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2007 – 2008 COMMITTEE P ANNUAL REPORT

1. PRESS FILE

The Standing Police Monitoring Committee submitted its 2007 – 2008 Annual Report to the Belgian parliament in January 2009 and discussed it with the committee charged with providing parliamentary support for Standing Committee P on 4 March 2009.

The public version of the report is available on the Committee P website at www.comitep.be. Other more detailed reports used to prepare the findings and main recommendations are also available on the website.

The following points were discussed at greater length during constructive debates with the support committee.

1.1. WATCHDOG ROLE

Since its creation, Committee P has seen a rapid increase in the number of individual complaints and reports of police misconduct it deals with. Handling of these complaints and reports of police misconduct has a significant impact on Committee P's workload. **As a result, the legislature specifically asked Committee P to refocus its activities on the main tasks and missions with which it has been entrusted, namely protection of citizens' constitutional rights and fundamental freedoms, and the coordination and efficiency/effectiveness of the police service.**

Committee P carries out this function by: (1) collecting and recording information, (2) carrying out on-site investigations and analyses, (3) disseminating its conclusions through, amongst other things, publications, (4) drafting opinions and recommendations for the short, medium and long term, which may serve as 'early warning signals', and (5) following up the recommendations made.

1.2. REPORTING

Committee P makes it a point of honour to report on all of its activities, including the complaints and reports of police conduct that it receives or examines. The Committee sends a weekly summary to the police command structure and the General Inspectorate of the Federal and Local Police (AIG) listing the complaints and reports of police misconduct that concern them and the decisions taken. It also sends a similar summary of complaints and reports of police misconduct twice a year to Parliament, the Interior and Justice Ministers and to certain relevant administrative and judicial authorities. These stakeholders also receive a report each year containing Committee P's findings for the most relevant complaints and reports of police misconduct that it has dealt with. The annual report is produced as part of these information dissemination activities.

2. INCIDENTS AND FIGURES

2.1. NUMBER OF REPORTS OF SHORTCOMINGS AND POTENTIAL INFRACTIONS

Over the past five years, the number of complaints about the way in which police forces and individuals with police powers operate has fluctuated between a low of 5,961 in 2006 and a high of 6,760 in 2005, with an increase of 4.8% in 2007 (6,244) compared with 2006 (5,961). The number of complaints in 2007 was similar to the number of complaints received in 2003.

Table 1: Number of reports of police misconduct over the past five years

2003	2004	2005	2006	2007
6,170	6,421	6,760	5,961	6,244

A quarter of all case files relate to the judicial district of Brussels (1,614 files representing 25.8%). It should be noted, however, that a large number of police officials work in this district. The next largest number of files dealt with by Committee P relate to Antwerp (824 files representing 13.2%), followed by Liège (395 files representing 6.3%).

2.2. RELATION BETWEEN INVESTIGATIONS FOLLOWING A COMPLAINT AND CRIMINAL INVESTIGATIONS

The total number of files resulting in inquiries into shortcomings and potential violations concerning police officials can be roughly divided into two main categories: firstly, inquiries carried out as part of Committee P's monitoring role, which are also called **complaint files** and, secondly, judicial inquiries carried out at the request of the judicial authorities, or **criminal files**. There is also a third category, perhaps the largest, namely inspection inquiries carried out by Committee P each year into a wide range of services and thematic issues.

In 2007, the majority of files received by Committee P and police forces were **complaint files** (71%, 4,450). This number increased from 4,287 in 2006 to 4,450 (up 3.8%). The number of complaints submitted directly to Committee P (2,219) was almost the same as the number of complaints lodged directly with the police forces (2,231). This breakdown remained similar to the figures for 2006.

The remaining files concerned **criminal investigations** (29%) (1,794) carried out by Investigation Department P under the authority of judicial authorities or directly by the police forces concerned. In 2007, the number of judicial inquiries into police officials increased by 7.2% from 2006. The number of infractions reported increased by 8.7%.

In 2007, Investigation Department P carried out 281 inquiries for the judicial authorities. This figure is one third less (down 36%) than the figure for 2006 when Investigation Department P carried out 439 inquiries. By contrast, the number of judicial inquiries dealt with by other services in 2007 increased by more than one fifth (up 22.5%).

This reduction in the number of inquiries carried out by Investigation Department P was the intended result of a policy designed to reflect the fact that Investigation Department P is a specialist service and that Committee P is neither primarily a complaints office nor a body to 'police the police'. Complainants are therefore requested to lodge their complaint in writing and are occasionally referred to the head of the police force concerned, who is primarily responsible for ensuring that his/her force operates correctly. The reduction in the number of judicial inquiries is mainly due to a drop in the number of initial reports drawn up at the request of complainants who arrived in the Committee P reception (often sent directly by one of the police corps in Brussels). 211 files of this kind were processed in 2006 and only 46 in 2007. The impact of this decrease is seen, above all, in the Brussels district where, due to Committee P's location, figures clearly show that the drop in the number of files generated for Committee P resulting from this policy has led to a similar increase in the figures for police forces within the Brussels district. In other words, Committee P's objective of no longer acting as the 'public prosecutor's police service' in Brussels has been achieved. Committee P also decided to proceed differently from 2007 onwards and, in a certain number of cases, to forward complaints that are considered to be least serious and which do not require a specialist service, but which nonetheless concern incidents that constitute a judicial infraction, directly to the judicial authorities rather than ask Investigation Department P to draw up an official report. This procedure aims to draw the attention of the judicial authorities concerned to the fact that, in Committee P's opinion, such incidents should not be examined by a specialist service such as Investigation Department P. However, the number of files processed by Investigation Department P for public prosecutors has remained stable (150).

2.3. INSPECTION INQUIRIES

The inspection inquiries carried out each year by Committee P into a wide range of police forces and thematic issues should also be counted.

In 2007, Investigation Department P carried out 24 inspection inquiries (either thematic, or concerning a specific police force or police zone), three more inquiries than in 2006. Committee P also directly handled several other thematic inquiries without calling upon support from Investigation Department P.

Committee P opened 11 new inspection inquiries between 1 January and 30 June 2008.

2.4. TYPE OF INFRACTIONS

43% (2,295) of all infractions registered in 2007 concerned failings in attitude, behaviour or actions that bring the police into disrepute. These include inappropriate language, attitude and general appearance, abuse of power and actions or attitudes whilst on or off duty which bring the police into disrepute. Failure to meet professional obligations or abuse of function and powers represent 34% (1,826) of infractions registered in complaints. This category includes infractions concerning the force provided, failure to comply or poor compliance with mandatory procedures, neutrality/impartiality/incorruptibility and honesty. The increases in the various categories are due to the general increase in the number of complaints registered, but the proportion for each category did not change significantly from 2006 to 2007.

Of infractions registered as part of criminal investigations opened in 2007, approximately one third (594) involved violence against individuals and property. In both 2006 and 2007, arbitrary acts represented 16% (320) of infractions recorded.

2.5. GROUNDS FOR COMPLAINTS

If, during **inquiries resulting from a complaint**, Committee P finds that the complaint is insufficiently proven, does not contain hard evidence, is purposeless or finds any error or shortcoming, these complaints are deemed to be *“unfounded or unproven”*.

Of 100 complaints handled by Committee P in 2007 and for which the Committee issued an opinion on grounds or evidence, 13.4% of complaints were declared to be founded and 86.6% to be unfounded or unproven. If these figures are extrapolated for all of the complaints processed by Committee P for the period 2004 - 2007, the averages obtained are 15% for founded complaints and 85% for unfounded or unproven complaints.

The ratio is the same for all categories of infractions, with the exception of *“failings in terms of effectiveness, efficiency and coordination of police forces”*, a category in which one quarter of complaints were deemed to be founded. Approximately 88% of all complaints connected with arbitrary, violent or unjustified acts or failure to respond by police officials were found to be unfounded or unproven.

For complaints deemed to be founded, the categories for *“failings in terms of attitude, behaviour or actions that bring the police into disrepute”* and *“failure to meet professional obligations or abuse of function and powers”* represented three quarters of all infractions recorded.

2.6. DECISIONS AND HANDLING TIME

In 2007, Committee P took decisions on 2,231 complaint files, including 1,716 (77%) which had been lodged with the Committee in 2007. 468 complaints (21%) for which the Committee took a decision in 2007 dated back to 2006. The other complaints handled had been lodged with Committee P in 2004 (5 files) and 2005 (42 files).

Taking only the figures for complaints handled in the same year they were opened by Committee P, the average time for handling complaints was 54 days in 2005, 58 days in 2006 and 51 days in 2007.

In 2007, 1,716 (77%) of the 2,219 complaints opened during the year were also concluded during that year, while in 2006 the number of files closed in the same year in which they were launched was 1,506 (72%) out of a total of 2,100 files opened that year.

One positive finding, therefore, is that a higher number of complaints do not systematically result in a longer period before a decision is taken.

This improvement in 2007 is the result of changes made to the internal complaint handling process.

2.7. FORWARDING OF COMPLAINTS HANDLED

Using the complaint handling system it has developed (severity, relevance, type, etc.), Committee P can decide to forward a file to be handled autonomously and directly by the police force concerned. In 2007, 523 complaints were forwarded in this way, representing one quarter of all complaints lodged by complainants directly with Committee P. This represents a decrease of 5.6% compared with figures for 2006 and almost 20% compared with figures for 2005.

In addition to deciding to forward a complaint for autonomous handling by the corps concerned, Committee P can also decide to have the complaint examined by the corps concerned and still retain the right to take the final decision on the file. Figures for this type of complaint handling also indicate a downwards trend. In 2005, 27% of complaints lodged with Committee P had been forwarded for examination at a later stage by one of the internal monitoring services or the AIG. In 2007, the percentage represented by this type of file fell to 18% of all complaints. In comparison with figures for 2005, over one third fewer complaints were handled this way in 2007.

2.8. COMPLAINT FILES HANDLED BY INVESTIGATION DEPARTMENT P

Table 2: Complaint files handled by Investigation Department P

Year	2003	2004	2005	2006	2007
Complaints handled by Investigation Department P	712	686	666	448	345
Inspection inquiries	32	25	16	21	24
Telephone calls	581	517	496	661	362

Tableau 3: Complaints in the strict sense of the term

Year	2003	2004	2005	2006	2007
Total number of complaints in the strict sense of the term	1,689	1,853	2,216	2,100	2,219

Looking at the total number of complaints, in the strictest sense of the term,¹ received by Committee P, the figures for 2003, 2004, 2005, 2006 and 2007, show that 42%, 37%, 30%, 21% and 16% respectively of complaints were transferred to Investigation Department P for examination at a later stage. As was the case for referrals to the police forces concerned, fewer inquiries were transferred to Investigation Department P in 2007. The implementation of an enhanced complaints handling process by the complaints unit has improved the pre-selection process for complaints and, as a result, ensures that only files (which are often more specific, difficult and complex) are forwarded to Investigation Department P for examination at a later stage. In addition, many administrative files on which Committee P is asked to issue an opinion for example, are forwarded by the Committee to Investigation Department P for handling.

Figures for telephone calls show a 45% decrease. This is also a result of the policy applied by Committee P aimed at shaking off its image as a front-line complaints service for citizens.

2.9. COMMITTEE P IN THE LIMELIGHT

Inquiries and also the results of inquiries carried out by Committee P are occasionally reported in the press. In 2007 and during the first few months of 2008, Committee P was cited in 167 articles in the press. These reports are important because they reflect, to a certain extent, the perception that part of the population, including members of the police service, has of Committee P's activities.

The press articles present the Committee from different perspectives. In certain cases, Committee P was used by the authorities or a citizen as an authoritative source to, amongst other things, stress that a complaint must be taken seriously. These complaints are usually connected with cases of violence and/or arbitrary acts committed by the police forces when responding to incidents at football matches, demonstrations or judicial inquiries. In other cases, the conclusions or results of Committee P inquiries are quoted as a reference or in support of an opinion that a journalist or the interviewee wishes to highlight. Finally, (results of) Committee P inquiries and reports are also used to draw the public's attention to certain specific situations.

Results of inquiries are used not only to inform the parliamentary support committee to which Committee P is accountable, but, when published, to also inspire and inform other members of parliament for their parliamentary questions. In 2007, the results from certain inquiries were thus presented to the public on nine occasions.

3. CONCLUSIONS AND RECOMMENDATIONS

The police forces strive for excellence in their operations and follow a results-focused strategy; they gauge and anticipate the needs and expectations of the authorities, citizens, society and their colleagues. To achieve these objectives, they (1) survey perceptions of the services they have provided, measure results achieved and draw correlations between these results and the strategic objectives formulated that must focus on achieving results, (2) promote and facilitate conditions that allow colleagues to achieve these results (3) ensure that internal working procedures are improved using the results provided and evaluated.

Inquiry data collected by Committee P in 2007 and during the first half of 2008 indicate that the link between internal operation and the results and balanced effects achieved has again been demonstrated clearly. It can, however, be improved further in terms of the approach of all of the key processes or functions observed.

3.1. NEIGHBOURHOOD POLICING

A good practice followed by the **neighbourhood policing** function in a local police zone's approach to squatters showed that adequate estimation of needs and adaptation of work processes to these needs achieve results and have a positive impact in terms of preventing crime and the escalation of conflicts (in the event of any evictions).

When confronted with the consequences of a conflict inherent to the regulatory framework, police officials find themselves in difficult situations when it comes to achieving balanced results. The issue of squatters, for example, entails contradicting interests between, on the one hand, the right to housing and the right to property and, on the other hand, the defence of collective interests in terms of public safety and the defence of individual interests in terms of peace, cleanliness and health.

At operational level, the Committee also found that there is very little uniformity between the various police zones when it comes to the approach taken to this issue, with the result that citizens are treated differently, particularly in cases of expulsion, depending on the area they are in.

Another conflict noted is the payment by bailiffs of police officials providing back-up. On the one hand, bailiffs are legally required to pay the accompanying police officials. On the other, the police officials' status prohibits them from being paid for carrying out their mission. Police officers are, moreover, sometimes kindly asked or simply forced by their corps management to pay this remuneration into a fund, a requirement that cannot be made mandatory in any case. This remuneration of police officers must be ended.

Finally, the results of inquiries connected with this function show once again that it is important for the police to know the public and for the public to know the police and that this attitude is essential. This makes it possible to maintain sustainable contact with all sections of the population and to correctly estimate the needs and essential requirements of the citizens concerned within the context of an approach that focuses on resolving problems.

3.2. INVESTIGATION

Our analysis of the investigation function focused, amongst other things, on the collection of information using informants. Whilst those involved responded unanimously that using informants offers added value and magistrates said they were generally satisfied with this approach, police forces continue to look for suitable indicators that can show the added value of this approach. Action plans in this regard are often very brief and rudimentary whilst the federal judicial police (PJF/FGP) can generally dedicate 5 to 10% of their capacity to this area and the total budget devoted to the payment of informants is increasing. However, this budget is also considered to be insufficient and some police officers feel that payments are too closely linked to results, that evaluation criteria are not transparent enough and that the link with the impact in terms of local safety and a feeling of insecurity need to be taken into account better.

Investment has been made in the training offered to staff working in Criminal Intelligence Sections (CIS) – both basic training and functional training for judicial police. These staff often have more flexibility, but do not have sufficient resources to acquire unmarked cars and licence plates or find ways to lighten their administrative workload.

3.3. ROAD SAFETY

In 2007, the number of fatal accidents on motorways fell by 9.4%, but the number of accidents involving serious injuries increased by 20.1%. To improve these results, performance standards were proposed in the federal police action plan (DAH). Overall, results were adjusted to the objectives as formulated at the latest States General for Road Safety, but in terms of monitoring performance, it was noted that not enough breath tests had been carried. This was due, amongst other reasons, to a lack of personnel that could not be covered due to a lack of resources, absenteeism due to illness and an increased workload in the response system. A range of targets were not met and this had a negative impact on the balance of the results as well as a low probability of arrest. **The command structure must monitor this matter more closely.**

The results from the inquiry into the way in which the railway police operate revealed a high number of complaints lodged by citizens and a degree of social unrest amongst staff. The majority of incidents subject to complaints were recorded during initial contact between the police and citizens and primarily involved poor communication and lack of empathy that resulted in a situation that got out of control. Our inquiry showed that, during monitoring and reporting activities, this police force systematically used restraint and force. The Police Commissioner took note of these results and used them to propose a range of solutions.

Better support for middle-ranking officers is essential when it comes to tackling this issue. Committee P believes, therefore, that both the Police Commissioner and other senior police officers must continue to take an interest in the way in which the railway police operate because too many shortcomings have been identified in this force, both in the past and at this current point in time.

3.4. MANAGING PUBLIC AREAS THROUGH DIALOGUE – MAINTAINING PUBLIC ORDER

During its inquiry, Committee P found that police forces still do not fully understand how appropriate and necessary it is to move away from a form of management that is purely based on factual intelligence from the administrative police and to consider this intelligence in a wider context. This would allow them to not only identify changes in groupings both over time and space, but to also set priorities for the investigation departments. The administrative authorities should give indications in this regard. In an area that is essentially proactive, the police forces are harmed, above all, by the absence of any clearly formulated objectives or objectives set by the administrative authorities. However, there is an opposite trend towards 'legislating' the collection of intelligence by the administrative police due to the pull effect of terrorism as an issue. It is precisely Ministerial Circular PLP 37 on terrorism that is the least well-known and least well monitored in the majority of local police zones that the Committee visited. In other words, there are significant differences between the federal and local police. On the other hand, one strength that should be highlighted is the creation of various coordination and exchange platforms for the administrative police. Significant effort is still required when it comes to managing administrative intelligence. Neither the authorities nor the police command structure seem to be fully aware of the importance of this matter.

The federal judicial police (PJF/FGP) carries out 'special' tasks of administrative police, as a secondary mission and in accordance with the law. It should be noted here that the concept of 'special' is not yet clear to all involved within the police. A circular establishing distribution of these tasks between the federal police and the police zones, as is the case with judicial missions, could help to clarify the situation.

The importance of establishing good relations with citizens in order to avoid conflicts and, if necessary, to defuse any situations has been proven by the results of inquiries carried out into the use of dogs and horses at football matches. Committee P noted that, in these situations, supporters were occasionally restrained for a prolonged period and that entire groups were placed under the surveillance of dog handlers using dogs that were not muzzled. It also turned out that these situations triggered more misunderstanding than actual aggression from the supporters. In practice, using dogs appears to be a method of restraint that is part of a continuum of force virtually equivalent to the use of a firearm. **The decision to use dogs must therefore be taken in light of the basic principles enshrined under Article 37 of the Law on Policing (LFP/WPA).** The Committee believes that, in accordance with these basic principles, the use of dogs on patrols to maintain public order must be limited to a few prevention operations in calm situations (patrols, monitoring, pipes) or search operations. The inquiry also revealed fundamental differences between dog use by different police forces, something that jeopardises the principle of a consistent policing standard. This is due to, amongst other things, the lack of a reference and regulatory framework. **Benchmarking against police forces in neighbouring countries could be one way to identify the optimum way in which dogs can be used.**

As regards maintaining public order, the importance of a police service that operates democratically must be remembered. In the approach taken to prostitution, periods for deprivation of liberty laid down by certain police corps do not comply with legal requirements.

Another issue connected with prostitution is labelling (in the literal sense) and, in some cases, the stigmatisation that ensues when sex workers are too obviously identified by being tagged at the time of arrest. Taking a wider perspective, similar to neighbourhood policing and squatters, the police face a real challenge in reconciling the different interests and rights of all concerned. On the one hand there are the authorities, which are under significant pressure from their local area and residents living close to places where prostitution is taking place and, on the other hand, there are the prostitutes whose rights also need to be protected. At any rate, systematic administrative arrests that are not justified by actual reports of any disturbance of the peace and periods of custody that are systematically set in advance without any other motives do not comply with the regulations laid down by the LFP/WPA or the principles by which a democratic police service operates.

However, the main point that emerged from complaints in this area was the incorrect handling of a group of illegal immigrants who were arrested during their transfer from a police station to the Vottem closed detention centre. Individuals in a (relatively) weak position in society, such as squatters, illegal immigrants or prostitutes, are examples of what a certain police sub-culture consider to be 'police property' which they believe justifies certain departures from compliance with standard regulations. Negative prejudices towards these groups, for example the belief that squatters are anarchists or illegal immigrants are criminals, facilitate this behaviour.

3.5. RECEPTION

Two important aspects of reception activities are politeness and the proper presentation of police officials *servicing citizens*. Several cases indicated that application of basic rules of politeness in relations with citizens, appropriate language and correct uniforms (with the correct grade) including regulation weapons are occasionally problematic. The importance of understanding these points and their impact on citizens' satisfaction with and confidence in the police can only be stressed.

Despite a slight decrease in figures for this type of infraction in comparison with 2006, the infraction reported most frequently in 2007 concerned social interaction (lack of respect, politeness, inappropriate language). **It must be stressed that support for and monitoring of constables and police agents by middle and senior-ranking officers is crucial in this respect. A significant number of senior police officers have effectively become 'desk officers'. Middle-ranking officers are also occasionally understaffed and tend to withdraw from work in the field or to only carry out ID checks. This trend must be ended. Just as importantly, every time a standard or agreement is violated, suitable action needs to be taken (in relation to the function), by reprimanding, correcting or, at the very least, discussing the matter with the colleague in question and taking any disciplinary measures required. Even more important is the example of officers in management positions within the police service who hold representation functions and who should never tolerate compromise.**

As Committee P sees it, this obvious lack of support and monitoring exists across the entire integrated police service and in all functions, but primarily in the reception and response functions. This is particularly true in large police zones or federal police units. The Committee believes that restoring support and monitoring for staff working in the field is one of the main challenges to be addressed in the coming years.

3.6. RESPONSE

For the response function, Committee P closely examined responses during a fatal incident.

In this inquiry, the Committee noted shortcomings, amongst other things, as soon as the emergency call was received and dispatched. During this process the caller was, at times, rebuffed and the teams were slow to start moving. The essential guidance role and involvement of the management should be highlighted. Committee P has already noted several times that officers withdraw behind their management function too often and (entirely) neglect contact with low-ranking staff and daily operational work. Findings for response work

are, in turn, part of a wider range of complaints connected with 101 emergency calls during which certain callers claim that teams are dispatched too late or not sent out at all.

Committee P would like to draw attention to the fact that citizens are entitled to a standard service and that efforts must be made to ensure that, when response teams are rotating, a rapid and sufficient service continues to be provided whereby the assignment of staff does not depend simply on internal circumstances, for example convenient schedules for staff. One further point that requires attention is the management and monitoring of such response processes for which there is often no trace of any duty log, vehicle log or return of collective equipment. Support from middle and senior-ranking officers, already mentioned above, is also crucial here. The inquiry showed that internal processes could be better tailored to external outcomes and the service provided.

3.7. INTERNAL MONITORING

As in its previous annual report, Committee P would like to stress that a high-performance internal monitoring process is essential within the federal police and the various police corps and integrated police forces in order to guarantee a high-quality service. Ideally, monitoring should not be limited to inquiries into errors committed by individual members of staff, but also include any organisational shortcomings. Addressing these underlying problems is essential for any learning organisation that strives for excellence. Professional management of complaints will undoubtedly help to achieve better results for society and for citizens.

It was noted during the inquiry that the way in which complaints are handled can be one reason for citizens' dissatisfaction. Systematically covering up (or halting) citizens' complaints under the guise of a judicial procedure does not make this function user-friendly, but rather indicates that internal processes have not been adapted to the desired policy and strategy that seeks to view complaint handling as a window of opportunity for identifying and resolving shortcomings internally.

In 2007, Committee P decided to forward 523 complaints directly to the police force concerned so that they could be handled autonomously. This figure represents one quarter of all reports of police misconduct and complaints lodged directly with Committee P. Committee P does not see autonomous handling of complaints as an abdication of its authority, but rather as a clear sign of trust in the authorities and police forces responsible. It should also be borne in mind that citizens may ask Committee P for a second opinion and that, in certain cases, Committee P may also take the initiative to issue a second opinion.

In 2007, the number of initial reports drawn up following a request from complainants who lodged a complaint at the Committee P reception also fell from 211 to 46 because Committee P deliberately adopted the strategy of not presenting itself as a front-line office for complaints about policing. Complainants are therefore asked to submit their complaint in writing to Committee P or to contact the head of the police force concerned, who bears ultimate responsibility for the correct operation of his/her departments.

This function must therefore be firmly anchored in the organisation and, more specifically, in the entire human resource management (HRM) process.

Accordingly, Committee P once again calls for the adoption of an updated directive on the internal monitoring and complaint handling function. **The current circular dates from 1994 and is now considerably outdated since the reform of the police.**

3.8. INFORMATION MANAGEMENT

With regard to **information management**, it was noted that ad hoc databases continue to exist in many police forces. These include databases on drugs, prostitution, surveillance cameras, youth crime, photo albums, house arrests, internal monitoring and motorcycles. No one knows whether or not this data has been transferred to the Belgian National General Database (BNG/ANG) or if these separate databases have been registered with the Police Information Monitoring Body as required under Article 44/7 of the LFP/WPA or to the

Commission for the Protection of Privacy. The police do not have any clear guidelines in this area and no one knows exactly how many such databases exist, what data they contain and, last but not least, how valuable they may be. As already noted in the 2006 Annual Report, Committee P remains concerned about the lack of certainty about whether this data corresponds with actual facts on the ground and whether the data has been entered correctly (from a legal viewpoint). Our findings are supported by a survey carried out by the BNG/ANG monitoring body (COC)². As already noted in three successive reports, deletion and breakdown of data (one shot) is another area that needs to be improved. Practical implementation of measures to automate this process has yet to start. These points are clearly the result of the continued absence (after 10 years) of an implementing decree for Article 44/4 of the LFP/WPA. There is no longer any reason to justify this situation.

Committee P also noted a positive development as regards awareness of the possibility of consulting police data systems, for example due to improved user-friendliness. However, no common system for drafting official reports for the local police and the federal police has been implemented.

These areas for improvement, however, do not overshadow the fact that the BNG/ANG concept and its implementation in the field – where the police themselves address issues connected with protecting privacy – is, generally speaking, a relatively high-performing concept and even represents significant progress as regards the situation in the past. Belgium's use of this system makes it a pioneer within the European Union.

3.9. INTEGRATED OPERATION

Committee P's comments in this area pertain once again to the operation of the district information hubs (CIAs/AIKs). These services must not only collect and centralise information, but also make use of this information for the authorities and police forces. They are therefore an essential link and unfortunately also the Achilles heel of integrated operation. It was noted that the integrated police service lacks a structured support and monitoring procedure. The Committee concludes therefore that the situation makes it practically impossible, or at the very least extremely difficult, to gain a good overview of the way in which the CIAs/AIKs operate and, as a result, the extent to which the needs for using this police data can be met.

Committee P believes that a sophisticated quality and performance monitoring system for the CIAs/AIKs needs to be implemented as quickly as possible.

With regard to the development of Information and Communication Centres (CICs) and the All-round Semi-cellular Trunking Radiocommunication Integrated Dispatchings system (ASTRID), the initial objectives of improving the service and boosting efficiency must not be forgotten. Efforts must be made to ensure that operation and assessment are not reduced to a simple range of technical instruments. The main aim is to know what is happening on the ground and to provide the most suitable response to the call. On a side note, the Committee would like to point out once again the need to handle non-urgent calls, also known in certain cases as 'blue line' calls. The CICs should be congratulated for improving coordination of field support staff. They make it possible to provide a better service on the ground and to regularly arrest perpetrators in situations where it was previously more difficult to make arrests.

Recruitment and selection are essential links in integrated operation which allow suitable staff to be deployed to help achieve the strategic objectives of the integrated police at both local and federal level. With regard to recruitment, it was observed that the process has been developed extensively in terms of promoting policing, but not as extensively when it comes to capacity to assess the needs of the organisation in relation to the needs of potential candidates. Committee P also noted that organisational objectives have been put into operation in the form of criteria to be assessed through various tests used in the selection procedure. However, there are concerns about the methodology used and whether the tests are sufficiently balanced. More specifically, there is the issue as to whether the organisation's fundamental expectations as regards social interaction and empathy, the need to use force, restraint, coercion or even violence and honesty, amongst other things, can be assessed adequately and in a valuable manner. The challenge is, amongst other things, to find out which approach allows the desired results to be assessed for all skills examined. Attention

should be paid to the risk that a certain number of desirable candidates are rejected and that undesirable candidates are accepted. **The Committee also recommends that the police gain a clear idea of the situation by monitoring processes. Further thought should also be given to other types of exercises or tests that would be better suited to realistically assessing skills with a view to 'selecting in'.** These could include, for example, role plays, holding a neighbourhood meeting, resolving a dispute between neighbours or behaviour in a stressful situation. Whichever options are chosen, relations with the public must always be in the foreground.

Committee P recommends that greater attention be paid to the applicants' sense of democracy, and, for example, their need to feel all-powerful in situations where there is resistance or where restraint or force is used. **The Committee calls for external partners to be involved in the selection process,** for example in the selection panel, to ensure that the selection process is not primarily controlled by members of the police service and that society is also represented. One example that could be mentioned is that no external partners were involved in the selection of future division commissioners or the awarding of the associated management certificate.

3.10. SPECIAL INSPECTION SERVICES

Committee P would like to point out once again that the inquiry into the special inspection services (SISs) showed that several of these services have developed a strategic vision for the use of restraint and force where the potential use of these measures is primarily left to the regular police and which have consequently implemented the self-regulation system required for their own staff.

During the period 2003 - 2007, Committee P received 119 files including 23 concerning the AIG and 96 concerning all of the SISs. The number of complaints has increased slightly each year during this period. It should be noted, however, that the proportion of complaints concerning these services remains low in relation to the total number of complaints received concerning the police forces. With regard to the SISs, the most common complaints relate to the security service on the Brussels public transport system (STIB/MIVB). Around half this number relate to the customs and excise administration, followed by the security service of Flemish bus operator De Lijn. The top five still include forest rangers and social inspection. These complaints represent 102 incidents. The most common infraction is violence against individuals and property, followed by abuse of power, incorrect reports, intervention without powers to do so, overzealousness, arbitrary acts and corruption. These complaints probably reflect citizens' questions about the status and powers of these SISs.

Cooperation between regular police forces, such as the federal judicial police, and the SISs, depends on specific needs in a majority of cases. The special inspection services claim that they have information and expertise that the regular police forces do not appear to use sufficiently. It thus emerged from the inquiry that Securail did not understand why the federal police (the railway police in this case) did not draw on the expertise of security officers and/or SNCB/NMBS railway staff to train members of the railway police (SPC), for example, in the risks of and precautions required as regards railway-related crime, such as copper thefts.

A protocol could help to better integrate and structure this type of cooperation.

To demonstrate and make maximum use of the objective and subjective impact of cooperation between the police and the SISs, the authorities need to have a reliable and comprehensive overview of the services provided. It should be noted, therefore, that several CIAs/AIKs cannot provide sufficient data on joint actions.

The AIG must establish and implement a regular system for inspecting locations that police officers use for confinement and storing arms and munitions.

3.11. COORDINATING BODY FOR THREAT ANALYSIS (OCAM/OCAD)

The inquiry carried out jointly with Standing Committee R did not reveal any evidence that the OCAM/OCAD had not operated correctly when determining the threat level in Brussels at the

end of December 2007.

The Committees believe, however, that there may be cases where invoking professional secrecy cannot be justified. They refer, for example, to situations where the secrecy of the inquiry is diverted from its primary objective, i.e. to protect the privacy of suspects and/or to avoid jeopardising criminal prosecution or for example when relevant information is only notified at a late stage, i.e. only at the end of the inquiry, which could render parliamentary scrutiny entirely ineffective.

As is the case when secrecy of the inquiry is invoked for reasons irrelevant to its purpose or because it would not be proportional as regards the classification of exhibits and documents, efforts must also be made to ensure that legislation is applied correctly.

4. FINAL CONCLUSIONS

Committee P continues to stress the importance of **centring work around results** and responding to the expectations and needs of citizens and the authorities. With regards to the first point, the Committee concludes that there is a substantial need to assess the impact of efforts made in the contexts and functions examined on society, citizens as individuals, the authorities and the police's own staff. It is not so much a matter of defining the desired results, but primarily about describing suitable indicators that can measure this impact. In other words, is it possible to identify when the police forces have operated well and if so, on the basis of which indicators? Other general recommendations include the need for a more sophisticated assessment of the impact and for more suitable indicators that are better adapted to the needs of those involved, which would also allow results to be evaluated.

As regards greater focus on the needs of those involved, Committee P noted - in the context of the issues examined, and particularly the good practice observed in the approach taken to squatters - that when citizens' needs are properly assessed **the results or impact** were immediately and clearly positive for a range of groups involved. In functions studied where this link was significantly weaker, for example response or problems maintaining public order, the only impact noted was a negative one. By focusing on the individuals involved, the police organisation and its members will be able to demonstrate a customer-focused approach both in terms of their objectives and the way in which they achieve these objectives, for example in their daily communication and relations with the public. The problems observed, for example in the SPC or the related response file, show that better awareness of these problems amongst the police officials concerned and closer monitoring and greater participation by the police management would certainly be judicious. Internal processes and the use of both material and human resources therefore need to be optimised for these objectives.

NOTES

- ¹ Complaints, in the strictest sense of the term, include files handled from the time they were reported until a decision has been taken solely by Standing Committee P. Judicial inquiries handled by Investigation Department P on behalf of the judicial authorities are not included in this category.
- ² Using lists of individuals who had been arrested (cf. arrest log), they checked whether individuals subject to 'triple judicial identification' (photo, fingerprints and individual description) had undergone the correct procedure and found that, in many cases, serious errors had been made during these three types of identification.