is a very rare event in Germany. During the past few years, police officers have used handguns in about 4,000 cases every year. In 50 to 70 cases, the handgun is used against people, but in most cases the weapon is used to shoot at dangerous or wounded animals. During an average year, between three and ten people are killed and some 30 are wounded by police firearms in Germany. Up to nine police officers are killed every year in the line of duty, mostly as a result of firearms or other weapons being used against police officers. Officers killed in traffic or other accidents are not included.

Three 'frameworks of justification' for the use of excessive force were given. Justification Framework 1 was analysed as excessive use of force as a reaction to resistance to government authority. Here, within the legal framework, all the physical coercion 'that is legally permissible' is used, and is justified on the surface by the fact that a prosecutable offence has been committed. Because of the principle of legality, the officers are basically obliged to prosecute any offence. In cases where, for certain reasons, it does not make sense to formally investigate an offence (for instance, by writing up a report) because of perceived high work pressures or because a dismissal of the proceedings by the public prosecutor is expected anyway, officers are prepared to waive the principle of legality in their daily routine.

Justification Framework 2 is excessive use of force as a consequence of disrespect towards the officer himself and/or his colleagues in their function as police officers. This frame of justification is almost a transition between resistance against government authority (mentioned above) and an attack regarded as being personal (see below). Here the excessive use of force is basically considered to be illegal, but, in a given case, is justified by the argument that 'as a police officer' one does not have to accept insults. In fact, officers act both in response to their feelings as individuals as well as in response to their role as police officers. Examples are insults directed at officers in their function as police officers or insults that evoke the 'guardian instinct' of male colleagues towards their female colleagues.

Justification Framework 3 is excessive use of force as a consequence of an attack against the officer's person. Excessive use of force, in most cases, happens spontaneously with rational considerations being phased out in the first instance. They only appear afterwards, possibly reconstructed in such a way that the infringement can be justified. Initially, these actions are overlaid by emotions and mostly they can no longer be sensibly related to the actual situation. Here, personal reasons and subjective perceptions become the focus of attention. The officer does not see or feel himself attacked in his role as a police officer but as an individual. The justifications here are multiple and range from reflex actions, fear for one's life, and the release of pent-up aggressions, to personal shock. In explaining abuses, the fear of escalation and the desire to maintain authority as basic conditions seem to be of special importance. If an escalating situation cannot be managed, either with organisational or personal resources within the scope of the legal framework, and when it is additionally combined with a subjective judgement of

an emotional insult, offence or provocation, then one of three frameworks of justification for police infringements may be activated: an attack on the authority of the state, a lack of respect towards the social role of the police officer, or an attack on the officer's person. In these frameworks, legal aspects are clearly pushed into the background – legality is replaced by justification. Police training, and further training aimed at lessening the excessive use of force, can profit from an understanding of this spiral of escalation. One can start by identifying the paradox of partly incompatible basic targets (maintenance of authority and prohibition of escalation which draws the 'thin line' that must be trod), analysing the general conditions (organisation, person, situation) and/or naming the obviously decisive patterns of perception (insult, offence, provocation). In this way, we can go a fair way in achieving the goal of a civilised minimum of use of force, including by those who have, according to Weber, the monopoly of the use of physical coercion.

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2 Security in Paris: How Political and Administrative Organisational Complexities Eclipse Real Issues

Christian Mouhanna

2.1 Introduction

In terms of security management, Paris is both an exception in the French environment and a paradigmatic example of the issues the French police have to cope with. As the capital city of a state that remains extremely centralised – especially in its policing and security policies – and given its political, economic, and demographic prominence, the Paris metropolitan area stands quite apart in the country. Paradoxes abound – in particular, the greatest concentration of wealth lies right next to the largest underprivileged population. Upscale neighbourhoods are but minutes of public transportation away from the poorest areas, plagued with hardships, which infamously attracted global media attention during the riots of November-December 2005. The *boulevard périphérique* (the ring road surrounding Paris along the line of the former city walls) seems to act as a border between the city and the suburbs – even though, as we shall see, some working class areas remain within Paris itself, while not all suburbia is peopled by angry workers and immigrants on the verge of revolt. Indeed, some of these *banlieues* do concentrate a significant part of French wealth.

Those various economic and geographic paradoxes entail very complex political and administrative organisational issues. As a result, the Mayor of Paris – the largest city in France – is the least empowered in the whole country when it comes to security policy-making. In Paris, more than anywhere else in France, the State plays an instrumental role in security management policies, through one dedicated organisation: the Paris Prefecture of Police [PP]. The Police Prefect is a high-ranking civil servant endowed with enough power to impose his own security policy upon the Paris metropolitan area. Indeed, the Prefect's prerogatives are currently growing. The Mayor of Paris, however (along with his colleagues of the neighbouring towns), cannot help but get thoroughly involved in security issues. This has been an ongoing concern in French politics for the last thirty years at least, both locally and nationally. While the various security bills enacted these last few years did increase their policing prerogatives, mayors haven't been able to take the 'upper hand' in this field – least of all in Paris. In this area, as in many others, local and national authorities are engaged in an ongoing struggle, with