

## Improvement of Civilian Oversight of Internal Security Sector Project

### ICOISS Phase II



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### DENMARK STUDY TOUR REPORT

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Reference to the Description to the Action	
<b>Component</b>	B. Capacity Building
<b>Sub-Component</b>	B.2. Strengthening of Human Resources
<b>Activity</b>	B.2.8. Conduct five study tours, one for each major focus of the project (output: study tour reports).
<b>Output</b>	B.2.8. Copenhagen Study Tour Report
<b>Description</b>	<ul style="list-style-type: none"><li>Overall assessment of the study visit</li></ul>



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## i. Executive summary

### **Background**

Within the framework of the EU funded project "Improvement of Civilian Oversight of Internal Security", a Turkish delegation held a study visit tour to Denmark, aiming at deepening the knowledge about the Danish police system. The main focus of the study tour was police oversight. For this purpose a series of meetings were held at relevant authorities etc. directly or indirectly involved with or studying police oversight. This is a report of the study tour.

### **The Danish Political system**

The Danish political system is founded on the separation of powers into three branches in order to prevent abuse of power. The legislative power is vested in the Parliament and the Government conjointly. The executive power is vested in the Government, and the judicial power is vested in the courts of justice.

The Minister of Justice is responsible for the overall justice system, including the police and prosecution.

### **The Danish Police System**

The Minister of Justice is the chief police authority and is as such chief of both the Danish police force and of the prosecution service. The Minister of Justice exercises his powers through the National Commissioner and the Director of Public Prosecutions. The country is divided into 12 local police districts. Each Police District is headed by a Commissioner who answers to the National Commissioner, the Director of Public Prosecutions and to the Minister of Justice.

It is a distinct peculiarity of the Danish system, that the "ordinary" police and the prosecution are integrated in the local police districts, where the Commissioner is executive chief of both, just as the Minister of Justice is chief authority of both the police and the prosecution service. The Danish model works well under Danish conditions but is in general not recommendable.

### **Police Oversight – Conclusions and Recommendations**

The meetings during the study visit show, that there are numerous different means of police oversight.

Parliamentary oversight of the police has two main areas. First the financial means of control and second the political means of control.

The financial control with the police is very strong. The key words are New Public Management, and the main instrument is Performance Contracts containing specific goals, that are set out from a political point. The contracts feature a very strong incentive for the contract party who should fulfill the goals. Thus it is decided in the contract, that the fulfilling or non-fulfilling of the goals have a direct impact on the salary of the contract party.

The second part of the parliamentary control consists in the direct political oversight. The main instrument is a wide access to pose questions to the minister. Relevant questions must be answered correctly either in writing or orally. Posing such questions can have the particular effect of letting the Minister know that the

opposition is “keeping an eye” on a certain situation.

The most direct way of police oversight is a comprehensive system of access to and handling of complaints over the police filed by citizens. Any citizen has a right to file a complaint over the police if he or she is unsatisfied with the actions of the police in a certain situation. There is a right to have your complaint thoroughly treated – in some situations also with the right to appeal – by an objective and independent authority.

Access to complain and a thorough, objective, independent and speedy handling of the case must be considered a most decisive means of political oversight – particularly from a citizen point of view.

Furthermore it is worth mentioning, that access to complain only has real value, if a citizen involved in a case of alleged police misconduct or the like, also has access to the documents of the particular case. This access should be secured by law.

The Danish Police has for many years worked towards implementing a culture within the police force where good and positive relations with the society, is of utmost importance. Thus the

importance of building up and maintaining confidence in the police is strongly emphasized. This strategy is very much promoted by the education on the Police Academy. As the newest initiative, the National Danish Police has implemented a yearly survey to monitor to what extent the citizens in Denmark feel safe and have confidence in the police. The great emphasis assigned to the citizens’ confidence in the police has a large impact on every-day police work and on strategies on crime prevention etc. within the Danish police. This strategy can be perceived as a sort of an internal police control, and is highly recommendable.

Close cooperation with other stakeholders in society is an important factor in crime prevention within the Danish police. Both on a national level, with The Danish National Police, and on a local level in the 12 police districts it is considered very important, to have frequent communication with other parts of society. The gathering of information from for instance governmental authorities, the public service, NGO’s and the private sector, allows for the best foundation for planning of crime prevention.

## 1. Introduction

UNDP Turkey is supporting the Ministry of Interior of Turkey for "Improvement of Civilian Oversight of Internal Security" through an EU funded technical assistance project. The overall objective of the project is to structurally embed expanded enjoyment of civil rights by Turkish citizens and democratic control of internal security in the regulatory system and public administration practice of Turkey.

From the 1st to the 5th of June 2014, a Turkish delegation made a study tour to Denmark, aiming at deepening the knowledge about the Danish police systems. The main focus of the study tour to Denmark was police oversight. For this purpose a series of meetings were held at relevant authorities etc. directly or indirectly involved with or studying police oversight.

The Kingdom of Denmark consists of Denmark, The Faroe Islands in the Atlantic Ocean and Greenland. The Faroe Islands and Greenland have their own system. Hence, the following only refers to the southern Denmark, which has a population of approx. 5.5 million people, and covers an area of approx. 43.000 square kilometer.

This report contains in chapter 2 a list of the meetings held during the study tour. Chapter 3 and 4 encompass a short description of the Danish political system as well as the police system. Chapter 5 features a review of the numerous different means of police oversight. There will be a special weighting on matters, that were of particular interest to the delegation.

In the course of the study tour, there were several iterations of subjects and circumstances that are particular to the Danish system. To avoid the same iterations here, there will not be a detailed description of each meeting and presentation. Instead the report contains a coherent description of the Danish system – including the questions of police oversight. Hence chapter 2-4 comprises the subjects of all the presentations and some additional details that will be useful in order to fully comprehend the coherence between the different subjects.

## 2. Meetings during the Study visit

### *Sunday 1st June*

Short presentation of Danish political system and the Danish police system, with an emphasis on police oversight by Camilla Hammerum, Ass. Professor, Ph.D., MLL.

### *Monday 2nd June*

**Ministry of Justice**, Slotsholmsgade 10, 1216 Copenhagen K.

Contact: Lene Steen, Head of Section

Presentation about **managing the Danish police** by Rikke Laulund, Head of the Budgetary and Planning Division.

Focus on the organizational structure in Danish Police and on financial management of the police by the ministry.

Presentations about **governmental control** with the police and about **The Independent Police Complaints Authority** by Anne Berg, Head of Police Division.

Focus on political police oversight, questions from the parliament to the minister and other means of parliamentary control with the police.

Focus on The Independent Police Complaints Authority.

**The National Police Office** "Rigspolitiet", Polititorvet 14, 1780 København V.

Contact: Jakob Gøtze Pedersen, Senior Legal Adviser

Presentation with **an introduction to the Danish Police and the Danish National Police** by Pernille Breinholdt Mikkelsen, Head of the Executive Management Secretariat.

Focus: The organizational structure of the Danish police, The Danish National Police, and a local police district. Introduction to the tasks of the Danish National Police, and the police in a local police district.

Presentation about **cooperation between different actors, and the National Police' role** by John Radmer, Consultant in the National Centre for Crime Prevention.

Focus on the cooperation between The Danish National Police and the many stakeholders in the police that are in the Danish society.

Presentation about **The Danish National Police's Safety Index** by Henrik Bech, Senior Consultant.

Focus on the new Safety Index surveys implemented by the Danish National Police in 2013.

*Tuesday 3rd June*

**The Danish Police College**, Brøndbyøster Boulevard 30, 2605 Brøndby.

Contact: Consultant Erik Bundgaard

Introduction about the Police Academy, Denmark and the Danish Police by Jan Freilev

Presentation: **“We build public confidence”** by Erik Modin and Anders Bitsch, both Police Officers and teachers at the Danish Police Academy.

Focus on the task of the police of building public confidence and how this is implemented in the Danish police training.

**University of Copenhagen, Legal Faculty**

Studivstræde 6, 1455 København K

Contact: Henrik Stevnsborg

Presentation about **Parliamentary oversight with the police and intelligence** by Professor Henrik Stevnsborg

Focus on both the financial and the political parliamentary oversight – the difference in the underlying basis of the two kinds of oversight.

*Wednesday 4th June*

**Funen Police**, Egeparken 2A, 5240 Odense NØ.

Contact: Consultant Asmaa Abdol-Hamid

Welcome and presentation **of the police’s approach in socially vulnerable neighborhoods**, by Poul Bjørnholdt Løhde, Commissioner of Funen Police

Focus on Vollsmose, a socially vulnerable neighborhood in the city of Odense, and the police approach to the neighborhood and its inhabitants.

Presentation about **SSP and Prevention police work** by Jan Johnny Sørensen, Police Inspector.

Focus on cooperation of the SSP (School, Social Services and Police) with particular emphasis on the prevention on crime among children and youth.

Presentation of **the dialogue project** by Per Franch, Superintendent, Leader of the community police station in Vollsmose and Chairman of the Working Committee of the dialogue project.

Focus on the dialogue project started in 2013 by Funen Police, and the role of ambassadors who are working voluntarily for the police in the socially vulnerable neighborhood.

**Tour of the socially vulnerable neighborhood Vollsmose, presentation and Q&A.**



### 3. The Danish Political System

The basis of the political system of Denmark is formed by the constitutional act of Denmark. In § 3 is a provision, that lays the foundation of the separation of powers, and divides the powers between the three independent powers of state in order to prevent the abuse of power.

*§ 3. Legislative authority shall be vested in the King and the Folketing conjointly. Executive authority shall be vested in the King. Judicial authority shall be vested in the courts of justice.*

To understand this provision in the Constitutional Act of Denmark it is necessary to understand, that “the king” in reality means the Government. The reigning monarch, Queen Margrethe II, has no political power.

**The Government** is the executive power, ensuring that laws are implemented. The Government must have a majority in the Folketing. The Government is typically formed by the majority leader, who becomes the Prime Minister, and it normally comprises about 20 Ministers.

The Prime Minister determines the composition of the Government with respect to the number of Ministers and their remits. Each Minister has a specific area of responsibility. Ministerial responsibilities are relatively fixed, but sometimes ministries are combined or remits are changed. In the majority of cases, Ministers are Members of Parliament (MP), but this is not a requirement. If a Minister is appointed, who is not an MP, he or she may speak in the Chamber during debates, but is not entitled to vote.

**The Folketing is the Danish Parliament.** It is a one chamber parliament, with 179 elected members. The Danish Parliament exercises legislative power, which means that it passes the laws that apply in Denmark. The Government also has an influence on the passing of new laws because most Bills are drafted and introduced by the Government.

The Parliament is also responsible for adopting the state's budgets, approving the state's accounts, exercising control of the Government and taking part in international cooperation.

**The courts** exercise judicial power in Denmark, pronouncing judgements in disputes between citizens and between the authorities and citizens, and have exclusive competence to decide whether Danish citizens or foreigners residing in Denmark have broken the laws of the country. Neither the Danish Parliament nor the Government has authority to judge a citizen.

The provisions of the Constitutional Act of Denmark protect the independence of courts by separating the judicial power from the executive and legislative powers.

The Danish Parliament, exercising legislative power, enacts laws in Denmark, whereas the courts interpret the laws. This means that judges must not allow themselves to be influenced by the Parliament, the Government, the press or others when pronouncing judgment. They must be guided exclusively by the letter of the law.

In order to ensure the independence of courts, § 64 of the Constitutional Act protects judges against being dismissed or transferred to other work. According to this provision in the Act, the Parliament and the Government cannot influence the judicial power and the court's decision by threatening to dismiss a judge.

Furthermore, the appointing of the judges ensures that the judges are independent. The Judicial Appointments Council, established in 1999, submits recommendations to the Minister of Justice for all judicial appointments except the post of president of the Supreme Court. The Council may only recommend one applicant for an opening. Recommendations must be reasoned and include any differences of opinion. In practice, the Minister of Justice always follows the Council's recommendations.

The Danish Judicial Appointments Council is an independent council. The Minister of Justice appoints the members of the Council based on the comments of a plenary sitting of the Supreme Court, the high courts, the Association of Danish Judges, the General Council of the Danish Bar and Law Society, the National Association of Local Authorities in Denmark and the Danish Adult Education Association. The Council is composed of a Supreme Court judge (chairman), a high court judge (vice-chairman), a district court judge, a lawyer and two representatives of the public.

## 4. The Danish Police System

### 4.1. The Overall Organisational Structure

**The Minister of Justice** is responsible for the overall justice system, including the police and prosecution service, courts and prisons. The Ministry's principal functions further include foundation legislation, data protection law and immigration.

The police in Denmark constitute one national force, employed directly by the state. The Minister of Justice is the chief police authority.

The Minister of Justice exercises his powers through the National Commissioner, and the Director of Public Prosecutions.

**The National commissioner** is head of the Danish National Police. He has a fixed term-employment for 6 years at a time. The Danish National Police sets the direction for and produces overall strategies for the entire police service in close collaboration with the police districts and coordinates police work on a national level and in relation to international collaborators. The Danish National Police does not carry out police operations on their own, but does support the operations of the police districts.

The National Police is divided into five areas: Corporate Governance, Police, Corporate ICT and Corporate HR. These areas are staffed with administrative personnel, attorneys, police officers and many others in charge of, for example, budgets and accounts, IT and tale-related duties, police equipment and vehicles, personnel and education and training, as well as press and information tasks.

The National Police also includes areas known as operative departments engaged in investigation into IT crime, forensic technical investigations, road traffic tasks, and the surveillance of environments involving drugs, bikers, gangs and prostitution as well as international cooperation with the police in other countries.

It is also from the National Police that individual police districts can request assistance for various investigations and special duties. The National Police draws up the general framework for the entire police service. The National Commissioner meets regularly with the 12 Commissioners who are the chief executive

officers of the 12 police districts in the country. The forum is known as the Group Management, and the participants discuss important issues regarding the work and duties of the police, such as strategies and economy.

**The Director of Prosecutions** is the head of the Prosecution Service in Denmark, which also comprises the two regional prosecutors, and the 12 Commissioners of police in the local police districts.

The 12 police districts, the National Police and the prosecution service employ approximately 550 Prosecutors. The Director of Prosecutions also participates in the meetings of the Group Management as described in the previous chapter.

As described in chapter 5.1.1.2., the Minister of Justice is exercising his powers through the National Commissioner, the Director of Prosecutions and the Commissioners of the local police districts financially, by so-called Performance Contracts.

**The Commissioners of the police districts** are placed under the National Commissioner and the Director of Prosecutions in the hierarchical system. The organization of a local police district is described in the following chapter.

In total, there are about 15,000 employees in the police service. Over 10.000 of these have police training, while the rest are civil employees – including legal officers, administrative personnel, various academic groups, service employees, communication professionals and a number of other occupational groups.

## 4.2. The Organizational Structure of a Local Police District

Denmark is divided into 12 police districts. In addition, Greenland and the Faroe Islands constitute independent police districts.

Apart from Copenhagen and the island of Bornholm, every police district is of a size that serves approximately 400,000 citizens. It has a total of 700-800 employees and is capable of performing most tasks without any help from other districts or from the National Police.

In all districts, there is a main police station that provides round-the-clock service and a number of local police stations that serve the citizens of the community in the daytime.

The structure of the 12 police districts in Denmark is practically identical. The Commissioner heads the police district. At the moment, all Commissioners are trained lawyers, but since 2007 that has not been a requirement. The Commissioner is followed by the Deputy Commissioner, a Senior Chief Prosecutor and an Assistant Commissioner. Below the Assistant Commissioner, three line managers, known as Chief Superintendents, are in charge of tactical support, the local police and specialized investigation respectively.

With regard to tactical support, the police will take care of, for example, emergency tasks, initial investigation, the control room, daily patrolling of the local area, road traffic tasks, police dog assignments and special events where the police are to render assistance. If the investigation of a case is comprehensive and time-consuming, police officers from the specialized investigation section may take over. Examples

may include cases of serious assault, murder, organized crime such as human trafficking, economic crime, major drug cases, and IT-related offences such as hacking or the possession and dissemination of child pornography.

The local police are housed at police stations in different places of the police district. Police officers located there are involved in the same police tasks as at the main station, and citizens can go there during opening hours and report criminal offences, pick up lost property and obtain a copy of their own criminal record.

### **4.3. The Integration of the Prosecution Service in the Ordinary Police**

As described in chapter 4.1., the Prosecution Service in Denmark comprises mainly the Director of Prosecutions, the two regional prosecutors and the Commissioner of the 12 Police Districts. The Minister of Justice is the chief authority of the Prosecution Service as well as the rest of the police.

This means that the Prosecution Service is integrated with the police at the police district level, and that the police officers and the prosecutors are part of the same authority and has the same chief – namely the commissioner. In their daily work, however, the immediate head of the prosecutors in the police districts is the Senior Chief Prosecutor who ranks below the Commissioner.

The fact that the police and the Prosecution Service are integrated is a peculiarity of the Danish police system, and is only seen in very few other western police systems.

The prosecutors work closely together with the police officers that investigate criminal offences. In the last resort, it is the prosecutors who will have to assess whether a case is likely to stand up in court. If that is so, the prosecutors make the indictment and are later to appear in court in an attempt to have the defendant convicted.

This system has, not surprisingly, been much debated, but has been upheld, mainly due to the fact that it works well in practice. On one side it can be stated, that the objectivity of the prosecutor, who is to decide if a case should be tried in court, is questionable, when the prosecutor has worked closely together with the investigating police officer doing the investigation of the case. On the other hand, the pre-knowledge of the case makes it possible for the prosecutor to intervene in the handling of the case during the investigation, and at an early time conduct legality control and exercise judicial review of the police work. In defense of the system it has also been stated, that the integration of the police and the prosecution service, allows for a flexible and speedy handling of the criminal case. In 2007 there was a major reform of the Danish police, and it can be observed, that the present system is still supported at the political level.

### **4.4. The Purpose of the Police**

The purpose of the police is described in the law for the police § 1.

*§ 1. The police must work to ensure security, safety, peace and order in society. The police must promote this purpose through preventive, helping and enforcing work.*

Furthermore § 2 of the same law describes the tasks of the police. These can be summed up to two overall tasks. Namely to prevent crime, and to prevent disturbance of public peace and order.

#### 4.5. The Police Education

All police education in Denmark takes place in one academy placed in Copenhagen. The education is scheduled to 3 years where after the student has acquired a bachelor degree. The Police Academy receives 400 new students every year. App. 25 % of the students are female. The Police Academy employs app. 100 teachers with different educational backgrounds from both the academia and the police.

The education is divided into 5 modules – 3 modules at the Academy (modules 1, 3 and 5) and 2 practical modules, where the students are working with different police duties in a police district (modules 2 and 4).

The police education has the following aims:

- The students shall through theoretical and practical training achieve basic knowledge, skills and competencies to perform police duties under applicable law.
- The students must also achieve the ability to analyze, evaluate and reflect on police profession issues and develop the professional field of activity
- The students must also achieve the ability to enter into collaborations and have the necessary self-awareness and knowledge of own skills, behavior, signals and responsibility in the performance of police duties.
- The students must develop the ability of continuous learning in order to maintain theoretical and practical education also after leaving the Police Academy.

The education focusses, apart from training of physical skills, on cases with different dilemmas. The students learn through curiosity and open classroom discussions, that there is *always more than one answer to a question*. A key focus is to teach the students how to build up public confidence as a police officer.

An important part of the education is to explore and understand different levels of understanding; society, organization and individual. This is referred to as “reflective policing”.

Understanding **the society level** requires an understanding of the complex modern society, the multicultural mechanisms, the enforcement unit’s position in society, human rights aspects and finally the fact that the police belongs in the society, wherefore confidence between the police and the society is of utmost importance.

Understanding **the organizational level** requires an understanding of the mechanisms inside the police and the police as a cultural organization. It also requires an understanding of the effect of confidence within the organization, ethics, critical reflection and loyalty.

Understanding **the individual level** requires an understanding of the complex modern society and the multicultural mechanisms, and an understanding of an enforcements unit’s position in society. The fact

that also the individual police officer belongs in society and must earn confidence requires knowledge of the difference between force and authority and of human rights aspects.

There is a political responsibility for the ethics and values in the police. To ensure, that law enforcement is able to work with and on public confidence, the Government/the political level must have focus on confidence as well. The Government is making the framework for the police, with focus on human rights and international conventions. The Police Academy is focused on training police officers to be able to understand and work in a complex and nuanced modern world.

The key word on all three levels is confidence. Lack of confidence between the police and the citizens leads to more use of force instead of authority. Therefore, building up confidence must be a focus for the trained police officers on all three levels. This shows that the feeling amongst the citizens of safety and confidence in the police is deemed of the utmost importance in the Danish Police on the political level and all the way down to each individual police officer. In the following chapter a new way of measuring the feeling of safety and confidence in the police amongst the citizens is described.

#### **4.6. About the Danish Police Safety Index**

The Police law in Denmark states that *safety* is a key element. It has therefore been decided on a political level, to monitor safety in large parts of society – especially in the disadvantaged housing estates. The Police Safety Index was developed and implemented in 2013, and is an important supplement to this monitoring.

The Safety Index measures the fear of crime in all of Denmark, the 12 police districts, the five largest cities, and in 34 disadvantaged housing estates. The Survey Index is based on a survey consisting of more than 12,000 responses, and the Reports Index is based on data from the administrative system of the Danish police (reports from the public concerning incidents, violations and crime).

Thus, the purpose of the Safety Index is, with a focus on crime and fear of crime, to monitor safety in selected areas, in order to have a supplement to the crime statistics, based on the citizen's *feeling* of safety.

The survey is conducted with a questionnaire featuring questions on fundamental safety and trust in Police, the occurrence of neighborhood problems and the feeling of insecurity caused by these neighborhood problems. The survey uses qualitative questions as well as background variables (gender, age, socio economic status, etc.).

The results of the first survey from 2013 give a very clear picture that the Danish citizens to a large extent feels safe and have confidence in the police. In short, at least 80 percent of the Danish citizens have stated, that they to a large degree feel fundamentally safe, and about 85 percent of the Danish citizens have stated, that they have confidence in the police. It can also be concluded, that the results on the feeling of safety are very similar in areas with little crime and areas with more crime. It seems that the less crime you experience in your home area – the more serious it is deemed. If you do not expect crime, it scares you more when it occurs.

The results of the Safety Index are used in the police communication with local partners (e.g. municipalities), and as a supplement to local risk assessments. It is hoped to become an effective tool for analysis of local crime prevention initiatives. Finally it will in the future be a part of the foundation of contract negotiations between the National Police and the commissioners of the local police districts.

## **4.7. Initiatives on Crime Prevention**

### **4.7.1. Cooperation Between the Police and Other Stakeholders**

When it comes to crime prevention in the Danish Police, cooperation between the police and other stakeholder is considered very important. The National Police has a National Centre for Crime Prevention, where a large effort is made to bring together stakeholders in order to gather knowledge and to create better methods and practice in crime prevention.

Thus, the goal is to facilitate a common platform for all the knowledge possessed in the police and all stakeholders from governmental, public service, NGO's and the private sector.

An example is the "Co-Creation" partnerships, which are facilitated by the National Police in order to prevent juveniles from getting into crime and anti-social behavior. The stakeholders here are:

- The SSP-Cooperation (School, Social services in municipalities and Police)\*
- National-, Regional and local Councils
- National Staffs and Task-Forces – e.g. against crime from bikers and gangs.
- Special programs in vulnerable neighborhoods.
- Working groups involving participants from relevant organizations (private and/or public)
- International intelligence led projects.
- EUCPN – European Crime Prevention Network

There is also a broader perspective, with cooperation and partnerships in general to prevent citizens from being victims of crime and anti-social behavior. The main stakeholders are:

- National-, Regional and local Councils
- National Staffs and Task-Forces – e.g. concerning burglary
- Working groups involving participants from relevant organizations (private and/or public)
- Conflict Council (meeting/mediation between offender and victim –if they both agree)
- International intelligence lead projects (Europol).
- EUCPN – European Crime Prevention Network
- Partnerships with private organizations

Finally it can be mentioned, that the Centre for Crime Prevention in the Danish National Police is facilitating partnerships and ongoing relations with a number of private organizations:

- Governmental Platforms – Ministries

- Insurance Companies (National Association)
- Security Industries – Relevant Committees
- Public- and Private Transportation Sector/Branch
- Energy- and Oil Association
- Danish Trade Association
- Danish Fire- and Security Institute
- Public- and Private Estate Administration

\*The Cooperation called SSP is particularly important within crime prevention with regards to children and youth and is a priority on a local level in all police districts as well. SSP is based on prevention of crime and not on investigation or punishment. Within the SSO-cooperation the representatives of each organization (school, social services in municipalities and police) can legally exchange information about individuals that give rise to concern.

#### 4.7.2. Crime Preventive Activities in Socially Vulnerable Neighborhoods

Crime prevention in socially vulnerable neighborhoods is defined as an area of particular importance on a political level. All police districts that contain such neighborhoods are working hard at dealing with the problems and crime that originates from these particular neighborhoods.

During the study tour the Turkish delegation went to Funen Police District to hear about and observe crime preventive activities in the socially vulnerable neighborhood Vollsmose.

Funen is an island, and Funen Police is serving app. 485.000 people and covers an area of 3.500 square kilometers. The Police District includes 10 municipalities. Odense is the largest city on Funen, and it is housing an area called Vollsmose, with app. 10.000 residents. A large percentage of these residents are underprivileged and have other ethnic backgrounds than Danish (e.g. Palestinian, Syrian, Turkish, Iraqi, Afghan and Somali).

For many years Vollsmose has been defined as a “problematic neighborhood”, mainly because of a lot of crime, and the police has, in cooperation with the municipalities (SSP – School, Social Services and Police), spend much time and many resources to fight crime and disorder in the area. Although only a very small proportion of the inhabitants in Vollsmose have been involved with crime and disorder, the general feeling has been that it was everybody with another ethnic background than Danish that caused these problems. Of course the police were aware of the statistics, and were also aware of the fact, that a different ethnic background is not *the cause* of the problem, the fight against crime and the efforts to prevent crime became *an action against the entire area*. The dysfunctional inhabitants became the focus, and were the only ones that the police was in contact with. This meant that the few inhabitants that were involved with criminal activities, to the police became the picture of the whole group – and vice versa; these few dysfunctional individuals would paint the picture of the police to the rest of the group.

This problem-oriented approach resulted in unnecessary confrontation. Too much force were used instead of authority and understanding.



In 2013 the Commissioner decided to take a vision-approach instead. Changing the focus from the few dysfunctional individuals to the large group of well-functioning people with different ethnic backgrounds and cultures, it was the vision, that all the citizens of Vollsmose should regard Funen police as their police. It was the ambition that the police should *serve and protect* all citizens regardless of race, religion and sexual orientation.

The key word of the new approach is inclusion. The police is hoping to be included in the area, and hopes that the area in time will feel better included with the rest of the society, and have a better understanding of the police work. This is obtained through dialogue between the police and the inhabitants of Vollsmose.

The dialogue with the inhabitants is initiated by taking contact to motivated key persons, who work voluntarily and are called ambassadors. There are 6 ambassadors from different countries and with different backgrounds and different skills and educations. The aim is to bridge the gaps between the police and minority groups. For some it is a challenge to trust the police. The ambassadors are people with ordinary family lifes, and are as such in a position, where they are able to induce more confidence in the Danish society and in the Danish police. They help establish contact with the big majority of ordinary people who live in peace and order in Vollsmose.

The police aim to signalize that they serve and protect the majority and defeats crime. Much effort is invested in being present and visible – e.g. by taking part in sports and outdoor life. At the same time the police aim at being quick and firm in the reaction to crime. Personal knowledge between police officers and inhabitants is clearly illustrated by a walk around the neighborhood. It is an important strategy, that potential conflicts shall be put an end to by talking together before it develops into something larger.

The crime has not decreased during the period (a little more than 1 year) where the dialogue-project has been implemented, but it is the experience of the police, that the cases have become much easier to solve, and that the offenders have become isolated. Furthermore the ambassadors and the dialogue with well-functioning inhabitants has provided the police with valuable information, and the police believe that the project has created trust and has changed the sense of solidarity and the attitudes on both sides.

## **5. Police Oversight**

### **5.1. Parliamentary Oversight**

Parliamentary oversight and control can be divided into two overall areas. The first is financial oversight – where New Public Management is the main instrument. This is described in chapter 5.1.1. The second is political control, which is described in chapter 5.1.2.

#### **5.1.1. Financial Oversight**

As stated above, the main instrument in the financial oversight of the police is New Public Management. The two primary instruments are the Finance Act (5.1.1.1.) and the Performance Contracts (5.1.1.2.).

##### **5.1.1.1. The Finance Act**

Every year a new Finance Bill, which determines the Danish state's budget for the following year, must be passed. The Finance Act is the most complex of all laws. While an "ordinary" law typically takes up between 20-30 pages, the Finance Act consists of more than 500 pages in addition to about 2,500 pages of

explanatory notes. The Finance Act determines how much money will go to for instance the police, universities, ministries and the Danish Defense.

Like most other Bills, the budget proposal is introduced by the Government. Negotiations on the Finance Bill constitute one of the most important events during a sessional year of Parliament. The Bill is usually passed by Parliament in December just before the Christmas holiday. Voting on the Finance Bill in the Chamber can be regarded as a kind of vote of confidence in the Government because if the Government is unable to get the Bill passed, it will be obliged to resign or call a general election. However, the Finance Bill has only been rejected twice, namely in 1929 and in 1983.

If it becomes necessary to amend the appropriations established in the Finance Act during the year, this can be done with the help of what are known as legal documents and supporting documents. They must be approved by the Finance Committee and about 200 applications are received from Ministers each year.

Since 1992, the police budget has been decided in political agreements covering 4 years. These agreements include a budget with priorities, and enables forward planning for the police authorities. The present budget runs from 2012 to 2015. The annual Finance Act is the key management tool for the politicians regarding the police. It provides the financial framework for the coming year and determines the primary objectives, such as goals, outputs and outcomes. The police are responsible for managing resources within the financial agreement and the Finance Act and the politically defined primary objectives. As described in the next chapter, the police are measured by its ability to provide results that accomplish the primary objectives.

Examples of priorities is fighting gang-related violence, fighting terror and target crime areas, such as burglary in private residences and socially vulnerable residential areas.

During the year, the Ministry's management and control of the police include various activities. Meetings are held with representatives from the Ministry of justice and political parties, including status updates on the primary objectives from the National Commissioner of Police and the Director of Public Prosecutions. Furthermore there is an ongoing informal dialogue between the Department of the Ministry of Justice and the different police authorities – often regarding parliamentary questions.

#### ***5.1.1.2. The Performance Contracts***

A main instrument of managing and controlling the police is the annual Performance Contracts that is made between the Minister of Justice (signed by the Permanent Secretary) and the National Commissioner of Police and the Director of Public Prosecutions, respectively. The Performance Contracts contains concrete goals. The prioritized goals must be operational, and in order to reach the goals the National Commissioner of Police together with the Director of Public Prosecutions signs Performance Contracts with each of the local Commissioners in the 12 police districts. Both the National Commissioner of Police, the Director of Public Prosecutions and each of the 12 Commissioners have a great individual incentive to fulfill all goals in their respective contracts, as a bonus/salary increase is connected with fulfilling the goals. It was discussed during the meeting with professor Stevnsborg, whether it is a bonus-system – related to the fulfilling of the goals – or rather a system of subtracting from the salary in cases, where the goals are not reached. The first point of view was used at the meeting in the Ministry of Justice – the latter by prof. Stevnsborg. It is

probably mostly a contest of words, but as the numbers and measures of percentage of fulfillment are decided in advance, I believe it can be argued, that the latter point of view is the most accurate. Thus, the contract is “a performance related pay contract”.

The goals are set mainly by the executive party – that is the Ministry of Justice with regard to the Performance Contracts of the National Commissioner of Police and the Director of Public Prosecutions, respectively. The initiative draft for the Performance Contracts with each of the Commissioners, are made by the National Commissioner of Police and the Director of Public Prosecutions conjointly. When the first draft is on the table, there are negotiations between the parties, but naturally the executive party has the last word. However, to make the Performance Contracts effective management tools, the goals should be both ambitious and reachable at the same time.

As appendix 5 and 6 are attached examples of Performance Contracts from 2013.

It can be added, that this sort of management (An important part of the New Public Management) is widely used in the Danish central administration.

### **5.1.2. Political Oversight**

In addition to enacting legislation, the Parliament must exercise control of the Government and oversee the way it administers its executive powers and implements laws in practice.

Usually, Members of Parliament (MPs) and committees perform this task by putting questions to Ministers. As a possible result of its control, the Parliament may decide to unseat the Government. But in practice, it is extremely rare for the Parliament to resort to this measure. Naturally, it is especially the opposition that considers the monitoring of the Government a particularly important task.

While the Danish Constitutional Act describes in considerable detail how the Parliament must handle Bills, it does not in the same way outline how the Parliament must carry out its control of the Government. Instead, control is based on the parliamentary principle, which means that the Government must resign or call a general election if the Parliament adopts a vote of no confidence in the Prime Minister.

The Parliament has a range of instruments at its disposal for scrutinizing the Government:

#### ***Control through Questioning***

One method of exercising parliamentary control of the Government is to put questions to Ministers. Collectively, Ministers are asked more than 15,000 questions a year, primarily about current issues and problems. To a certain extent, these questions may promote the questioner's own opinion on a given issue. Parliamentary control can thus be used to express political standpoints and to point out areas of disagreement. Both MPs belonging to the opposition and MPs belonging to the governing parties can ask questions. All questions, that falls under the scope of the question institution must be answered by the Minister. Many questions are generated by stories in the media.

#### ***Question Hour and Question Time***

Individual MPs have various options for asking questions of Ministers. One option is to submit questions in writing and ask for oral or written replies. Written answers are forwarded continuously whereas oral

answers are given briefly during the weekly Question Time in the Chamber. MPs can also ask "impromptu questions", which means that Ministers must answer questions they have not seen in advance. This happens once a week during what is known as Question Hour. The purpose of the Question Hour is to strengthen the political debate in the Parliament.

### *Interpellations – the Broad Political Debate*

Interpellations are used when one or more MPs wish to discuss a societal problem and have one or several Ministers explain or elaborate their viewpoints. Interpellations are primarily used to create a debate on broad political issues of a more general character. An interpellation debate usually lasts for several hours, depending on the MPs' eagerness to discuss the subject. There are typically between 40-60 interpellations a year.

After an interpellation debate, the Parliament may adopt a resolution on the subject that has been debated. This could take the form of anything from a request or an expression of criticism to the passing of a vote of no confidence in the Minister in question or the Government as a whole, in which case the Government must resign. However, the latter course of action has very rarely been chosen

### *Ministers in Consultation*

Finally, parliamentary control of the Government can also be exercised in the Parliament's 26 standing committees. In addition to their work on Bills and proposals for parliamentary resolution, the committees can also put questions to Ministers to be answered orally or in writing. Such questions could deal with concrete issues or more general subjects within the committee's area of responsibility. Questions from committees are asked on behalf of the committee as a whole and are therefore generally more neutral in tone than questions asked by MPs on their own initiative.

The Legal affairs Committee of the Parliament has 29 members and it posed 1400 questions in 2013 on Justice and Home Affairs Including the police. The following are concrete examples of questions from 2013 as presented in Professor Henrik Stevnsborgs PowerPoint presentation page 8 and 9. The presentation is attached as appendix 9 to this report.

Q 488 (general part): "Will the Minister please account for how many motorcycle gang members' club houses there are in Denmark, and where they are located?"

Q 884 (general part): "Will the Minister please account for, why the police in their handling of troublemakers at football events do not take those groups out of function, who create the trouble, but also widen their operations, for instance against a full railway carriage, with also peaceful fans?"

Q 508 (general part): "Will the Minister please account for how many times the Danish police cooperated with Europol in 2013?"

When a Minister answers questions orally at a committee meeting, this is known as a consultation. Committees can decide to hold open consultations, so that the public can attend them. Moreover, the majority of these consultations are broadcast live on the Parliament's TV channel and streamed online.

## 5.2. Judicial Oversight

The Danish Constitution ensures access to courts, thus the courts is another way of police oversight. § 3, stk. 1, of the Constitutional Act of Denmark is as follows:

*§ 63. The courts of justice shall be empowered to decide any question relating to the scope of the executive's authority; though any person wishing to question such authority shall not, by taking the case to the courts of justice, avoid temporary compliance with orders given by the executive authority*

As described in the next chapter, complaints against police officers are often handled by an independent authority, but in some cases – mainly in actual criminal cases against police officers – the cases are handled in the court system.

## 5.3. Oversight through Complaints about the Police

Before describing the Danish system for police complaints, it is important to touch upon the importance of having a right of access to the relevant documents of the case. This subject is perhaps not within the scope of this report, and it was not addressed in any of the meetings during the study tour. However it should be mentioned, as it is a crucial part of having an access to complain, that beforehand the relevant persons should have access to the documents of the case. The right for a citizen to have access to relevant documents in a case concerning himself is secured by law.

Complaints with regard to police conduct and with regards to alleged criminal offences by police officers have since January 2012 been handled by The Independent Police Complaints Authority (IPCA).

Before 2012 the regional prosecutors handled most of these complaints, but due to severe criticism for lack of objectivism and public confidence, and for slow case handling this new authority was made.

IPCA is completely independent of both police and prosecution. The supreme governing body is the Police Complaints Council, chaired by a High Court judge. Furthermore the council is comprised of an attorney, a professor of jurisprudence and two representatives of the general public.

The council has the overall responsibility and makes guidelines for the case handling in the IPCA. In the daily work however, the IPCA is headed by a Chief Executive, who answers to the council.

Besides the Chief Executive, the IPCA employs Investigators, legal and administrative staff. It is situated in Aarhus, but covers all of Denmark.

The main tasks are, to investigate criminal offences committed by police officers on duty and to investigate incidents where persons has died or been seriously injured as a consequence of police intervention or while in police custody. Furthermore an important task is to consider and decide complaints of police misconduct.

As to the **complaints of police misconduct** it can first of all be stated, that everybody can file a complaint. The role of the IPCA is to investigate and arrive at a decision. Decisions are final and cannot be appealed.

Examples of misconduct show, that it is not cases about police practice, but instead of policy and procedure:

- Police have spoken rudely or acted inappropriately
- Police were too rough when arresting a suspect
- Police have used unnecessary force
- Police have abused their power

The procedure is hereafter, that the IPCA examines the case, including the questioning of witnesses, and thereafter decides in the case. If there is no base of initiating or continuing an investigation, the case can be rejected as ill-founded. If on the other hand, the conduct is found to be regrettable or inappropriate, there is grounds for criticism of the conduct. The three forms of criticism are expressed as “Criticizable”, “Very criticizable” and “Highly criticizable”. As to disciplinary sanction – these are decided within the police by the National Commissioner. There is no access to appeal, but the legality of the disciplinary sanction can be tried in court.

As to the **criminal offences by police officers on duty**, the role of the IPCA is to investigate the case. The IPCA can reject an ill-founded complaint. If the complaint is not ill-founded, the IPCA draws up a legal report about the results of the investigation to the district attorney, who thereafter decides if indictment should be made or the case be dropped.

The categories of alleged criminal offences by police officers on duty are mainly

- Disclosure of confidential information
- Abuse of power/position
- Negligence or recklessness in performing duties/function
- Traffic offences
- Violence

Finally it should be added, that IPCA is on call 24/7 for the so-called “Quick Response Cases”. These are cases where immediate investigative measures is required, for instance because the police have fired weapon at a person or where severe injuries has occurred as a result of police pursuit, or when a person has died while in police custody.

#### **5.4. Internal Control – the Role of the Police Officer**

The overall objective of the police is to maintain safety, security, peace and order in society. But the police also have many tasks that are more service-oriented. For example performing standard and enhanced criminal record checks, and assisting with traffic during major running and cycling events etc.

The police is generally seeking to be open and accommodating, and in dialogue with the people.

To ensure this, the Danish police and prosecution service have adopted an overall strategy which both national and local police work must adhere to. Once a year, the strategy is adjusted according to developments within society and crime.

The five main targets:

- We combat crime with conviction and prevent conflicts, unrest and crime
- We focus on core duties and increase quality and efficiency in our assignments
- We are service-minded, open and accommodating
- We are professional and collaborative and solve our tasks in an innovative way
- We are an attractive workplace with competent employees and managers

As appendix 7 is attached The Strategy 2011-2015 of the Danish National Police and the Public Prosecution.

It is an important part of the police education and of the every-day-work of all police officers, that the police shall build and maintain confidence in the society. This is a point of political interest, and is deemed of the utmost importance within the police management, as well within the National Danish Police as within each of the 12 police districts.

Furthermore there is no doubt, that it is an important part of the self-understanding of the individual police officers, that he or she and the police force as such is regarded with confidence and trust amongst the citizens.

When it comes to police oversight, the effect of the targeted effort from above and within the entire police organization to build and maintain confidence in the society is probably an important factor. There is no doubt that the initiatives from above and the importance which is attached to this self-image amongst the police officers have great impact on the police behavior. Thus this culture within the police can probably be perceived as a sort of an internal police control.

## **5.5. Cooperation with Society**

Throughout the country, the police participate in cooperation with local authorities, schools and associations where much of the crime prevention work is carried out.

It is important that the police have a good knowledge of local matters and are aware of what goes on in individual towns and villages. That is the very reason why close cooperation with, for example, municipalities, schools, clubs and associations plays a vital role in particular with regard to crime prevention.

The ongoing and free communication with other stakeholders in society (for instance governmental authorities, the public service, NGO's and the private sector) also gives these actors opportunity of keeping an eye on the police work with regards to their particular area, and to communicate any general or concrete problems directly to the police.

## 6. Conclusions and Recommendations with regard to Political Oversight

The Minister of Justice is responsible for the overall justice system, including the police and prosecution. Thus the Minister of Justice is the chief police authority.

It is a distinct peculiarity of the Danish system, that the “ordinary” police and the prosecution are integrated in the local police districts, where the Commissioner is executive chief of both, just as the Minister of Justice is chief authority of both the police and the prosecution service. There are pros and cons to this system. It has worked well in Denmark for many years and does give practical advantages. There are no plans or political intentions of changing the system. The fact that it works well in practice in Denmark does however not lead to the conclusion that it should be recommended for other systems. It is an important part of the European Convention of Human Right article 6 that *justice must not only be done, it must also be seen to be done*. The Danish model as it is practiced does not infringe with article 6, but is, however, not a recommendable model.

Parliamentary oversight of the police has two main areas. First the financial means of control and second the political means of control.

The financial control with the police is very strong. The key words are New Public Management, and the main instrument is Performance Contracts containing specific goals, that are set out from a political point. The contracts feature a very strong incentive for the contract party who should fulfill the goals (the National Commissioner of Police, the Director of Public Prosecutions and each of the 12 local Commissioners). Thus it is decided in the contract, that the fulfilling or non-fulfilling of the goals have a direct impact on the salary of the contract party.

This management tool has been used in the Danish Police since 2007 and is so far regarded a rather strong instrument from a political point of view.

The second part of the parliamentary control consists in the direct political oversight. In addition to enacting legislation, the Parliament must exercise control of the Government and oversee the way it implements laws in practice. The main instrument is a wide access to pose questions to the minister. The questions must be answered correctly either in writing or orally.

There is a tradition of asking many questions and the number of questions is still increasing. The questions vary from a very general nature to very concrete subjects. They have the effect that the Minister and the civil service are forced to deliver answers and in some situations are politically induced to take action. Furthermore the questions can have a special effect because they are a means of letting the Minister know that the opposition is “keeping an eye” on a certain situation.

The most direct way of police oversight is a comprehensive system of access to and handling of complaints over the police filed by citizens. If a citizen feels molested, harassed, frustrated or in any way unsatisfied with the actions of the police in a certain situation, there is access to complain over the police. To which authority the complaint should be directed varies with the sort of the case (police conduct, police behavior, alleged criminal behavior by a police officer etc.), but should the citizen have directed a complaint to the wrong authority, it will be redirected to the right one. There is a right to have your complaint thoroughly treated – in some situations also with the right to appeal – by an objective and independent authority.



An access to complain and a thorough, objective, independent and speedy handling of the case must be considered a most decisive means of political oversight – particularly from a citizen point of view.

Furthermore, it is worth mentioning that access to complain only has real value, if a citizen involved in a case of alleged police misconduct or the like, also has access to the documents of the particular case. This access should be secured by law.

The Danish Police has for many years worked towards implementing a culture within the police force, where good and positive relations with the society, is of utmost importance. Thus, the importance of building up and maintaining confidence in the police is strongly emphasized. This strategy is very much promoted by the education on the Police Academy. As the newest initiative, the National Danish Police has implemented a yearly survey to monitor to what extend the citizens in Denmark feel safe and have confidence in the police. The great emphasis assigned to the citizens' confidence in the police has a large impact on every-day police work and on strategies on crime prevention etc. within the Danish police. Therefore, this strategy and the initiative of "the Safety Index" can be perceived as a sort of an internal police control, and is highly recommendable.

Close cooperation with other stakeholders in society is an important factor in crime prevention within the Danish police. Both on a national level, with The Danish National Police, and on a local level, in the 12 police districts, it is considered very important to have frequent communication with other parts of society. The gathering of information from for instance governmental authorities, the public service, NGO's and the private sector, allows for the best foundation for the planning of crime prevention.