

Afspraak is afspraak?

Evaluatie van de eenduidige landelijke afspraken rondom opsporing en vervolging van geweld tegen werknemers met een publieke taak

Summary

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Since 2010, the so-called Unambiguous National Agreements (*Eenduidige Landelijke Afspraken - hereinafter 'ELAs'*) constitute an action framework for the police and the Public Prosecution Service (*Openbaar Ministerie - hereinafter 'OM'*) for investigation and prosecution after violence against public servants. The ELAs, a set of 32 agreements, can be viewed as a tool for the police and the OM to give substance to the repressive part of the 'Safe Public Duty' programme (*Veilige Publieke Taak - hereinafter 'VPT'*). The ELAs are still operational whilst the VPT Programme, which also paid attention to prevention, ended at the end of 2016.

Reason for the evaluation and research questions

After the latest public evaluation of the ELAs in 2012, there was a wish from the Ministry of Justice and Security to once again evaluate the ELAs. The objective of the evaluation is to gain insight into the implementation of the ELAs by the police and the OM. The central research question is:

How are the ELAs applied and observed by the police and the OM and what are the experiences with the ELAs of the parties involved?

Research activities carried out

In the evaluation, various research activities were carried out. In addition to desk research there have been (group) interviews and meetings with representatives from the field of work (including ministries, OM and police). There have been interviews with twenty people in total. In addition, an online survey was carried out among 155 employers and 534 employees from various sectors and there have been fifteen telephone conversations with victims. The National Police and the OM also delivered data to indicate the prevalence of violence against public servants and 49 OM files have been analysed to determine whether the ELAs can be

traced from such. Finally, all findings which to such date had emerged from the evaluation, have been fed back to two focus groups consisting of twenty employers from various sectors.

Answer to central research question (How are the ELAs applied and observed by the police and the OM and what are the experiences with the ELAs of the parties involved?)

Within the ELAs, the following seven themes can be distinguished: a) high priority for detection and prosecution, b) attention for the quality of detection and reporting, c) applying a quick and effective response/(super)fast-track justice/'ZSM', d) recouping damages from the perpetrator, e) informing victims and employers optimally about position and options in the criminal proceedings, f) pursuing an active communication policy and g) unambiguous registration and monitoring. These ELAs themes are applied and observed in different ways. For instance, the view on giving high priority to detection and prosecution varies and it can therefore not always be said that this happens. Where issues are picked up, enough attention does in any event seem to be paid to the quality of the investigations and reports. The recouping of damages from the perpetrators and the informing of victims about the position/options in the criminal proceedings are in general also properly observed.

Also, a number of ELAs themes are not, or less often, implemented. For instance, the quick and effective response/(super)fast-track justice is difficult to fit into the process of detection and prosecution of cases involving violence as those cases often require extra actions (hearing witnesses for example). Furthermore, pursuing an active communication policy on cases does not seem to have priority and in practice there is more communication on prevention. As regards the latter, this is where there is also a responsibility for employers.

From the field of work (police and OM) people are in general satisfied about the application of the ELAs and the usefulness of such agreements is acknowledged, but they do think that a more legible and more compact version is desirable for the future. This point had already been highlighted in a previous ELAs evaluation.

Employers and employees are also relatively positive about the ELAs; they are of the view that the ELAs make the procedure after an incident more transparent and more unambiguous. However, the sources providing insight into the opinion of employers and employees do differ about the question whether the

ELAs accelerate the procedure. In any event, they are generally of the view that they are kept well-informed about the criminal case.

Points for attention inside and outside the ELAs

Different points for attention emerge from the research relating to both the ELAs themselves and as regards issues which are related to the ELAs. As regards the ELAs themselves, it appears that desk sergeants regularly have insufficient knowledge about violence towards public servants, which may negatively influence correct case handling on the basis of the ELAs. In addition, attention for the ELAs at the police and the OM could be improved, including via case managers/contact officers who are able to support the process around the ELAs. More attention has recently been paid by the police and the OM to the role and duties of this position (which has been in existence for some time).

A first point for attention that lies outside the ELAs is that many of the parties involved in the research indicate that the ending of the VPT Programme in accordance with the agreement has led to less central direction from the government on this theme. Almost everybody indicates that this is however seen as an essential condition for a proper adherence to the ELAs. In addition, employers could pay more attention to prevention (in the context of VPT) and repression (criminal law and scope of the ELAs). Many respondents refer in particular to the consciousness-raising process of employees in the prevention of violence, the offering of tools (protocols, training etc.) against violence and the introduction of a standard for violence which is suitable for being reported. This because the research shows that not all violence is reported to the employer and that not all violence is suitable to be reported. Herein lies a point for attention, as knowledge about and the standardisation of violence that is suitable for reporting differs per employer. Finally, the research shows that within more and more sectors violent incidents are registered internally. According to employers, this can be the first step towards a joint, multisectoral registration system in which the nature and scope of the violence against public servants can be monitored.



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