

інтеграції внутрішньо переміщених осіб. Доведено, що децентралізація влади створює умови для забезпечення прав ВПО й осіб, які постраждали від конфлікту, але недостатньо ефективно. Децентралізація влади суттєво не вплинула на мотивацію органів місцевого самоврядування щодо створення умов для інтеграції ВПО, допомоги у вирішенні їх проблем. Відсутній баланс між обсягом повноважень і ресурсами для їх реалізації. Доцільним є подальше посилення спроможностей фахівців ОМС оцінювати та враховувати різницю обставин, в яких опинилися ВПО, специфічні проблеми, з якими вони зіткнулись. Це дозволить удосконалити і гармонізувати фрагментарну політику у сфері інтеграції ВПО на місцевому рівні, що сформувалась, зокрема, через брак досвіду і експертної підтримки.

Ключові слова: внутрішньо переміщені особи, права і свободи, органи місцевого самоврядування, децентралізація влади, інтеграція, воєнний стан.

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CREATING MODERN, COMMUNITY-ORIENTED POLICE: SOME DUTCH EXPERIENCES

Abstract. The Netherlands differ in many respects (historically, geographically, economically) from Ukraine. Consequently, the experiences of the Dutch police are different too. Nevertheless, those experiences may be useful to Ukrainian colleagues.

After the end of the National Socialist occupation (1940-1945), the Dutch population and police wanted to forget that time as quickly as possible, to reconstruct their economy, but that turned out to be unwise: for decades a taboo on that past hindered a good relationship between the police and the citizens. That relationship was finally not restored by politicians, but by a new generation of police chiefs who learned from police abroad, in particular the Anglo-Saxon police. An important tool for improving the relationship turned out to be training police personnel in social skills: citizens require more from the police than enforcing laws. The ability to mediate in conflicts and to help finding psychosocial support strengthens policing enormously. A particular issue turned out to be dealing with misbehaving police officers.

Frontline police-managers were given a special responsibility in counteracting misbehavior, but misbehaving police officers must also be able to count on correct treatment. Organized crime poses a particular threat to society and good policing in particular. In the fight against organized crime, the police learned that the administration is an indispensable ally, but that it is important too to preserve focus and that the population must be made resilient against the lure of this kind of crime. In modern policing, a special responsibility rests on the shoulders of police chiefs: they must seek a balance between the vertical relationship with the competent authorities and the horizontal relationship with the citizens.

Keywords: police relationship with citizens, police integrity, combating organized crime, police history.

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Introduction. The Dutch admire how Ukraine defends itself against a ruthless aggressor. There is large public support, both for delivering weaponry and for the reception of refugees. My profession is conducting research into the police and training police students and ordinary students in public safety issues.¹ I realize that as long as the Russian aggressor has not been expelled from the country, the time for reflection has not yet come. But perhaps it does do no harm to take meanwhile note of some Dutch experiences with building a police force that is community-orientated and a pillar of a constitutional democracy. It can help to accelerate the integration of Ukraine in the community of European liberal democracies in the near future.

Analysis of recent research and publications. The Netherlands and Ukraine have different pasts. The Netherlands is a small country with a long tradition of international trade. In the twentieth century, it was only briefly confronted with the terror and devastation by totalitarian regimes. The occupation by Nazi Germany lasted five years and only in the second half of the occupation repression was fierce and destructive. The worst hit was the Jewish part of the population. Apart from the German occupation, the Dutch have been able to develop and renew their public institutions and social organizations in peace over the past two centuries. There were no revolutions or major uprisings, only some local riots and a few national strikes. But despite all these differences with Ukraine, the experiences with the formation of a modern, community oriented police force may still be of interest to Ukrainian colleagues.

The purpose of the article is to discuss Dutch experience of police and possibility of its' application in Ukraine.

Formulation of the main material. Five lessons that the Dutch police have learned since the Second World War seem to me valuable.

1. Coming to terms with the past. During the German occupation, the occupational government had tried to transform the Dutch police into their own model and to spread within the organization the national socialist ideology. He succeeded to use the police for important national socialist goals, including the deportation of the Jews and the fight against resistance, but the transformation of the police organization was only partially successful. Nevertheless, at the liberation in 1945, the Dutch police had got a military character. The Dutch government, which returned from exile in London, needed a properly functioning police in the chaotic situation after the liberation. The devastated country had to be rebuilt. The new government, therefore, left the police largely intact. Police officers who had joined National Socialist organizations or had collaborated in prominent positions with the occupier were fired, but the vast majority of the personnel were able to stay. The past was forgotten as quickly as possible, both by the population that longed for peace, stability and prosperity and certainly also by the police who felt ashamed. Within the police, having been trained by the occupational government according to German standards and having

¹ Much in this contribution is based on my experience within the Dutch police. It may therefore be relevant to know that I wrote a dissertation about the Amsterdam police during the German occupation (Meershoek, Dienaren van het gezag. Amsterdam, 1999), worked in the second half of the nineteen-nineties in a CID, focused on organized crime from countries of the former Soviet Union and subsequently researched, among various other police related topics, preserving integrity within the police.

cooperated in German repressive measures were taboo, only known by some colleagues and small circles of citizens. Nobody thought of such a thing as a Truth Commission such as that set up in South Africa after apartheid (G 2007).

However, the population did not forget what they had endured during the occupation by their own police. Although citizens did not know what individual police officers could be blamed for, they did blame the police force as a whole for the past. Citizens feared the police. They complied but kept the police at a distance and were not inclined to inform the police about matters of interest. Young people who had not experienced the war and who came of age in the 1960^s, were the first to adopt a different attitude toward the police and public authorities in general and they promptly came into conflict with the police. To make matters worse for the police, they quickly enjoyed the sympathy of the general public. The police became socially isolated in the 1970^s. Even the government was not inclined to come to their aid. In the end, it was a younger generation of police officers who, out of dissatisfaction with that negative image, would start to systematically improve police interaction with citizens and to rebuild their legitimacy (Ibidem, p. 389-492).

It was not until the 1980^s, forty years after the end of the German occupation, that the taboo on the war past of the police was broken. Then the last colleagues retired who had entered the police force during the war and had received training according to German standards. Once outside the discipline of the corps, they dared to reproach each other for actions and non-actions. These allegations soon caught the attention of journalists, and after these turned to the subject, historians followed suit (Aartsma, & Huizing, 1986). Then the process of coming to terms with one's own past slowly began. Not only with the past of the German occupation, but also other parts of police history that had simply been avoided too, for which one should not be ashamed, which could have been instructive.

2. *Orientation on citizens.* In the 1960^s, the Dutch police became entangled in fierce conflicts with protesting youths. As a legacy of the German occupation, the Dutch police had a distant relationship with civilians. They justified this attitude by appealing to an idea of professionalism dating from the 1920^s, considering themselves as strict enforcers of the law. Citizens had to accept their authority at face value, were not allowed to commit private justice and had to trust that the police would clear up crimes and bring the perpetrators to justice. From the 1960^s onwards, citizens no longer accepted such a treatment, disregarded the police and settled less and less for such a passive role. They became more assertive and self-reliant and frequently protested if they disagreed with governmental policies. To regain legitimacy it became important for the police to know what citizens expected of them and to estimate what appeal they could make to citizens' efforts to contribute to public safety. Instead of instructing citizens, police had to work with citizens. More recently, the advent of the mobile phone and social media have made this even more necessary.

It was a new generation of police officers who succeeded to move the police forces to adopt the new attitude towards citizens. These officers were better educated and had joined the police in the 1960^s, were disturbed by the low level of education of the police leadership and started experimenting with

new working methods with the patrolmen on the street. The ideas were provided by American police researchers who started, from the 1970^s onwards, promoting new strategies like team policing, problem orientated policing and community policing. Listening to the safety wishes of citizens, rebuilding legitimacy and trust and ultimately benefiting from the information that citizens were prepared to provide. As these officers rose to leadership positions from the 1980^s, they also began to adapt the organization to the new approach: decentralization, teamwork, consultation of the public and the reduction of specialized functions.²

In the early 1990^s, the entire Dutch police force was reorganized and community policing became the dominant guiding principle of police work. The most radical change, however, took place in an insidious manner, as a result of the influx of women into the police force. From the early 1970^s, the police had started recruiting women, but until well into the 1980^s women remained a small minority, in subordinate positions. But with their rise in the organization, however, internal manners changed and the police became sensitive to more or less disregarded crimes and offenses such as domestic violence, sexual harassment, rape and stalking. The police culture changed, there became more room for reflection and attention for colleagues who had suffered physical or mental injuries in police work. Increased internal safety and administrative support strengthened the resilience of police officers on the beat and in this way improved policing.

3. *Professionalization of police training.* Police work is a profession, it requires training and education, and above all knowledge of human behavior and social problems. Police are faced with unpredictable emergencies that can easily escalate into violent confrontations. They should to be able to assess what motivates various kinds of citizens and how they can effectively and constructively be addressed. From the 1970^s, the emphasis in police training therefore shifted from knowledge of laws and rules to teaching social skills like the ability to mediate small scale conflicts and to diagnose mental disorders. Since then, police students are for example confronted during police training with people with mental problems and confused behavior. After all, they will often come into contact with such citizens in their daily practice. They must be able to mediate between quarreling citizens and know which social and medical emergency services they can call on. As a result, specialized police training at for example the police traffic school and the detective school gradually came to an end. Police aspirants are of course still trained in these skills, but these kinds of training are now part of the general training. More and more police officers return in the course of their careers to the police training centers: lifelong learning.

In the 1980^s, the Dutch police were confronted with large demonstrations and fierce, often violent confrontations with squatters. It was discovered that the traditional, military approach of public order policing had the opposite effect of what was intended. The new goal became de-escalating, in order to give citizens the opportunity to exercise their right to demonstrate, but also to ensure a

² Their idea were formulated in a famous report: Projectgroep Organisatiestructuren, *Politie in Verandering*. Den Haag, 1977. A video, subtitled in English, in which the protagonists of this transformation relate their experiences, can be found on YouTube: https://www.youtube.com/watch?v=7PVETB_1Caw.

peaceful course of the demonstrations. The so-called mobile units, responsible for public order policing, which consist of regular police officers who have undergone special training and are recruited from the regular police service in the event of riots, are directed by specially training staff and act systematically, based on specific scenarios, geared to the expected situation and the intended effect. They are supported by colleagues who are specially trained to collect (undercover) intelligence, or to preserve friendly contact with the demonstrators or to arrest the most aggressive among the latter. Everything is aimed at controlling the crowd and managing potentially violent situations (Adang et al., 2011).

An important recent development in police training is the integration with police practice. This development is partly prompted by the need for public savings and the need for an accelerated deployment of police aspirants, but also by new didactic methods: learning on the job. Training is not only important for the police students, but also for colleagues on the street, who can thus more easily adapt to new developments in the police profession.

4. *Tackling derailing police-officers.* There is no such thing as a police force without derailing employees. Police officers have special powers and are allowed to use these in complicated circumstances. Regularly, something goes wrong the intended result is not achieved. Sometimes there is a temptation to use those powers improperly. When the Dutch police were first confronted in the 1970^s with widely publicized misconduct by police officers, the initial reaction of the leadership was to deny it. Pride in their own force prevented them from facing reality. This attitude was unsustainable and forced the police leadership to take systematic repressive and preventive action against misconduct. A first step was to formulate a code of conduct that was up to date and that could also be observed by the executive staff. A police officer could accept a cup of coffee; not an alcoholic drink. There was formulated a financial limit on small gifts that could be accepted. And such gifts had to be reported. Police officers were expected to behave properly in their free time. In the internal discussion that the implementation of the new rules provoked, the concept of the so-called moral compass of policemen came to play a key role. Police officers were required to have such an inner sense of what is right and wrong in the job. Failures within policing could be discussed.

Over time and after a few painful affairs, it became clear that not only patrolmen who are exposed to pressure or temptation on the street, should be taken into consideration, but that policed managers also bear responsibility, both in the origins and in the prevention of derailments by their personnel. They should set an example of good behavior, pay attention to colleagues who are overburdened or get into trouble, also privately, be not afraid to step in the comfort zone of colleagues, hold these accountable for their behavior and intervene if they receive signals of derailments. Ensuring police integrity became an important task for police managers.

Police officers who not properly use their special powers should be addressed and in serious cases punished disciplinarily, sometimes even with dismissal or judicial prosecution. However, discipline must be carefully enforced, not only because sometimes police officers are wrongly suspected of misconduct, but also when it turns out that they have actually misbehaved. The police have a strong group culture, mutual loyalty is essential for good

performance. The downside of that loyalty is that threatened police teams can fall back on a "blue code of silence" but can also easily expel "black sheep" undeservedly from the group. Being expelled from the group can have a major impact on police self-esteem. A good police force is able to have difficult discussions (Meershoek et al., 2020).

5. *Effectively combating organized crime.* Organized crime undermines democracy and the rule of law. The Netherlands began to deal with this in the 1970^s, when the use of drugs among young people was gaining popularity. The drugs were secretly imported: hashish and marijuana mainly from Morocco; the heroin mainly from Afghanistan. Smuggling professionalized and soon fell into the hands of criminal organizations. At that time, the Dutch police were no match for these. Legal evidence could only be collected by penetrating the criminal organizations with undercover agents and experience with that was lacking. The police started to rely on American colleagues who were affiliated towards the American army that was stationed in Germany and who had more experience with this way of acting. However, American law allowed its police to use more far-reaching investigative methods than Dutch law. During the criminal prosecution, therefore, Dutch police officers could not speak openly about the American support that they had received. In court, they threatened to fall into perjury. The solution was found by playing openly and provoking the judge to rule on a carefully planned infiltration campaign. This eventually led to jurisprudence of the European Court of Justice, the so-called Tallon arrest, which still provides legal guidance and judicial support for fighting organized crime (Wever, 2020).

In the course of the 1980^s, it became clear that criminal justice was not enough to curb organized trafficking in drugs. The demand for drugs was too great. For suppliers who were arrested and prosecuted, replacements quickly stood up to serve the customers. The government then sought a solution by tolerating coffee shops where customers could buy soft drugs. Hard drugs such as heroin and cocaine were not tolerated there. The government hoped that by tolerating the consumption of soft drugs it could prevent young people from consuming hard drugs. The goal became making separating the illegal market in soft drugs from that in hard drugs. The police could then focus on the greatest evil: trafficking in hard drugs.

Around 1990 it became clear that criminal organizations were buying pubs, restaurants and other real estate and making improper use of important public service providers such as lawyers, notaries and banks. In order to prevent criminal organizations from laundering criminal money and building up positions of power in society, it became necessary for the police to obtain the cooperation of other parts of the administration. In threatened sectors of the economy, change of ownership of property was made subject to a permit by the government. The government could refuse such a permit if the buyer's past history showed that he had been involved in criminal affairs.

Fighting trafficking in drugs didn't bring the hoped for success. Shortly before the turn of the century, the government started to reduce the number of coffee shops. Citizens complained about the nuisance in the immediate vicinity of the shops and the many visiting foreign customers. Controlling the trade in soft drugs remains a difficult task to this day. Some administrators advocate further legalization along the Canadian model, in the hope of regaining control.

Others have no confidence in this and advocate stricter police repression and the closure of more coffee shops. At the same time, it became clear that the illegal market in hard drugs, especially in cocaine, is growing and is a breeding ground for violent, internationally active organized crime. Successful judicial action against these organizations is possible, as became clear during some trials, but these successes do not lead to a reduction in the illegal market. The government is diligently looking for ways to make society resilient to the temptations to use these drugs.

Conclusions. The Dutch police has learned that building a police force that is a strong pillar of a democratic constitutional state requires an enduring effort. Society is permanently changing, crime, disorder and feelings of unsafety are changing with it and a police force that wants to continue to act lawfully must constantly adapt to these changes. The impulses for renewal come from various sides: from judges who rule in criminal cases, from citizens expressing their wishes and desires and from the competent authorities with instructions.

A modern police force should cherish two relationships: one horizontal, one vertical. Service to the citizens and service to the government. The police leadership is required to maintain a balance between both. That is already difficult in a stable, prosperous society such as the Netherlands. All the more admiration is due to the Ukrainian colleagues who are striving for this under much more difficult circumstances.

For those who are interested in the Dutch police and its past, there are two video's, prepared for Dutch police training, that have English subtitles and English voice over:

- 1) <https://www.youtube.com/watch?v=mmfvrYUgSMs>;
- 2) https://www.youtube.com/watch?v=7PVETB_1Caw.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Гус МЕЕРШУК
СТВОРЕННЯ СУЧАСНОЇ, ОРІЄНТОВАНОЇ НА ГРОМАДУ
ПОЛІЦІЇ: ДЕЯКИЙ ГОЛЛАНДСЬКИЙ ДОСВІД

Анотація. Нідерланди багато в чому відрізняються від України (історично, географічно, економічно). Отже, досвід нідерландської поліції теж різний. Проте цей досвід може бути корисним українським колегам.

Після закінчення націонал-соціалістичної окупації (1940-1945) голландське населення та поліція хотіли якнайшвидше забути той час, відновити свою економіку, але це виявилось нерозумно: десятиліттями табу на минуле заважало хороші стосунки між поліцією та громадянами. Зрештою ці стосунки відновили не політики, а нове покоління начальників поліції, які навчалися в поліції за кордоном, зокрема в англосаксонській поліції. Важливим інструментом для покращення стосунків виявилось навчання поліцейських соціальних навичок: громадяни вимагають від поліції не лише дотримання законів. Здатність бути посередником у конфліктах і допомогти знайти психосоціальну підтримку надзвичайно зміцнює поліцейську діяльність. Особливою проблемою виявилась робота з неналежною поведінкою поліцейських.

На поліцейських на передовій покладається особлива відповідальність у протидії неправомірній поведінці, але поліцейські, які поводяться неналежним чином, також повинні мати можливість розраховувати на коректне поводження. Організована злочинність становить особливу загрозу суспільству та, зокрема, ефективній поліцейській діяльності. У боротьбі з організованою злочинністю поліція зрозуміла, що адміністрація є незамінним союзником, але також важливо зберігати зосередженість і що населення має бути стійким до спокуси такого роду злочинів.

У сучасній поліції особлива відповідальність лежить на керівниках поліції: вони повинні шукати баланс між вертикальними стосунками з компетентними органами та горизонтальними стосунками з громадянами.

Ключові слова: взаємовідносини поліції з громадянами, доброчесність поліції, боротьба з організованою злочинністю, історія поліції.