Accountability and learning related to use of force by police in the Netherlands

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Organisation of the Dutch police

The Dutch national police force consists of 10 Regional Units, the Central Unit and the Police Services Centre. The five-member Force Command has its own support section (Commissioner’s Staff).
Ombudsman (2013)

- Insufficient self reflection on police use of force
- In addition to legal considerations (legality, necessity, proportionality) principles or standards of professionalism should be taken into consideration
New process to report, review and learn from use of force
(from 2019)

• **Internal** process (only in very specific cases will public prosecutor become involved)

• Direct supervisor is only involved to deal with teachable moments and personell care

• Stepwise review, with advise from a dedicated advisory commission, which includes one civilian

• Use of special review framework
Review framework: professionalism

- Officer behaved respectfully towards citizen
- Officer behaved predictably and in a reliable way
- Officer behaved in a de-escalating way
- Officer acted diligently
- Officer acted bravely, but not in an overconfident, reckless way
Use of force by investigating officers assessed in accordance with new legal framework

The Dutch Criminal Code will be updated with a separate offence for investigating officers who are guilty of contravening the rules governing the use of force, resulting in bodily harm or death. Today, the Senate approved Minister of Justice and Security Grapperhaus’ legislative proposal on the use of force by investigating officers, which introduces a legal framework for assessing the use of force by investigating officers such as police officers, members of the Royal Netherlands Military Constabulary and
The learning model of use-of-force review

(Tacher, 2020)

‘The most sophisticated police agencies do more than establish rules and monitor how well officers comply with them. They use incident reviews partly as a tool for learning in order to document the complex circumstances that police encounter in the field, to scrutinize existing responses to them, and to articulate alternative approaches that might be taken, not just by the responding officers but also by others who shape the possibilities available to them.’
• Proactive
• Selfmonitoring
• Learning organisation culture
• Combining accountability with learning

Focus on
• Organisational change
• Collecting and analysing data
• From punishment to behavioural change
Methodology

1 Quantitative research into use of force reports and review process
2 Online survey among police officers
3 Interviews (> 100) and focusgroups
4 Document research
5 Peer reviews
Conclusions

• Complex process
• Fits with principles of “new police accountability”
• Praiseworthy to focus more on learning
• Important that police chief can take responsibility for use of force: this creates obligations
• It takes time to “learn how to learn”, to work with the new process and to create a learning culture
• Difficult to conduct “professional dialogue”
Accountability

• A lot of variation in units and between units
• Process especially geared towards basic police service, less towards special operations, public order policing
• Increasing backlogs
• Statistics inadequate
Learning

- On the whole, accountability is still dominant
- Focus is more on individual than on organisation
- Limited collective learning
- Insufficient strategic commitment of police leaders
RISKS FOR POLICE ORGANISATION
if this is not done right

• Insufficient learning
• Legitimacy under pressure after incidents
• Lack of internal support
• Shift to more external accountability mechanisms
RECOMMENDATIONS

• Treat use of force as of strategic importance
• Facilitate the new process in a better way
• Guarantee consistent implementation of the new process