



Platform Opleiding, Onderwijs en Organisatie (PLATO) Ltd.

Institute of Security and Global Affairs (ISGA)

Leiden University



Evaluation of the Deployment and Use of the Short Baton by Special Investigation Officers (boa's) Summary

WODC: 3197

May 2022

Dr. Jaap van Lakerveld
Drs. Gert-Jan Lindeboom

Colophon

Contractor

Scientific Research and Documentation Centre of the Ministry of Justice and Security (WODC)

Department of External Scientific Policy Research
Ministry of Justice and Security

Postbus 20301; 2500 EH Den Haag

Researchers

PLATO (Leiden University):
Dr. Jaap van Lakerveld

Ockham IPS BV:
Drs. Gert-Jan Lindeboom

Institute of Security and Global Affairs (Leiden University):
Dr. Joery Matthys

Supervisory committee

Voorzitter: Prof. Dr. Marie Rosenkrantz Lindegaard
Dr. Frans Beijaard
Dr. Lisa van Reemst
Mr. Bart Engberts
Dr. Julien van Ostaijen

Summary

In recent years, an increasing number of so-called municipal enforcement officers is deployed in the public square in addition to the 'regular' police force. These officers are assigned a status of a special investigative officer (in Dutch: *buitengewoon opsporings ambtenaar*) and are authorised to enforce a variety of local and national legislation in the public domain. The last years have seen increasing concerns about personal safety in their work.

One of the venues to respond to these concerns has been to explore an expansion of the possibilities of equipping these enforcement officers with a short baton. This requires changes to the formal request procedure, which the Ministry of Justice and Safety is considering to facilitate through a new and separate regulation for the arming and equipping of special investigating officers. In preparation for this possible future regulation, a pilot approach was chosen in which ten municipalities could request a short baton for their municipal enforcement officers in line with the intended future regulation. This pilot approach was granted to Alkmaar, Amsterdam, Capelle aan den IJssel, Hoorn, Leeuwarden, Valkenburg aan de Geul, Velsen, Zandvoort, Zoetermeer and Zuidwest Friesland, where a maximum of 20 enforcement officers were granted permission to carry the short baton.

On behalf of the Ministry of Justice and Security's Scientific Research and Documentation Centre (WODC), an external evaluation was launched to review the outcomes of the pilot. To be able to investigate the experiences of introducing and working with the short baton during the year 2021, a process evaluation was chosen. This evaluation collected insights from four distinct levels; experiences at the system level, at the organisational level, level of incidents, and at the individual level. These insights offer together the pieces that allow responding to the main evaluation question:

- What can be learned from the results in the pilot in relation to the new to be developed separate regulation for the arming and equipping enforcement officers

The evaluation approach

Various methods and tools were used to collect the results of the pilot with the short baton in 2021. The study was carried out in the 10 pilot municipalities mentioned, and further complemented by insights from six additional municipalities where enforcement officers were not equipped with a baton (Groningen, Haarlem, Katwijk, Tilburg, Utrecht, Vlissingen). While these municipalities do not equip their enforcement officers with a short baton, the tasks and responsibilities are roughly comparable as the municipalities, which allows gaining a more in-depth understanding of the experiences of enforcement officers in the Netherlands more generally. The following methods were part of the study:

- **Document study:** Based on insights from literature, questions were formulated to be included in the evaluation. This document study consisted of an extensive scan of the available scientific and policy literature.
- **Registration of incidents:** The factfinding part of the evaluation was fed by data from local registration systems of municipalities, police, and supervisors.
- **Online questionnaires:** In two separate rounds online surveys were conducted among municipal employers, and enforcement officers. The surveys focused on the perceptions and experiences of enforcement officers, both actual experiences, and hypothetical cases.

- **Policy interviews:** A substantial part of the data collection consisted of multiple rounds of interviews with policy stakeholders during the course of the evaluation. On a national level, interviews were held with relevant policy departments within the Ministry of Justice and Security, the two trade unions responsible for enforcement officers, and the public prosecutor. At the local level, interviews were held with team leaders of the enforcement teams, and/or policy advisers on public order and safety in the ten pilot municipalities and the six control municipalities. Similar interviews were held with the legal supervisors of local enforcement officers (direct supervisors, who represent the police force, and supervisors, who work in district courts on behalf of the public prosecutor).
- **In-depth interviews:** in addition to the policy interviews, the evaluation organised in-depth interviews with thirteen enforcement officers from five municipalities to explore more in-depth the experiences of wearing and using the baton.
- **Focus groups:** At the end of January 2022, after completion of the data collection, two focus groups were organised: one with local authorities, and one with academics and professionals.

Conclusions

The conclusions of the evaluation follow the structure of data collection and are divided into four levels. The implications of the conclusions for future policies are included in a final section: lessons learned from the pilot.

Findings at the system level

Justification for participating in the pilot

What were the main reasons for the 10 participating municipalities to submit an application for the pilot? Who took the initiative and what was the role of the enforcement officers in this?

Municipalities mentioned a variety of reasons to justify their application to participate in the pilot. Such reasons include a toughening of interactions on the street, changing nature of the tasks of enforcement officers, specific local issues, enforcement around corona restrictions, as well as long response times of the police in case of incidents. Mayors have played an active role in requesting enrolment in the pilot; in some municipalities the city council exerted additional political pressure, sometimes in combination with the local enforcement officers' workforce. In some cases enforcement officers themselves took the initiative to campaign actively for the short baton. In other municipalities, the initiative came mainly from employers, who held discussions with the enforcement officers to hear their views, or questionnaires were administered to find out how they felt about participation in the pilot.

Some of the control municipalities had also applied to enrol in pilot, but were not selected. Others did not apply intentionally, either because they did not consider themselves ready for arming their enforcement officers. In these municipalities, adding a short baton to the equipment of enforcement officers is considered a step in a broader process of professionalisation, which would first require changes to standing policies for recruitment and selection, as well as in requirements to training and qualification. Some municipalities have more fundamental objections against arming enforcement officers, either from the employer's side, or because enforcement officers themselves registered their opposition.

Substantiation of safety risks

Which elements did the municipalities use to substantiate the safety risks, and what were the experiences in making these risk analyses?

In line with the requirements of the pilot, all ten participating municipalities have identified specific security risks in the work of enforcement officers, for instance increases in aggressive behaviour of citizen in the community. In addition to that, applications refer to certain groups (e.g. loitering youngsters); the duty to do checks in pubs establishments; and the enforcement of other corona measures.

Applications show differences between municipalities when it comes to how enforcement officers are deployed, for instance whether they operate in nightlife areas. The direct supervisors, responsible for the day-to-day overseeing of enforcement officers in their regions approved the submitted substantiation of safety risks. An analysis of the approval process show however local differences in how the various criteria had been interpreted. While local differences in the execution may persist, but a common interpretation of national criteria would help clarity and transparency in the determination of tasks, competencies, and equipment of enforcement officers.

Cooperation with the police

How did cooperation with the police develop, and what role did participation in the pilot play in this development?

Cooperation with the police should already have been formally laid down in a formal enforcement arrangement. In some cases in the preparation for the pilot such an enforcement arrangement had not been in place, and was only drawn up for the purpose of the pilot application. Experiences from the pilot do not point to any structural changes in the cooperation between enforcement officers and the police after the introduction of the short baton. However, participation in the pilot did bring existing patterns of cooperation to the surface; in municipalities where such cooperation had been more problematic, municipalities also noted that the police teams were also more critical towards the pilot. In municipalities in which constructive cooperation had already been established for years, more enthusiasm existed among the local police force to cooperate, on an organisational level, but often also on a personal level.

Findings at organisational level

Enforcement officers supervision and enforcement tasks

Which enforcement tasks in domain I (public areas) were performed by enforcement officers in the period from 1 January 2021 to 31 December 2021? How do these tasks compare to their enforcement tasks in previous periods?

Municipal enforcement officers represent the municipality's authority on the street and have a broad variety of tasks and responsibilities. Within their range of competence falls for instance addressing disturbances, small annoyances, and other occurrences that relate to the 'liveability' of a region, as long as these are not covered by other formal legislation. Since the outbreak of the COVID-19 pandemic the set of competences was broadened substantially, including for instance enforcing social distance rules, evening curfews, closure of bars, and the prohibition of sale of alcohol.

In comparison to earlier years, many municipalities identify a broadening of the original tasks that are deemed to fall within the criterion of 'liveability'. This is taking place more broadly in the Netherlands, but when comparing the municipalities in the pilot against the control municipalities

there are some differences as well. Enforcement officers in pilot municipalities indicate to work more often on more risky areas, such as youth nuisance, while enforcement in control municipalities report to work more often on relatively safer areas, such as parking, waste and parks.

The results of the evaluation did not identify any structural shift of tasks after enforcement officers were equipped with the baton. This is an important finding, but it is noted that this was an explicit condition for participation in the pilot, which was actively monitored and managed by the stakeholders involved. This limits the potential of the evaluation to draw meaningful conclusions about what could happen beyond an initial pilot phase, when such close-up management may not necessarily persist. What can be concluded is that the active use, reference and discussion of the enforcement arrangements (the formal plans for cooperation with the police) can serve as the tool to ensure that the limits of deployment remain clear and respected, in order to avoid that local enforcement officers are deployed more frequently for tasks that should be taken up by the police.

Training and education

In what way are enforcement officers (additionally) trained in the use of the short baton?

The pilot municipalities have met in the requirements for (additional) training and education in different ways. In principle, the requirement for enrolling in the pilot was that enforcement officers had to have completed a three year upper secondary vocational training (training programme called Enforcement, Supervision and Safety (MBO-3). In one municipality these rules were applied more flexibly, to avoid excluding specifically the most experienced enforcement officers, who did not have this qualification. Another requirement for the pilot was to have completed a violence management training course (RTGB), and to have at least one year of experience. These requirements were met in all municipalities. One municipality raised the minimum requirement of practical experience to three years. Other municipalities have taken steps to offer additional training, facilitating discussions on concrete experiences, to help shape practice and to sharpen working methods. Some of such training programmes also actively seek joined training efforts with the local police unit.

Have enforcement officers experienced the required (additional) training modules as contributing to professional use of the short baton (that is: de-escalating and, if used nonetheless, proportional)?

Overall, enforcement officers are positive about the education and training they received. Those that were trained longer tend to evaluate the training they received as comparatively better than their peers that received shorter training. The additional training offered includes attention for discussing incidents, encourage critical reflection, and practical (de-escalation). Those that have the most visible effect on professional development are those that include such practical exercises. Particularly the types of training programmes that focused on avoiding the use of the baton appear to have a constructive contribution, also leading to more restraint among enforcement officers to use the baton, such as using it more cautiously, or more often consider withdrawal as a better alternative.

Additional support from employers

What additional support was provided to enforcement officers besides training and what does it include?

In addition to education and specific training, the support provided by employers also consists of other choices regarding equipment. The bodycam, for instance, is a tool that contributes to personal

safety, but can also have a role that can encourage reflection on one's own actions and on the use of equipment.

Some pilot municipalities have chosen to actively discourage their enforcement officers to actually use short baton. They emphasised the exceptional nature of using of the short baton, and closely monitored the way enforcement officers had used them. Whenever an officer had used the baton, this was discussed in detail, not only with the person involved, but also within the team in order to reflect on whether or not the short baton should have been used and ways in which use could have been prevented, or minimized. The experience in the pilot is that such interactions have a positive effect on the professionalisation of enforcement officers, and also contributes to a more critical and self-aware assessment of using the short baton on the street.

The legal aspects of equipping enforcement officers with a short batons, and of using it, has received attention to various degrees. This includes questions surrounding the liability and rights of the enforcement officer when using the baton, as well as the liability of the employer. Two specific municipalities have gained some practical experience with this, but the other municipalities all underline the need for more guidance in this area, in the form of additional briefings, checklists, or suggestions.

Findings at incident level

Number of incidents of violence

What trends can be observed in the number of cases of (physical or verbal) violence against police officers and how many cases of physical violence (including use of the short baton) have been registered by enforcement officers in the period from 1 January 2021 to 31 December 2021?

Uniform figures about the development in numbers of cases of violence against enforcement officers are not available. Differences in local tasks and competences, as well as differences in the way violent incidents or the use of force is registered make a comparison between municipalities difficult. For the purpose of this evaluation however, the cases in which the short baton was used were collected in a way that allows comparison of threats of use, and of actual use of the short baton. The legal supervisors (police and public prosecutor) have considered the number of incidents in which the short baton was used restrained. A total of 59 reports were made of using the baton against persons, of which 40 in Amsterdam. Two-thirds of these reports were incidents in which the enforcement officers threatened to use the baton, but did not actually use it. The remaining 21 cases the baton was actually used against a person (of which 16 in Amsterdam).

Too few incidents were reported to systematically chart differences between municipalities or over time. Instead these incidents were studied in more detail, based on their context, cause, behaviour of enforcement officers and consequences. In the specific cases that have been studied, the enforcement officers indicated that the threatening or using the short baton has led to control over the situation. The results of the pilot suggest specifically that the threatening of using the short baton in most cases is already an effective way to (re)gain control over the situation. Still, such a finding comes with the caveat that we have no information how the situation would have been resolved without the short baton, nor does the available data allow concluding more generally whether arming enforcement officers with a short baton has led to more, or fewer incidents.

How many incidents of use of violence have been officially reported (in accordance with the obligation in the official instructions) to the (direct) supervisor (the Public Prosecution Service, OM)? How does the OM explain the trends of the numbers of registered incidents? What was the nature and context of these cases, considering the (scope of) duties performed by the

WODC / PLATO / OCKHAM-IPS / ISGA/Summary of the Evaluation of the deployment and use of the short baton by special investigation officers/ may 2022/ JvL, GJL

enforcement officers, the legitimacy, subsidiarity and proportionality of the actions, including registration and reporting?

The evaluation highlights an overall constrained use of the short baton; in the cases where it has been used, enforcement officers themselves report that it was an effective instrument to gain control over the situation. The number of reports of use of the baton in most municipalities varies between zero and four times during the investigation period. In five municipalities the baton had only been used for threatening, but was not actually deployed. Only in Amsterdam the times the baton was used, both for threatening and actual use is higher. This needs to be understood against the different metropolitan context with specific needs and specific priorities for local enforcement. However, it seems that less attention was also given to actively discourage use of the baton in the preparation of the pilot as well. In one specific case, legal concerns were raised about the subsidiarity of the use of the baton by two officers in support of the arrest of an individual. In response to the prosecutor's assessment a formal violence registration was filed for these officers.

Based on the detailed descriptions, the reports of incidents were grouped in three distinct categories: (1) use in support of regular public domain competences, (2) use during sudden incidents, (3) and use to support colleagues in danger. Most reported incidents relate to the first category. At the same time, there have also been cases where enforcement officers have been involved in assisting colleagues in danger, which is not in line with the existing rules and regulations. Instead, enforcement officers are expected to call the assistance of the police in dangerous situations. The fact that such incidents have taken place requires additional attention and clarity at all levels for the assessment by enforcement officers themselves; by the staff in the control room, the local police unit, employers and supervisors.

The experiences with the actual use of the short baton during the pilot underline the importance of close involvement of the formal supervisors (by police and public prosecutor). When these respond rapidly and adequately after individual incidents, the involved enforcement officer can be evaluated allowing the employer to further complement action with additional training. If necessary, such involvement can also serve as input for a revision of local recruitment and selection policies for enforcement officers, and possibly also for the broader local enforcement priorities and working methods.

Findings on individual level

Boa safety perception

How have the enforcement officers perceptions of safety developed (in terms of the nature of the incidents experienced, the cooperation with the police, and the resources, armament and equipment) over the period from 1 January 2021 to 31 December 2021?

The evaluation shows that the majority of enforcement officers are positive about the short baton, both about the public reaction to it, and about the cooperation with the police in this respect. In comparison to enforcement officers in control municipalities, respondents in the pilot are more often proud about their work and feel safer when interacting with larger groups. However, this is the case for enforcement officers that have been equipped with the baton and their colleagues that have not; as such no direct link can be made with the short baton. Based on responses from enforcement officers in the survey the most relevant explanatory factors for the perception of safety among local enforcement officers is related to developments in the response by citizens in interactions, changes in the tasks and competences, response time of the police and (changes in) enforcement of COVID-19

restrictions. These factors underline the importance of finetuning and specifying the distribution of competences with the police, about local enforcement priorities and existing ways to reduce safety risks. The short baton can play a role in any of such aspects, but by itself is not the means to directly increase the safety or perception of safety among enforcement officers.

Changes in behaviour

Has the possession, or use of the short baton possibly also had a reverse effect?

Despite that the evaluation shows how the short baton was used with restraint during the pilot, it cannot be ruled out that individual enforcement officers respond differently than others. About a quarter of the surveyed enforcement officers indicated that were more inclined to approach a certain situation on the street when equipped with the baton, were less likely to ask for assistance, and in risky situation said they would not withdraw as often as before. This also means that three-quarters respond not to have changed their behaviour. More objectively, the evaluation has no means to ascertain whether such statements have affected the actual behaviour of enforcement officers on duty. No robust conclusions can be drawn about any potential averse effects of equipping enforcement officers with the short baton.

The results of the pilot did show that employers have paid due attention to the possible averse consequences of equipping enforcement officers with a short baton. This is observed for instance in the attention for training offered and guidance put in place by senior enforcement officers or managers. In addition, employers have taken steps in the area of more selective recruitment and through training courses in de-escalation and interview techniques, each of which serves to reduce the risks of individual behaviour that would not be in line with the overall guidelines of deployment.

Lessons from the pilot

The review of findings as presented above provide the pieces with which the main evaluation question can be answered. It is important to underline that the evaluation has not set out to answer the question whether equipping enforcement officers with a short baton is desirable. This remains a political choice, which - in line with the intended future regulation - would no longer be taken in general, but instead at the local level in response to local priorities competences, associated risks and the possibility to cover such risks in cooperation with support of the local police unit. Instead, the evaluation has focused on identifying the conditions against which enforcement officers can best be equipped with the short baton. Based on such results, the a set of lessons can be identified for this purpose.

Taking enough time for thorough preparation and planning of local approach: Most participating municipalities have confirmed the importance of the requested preconditions for the pilot, such as having an enforcement arrangement in place and conducted a thorough risk analysis of deployment of enforcement officers against the tasks and local priorities. While these are labour and time intensive, doing so offers an opportunity to specifically (re)define the cooperation and responsibilities of the partners as a basis for cooperation between enforcement teams and police.

Facilitating regular consultation at the various levels: In the contacts between the local stakeholders, enforcement teams, supervisors and the Ministry of Justice and Security various stakeholders appear still to be struggling with their roles, and responsibilities. Having clear

assessment criteria are one answer to this, but a clear procedure for finding solutions when opinions differ too much is also necessary. In preparation of the intended future regulation, the Ministry of Justice and Security may consider to continue the national platform of direct supervisors, which also operated during the pilot. Consultations in which supervisors, local decisionmakers and the municipalities as employer participate and jointly monitor, evaluate and discuss progress, are important for an adequate introduction of the short baton. The findings in the pilot underline the importance of local customisation, but also of an unambiguous and transparent assessment framework. The leading principle should be that differences between municipalities can be traced back to local policy choices, not to different interpretations of national frameworks.

Institutionalising cooperation with the police: Promoting cooperation between local enforcement organisations and the local police units requires first of all the establishment of an enforcement arrangement. This arrangement could best build on existing relations and cooperation. Experiences from the pilot show that the introduction of the short baton brought existing cooperation patterns to the surface. Investing in ongoing consultation, in getting to know each other in professional work situations, can further strengthen cooperation. Important steps in this regard are the joint development of setting new tasks, discussing the demarcation of such tasks and identifying their overlap. Joint training can also strengthen and contribute to a further professionalisation of cooperation. Also among local decisionmakers, this needs to further attention at a continuous basis.

Knowledge sharing on development of local strategies on equipment: Attention to equipment with the short baton cannot be seen separately from the broader equipment of enforcement officers. This equipment also includes body armour, handcuffs and bodycams. The development of the intended future regulation on the equipment of enforcement officers can be seen against the broader background which allows municipalities to develop a local strategy on supporting and equipping their local enforcement officers. The pilot shows however that many municipalities struggle with this process, and would need to exchange ideas with other municipalities, learn and sometimes receive additional guidance and guidelines. Local decisionmakers suggest that such guidance could possibly be facilitated on a national level. They suggest for instance a role for the National Association of Municipalities (VNG), the national steering group of enforcement officers, possibly supplemented by the Public Prosecution Service and the Ministry of Justice and Security, who may support local strategy definition in the form of sharing good practices and developing model regulations.

Start preparing administrative processing in good time: The experience gained in the pilots shows the importance of thinking about the design of the administrative processes of granting of the formal authorisations for the use of weapons by enforcement officers in an early stage. It is recommended that Justis (the responsible executive Agency) is involved in this process in time, not only in the context of the statutory ex ante implementation review, but also to be able to contribute to preparations. Clarity is needed about the role of other parties involved in the process of formal authorisation of enforcement officers to carry the short baton, and the roles of other stakeholders in this
(employers, VNG, supervisors, police, the relevant policy department of the Ministry, Justis)

More uniform approach to reporting and registration of use of force: Procedures and instruments for reporting and registration of the use of the short baton depend on a simple and easy-to-use system, but also requires an active commitment to reporting, and registration discipline. By encouraging discussions at the individual level to reflect on the use, and review the legitimacy of the action may further contribute to establishing reporting discipline. This can be further strengthened

by analysing and discussing trends at the level of the team involved, the unit, the district, or even nationwide. Putting in place national guidelines or briefings on how to organise this can stimulate uniformity across multiple municipalities so the data collected may provide sufficient information to draw conclusions.

Reconsider the qualification “self-defence” in the performance of enforcement tasks: The trade unions for enforcement officers, as well as enforcement officers themselves and local decisionmakers often refer to the short baton as a means for enforcement officers to defend themselves in extreme situations. Other stakeholders respond to this by pointing to limitations in the law regarding the use of weapons for self-defence. The legal use of weapons is limited for carrying out their authorised duties. However, this limitation creates legal uncertainties in any scenario where enforcement officers use the short baton to defend themselves, for instance in situation where they are confronted with aggression and violence. The pilot has shown that this is not theoretical, but takes place in practice. For this reason it is important to establish, based on theory and practice which type of use of the short baton is lawful, and which forms of use are not supported by law. The ongoing work on the intended future regulation can play a role to further clarify this for the future.

Re-evaluate practical interpretation of liveability criterion: Despite the fact that the liveability criterion in theory offers a clear delineation of the tasks and responsibilities of enforcement officers, in practice its use for a distinction of competences often proves more difficult. Moreover, municipalities do not always interpret it in the same way, and the tasks considered part of it have been undergoing changes. This requires reflection on the liveability criterion and its meaning, or further specification of its meaning, both at the national level, and at the local level, where the deployment of enforcement officers eventually is decided. Such additional reflection is needed to clarify the relation between the definition of tasks, the chosen enforcement effort, and the equipment needed for that.

Local lessons for recruitment and selection: The successful introduction of the short baton depends on having in place an explicit recruitment and selection policy at the municipal level. However, the pilot shows that municipalities differ in this respect. Some have already gone through an intensive professionalisation process of such policies before the pilot and increasingly require a minimum of communication skills in recruitment and selection. Because not all municipalities have undergone or completed such a process, this requires attention before the decision to equip enforcement officers can be taken. Participation in the pilot also required that enforcement officers had completed a MBO3 qualification have at least one year of practical experience. Such requirements should be adapted as much as possible to the local context, taking into account the specific composition of enforcement teams. Pilot municipalities generally did not consider it desirable to make a distinction between enforcement officers on the basis of personal characteristics when deciding to equip with the baton (on the basis of experience, level of education). It is conceivable, however, that the decision whether or not to equip certain boas with a baton is partly inspired by the type of tasks they conduct, or the type of deployment (location, hours); if boas already work in different teams with different tasks, a separate consideration with regard to equipment seems more appropriate.

Additional practical training with attention to de-escalation: In addition to the legally required RTGB training, which focuses on the correct use of the short baton, the pilot municipalities have experienced the value of additional training in social skills, conflict management, resilience and de-escalation. The benefits of such training can be further strengthened if attention is paid to practical examples and recordings from the bodycams are used. The organisation of joint training

with the police offers the opportunity to strengthen operational cooperation as well. The findings in this evaluation underline the importance of additional attention in training on the legal aspects of equipping and using short batons, which explicitly includes both the liability of both enforcement officers and employers.