Tides and currents in policing Germany

Abstract
Greene's model of the ocean of policing seeks to use sea conditions as a metaphor for forces, which shape the police and trends in policing. Thereby, he distinguishes three levels: The macro, meso and micro level. On each level he identifies several elements of the ocean. In our article, we try to apply these elements on developments in the German police force. The main aspects, which are covered, are police education/training and the interaction between security issues and human rights. In the end, we will see if Greene's metaphor is adequate to capture the dynamics and developments of policing in Germany.

1. Introduction

There are many ways to think about policing. In his article, Greene points out that most of them present policing in a singular way. Therefore, he developed the model of the ocean to think about policing with the aim to combine these singular perspectives and to show how they may interact. In this article we are going to focus on police education and training on the one hand and events that had impact on developments within the police organization and strategy on the other hand. Thereby, we will reflect on Greene's idea to use the ocean as a metaphor. We will see if Greene's observations are applicable in the cases we present. A model like Greene's is supposed to simplify structures up to the point that they describe them without losing the most important features. We have to see, if recent developments, which changed and change police and society in Germany, are explainable in terms of Greene's model. After a short introduction into the organization of the German police force we will highlight and analyze elements of macro, meso and micro level of Greene's sea-metaphor. We aim to capture the dynamics of policing and police training in Germany to contribute to the understanding of the capacity of the police being shaped and for shaping the social order. Therefore, we will reflect on Greene's ideas to use the ocean as a metaphor for thinking about policing against the background of these developments.

2. The German police force

The first organized police forces in Germany date back to the early 19th century, when the idea of Napoleon to establish a "gendarmerie nationale" in France has been adopted by some German Kingdoms. There is no nationwide German police force nowadays. Law enforcement is a task (as culture, universities, schools and others), reserved to the 16 different states ("Laender"). Branches of the police force include the general or patrol police force, the criminal police (detectives), the emergency police force and the water police. Their duties range from averting dangers to prosecuting crime. Whereas the uniformed patrol police force is mainly concerned with minor crimes and offenses, the criminal police deal with serious crimes and criminal offenses. However, the concrete allocation of tasks between the uniformed patrol police and the criminal police depends on the respective state ('Land'). In some states, the uniformed police deal with more than 70% of all crimes, in other states the percentage is less than 30%. By prosecuting crime, the police are subordinate to the public prosecutor's office. The uniformed or patrol police deal mainly with general public security functions, with traffic problems and accidents, conflict solutions and minor crimes and with

"helping people" in different situations. The total number of police officers on duty is about 211.000, resulting in one officer for 387 inhabitants. However in fact, and if one calculates losses due to the shift system, illness, training, administrative tasks in offices, ministries etc., the number is more likely to be somewhat between one officer available for 8.000 to 10.000 inhabitants at a given moment (Feltes, 1996, p. 583). The German Police must investigate all crimes, which come to their knowledge. The principle of legality, laid down in the *German Code of Criminal Procedure (StPO[1]),* regulates that the police are not allowed to dismiss any case. This is only possible by the public prosecutor. When a person is suspected of a crime, it is their duty to lead the investigations with the assistance of the police, who in such cases are subject to the supervision and factual instruction of the public prosecutor's office. However, in reality more than 90% of all proceedings are finally done by the police. In severe or difficult cases only, the prosecutor advices the police. Following completion of investigations, the public prosecutor's office decides whether the proceedings should be terminated or prosecution instigated.

3. Tides, surface currents and upwelling - the macro level

In his article Greene seeks to link the macro, meso and micro level of policing within the metaphor of the sea. The aim is to grasp and understand the underlying interactions and linkages within the police. For Greene policing is, like the sea, a system, which works with pressures and responses on these levels. Thereby the different levels are interdependent. At the macro level he identifies tides, currents, upwelling and downwelling as most prominent elements. Greene describes tides of policing as historical and institutional conditions, which influence the directions police institutions take. Surface and deep-sea currents are supposed to be larger trends in policing. Thereby surface currents, which are influenced by the public opinion and fear of crime, are mainly official preachments of police. Deep-sea currents on the other hand are underlying and persistent trends of policing like police cultures and internal structures. Upwelling fuels these surface currents of policing as it transports social fears of crime and feelings of instability to the surface. Once they are at the surface, police action as executive power of politics is requested to address them.

3.1 Developments in police education in Germany

One of the outcomes of these macro level pressures can be seen in the developments in the German police education in the last years. In fast-pacing times of globalization the police needs to keep up with recent developments. The police have to deal with a differentiated scope of duties in ever changing conditions. In this setting, they are more and more often confronted with complex and versatile situations. An intensified training or rather education of police officers seems to be a necessity for them to understand and fulfill the requirements of state and society.

3.1.1 Training or Education

The recruitment of police officers in Germany is organized by the respective state police and federal police authorities. The kind and duration of the selection process vary. It may be

---

[1] An English version of the German Code of Criminal Procedure can be retrieved from the website of the German Ministry of Justice: http://www.gesetze-im-internet.de/englisch_stpo/index.html

conducted by internal assessors or supported by external experts (e.g. psychologists, social scientists, human resources experts). It may consist of oral examinations, work sample, exercises in writing, intelligence tests, typical assessment centers or other kind of exercises.

Police education is organized in special schools, colleges, training centers or universities, usually separate from other universities and under the supervision of the federal or state ministries of interior. Openness and reform of training is difficult, because of this 'closed circuit' system. Police education is organized from the beginning until the end in and by internal police training institutions, under the responsibility and supervision of the state ministries of interior (Sterbling, 2011, p. 5). Some argue that traditional police schools do not meet the requirements of modern times. It might be true that life- and professional-experience as well as a good judgment are important for police officers, but they need a foundation, which fulfills scientific requirements (Brenneisen, 2009). This kind of 'closed circuit system' is also manifested by the fact, that only a few police officers or civil servants within the police service (e.g. experts for chemical analysis, DNA-tests, lawyers, psychologists) are employed with a degree from a 'free' university being entitled to enter the high career directly. As a result of that closed system, apart from a few options within the private security system, the typical police career does not allow any other occupational engagement outside the police service.

Furthermore, for many decades, the profession of the police was considered to be a job, which can be done only with experience. The idea that science based knowledge is required for knowledge-led actions, was first coming up in the last third of the 20th century (Feltes, 1999, Frevel & Veklenko, 2011). One of the main developments in the last years was therefore the so-called "academization" of police education in Germany. In an ever changing and fast-pacing society, police officers need to understand the multi-complex requirements of the world to comply with the rule of law as well as to ensure freedom and security for citizens. Psychological, sociological and legal knowledge and appropriate methods are necessary to meet those needs. Therefore scientific foundation shall not only be an addition to practice oriented training, but is an important basis for an education that leads to the necessary understanding of the role the police play in society and whether the police is responsible to the state or to the citizens.

3.1.2 Changes and Challenges in Police Education

The manifold changes and challenges of legal, cultural, political, social, economic and technological nature in our society request for a type of police officers, who has the necessary competences to meet the requirements, which come with these changes. For Vodde these are "*skill sets and competencies in critical thinking, problem solving, decision making, effective communication, emotional intelligence, and the ability to recognize and understand the multidimensional dynamics of a diverse society*" (Vodde, 2011, p. 28). While Vodde advocates for an andragogical, instead of the traditional militaristic methodology in police training, the same arguments are speaking for an academic education instead of a training merely based on experience. The start of the Bachelor-Master-System within the Bologna-Process is seen as the next step in the professionalization of the police, which can be achieved by giving professions and their work a scientific foundation (Sterbling, 2011). During the re-structuring of the university education into the Bologna-System, the chance was seen (at least by some) to get the police universities of applied science closer to the other universities in the national and international context. Others just felt that they have to follow this line due to the basic political decision of Bologna. The result was simply 'new wine in old bottles': They converted the same content (and curricula) of the old police school into the new modularized Bologna-System without bearing in mind that an academic education is something different

than police training. However, even "university education" in the police is oriented on the requirements of the practice, which has to be distinguished from learning merely by experience. In this regard one might argue that the police universities are already there, where "normal" universities wish to be (Hauff, 2006).

Overall, the aim for police "recruits" (the word "police students" is still not used very often) is to gain professional (practical) abilities as well as scientific (theoretical) knowledge and methods. Theory and practice are meant to be connected and to build up on each other. However, what is called "theory" at the university of applied sciences is very often not more than basic knowledge (for e.g. in the case of law nothing else than law texts and decisions of higher courts) and differs quite a lot from a real academic theoretical study and/or controversial disputes between students and their professors at regular universities. Furthermore, the practical experience is gained in the police organization and is organized by practitioners, which only in few cases have an academic education. These two systems, university and police organization, are semi-closed systems with their own rules (Spohrer, 2003), and not everywhere has the university the control e.g. about the practical training and the recruitment (and qualification requirements) of the trainers. This has to do with the way, how police education is perceived. Practitioners, who favor the experience-led training, are at least skeptical towards the reform to more academization (Walter, 2005). Some see it even as a danger for police and their work (Pick, 1995). A remedy for this fear can be seen in the modularization of the police education, which is one of the major changes of the Bologna-System (Frevel, 2007). Modules are formed not according to the logics of the different subject, but rather to the requirements of the practice (Frevel, 2007). "Employability" is the keyword here (Frevel & Veklenko, 2011). Hauff argues therefore, that the modularization, which means the combination of different topics into one, shall be done under the condition of the applicability in practice. If this requirement is fulfilled, the academization of police training cannot be counterproductive to police education (Hauff, 2006).

3.1.3 Formed by Tidal Waves or Surface Currents: Academization of Police Education

Reflecting on Greene's model of policing with regard to the ocean, the academization of police education can be seen as a tide resulting from macro-level pressures. The requirements of modern times, the overall situation on the labor market as well as the Bologna-Process were the forces behind the academization, but also financial aspects and police unions and their pressure in the 1980s (before unification) played an important role. The general German salary system for public employees and civil servants ranks higher salaries according to better education. Therefore, to get better-paid police officers, you need better educated officers. Different developments influenced the decision to implement university-like education for more and more police officers and to hire recruits, which went directly to police universities to get a diploma in public administration (and better payment, because of that). At the former police schools, they were trained what was called "shooting, riding and marching", usually without any connection between the police schools and the police universities. At that time, not enough young applicants were available at the market, and studies showed, that the tasks, which police have to fulfill, and the responsibilities of officers on duty demand better payment and better education (Helfer/Siebel, 1975).

Like the changes in society, which Greene addresses, the globalisation as well as technological progress and their impact by forming a versatile society create the need to understand the changes to provide good policing. Greene also points out that tides interact with the coastlines and shores. As the police organisation and therefore the police training is in the hands of the different German states (called Laender), the re-structuring according to the Bologna-Process did not take place in the same pace: While in some Laender police

recruits graduated already in 2007 with the bachelor's degree, other states kept as long as possible to the old German degree, the Verwaltungsfachwirt (FH) (Frevel & Liebl, 2007). In this perspective, Greene's model helps to understand the developments in the police education system in Germany. Additionally, these tidal developments are connected to other elements: The academization of police education can also be seen as what Greene calls "surface currents", which derive from the tidal flows. The police preach a more academic approach in police education, while the deep currents of police culture cling to the ideal of experience as the best teacher, learning by doing as the best method and experienced (which means older) practitioners as the best "trainers". The interaction of these different elements of police education can be described formidable by Greene's ocean of policing.

3.2 The German police force in challenging times

Dealing with questions of challenging times does not stop at the education of police officers. Events and their influence on the German police force facilitate institutional changes as well as changes in the scope of duties. Greene sees tides and currents "*in the historic and institutional order of policing and how policing has navigated such historical and institutional conditions*". These macro level flows and pressures are influencing the direction of police organizations as well as their power and duties. This might be especially true in times of economic change and perceived insecurity.

3.2.1 Tides in policing terrorism or public disorder

Therefore, another tidal development can be seen in the development of the Bundeskriminalamt (BKA) during the 1970's. The BKA is the German Federal Criminal Police Office. It dates back to the year 1951 and is subordinated to the Federal Ministry of Interior. One of its main tasks are the coordination of police contacts on national and international level as well as the routing of all official communications between the German police and the police forces of other countries. It assists the federal and state police units of the German 'Laender' as a clearing agency, but also takes investigative action regarding threats against the security of the state or criminal offences, which transcend the borders of a state (Feltes, 2004). One of the main developments for the BKA resulted from the rise of the political extremism and terrorism of the Red Army Faction (RAF) in the 1970s. Up to this time the BKA was merely considered to be a support organization the Federal Prosecutor's Office (Abbuehl, 2010). The leftist terrorism caused a fundamental re-organization of the German security structure, which resulted in a strengthening of the federal police. The RAF planned and carried out bomb attacks in the whole of Germany. Prosecutors and the 'Landespolizei' had no answers to these politically motivated attacks. They were neither equipped nor trained to react to demonstrations (e.g. against the Vietnam War or nuclear weapons), prevention of terror attacks and the search for terrorists. Therefore, one of the main changes was the enhancement of the executive function of the BKA and the establishment of an investigation department accompanied by an increased manpower. Within ten years, the number of civil servants within the BKA increased from 850 in 1969 to 3379. The budget increased from 22,4 million Deutsche Marks to 256,2 million Deutsche Marks in 1979 (Abbuehl, 2010, p. 126). Along with this grow came an enlargement of competences with the law from June 28th 1973: First the clarification to the function as clearing agency, which comprised the collection and analysis of all police data (and not only the ones with national character) as well as the set-up of the function as National Central Bureau of IKPO-Interpol; second the improvement of the nationwide cooperation of the criminal police and third the

establishment of original investigative competences in certain fields like internationally organized trafficking in drugs, weapons and production of counterfeit currency, but also political assassination.

From these three functions, the investigative function with the task force "Baader-Meinhof" was the most prominent one. Although, the police captured the leaders of the RAF in 1972, the RAF still killed and kidnapped important public and political figures in 1974/1975. These lead to a further enhancement of competences and the establishment of the special department "Investigation and Analysis Terrorism" (Klaus, 2008). The BKA became the federal coordination unit for politically motivated violent crimes. With this, all information regarding the fight against terrorism had to be collected and analyzed by the BKA, which had either to lead the investigations or support investigations of other police agencies. The developments raised criticism about the all-encompassing surveillance of the citizens. As a result the idea came up to downsize the BKA again and reduce its competences to be a support organization of the Laender police (Abbuehl, 2010, p.139). None of it was set into reality. The BKA kept the competences for investigating the RAF till its end in 1998. The competences as clearing agency were enhanced by the allowance to collect all kind of data related to crime (Abbuehl, 2010, p. 144). Especially infringements of data security rights and the principle of proportionality were raising further criticism in the light of advanced data technology.

3.2.2 The tidal wave of 'new terror'

The development in the fight against terror did not stop in the 1970's (Feltes, 1989). Also recent events influenced the development of law enforcement agencies. As a reaction to the so-called "Islamic terror", which plotted its 09/11 attacks from Hamburg (Germany), the Federal Ministry of Interior founded the Joint Counter-Terrorism-Center (Gemeinsames Terrorismusabwehrzentrum, GTAZ) in 2004. This center combines the intelligence of the German Federal Criminal Police Office (BKA), the German Federal Office for the Protection of the Constitution (Bundesamt fuer Verfassungsschutz), the Federal Intelligence Service (BND), Federal Police, Federal Office for Migration, Customs and Military Counter-Intelligence Service (MAD), representatives of the Federal Prosecutor as well as members of the Laender Police and the Laender Offices for the Protection of the Constitution (German Federal Ministry of Interior, 2011). The GTAZ aims to improve the collaboration between the German security agencies by shortening the ways of communication, combining intelligence and strengthening the competences for data-analysis, early detection of possible threats and coordination of operations (German Federal Ministry of Interior, 2012).

The cooperation of police and intelligence agencies via direct participation without the creation of a new "in-between"-organization seems to be one of the most appealing characteristics of the GTAZ. The joint working groups hold daily meetings, where they exchange information and establish threat analysis (German Ministry of Interior, 2011). The number of people working there is less than 230 and showing that the mentioned institutions want to keep their independence. "Cooperation" must not be interpreted as being interconnected. The reason for this is to be found in the "separation imperative" (Trennungs-gebot) in the *German Constitution*: A strict division physically and in content between intelligence agencies and police is a legacy from the time of the Third Reich and its all-encompassing and powerful Gestapo. It shall prevent the rise of an almighty state of surveillance (Nehm, 2004). While the police are not allowed to use intelligence measures to get information, the intelligence agencies are not allowed to use force. Therefore, the GTAZ is subdivided into two Centers of Information: The Center for Information and Analysis of the Police (Polizeiliches Informations- und Analysezentrum) and the Center for Information and Analysis of the Intelligence Agencies (Nachrichtendienstliches Informations- und

Analysezentrum). The idea behind this concept is the aggregation of analysis-experts under the premise that each civil servant is only able to have access to the databases of his agency (Weisser, 2011). The question remains, whether the exchange of information between the two organizational parts has (illegally) intensified through the GTAZ – especially, if information can be exchanged on a larger scale and without given suspicion (Weisser, 2011). The GTAZ is not mentioned in the laws regarding the police or the intelligence services. Despite these concerns, the exchange of information within the network of the GTAZ does only take place along the lines of the legal basis, which existed before the GTAZ was founded. Therefore, another specialized legal basis is, according to Weisser (2011), not necessary.

3.2.3 Non – policing right wing extremism: The example of the Zwickau Cell

However, as much as German security agencies faced Islamic terror after founding the GTAZ, as blind they were on the "right eye". Despite being watched by police and intelligence agencies, the so called "Zwickau Cell" murdered nine people with non-German background as well as one police officer in the past ten years. The "Zwickau Cell" belonged to a right wing terrorist organization, which calls itself National Socialistic Underground (NSU) (Benzow & Kimball, 2011). Suggested failures in communication between the different German police forces and domestic intelligence agencies led to the creation of the new, right-wing oriented Joint Counter-Terrorism-Center (Fuerstenau, 2011). The new center to fight right wing terrorism with the manpower of 130-140 civil servants consists, like the GTAZ, of police as well as intelligence staff. It is designed to cover recent activities as well as unsolved cases from the past. Like in the GTAZ, joint working groups will be set up, but police and intelligence remain separate: While the police will operate from the western German town of Meckenheim near Bonn, the intelligence agencies will be set up in Cologne. Daily meetings, alternating weekly between Meckenheim and Cologne, ensure the communication (Graessler, 2011).

Studies, which examine for example the importance of the prevailing political culture for the initiative as well as the formal principle and the successful outcome of security strategies in a comparative way (Schulze & van den Brink, 2006), are sparse. Legislation has an increasingly 'tentative' character in order to react quickly to changing circumstances as the criminal acts of the so-called "Zwickau Cell" show. One may call this "symbolic legislation", which has the one and only aim to provide the feeling to citizens that something has been done. Usually there is no evaluation of such laws, and therefore, no consequences are drawn afterwards. How this affects security and the sense of security has not yet been investigated. *The gradual 'pluralization' of policing provision has been noted in many countries during the last 20 years or so, but little has been written about how policing might be effectively governed and held accountable in the public interest in such an environment of plural provision* (Stenning, 2009, p. 22).

3.2.4 Tides of terror?

The social turbulences in the 1960's/70's caused by the issues of the young generation with the society and their connection to the past political regime of the Third Reich lead to a significant shift and the new form of crime: The (so-called) "terrorism" in the midst of the society. In Greene's understanding, this rise of public disorder could be seen as a tidal shift, which shaped the BKA as federal police. Unfortunately, it is not so clear, if Greene sees major changes of the police itself as tides or if he understands the (outside) political, economic and sociological pressures, which shape police, as tidal waves. On the one hand he

speaks of "*tides of policing*". On the other hand he talks about "*tidal conditions*" associated with social and economic shifts, which are connected with crime and public disorder, and, which are intertwined with the fate of police. They are supposed to be *"difficult to change to the extent that they are impacted by forces and conditions largely beyond the immediate grasp of the police and often controlled by the larger governmental, social and economic institutions, in which the police are imbedded"*.

Furthermore, Greene states that "*tides come in cycles*", but waves of new crime, which Greene counts to the tides, seem to be more advanced each time, so that they create a (real or perceived) need for law enforcement agencies to catch up with them. This "race" seems to be more a progressing than a cyclical movement. Therefore, it would more reasonable to compare social, economic and political influences with forces like the sun or the moon. They are out of reach from the earth (although politicians are elected by earth-bound citizens, citizens usually have no impact on them once they are elected), yet they have a gravitational impact on the sea and its tidal flows.

With the suggested new rise of terror after 9/11, we could identify another tidal wave of policing, which pressured the police to the new ways of information exchange with the intelligence services. It becomes visible in the public outcry and the "usual" increase of police powers and personal and financial means (Greene calls it "*media complicity in control structures*"), but not in the same way as during the RAF-period in the 1970s. The reasons are obvious to be found in the financial crisis of the state, which makes it necessary to invest more in symbolic actions (like new laws and new, but modest equipped, institutions) than in real expansion of forces. However, the founding of the Joint Counter-Terrorism-Centers can also be seen as countermeasure against Greene's so-called "*up-welling*" of public fear against right-wing extremism or Islamistic terror inflamed by media and politicians. Greene states: The linkage between terrorism and crime is in the mind of the public as well as in police strategies. It seems to give the onset for a connection, which joints police and intelligence agencies against their originally intended set-up. Unfortunately, the two possibilities to locate the GTAZ within Greene's model ("tides" and "up-welling") show the models (yet) undetermined nature. This inconsistency makes it hard to subordinate certain parts of policing into the model and stands therefore in the way of the model's intention to simplify these complex social phenomena.

4. Eddies and whirlpools – The meso level

On the meso level of Greene's model, eddies and whirlpools are representing reforms and innovations within the police. Mostly they are counter cyclical in comparison to predominant police strategies. Thereby, Greene identifies the new focus on terrorism as eddy on the meso level. Eddies are short-breathed counter cyclical changes in police thinking, which lead in the end back to the regular currents. Therefore, Greene sees also the new focus on terrorism as an eddy in policing. This might be true for US American police forces on the fight against terror, but not so much for the German police force given the history with the RAF, as we pointed out above.

The other elements on the meso level are whirlpools. In contrary to eddies, whirlpools appear to be able to change major directions in policing, though they are constraint by deep and surface currents of policing.

4.1 Policing by pings: Use, what is possible?

For Greene one important whirlpool is technical progress. In a time, where everybody keeps a mobile phone near wherever he goes, the localization via mobile phone becomes part of policing strategy. With the so-called stealth-ping, it is possible to locate a mobile phone via short message. The owner of the mobile phone is not aware of this. Instead of giving a message signal, the mobile phone sends a signal to the next cell of the network operator, who informs the requesting agency. With this technique it is possible to localize offenders and to establish movement profiles (Eisenberg & Singelnstein, 2005). The stealth-ping is legally questionable. The German Constitution entails in the first twenty articles foremost personal freedoms and human rights, which protect the citizen from the state's power. The stealth-ping infringes the privacy of telecommunications as provided in *Art. 10 German Constitution*. Law enforcement agencies see their legal basis for investigations via stealth-ping in *§ 100 g German Code of Criminal Procedure* (*StPO*)[2] (Ministry of Interior of Lower Saxony, 2012), although the stealth-ping is not mentioned explicitly. The active sending of the hidden signal ("ping") has no legal basis (Eisenberg, 2011). Therefore the rephrasing of *§ 100 g StPO* in 2007 was seen as a solution to the problem, as it provides for the collection of mobilephone data, which can help to localize a person, without the sending of a ping (Eisenberg, 2011). Through the "allowed" collection of already existing localization data, the stealth-ping, would be – from a legal perspective – unnecessary (Eisenberg, 2011). In 2010, *§ 100 g StPO* was partially declared void by the Federal Constitutional Court. The invalidity refers thereby to the storing of communication data (BVerfG, 1 BvR 256/08, Nr. 196)[3]. Despite these legal difficulties, the stealth-ping is widely used by law enforcement agencies: In 2010, the federal agencies used it about half a million times (Hunko, 2011). However, stealth-ping tracking is not only a German issue, but raises doubts also in the U.S., where it is widely used by federal agencies as well as small departments unaware of its legal complexity (Lichtblau, 2012).

The practice of the law enforcement agencies are more oriented on the technical possibilities than on the existing legal provisions (Eisenberg & Singelnstein, 2005). Regarding the control of these activities, there are two problems: These activities mostly do not appear in court and therefore are hidden from the sight of the public and they create "facts", which the jurisdiction has a hard time to overcome. Additionally, these facts create pressure on the legislative body, because it does not want to stand in the way of efficient law enforcement and fight against crime. With this an automatism is created, in which the executive with the help of technological progress decides, which new laws are necessary. Basic legal and historical human rights and guarantees are thrown overboard for a fast solution, without having any possibility to evaluate these solutions and to get rid of the laws after some years. As a result, the Federal Constitutional Court is busier with complaints on that respect than ever before.

4.2 Meso- vs. macrolevel: Human rights? Who cares, if not the police?

All this leads to ever growing possibilities of observation, which shorten the human rights of the citizens (Eisenberg & Singelnstein, 2005, p. 67). Greene subordinates technological progress to whirlpools and argues that the underlying constrains of deep currents of policing constrain the whirlpool's effectiveness. He claims for example that despite the usage of data terminals instead of typewriters, the quality of the police report still relies on what the police officer chooses to write down. This might fit perfectly to his idea of whirlpools. The stealth-

---

[2] An English version of the German Code of Criminal Procedure can be retrieved from the website of the German Ministry of Justice: http://www.gesetze-im-internet.de/englisch_stpo/index.html

[3] Can be retrieved from: http://www.bverfg.de/

9

ping on the contrary does not fit so well into this concept, because it does not change the major direction of exploitation of the technological possibilities, but rather supports it and puts it on a higher level. Therefore, it would rather fit to subordinate technical progress to the "tidal forces" Greene identifies. Like shifts in migration, economics, globalization and internationalism, technical progress seems to be a significant development, which is out of reach of the police itself. In the need to keep up with it, it influences organization, strategies and practices of police agencies. However the use of technological progress is variable, depending shoreline conditions like for example citizen's rights in a given country. To spin this further within the metaphor of the ocean, one could understand the society and its legal framework (the constitution, laws etc.) as the coastline or the shore, which gets washed out and shaped by new technological possibilities of policing. New forms of crime request (at least in the mind of politicians and law enforcement agencies, but supported by the media-driven public opinion) advanced answers in policing, but as a recurring tide shapes the coastline and washes it out, so do police activities, which touch the legal foundations with their actions and in the end affect the fundamental principles of our democratic societies. To identify technological innovation as a tidal wave instead of seeing it as a whirlpool in Greene's terminology allows a better understanding on how policing is shaped by outside conditions like technological innovation and at the same time is shaping society by using these innovations to the cost of infringement of legal boundaries.

5. Riptides – The microlevel

At the micro level Greene describes riptides as the forces of policing, which are shaping the respect for the rule of law and its enforcers as well as the polices legitimacy. The erosion of public acceptance of police actions and with this the loss of confidence and trust in the police body are the most prominent dangers of riptides. Examples can be the excessive use of force, but also verbal mistreatment of citizens.

5.1 "Stuttgart 21". How to use police for obvious political means

An infamous example of policing exceeding lawful grounds, were the "Stuttgart 21" demonstrations[4]. What began as peaceful demonstration against the modernization of the main train station evolved into a turning point in German policing. On 30th September 2010, several thousand opponents of the new Stuttgart train station were gathering in a park to prevent the tree cutting work as part of the train stations renovation project[5]. To clear the park of protesters the strategy of the police comprised approximately 1800 officers and the use of water cannons and tear gas to secure the construction site (Boeninger, 2011, p. 85). Among the protesters were teenagers and children (Zuvela, 2010). It was the first time in over 40 years that the police in Stuttgart used water cannons against demonstrators (Feltes & Schnepper, 2011). The police as part of the executive power have to act according to the legal principle of proportionality. Still, during the police action, several hundred people got injured. The use of water cannons was at least in parts disproportional and therefore unlawful.

---

[4]Stuttgart 21 is a railway and urban development project. Its core is a renewed Stuttgart Central Station. The project was officially announced in April 1994. Construction works began in 2010. Heated debate ensued on a broad range of issues, including costs/benefit, geological and environmental concerns, as well as performance issues, resulting in a strong civil movement against this project, which finally washed the Green Party on top of the government of Baden-Wuerttemberg in 2011.

[5] The over 100 year old trees have not been touched by citizens even during war time, when no heating material was available.

According to the internal police order (which binds police officers), a strong jet of water shall be used only against violent perpetrators, advancing disturbers or for the prevention of a criminal offence (Feltes & Schnepper, 2011). Furthermore, the Federal Constitutional Court ruled that water jets should be increased in time to give the protesters the possibility to avoid injuries caused by them (BVerfG, 1 BvR 831/89 Nr. 39)[6].

5.2 Micro level pressures

The incidents at the Stuttgart 21 demonstration seem to be a fitting example for Greene's "riptides". In the attempt to maintain the respect for law, as the protesters disobeyed the police's order to give way to the machines (Ministry of Interior Baden-Wuerttemberg, 2011), the police shot jets of water at families to underscore the power relationship with the public. The use of police force for political reasons is illuminating vividly the micro level pressures. These actions carry the danger that citizens loose their trust in the police, when suppression and control are not only directed at crime, but at citizens, who are executing their right of freedom of expression. These citizens are comparable with swimmers, who get caught in the riptide, which leads them into the open sea of policing instead of back to the safe shore. These swimmers also loose their trust in the ocean and its usual currents.

Furthermore, the police rhetoric to maintain "security, safety and public order", can be found in the aftermath of Stuttgart 21, though basic civil rights were neglected. The disregard of the law by the enforcers of the law in this case is a strong example for Greene's model on the microlevel.

6. Conclusive thoughts

Greene's idea is supposed to help to understand the linkages in policing. In this article we wanted to follow the question how we can capture the dynamics and vibrancy of policing to understand the capacity of the police being shaped and for shaping the social order. Greene's model should have served as a vehicle to grasp and understand developments in the German police force in interaction with societal influences. At a first glance, Greene's model to think about policing with the metaphor of the ocean seems to help to locate singular perspectives on policing and to set them into relation with each other and in relation to overall societal and political developments. It helps to look at policing in a more complex and interactional way. Policing seems to be tangible, understandable and within grasp. It broadens the view and gives the loose ends and pieces of policing a structure. Therefore it must have been possible to "sort" developments and phenomena of policing and police education into this structure. However, it is not as easy as it sounds. Having the list of more or less recent developments of policing and police training in Germany at hand, there were consistent doubts to file these developments under one of the keywords. Our attempt to use Greene's model identified certain inconsistencies. Although we are aware of the fact that a metaphor always has its limitations in describing reality, we believe that these inconsistencies can be addressed and discussed. Addressing these inconsistencies would make Greene´s metaphor of the ocean of policing much stronger and coherent.

---

[6] Can be retrieved from: http://www.bverfg.de/

Bibliography:

Abbuehl, A. (2010). *Der Aufgabenwandel des Bundeskriminalamtes – Von der Zentralstelle zur multifunktionalen Intelligence-Behoerde des Bundes*, Stuttgart, Richard Boorberg Verlag, 442 p.

Benzow, G., Kimball, S. (2011, November 18). "Germany unveils strategy to combat far-right extremism", *Deutsche Welle*. Retrievedfrom: http://www.dw.de.

Boeninger, B. (2011). "Die Einsatzplanung", in Boeninger, B., Haug, G. & Sckerl, U. (Ed.), *Mit Kanonen auf Spatzen – Stuttgart 21 im Blickwinkel des Untersuchungsausschusses zum 30.09.2010*, Karlsruhe, von Loeper Literaturverlag, 84 – 87.

Brenneisen, H. (2009). "Wissenschaftlich gepraegte Ausbildung als Grundbedingung fuer eine professionelle Aufgabenwahrnehmung im Polizeivollzugsdienst", in Berthel, R. & Kuehne, E. (Eds), *Polizeiwissenschaftliches Studium im 21. Jahrhundert – Kritische Bestandsaufnahme und Visionen*, Rothenburg, Oberlausitz, Eigenverlag der Hochschule der Saechsischen Polizei (FH), p. 65 – 75.

Eisenberg, U. (2011). *Beweisrecht der stopp*,Muenchen, C.H. Beck.

Eisenberg, U., Singelnstein, T. (2005). "Zur Unzulaessigkeit der heimlichen Ortung per "stiller SMS" ", *Neue Zeitschrift fuer Strafrecht,* nr. 2, 62 – 67.

Feltes, T. (1996). Effizienz der Straftatenbekaempfung, in Kube, E. (Ed.), *Handbuch für polizeiliche Fuehrungskraefte*, Stuttgart, Boorberg, 573-602.

Feltes, T. (1989). "European Terrorism - decline or rebirth at the beginning of the 1990s?" *International Journal of Comparative and Applied Criminal Justice,* nr. 13/2, 17-26.

Feltes, T. (1999). „Qualitaetssicherung in der Polizeiausbildung:Brauchen wir eigenstaendige Polizeihochschulen?", *Die Polizei*, 207-212.

Feltes, T. (2004). "Germany", in Sullivan, L.E. & Haberfeld, M.R. (Ed.), *Encyclopedia of Law Enforcement – Volume 3 – International*, Thousand Oaks, London, New Delhi, Sage Publications, 1073 – 1078.

Feltes, T., Schnepper, A. (2011). "Stuttgart 21 – oder: Wie Buerger, Polizei und Demokratie beschaedigt wurden", in Boeninger, B., Haug, G. & Sckerl, U. (Ed.), *Mit Kanonen auf Spatzen – Stuttgart 21 im Blickwinkel des Untersuchungsausschusses zum 30.09.2010*, Karlsruhe, von Loeper Literaturverlag, 11 – 19.

Frevel, B. (2007). "Anforderungskataloge und Kompetenzprofile fuer Studium und Praxis", in Frevel, B. & Liebl, K. (Eds.), *Stand und Perspektiven der Polizeiausbildung – Empirische Polizeiforschung IX,* Frankfurt, Verlag fuer Polizeiwissenschaft, 13 – 25.

Frevel, B., Veklenko, V.V. (2011). "Zur Einfuehrung: Wissenschaftliche Polizeiausbildung in Deutschland und Russland – Anforderungen an die Didaktik und Methodik", in Frevel, B. & Veklenko, V.V (Eds.), *Methodik und Didaktik der wissenschaftlichen Polizeiausbildung – Dokumentation des deutsch-russischen Seminars an der Omsker Akademie,* Frankfurt, Verlag fuer Polizeiwissenschaft, 10 – 20.

Fuerstenau, M. (2012, January 18). "Germany to set up neo-Nazi database to fight violent extremism", *Deutsche Welle*. Retrieved from: http://www.dw.de.

German Federal Ministry of Interior (2011). "Das Gemeinsame Terrorismus-Abwehrzentrum – Zusammenarbeit der Sicherheitsbehoerden zur Bekaempfung des islamistischen Terrorismus". Retrieved from:
http://www.bmi.bund.de/SharedDocs/Downloads/DE/Themen/Sicherheit/Terrorismus/gtaz.pdf?__blob=publicationFile.

German Federal Ministry of Interior (2012). "Das Gemeinsame Terrorismus-Abwehrzentrum (GTAZ)". Retrieved from:
http://www.bmi.bund.de/SharedDocs/Standardartikel/DE/Themen/Sicherheit/Terrorismus/GTAZ.html?nn=107094 .

Graessler, B. (2011, December 17). "New Center to coordinate fight against right-wing extremism", *Deutsche Welle*.Retrievedfrom: http://www.dw.de.

Hauff, M. (2006). "Scheingegensaetze ziehen sich an - Polizeiliche Studiengaenge und das Ringen um Praxisorientierung und Akademisierung", in Christe-Zeyse, J. (Ed.), *Die Polizei zwischen Stabilitaet und Veraenderung – Ansichten einer Organisation,* Frankfurt, Verlag fuer Polizeiwissenschaft, 313 – 329.

Helfer, C., Siebel, W. (1975). „Das Berufsbild des Polizeivollzugsbeamten", *Gutachten im Auftrag der Staendigen Konferenz der Innenminister der Laender*, Saarbruecken.

Hunko, A. (2011). "Stille SMS bei Bundesbehoerden", *Schriftliche Fragen des Bundestagsabgeordneten Hunko vom 28. November 2011 (Monat November 2011, Arbeits-Nr. 11/339, 340).*Retrieved from: http://www.andrej-hunko.de/start/download/cat_view/8-dokumente?start=15.

Klaus, A. (2008). *Sie nannten mich Familienbulle*, Hamburg, Hoffmann und Campe, p. 301.

Lehmann, G., Proll, U. (2012)."BOS Fuehrer Deutschland 2012/ 2013". *HandbuchInnereSicherheit*, Berlin – Bonn, Behoerdenspiegel.

Lichtblau, E. (2012, March 31). „Police are using Phone Tracking as a Routine Tool", *The New York Times*.Retrieved from:http://www.nytimes.com/

Ministry of Interior Baden-Wuerttemberg (2011). "Innenminister Gall stellt Bericht zum Polizeieinsatz im Schlossgarten vor". Retrieved from:
http://www.innenministerium.baden-wuerttemberg.de/de/Meldungen/255258.html?_min=_im&template=min_meldung_html&referer=82713.

Ministry of Interior Lower-Saxony (2012). "Funkzellenauswertung und "stille SMS" – Sitzung des Niedersaechsischen Landtages am 24.02.2012, Fragestunde Nr. 2". Retrieved from:http://www.mi.niedersachsen.de/portal/live.php?navigation_id=14797&article_id=103638&_psmand=33

Nehm, K. (2004). "Das nachrichtendienstliche Trennungsgebot und die neue Sicherheitsarchitektur", *Neue Juristische Wochenschrift*, nr. 46, 3289 – 3295.

Pick, A. (1995).„Polizeiforschung zwischen Wissenschaft und Scharlatanerie". *Kriminalistik*, nr.11, 697-704.

Spohrer, H.-T. (2003). "Der Theorie-Praxis-Streit am Beispiel des Hochschulstudiums der Polizei – Ein Beitrag aus sozialwissenschaftlicher Sicht", in Moellers, M.H.W., van Ooyen, R.C. & Spohrer, H.-T. (Eds.), *Die Polizei des Bundes in der rechtsstaatlichen pluralistischen Demokratie,* Opladen, Leske + Budrich.

Sterbling, A. (2011). "Bachelorabschluss, Hochschulstudium und Professionalisierung der Polizei", in Berthel, R. & Kuehne, E. (Eds), *Modularisiertes Studium – Herausforderungen an Studierende und Lehrende – Kolloquium am 5. Oktober 2010 zur Eroeffnung des Bachelorstudiums*, Rothenburg, Oberlausitz, Eigenverlag der Hochschule der Saechsischen Polizei (FH).

Vodde, R.F. (2011). "Changing Paradigms in Police Training: Transitioning from a Traditional to an Andragogical Model", in Haberfeld, M.R., Clarke, C.A. & Sheehan, D.L. (Eds.), *Police Organization and Training – Innovations in Research and Practice*, New York, Dordrecht, Heidelberg, London, Springer, 27 – 44.

Walter, B. (2005). "Ausbildung der Polizei zwischen wissenschaftlichen Anspruch und Praxisbewaeltigung", *Polizei & Wissenschaft,* nr. 2, p. 21 – 31.

Weisser, N.-F. (2011). "Das Gemeinsame Terrorismusabwehrzentrum (GTAZ) – Rechtsprobleme, Rechtsform und Rechtsgrundlage", *Neue Zeitschrift fuer Verwaltungsrecht*, nr. 3, 142 – 146.

Zuvela, M. (2010, September 30). "Police use water cannons, tear gas on Stuttgart train station opponents", *Deutsche Welle*. Retrieved from: http://www.dw-world.com.

14

Chart