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**THE FUNCTION AND THE ROLE OF THE POLICE
IN THE FEDERAL REPUBLIC OF GERMANY**

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INTRODUCTION

The function of police officers has become more complex and expansive in course of time. Policing is a highly professional and difficult business (Home Office 1988). This is recognized by practitioners, scholars, and the general public. Equally, it is obvious that police has more tasks than crime fighting. Functions like "peacekeeping", "order maintenance", or "service provision" represent a large part of the police work (Flanagan 1985, 10). Several developments have taken place to classify those tasks of police work. Law enforcement, order maintenance and the protective/preventive roles are those mostly mentioned and discussed.

RESEARCH ON POLICE IN WEST-GERMANY

In contrary to theoretical and political discussion on police and police function (Busch et al. 1985; Werkentin 1984) and to lots of studies in foreign countries (Reiner/Shapland 1987), empirical police research is very rare in West-Germany (Sack 1988, Funk 1991). We had only two or three studies in the early 70's on police and their proactive work (Feest/Blankenburg 1972; Feest/Lautmann (ed.) 1971). Especially the patrol units were never object of criminological reflections. The reason for this lack may be two-folded: The German police is, in contrast to the police in the United States for example, a kind of a hidden institution. The work of the German police was never controlled by public committees like the McDonald-Commission in Canada or Police Complaints Authorities (Brusten 1988). Police Advisory Boards like in Norway e.g. (NOU 1987) were never discussed nor intended in Germany. Furthermore german police officers are lifelong employed civil servants with no obligation to justify their work.

Some years ago, after some aggressive conflicts between police officers and demonstrators had happened, committees named "People watching the Police" were founded in some cities, but there was neither official nor even informal support by the political parties. Only the German "Green Party" engaged themselves. The second reason might be that nobody controls the effectiveness of the German police. Even in times of financial crises the government had and has enough money to provide for the police and their technical equipment. As official reasons for these expenses are mentioned

increasingly violent demonstrations, terrorism, drugs, organized crime, violence or just rising crime rates - depending on the actual political situation. Nobody asks for a proof of efficiency until now.

In the 80's criminological researchers were not interested in the police - neither in their function as a stigmatizing social control agency, nor in the positive functions of the police. Even at the beginning of the eighties, when "diversion" as a new strategy was discussed and victim-offender-programs were implemented in some cities, nobody seemed to realize that the police is the very first and probably most important part (and partner) for victims and offenders. But now, for the last years, police is becoming more and more important for the discussion on how to handle juvenile delinquents and how to optimize the treatment of victims, e.g. after sexual victimizations. Nevertheless, police diversion is not accepted by police officers and law scholars. The German police has theoretically no discretionary power in penal law cases. But as we could show, the police uses a wide range of discretion in everyday policing.

ROLE AND FUNCTION OF THE POLICE IN WEST-GERMANY

In many cases the police has to function as a coordinator for the administration of damages, usually required by the insurance company. Police also is supposed to deal with situations of threatening, nuisance and to settle neighborhood conflicts and domestic disputes. Further on, police plays an important role in the settlement of conflicts with road traffic and in the redress of various molestations (disturbances, brawls). In these fields their work is relatively effective. But these services have only partly to do with their legal task. In the field of prosecution, however, police work is rather ineffective. From other studies and research we learned that the police clears up less than 10% of all crimes with unknown offenders (for GB Kinsey et al. 1986; for the F.R.G. Steffen 1990). In all other cases, the victim provides the police with the name and sometimes even the person (e.g. shoplifting) of the suspect.

By taking this fact into account, every German detective clears up some four to ten cases each year, which results in costs of more than 20.000 German Marks (for salary only) for one case cleared by detectives themselves. Thus to raise the clearance rate by only one percent, costs of 250 million German Marks for detectives only will arise (this figure as the following are for Germany within the old borders - without the former GDR) - keeping in mind, that only a few more police officers have no impact on the clearance rate. Furthermore, the patrol police and the justice system (prosecutors, judges) will increase their costs. To bring those cases to court and to convict the offenders, costs of some 400 million German Marks per year may arise. All in all, a one percent higher clearance rate could cost about 1.000 million German Marks per year.

Another example for the amount of money, we have to pay for the criminal justice system, bearing in mind, that we have at least some hints, that less of the same (sanctions) would have the same impact on the crime rate and on the recidivism of convicted offenders:

A decrease of prison sentences by 10% would reduce the costs by 423 Millionen DM per year, a decrease of 25% would reduce the costs by even more than 1.000 million Marks per year - and we know, that the actual length of a prison sentence does not significantly affect recidivism.

The number of police officers per 100.000 inhabitants is often mentioned as 1:400. In reality and if we ask, how many patrol police officers are "on the street" at a given moment, the number is 1:20.000. This is due to training, illness, the shift systems and other factors. Therefore, to ask for just one police officer more on the street, you need all in all 14 officers, which will cost (in Germany) some 1.000.000 (one million) Marks.

So "to view the social reaction against crime as a police monopoly, this is obviously untrue. Public opinion and informal social control have the central role, not only in defining what is crime, but also in maintaining social order" (Young 1987, 339).

On the other hand, our studies show, that the average patrol police officer arrests an offender (not shoplifting and faredodging; but bicycle theft, drug possession, illegal foreigners asking for asylum, slight bodily injury, fraud by not paying bills in pubs or restaurants etc.) every one and a half month, and the chance for him, to come across a real crime is very low. The President's Commission on Crime challenged by the calculation that a patrolling officer on a busy street might hope to come across a street robbery in progress once every fourteen years, and a police officer in London could expect to pass within 100 yards of a burglary in progress roughly once in every eight years (Home Office 1988).

Of the two functions of police, namely to keep up law and order, in reality the "order"-function plays the dominant role. But in public, media and political discussions, the "law"-function is always pushed in the foreground, esp. in connection with violent demonstrations or terrorism. Especially this use of the police force led to great frustration among German police officers and to discontentment with their profession, younger police officers being essentially more discontented than older ones (Felttes/Hermann 1987). One reason for this may be, that in the daily routine of a police officer the aspect of "helping others" can be realized less and lesser nowadays, although for nearly all police officers this aspect was once crucial for their choice of vocation. As service functions predominate in the everyday routine of police, citizens are increasingly confronted with discontented police officers who, moreover, often come from different

neighborhoods and social classes than the citizen himself. In recent years, chiefly police officers who had attended a high school were employed. Structural changes in the police apparatus (centralization e.g.) have effected that a police officer nowadays only rarely works in the area in which he lives. Furthermore, police officers are often transferred to other cities after their training.

Our interviews with police officers have shown, that especially members of the lower social classes call the police for their service and conflict settlement functions. As far as criminal prosecution is concerned, the offender and the victim often come from the same social class, usually working class or "lower middle class". In cases, in which one of the opponents belongs to a considerably higher or lower social class than the other, police is called more often by the person who belongs to the higher class.

GERMAN POLICE AND THE DISCRETIONARY POWER

Police in Germany is - like in other countries, an unspecified agency, used by citizens for various purposes which exceed by far the very specified duties named in the German criminal code, procedure code and police code. Unlike US-Police, German police doesn't have any discretionary power in criminal cases. Every offense noticed by a police officer must be registered and prosecuted. The state attorney only may dismiss cases and use discretionary power. Nevertheless, reality is different. One result of our evaluation of patrol police diaries was, that the German police officers make use of some kind of "informal discretionary power". Esp. in neighborhood disputes, family conflicts and minor offenses (for example damage of property), police officers on shift use their possibilities of discretionary decisions in everyday conflicts. They use techniques like immediate conflict solution, and take immediate actions to help people in everyday conflicts.

RESULTS OF OUR EMPIRICAL STUDY ON THE GERMAN POLICE

The aim of our research was to show how many people call the police, how many patrol dispatches are run and what the different kinds of those emergencies are. Our study on Police Mobilization and Patrol Dispatches included all of the 31 German cities with more than 200.000 inhabitants.

NUMBER OF PHONE CALLS FOR ASSISTANCE RECEIVED VIA POLICE EMERGENCY LINE

The amount of telephone calls in those cities, where data were available, is quite the same. We have about 17.000 to 38.000 calls per 100.000 inhabitants. This figure is to

compare with data, found by **Shearing** for Toronto and data for some other North-American cities, cited by Shearing (1984,14) and the Home Office for Great Britain (Home Office 1988,12).

When we look at the development of the amount of calls during the last years, one very interesting phenomenon has to be mentioned: There was a steadily increase in the **rate** of calls per 100.000 inhabitants until the beginning of the 80's. But since 1980/1981 the rate stayed stable or even decreased in some cities. This result is at least correct for bigger cities. As we will show later on, the rate of patrol dispatches was not touched by this decrease. This rate is still increasing in all of the cities included in our study.

It is furthermore noteworthy that there seems to be no causal connection between the rate of criminal offenses registered by the police and the number of emergency calls. In Hamburg e.g. the **rate** of calls has remained almost the same between 1978 and 1987, whereas the rate of registered offenses increased in the same time for more than 60% from 10.630 to 17.289. In absolute figures, we had 515.000 calls in 1982, but only 468.000 in 1986. In Frankfurt calls went down since 1981 by 25 %, while the rate of criminal offenses rose by 50 %. The same is true for some other cities.

There is another reason for supposing that the number of registered offenses is no indicator for calls: We had 38.800 calls in Munich, where in 1987 7.399 offenses per 100.000 inhabitants have been registered. In Frankfurt, where 24.388 offenses were registered, we had 24.320 calls.

PATROL DISPATCHES

We have obtained more information on patrol dispatches, and the information is better to compare between the German cities. Here we have a much higher difference between the cities: the lowest rate is 6.933, the highest 42.543. In bigger cities, on an average a patrol car goes on action every minute. Roughly estimated, there are about 10 million patrol dispatches per year or 27.000 per day in the F.R.Germany. This means, that each police officer has to run one to two dispatches per shift, or, per car, some three actions per shift.

It was already mentioned that the amount of patrol dispatches is still increasing. In contrary to the amount of calls, the increase of patrol dispatches did not stop at the beginning of the 80's. The total number of patrol dispatches in Hamburg (and in Munich too) has nearly doubled in the last 20 years; in Hamburg from 16.000 (per 100.000) in 1965 to 32.000 in 1987, in Munich from less than 10.000 to about 16.000.

The major part of the everyday routine of the German police is represented by different types of traffic accidents, events and offenses. The rate ranges between 25% and

almost 60% in different cities. "Real crimes", i.e. patrol dispatches on the grounds of a supposed or actual offence are rather exceptional (between 16% and 28%). Brawls and quarrels are to a similar extent the cause for action (up to 25%) as help and assistance in different ways (e.g. drunken and helpless persons). Here again we have about the same results as the study by the Home Office (Home Office 1988), by Hanak for Vienna (Hanak 1991) and bei Steffen for Bavaria (Steffen/Polz 1991).

THE SELF-ASSESSMENT OF POLICE OFFICERS AND THE PERCEIVED ASSESSMENT OF THE PUBLIC'S OPINION

In 1981 we interviewed a sample of 431 police officers about their self-assessment and their opinion on different questions in terms of police function (Feltes 1990). Some of the questions are listed below and the results are shown.

One major finding is: Police officers rate the public's opinion of the police work and of the functions of the police worse than they do themselves. The police officers significantly underestimates the public opinion. As we could show in another study some years ago, the public has a better opinion of police officers and their work than police officers themselves have. This conflict in how police officers estimate their perception by the public and how the public look at the police is reported in other research too.

Furthermore, the police officers vote for more own discretion on how to settle everyday conflicts, especially when juvenile offenders are touched.

Asked for the cooperation with social workers in everyday conflicts, this is for most of the police officers not possible in typical criminal cases, but very possible in social problems like drug-abuse, alcoholism, suicides, family conflicts. Police officers would cooperate with social workers too, when victims need special help.

The cooperation between the police and other social institutions is rated by the police officers as very poor.

Question:

There are people, esp. scholars who tell us, that delinquent people are "people like you and me".

A How do **you** think about this statement?

B How do you feel about **other people** and this statement?

	A	B
	(police)	("other people")
it's correct	54,2%	29,6%
it's not so easy to decide	21,7%	25,7%
it's wrong	24,1%	44,7%

Question:

There are projects, called "diversion" (informal disposal of criminal prosecutions against juveniles).

A: How do **you** feel about such projects?

B: How do you feel about **other people** and their opinion?

	A	B
	(police)	("other people")
do agree	48,1%	17,4%

Question:

How do you feel about the following statement: "The police is quite often engaged in conflicts (i.e. demonstrations), which rather the government and social policy should have to cope than police officers."

A: **Your** opinion

B: How do you feel about **people's opinion**?

	A	B
	(police)	("other people")
do agree	86,2%	64,0%

Question:

A: How do **you** feel about the following statements:

B: How do you feel about **other people's** opinion?

POLICE OFFICERS ...

	A	B
	"YES" (police)	"YES" ("other people")
want to help others	82,6%	42,0%
may break a law to help other people	22,6%	13,6%
are critical towards society	60,0%	31,6%
are critical towards police	33,3%	17,2%
are satisfied with their job	37,0%	36,4%
work hard on their job	41,6%	22,2%
are red-taped (bureaucratic)	49,3%	76,4%
are well trained for their job	46,4%	25,7%
are not interested in political questions	11,3%	26,8%
vote against nuclear power	5,6%	11,8%
vote for the social democrats	12,3%	13,2%

CONCLUSIONS

All in all, two different tendencies can be observed: On the one hand the demand for help or intervention by the police has risen permanently up to the beginning of the 80's. As we could show earlier, the rise of the criminal offenses (registered by the police) is only partly responsible for this. Rather has the readiness and/or capability of settling conflicts by means of communication decreased. Victims are less ready and capable of helping themselves. Official authorities are increasingly called in to clear and settle conflicts. Even the rise of registered offenses can be explained by this phenomenon - at least partly. On the other hand, the police is less and lesser capable of accomplishing this task of keeping up order and settling conflicts adequately and for the benefit of the victims concerned. This might be one reason for the stagnancy and even decrease of the rate of emergency calls in many cities since the beginning of the eighties.

As we could show, police officers themselves are eager to help other people. But the changes of the structure of police work and police apparatus and political decisions

complicate the police officers' job unnecessarily. Now citizens call the police to solve very different problems more often than in earlier times. Victims call the police in order to find an institution and people in this institution who are able to help them physically and psychically. Therefore, the role and the function of the German police has to be discussed again with some new considerations.

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