

PERSISTENT SERVICE

SUMMARY

Research into the management and
deployment of Support Groups and Arrest
and Support Teams for the police task

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Beke *reeks*

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Introduction

For police work under life-threatening conditions, the Dutch police system has six so-called Arrest and Support Teams (AOTs by its acronym in Dutch) in the police and one in the Royal Netherlands Marechaussee (KMar by its acronym in Dutch). For arrests with an increased risk, the police units have 11 so-called Support Groups (OGs by its acronym in Dutch).

When it comes to the arrest of suspects and the risks that may be involved, the police system has several layers:

- Basic police care (BPZ by its acronym in Dutch) and the criminal police;
- Support Groups (OGs);
- Arrest and Support Teams (AOTs);
- Three special assistance units under the leadership of the Special Interventions Service (DSI by its acronym in Dutch). These are the Intervention Department (AI by its acronym in Dutch), the Expertise and Operational Support Department (precision shooters) and possibly the M-squadron, the unit for close-combat of the Marine Corps.

This research is about the OGs and the AOTs.

The OGs (including previous names) have been around for over 30 years now. The AOTs (then under different names) started more than 50 years ago. In that half century, a lot has gone well, but there were and are concerns too. In 2025, there is a lack of clarity and discussion about the differences and similarities between OGs and AOTs, both in terms of their tasks, working methods and appearance, as well as in terms of responsibility (competent authority) and accountability for their actions. There are also concerns, uncertainties and discussions about the quality of the information available for and about deployments to be carried out and implemented, including the coordination and communication between OGs and AOTs.

This research aims to provide insight into the differences and similarities between OGs and AOTs, into the nature of the work they do and how much and why, and into the decision-making prior to these deployments. This summary presents the main points of the research findings and conclusions thematically, with a few recommendations based on them at the end.

Research questions

The main question of this research is:

What are the position and significance of the OGs and AOTs within the police task and how do the mutual coordination, management and testing of the activities of these teams take place?

This main question is divided into four research questions:

1. How are decisions made on the use of OGs and AOTs in arrests?
2. How often and for what tasks were the OGs and AOTs used in 2023?
3. What are the practices of OGs and AOTs in making arrests?
4. How are OGs and AOTs equipped to make arrests?

This research was carried out by means of a mix of research methods consisting of:

- An exploratory focus group with seven experienced experts from the field. These included senior police officers of the DSI, the AOTs, the OGs, the head of one of the regional criminal investigation services and a senior policy advisor to the staff of the police force leadership;
- Desk research consisting of several components, namely a literature review of scientific literature and policy documents, an analysis of media reports, an analysis of court cases and an analysis of complaints and complaint files that can be found on the website of the National Ombudsman;
- A quantitative analysis of data files on OG and AOT deployments. For the database on OG deployments, a total of 433 deployments were analysed that were carried out by 5 OGs in 2023. The data file on the AOT deployments also relates to the year 2023 and includes 1,929 deployments;
- Questionnaires among relevant police and Public Prosecution Service (OM) officials. From the police organization, 509 people completed the questionnaire and from the Public Prosecution Service 19 people;
- (Group) interviews with 61 relevant police and Public Prosecution Service officials;
- Observations on OG and AOT deployments;
- An exploration of the situation in this area at the police in Belgium and Germany by means of a source and literature study and two interviews with relevant police officers;
- A concluding focus group with the same experts as in the exploratory focus group.

The report is divided into the most important topics arising from the above design, namely:

- Application and decision-making;
- OGs, AOTs and their deployments;
- Nature of the deployments;
- Education and training;

- Armament and equipment;
- Evaluation and rating.

In this summary, we use the same layout.

Requests and decision-making

Legal framework

In addition to the Police Act 2012, the deployment of AOTs is also subject to the Official Instruction for the police, the Royal Netherlands Marechaussee and other investigating officers (hereinafter: Police Official Instruction), the Police Management Decree and additional regulations. Article 6 of the Police Official Instruction prescribes that the police only deploy an AOT with the permission of the competent authority. This is the Chief Public Prosecutor for law enforcement tasks and the mayor for public order and assistance tasks (Article 11 of the Police Act 2012). The latter usually involves an intervention in the event of a suicide attempt or a person with misunderstood behaviour who causes life-threatening circumstances. The 2009 Circular Arrest and Support Units (AOE by its acronym in Dutch) prescribes under 4 that the AOT “only has the task of acting if it can reasonably be assumed that life-threatening circumstances threaten the police or others”. Under 5, the AOE Circular states: “In view of the situations in which action is taken and the way in which an AOE operates, there will often be a serious infringement of privacy. The deployment can therefore be regarded as the use of a serious means of violence, for which permission from the competent authority is required in accordance with Article 6, paragraph 1 of the Police Official Instructions for the Police, the Royal Netherlands Marechaussee and the Special Investigating Officer”. Under 7, the AOE Circular provides that: “Since the permission to deploy an AOE is a weighty decision that can have far-reaching consequences, in principle the chief public prosecutor, under whose authority the investigation takes place, must grant this permission. (...)” In addition to arrests under life-threatening circumstances, this also includes other highly specialised activities such as (tactical) diving, working at heights and covert action, including for the purpose of investigation and enforcement and on behalf

of the competent authority. Because of the intrusive and decisive procedures that the AOT usually uses and the infringements on the fundamental rights of persons they result in, the AOE Circular obliges the police to request permission from the Chief Public Prosecutor or a maximum of two deputies for the deployment of an AOT.

There are no formal regulations for the use of OGs. Internal policy documents mention, among other things, the performance of complex arrests with a foreseeable increased security risk that do not meet the deployment criterion of the AOT, but that are too complex or too risky for the BPZ. The upper limit of the OG is equal to the lower limit of the AOT. In addition, the OG can be used for peer support to other police units insofar as it fits within the skills and expertise of the OG. In doing so, it is considered important that the OG is aware of the boundaries of the spectrum of violence within which it operates. The permission to deploy an OG is vested in the internal policy documents in the hands of the head of the sector. That is, the head of a district or service in a police unit and, in his absence, the Chief Duty Officer, who is responsible for the ongoing operation in that district. The permission procedures stipulate that any deployment of an OG in connection with a high-risk detention must be tested in advance by the management of the AOT. Unlike the laws and regulations for the AOTs, the internal police documents about the OGs are not known to the citizen, to the legal profession and to the Public Prosecution Service and the judge.

Deployment criteria and decision-making

In both AOT and OG deployments, decision-making is based on the available information from the police systems about the persons and places involved and from the ongoing investigation or operation. In the case of planned actions, the exchange of information and decision-making takes place in the preparation. For ad hoc arrests, this is usually done by telephone. The deployment criteria also serve as a guideline.

According to many respondents from the police organization and the Public Prosecution Service, the AOT deployment criteria are sufficient, but they are still too narrowly formulated. According to these respondents, the AOT should be more flexible and possibly also deployable preventively based on a good risk assessment in order to make better tailor-made use of

the insights and skills of the AOTs for the safety of police officers, suspects and the environment.

Many police and Public Prosecution Service respondents find the OG deployment criteria less clear and less well regulated. Some respondents miss the limited availability and capacity of the staff in emergency care. Others miss the speed factor due to learned and trained procedures as a requirement for a performance, for example to prevent evidence from getting lost, increasingly also digital evidence. Still others think that the deployment criterion for the OG should be formulated more sharply, because they believe a large part of the arrests made by OGs can be done well by members of the basic team.

More than half of the OG arrests involve suspicions of violent crimes or drug offenses. Common hazard classifications of OG suspects are resisting or violent offender, weapon hazard and flight risk.

The suspicions of the AOT suspects also concern violent crimes, but also mainly crimes related to the Weapons and Ammunition Act. The hazard classification of AOT suspects is significantly more likely to be “firearm dangerous”.

Quite a few respondents argue that more attention should be focused on the best solution in each case based on good information. Several respondents from different job categories believe that the police data that is usually used is too often outdated and unreliable. At the same time, many respondents believe that decision-making within the police organisation about OG deployments could be better, clearer and smoother.

Both OG and AOT officers believe that (deputy) Chief Public Prosecutors (HOvJ by its acronym in Dutch) and Criminal Investigation Prosecutors (ROvJ by its acronym in Dutch) have too little knowledge of, insight into and experience with the OGs and AOTs and that this does not contribute to the correct decision-making process.

At the same time, half of the (deputy) HOvJs and ROvJs believe that the decision on OG deployments should lie with them. A group of examining magistrates agrees with them. This is in view of the great similarity of OG arrest procedures with those of the AOTs and thus the stacked infringements of fundamental rights of suspects and other residents and the impact on the environment with AOT procedures. Other Public Prosecution

Service officers believe that the police should set up a single intake desk for the deployment of OG and AOT per police unit, which prepares deployment decisions unambiguously and transparently and, if necessary, submits them for permission to the HOvJ or one of the mandated persons. Such a regional intake desk could be a broadened, regional variant of an earlier proposal for a national intake of AOT applications.

Accountability

The use of the usually intrusive methods of the AOTs for arrest is subject to formal laws and regulations. These regulations prescribe that only the HOvJ may decide on the deployment of an AOT. The first sentence in the AOE Circular reads: “This circular provides for a policy rule for registration of the deployment of arrest and support units (...), as well as the level at which permission for deployment within the Public Prosecution Service must be granted.” The AOE Circular also states: “Who has granted the permission will have to be reflected in the registration conducted by the public prosecutor’s office.” The title of the appendix to the AOE Circular is: “Appendix Registration Form for Permission to Deploy Arrest and Support Unit.” This investigation finds that none of the 12 public prosecutor’s offices registers the AOT deployments to which permission has been granted under the responsibility of the HOvJ. The internal guidelines regarding the deployment of OGs prescribe: “Support groups report uniformly on the deployments that have taken place.” This research shows that there is no such nationally uniform administration.

Looking across the border

A look across the border shows that in Belgium and Germany, too, the police need a facility between the BPZ on the one hand and the AOT’s violence specialists on the other. But unlike in the Netherlands, both the counterpart of the OG and the counterpart of the AOT are framed by recognizable laws and regulations and by formal decision-making for which the police are accountable through registration. In Belgium, some of the local police zones have an assistance group with officers who do this as a secondary task. The German police have full-time standby groups for

maintaining public order in each federal state, which are also available for high-risk judicial deployments and for regular police work.

With the Standing Committee for the Supervision of the Police Services (Comité P), Belgium shows that supervision of the performance of the police task is effective. Supervision of the management, implementation and accountability is of great importance when it comes to the closed and intrusive use of powers that infringe on the fundamental rights of citizens, as the OGs and the AOTs do in some cases.

Recommendations

1. It is recommended to make laws and regulations for the use of OGs.
2. It is recommended to implement a national OG administration.
3. It is recommended the Public Prosecution Service register the permissions to use AOT.
4. It is recommended to organise formal and independent supervision for the use of (force) powers in special arrests.
5. It is recommended to set up one intake desk per police unit for the deployment of OG and AOT that prepares deployment decisions and submits them for permission to the HOvJ or one of the mandated persons.

OGs, AOTs and their deployments

Number of employees

In the year 2023, the OGs had a total of 479 employees, 389 of whom (81%) were in ancillary tasks in addition to a regular police position, usually in one of the 167 basic teams in the Netherlands. The police units are free to determine the number of OG employees. Only the Rotterdam unit has a full-time OG; the Team Ready Unit (TPE by its acronym in Dutch). The TPE is available 16/7 primarily for tasks in maintaining public order and supporting the basic teams. The part-time OGs have an average of 39 employees, ranging from 16 to 80.

In 2000, the six police AOTs and the AOT of the KMar had 113 employees. In 2023, this number had grown to 230 employees. On average, that is

about 32 employees per AOT. The working areas of the six police AOTs date back to the 1990s and partly from before. The areas of activity of the AOTs vary greatly in size. The three teams of the DSI's Intervention Department are also available to a limited extent for AOT tasks.

Number of deployments

In 2023, the police and the KMar made a total of 132,580 arrests, in and out of the act. Most of all arrests are made by the basic police service (BPZ) and the criminal investigation department. The OGs and the AOTs account for only a few percentage points.

The OGs counted 3,728 deployments in 2023. The full-time TPE in Rotterdam accounts for almost half of this. Although the intention is for the OGs to report on their deployments in a uniform manner, this does not happen. There is no unambiguous national administration of OG deployments yet. Therefore, it is not possible to provide an accurate overview of the different types of deployments the OGs perform. The most accessible and mutually comparable OG administrations show that about 60 percent of the OG deployments are for the arrest of one or more suspects. Nationally, this amounts to approximately 2,200 OG deployments for arrest in 2023. About 1 percent of the OG deployments involve the temporary surveillance of locations or the guidance of threatened persons. The other deployments (approximately 39%) concern support, such as breaking down the entrance doors of buildings for arrest or search by other police units, securing premises and/or evidence, securing searches or shielding the application of special investigative powers such as the installation of beacons.

The AOTs administer their deployments in a standard format of the DSI staff. They regularly send these deployment registrations to the staff of the DSI. The DSI administers all these deployments and data centrally. The AOTs executed 1,929 deployments in 2023. Of these, 1,503 (78%) were arrested for a total of 1,803 suspects. The Randstad is a hot spot in this. Compared to the year 2000, this is almost 1.5 times as many arrested suspects with twice as many AOT officers. More AOT staff was needed, among other things, to curb overtime. In addition, an important change has been that the AOTs have been running so-called Rapid Response Teams (RRT) services for almost ten years. During these RRT services, a small group of AOT men are armed and equipped to be the first to deal with (imminent)

terror and brute force but are also available for AOT work under potentially life-threatening conditions and otherwise specialized support from the BPZ. In addition to the arrests, almost a fifth of the AOT deployments consist of support. This involves highly specialised activities such as diving for the purpose of a criminal investigation, a viewing operation for the purpose of a criminal investigation, working at height and covert action. A small part of the AOT deployments involve the task of guarding and securing, such as the security of a detainee transport, the security of a transport of a protected person or the shielding of a covert operation of, for example, an infiltrator.

Development in numbers of deployments

Although the number of AOT deployments has been relatively stable for decades, the number of OG deployments for detention appears to have approximately doubled compared to the year 2000. This while in the same period (violence-related) crime has decreased sharply and the total number of suspects arrested by the police has more than halved. The interviews mainly mention two reasons for the increase in the number of OG deployments for arrest:

- Society has hardened and the danger has generally increased. As a result, work supply has grown. Based on the deployment criteria, this often involves AOT stakes. However, the AOTs cannot cope with the supply of work, so the OGs take up such deployments.
- The BPZ is not sufficiently educated and trained in terms of quality. That is why the BPZ is less and less able to act in dangerous situations. In other words: the BPZ is becoming more and more inactive, which means that people are more likely to ask for an OG.

However, the eight unit leaders interviewed do not agree with the latter reason. They say the BPZ is generally perfectly capable of making the right assessments of how to act.

Recommendation

6. It is recommended to conduct further research into the need to have certain arrests carried out by an OG instead of by the BPZ.

Nature of the deployments

OG tasks

The tasks for the OGs are not described in laws and regulations but are set out in unpublished internal documents. Eight tasks were observed in this study:

1. Carrying out (complex) arrests in groups (with increased risk);
2. Supporting the BPZ and the criminal investigation department;
3. Other types of support, such as from an AOT or the Royal and Diplomatic Security Service (DKDB by its acronym in Dutch). Supporting an AOT operation involves, for example, exploring or cordoning off or shielding the place where the AOT deployment will take place;
4. Tasks within Surveillance & Security, for example by guiding temporarily threatened persons;
5. Tracking and locating suspects, for example by placing beacons;
6. Reconstruction and court support;
7. Bringing a confused and/or vulnerable person with misunderstood behaviour under control;
8. Ensuring that evidence is not removed during a police action, for example by preventing suspects from locking down data carriers or shielding (forensic) investigation work. Obtaining evidence and shielding pseudo-purchases is also part of the tasks of OGs.

AOT tasks

Article 12 of the Police Management Decree (BBP by its acronym in Dutch) then regulates that the Special Interventions Service (DSI by its acronym in Dutch) of the National Unit for Investigation & Interventions (LO by its

acronym in Dutch) maintains AOTs for the performance of four categories of tasks under life-threatening circumstances, namely:

1. Carrying out planned arrests;
2. Guarding and securing police infiltrators;
3. Assisting in guarding and securing the transport of witnesses, suspects or detainees;
4. Assisting in the surveillance and security of objects and other activities for which permission has been obtained from the competent authority.

Information base of deployment decisions

Looking at the arrests of suspects by AOTs, violent crimes are relatively more often the reason than for the OGs, namely in almost half of the deployments. In addition, the category “Weapons and ammunition” is the reason in almost a third of the arrests, so also considerably more often than for OGs. On the other hand, AOTs have not been used once for the reason “Other”, which means that a deployment on confused persons is mainly due to OGs. Zooming in on the task of OGs to arrest suspects, the underlying reason appears to be a violent crime in most cases (with 33%). In less than ten percent of the OG deployments for arrest, the category “Weapons and ammunition” is the reason. It is also striking that the underlying reason for 14 percent of the OG deployments is labelled as “Other”, which includes a deployment on confused persons.

Procedures and working methods

The procedures and working methods of the OGs differ from regular police action by their systematic, more decisive and, above all, group-by-group and planned nature. The OGs are also better trained than regular officers in terms of hazards, complexity and/or technique or tactics. The procedures and working methods of OGs are partly derived from those of the Arrest Unit (AE) of the Mobile Unit (ME), of the Reconnaissance Unit (VE) of the ME and of the AOTs. The OGs carry out so-called housing procedures, physical procedures on foot and car procedures.

AOT deployment for arrest usually concerns suspects of serious crimes who can create life-threatening circumstances. During deployment, it

is therefore important that the suspects to be arrested are not given the opportunity to pose a threat to police personnel or others. AOTs make a plan for this. This is reflected in various procedures with specific arrest techniques and tactics. The AOTs have five core procedures: the housing procedure (53%), the physical procedure on foot (11%), the car procedure (11%), the disturbance procedure (bringing confused persons under control, 7%), and other procedures including, for example, catering (19%).

In the interviews, concerns were expressed about the tasks of the OGs, because it has increasingly resembled the tasks of the AOTs. The procedures and practices of OGs have also become increasingly similar to those of AOTs.

Field of tension between the basic teams and OGs

Within most police units there is a discussion about the organization of the OG within the unit. In several cases, basic teams feel that the ad hoc deployment of the OG is an attack on their schedule and availability of the already scarce personnel for regular police work. To prevent this, OG staff are scheduled in several units for one of the four weeks for only OG work and OG training. But sometimes one runs into the fact that officers still deduct their OG overtime from their BPZ hours and are therefore even less available for their main task. The organisational embedding of and the business operations around the OGs is therefore still an issue.

Recommendations

7. It is recommended to investigate whether the OG tasks and activities can be accommodated in combination with the preparedness of the Mobile Unit (ME by its acronym in Dutch) and Arrest Unit (AE by its acronym in Dutch) quality groups, which is already organised in each unit and each service.
8. It is recommended that the knowledge and insights about acting in the presence of children be thoroughly safeguarded in the organisation and actions of OGs and AOTs.

Education and training

OGs

The predecessors of the OGs were AE with extra training in Skills Persistence in a Group Context (VAG by its acronym in Dutch). The harmonization has reorganized this total of about 40 AE-VAGs into 11 OGs in the police units. Since 2016, the Police Academy has provided certified OG training. Agents can apply for an ancillary position at the OG. The new OG course lasts six weeks (210 study hours) and is the most important component of the method. The training has three learning assignments: reconnaissance, arrest-building, arrest-vehicle. At the end of the course, a certified exam follows in the form of a so-called performance practical deployment. Following the basic training is a condition for being admitted as an OG member.

The OGs organise the OG training courses together with the local police training centre. The intention is that this adds up to about three times the guideline of 32 hours per year for basic police care, i.e. 96 hours per year. Most OG members do not yet reach those 96 hours. Many OG respondents would like to have their own training instructors, so that the OGs are less dependent on the limited capacity of the Integral Professional Skills Training (IBT by its acronym in Dutch) centres.

AOTs

Only police officers with at least two years of experience within the BPZ can apply for a position at an AOT. This experience is important, so that people with basic police professionalism come into the training. The application is followed by a special psychological and physical selection. When a person passes this strict selection, a training course of 1,050 study hours follows provided by the Police Academy in collaboration with the training department of the DSI. The AOT training has three modules: (1) preparation for arrest & support, (2) execution of arrest & support and (3) working at height. The most important components are the procedural training, gaining insight and knowledge about competences and following the fire-arms training. In addition, the students receive extra training in the field of practical, ethical and legal aspects of the use of force and danger management. A fixed part of the AOT training is also the training to become a

medic, to quickly give first aid to colleagues, suspects or others who are injured during a deployment. The Police Academy provides the AOT training twice a year. Between five and 15 AOT students obtain their diploma per batch. These AOT employees are then appointed full-time.

When the AOT training is completed, training and updating the actions of an AOT remains important. This is therefore regularly done under the guidance of an instructor. In addition, all ten AOT-authorized teams within the DSI and the BSB KMar are scheduled twice a year for deployment to train with the whole team for a whole week under the guidance of teachers from the training department of the DSI. All AOT-authorized teams also have a week to fill in themselves, completely without work and picket. Finally, all AOT employees within their own ranks train the procedures at least once a week and train at the shooting range. For this purpose, each team has its own firearms instructors.

Recommendations

9. It is recommended to investigate whether and how the AE training and the OG training can be integrated.
10. It is recommended to organize the OG and AOT training in such a way that it is easier for OG staff to switch to the AOT or to have officers who finish the AOT training without a diploma switch to the OG training.

Armament and equipment

Armament of the OGs

The OG officers have the same armament as agents in the BPZ. Specifically, they have a can of pepper spray, an extendable baton and a pistol Walther P99 QNL with two times 15 cartridges type Ruag Action NL 9x19mm. The OG officers are not armed with a stun gun, while the officers in the BPZ are. In the questionnaire and interviews it was frequently indicated that the arming of OG men is not sufficient. They experience a gap in the armaments. Most of the OG officers think it is unfair that the Ministry of Justice and Security has not awarded them the electric shock weapon. This would

allow them to act better and more proportionately and with least violence possible when it comes to the use of force.

Other forms of armament that were suggested in the questionnaire and interviews are the bean bag (a non-lethal projectile shot with a shotgun), a longer firearm (e.g. a pistol machine gun), a lamp-laser aiming device on the Walter P99 QNL and an electric baton. Many AOT respondents and unit leaders believe that these forms of armament do not belong to OGs. If there are cases where such armament is necessary, these are cases for AOTs in view of the AOT deployment criterion.

Armament of the AOTs

AOT officers are armed in a substantially different way than BPZ agents and OG officers. Each AOT officer has a stun gun and a Glock 17C pistol with several spare cartridge holders filled with the cartridge Ruag Action NL 9x19mm. In addition, each AOT has a semi-automatic calibre 7.62 shoulder firearm, also with various cartridge holders. Each AOT also has smoke and noise grenades, shot guns for shooting so-called bean bags, 40mm grenade launchers for shooting tear gas grenades, explosives to break access doors and facades and a specially selected and trained AOT dog. In the questionnaire and interviews, almost everyone is of the opinion that the armament of AOTs is sufficient. Those who do think that AOTs should be additionally armed, mention less-lethal means of force such as a 40 mm grenade launcher with which projectiles can be shot as a distraction or also less-lethal projectiles.

Equipment of OGs

As far as equipment is concerned, all the OGs should have the same equipment, similar to the equipment of the BPZ. However, the interviews show that this is not the case. All police units have their own budget, which means that some OGs have the funds needed to pay for certain equipment and other OGs do not. Several OG respondents believe that the equipment of the OGs should be determined nationally. This causes that in the questionnaire no more than 39 percent of the OG respondents believe that the equipment is sufficient. Most say they mainly miss a bulletproof helmet. Other wishes are to improve the fleet (both in quantity and quality), better and safer clothing, gloves and trousers and better hearing protection.

In the interviews, many respondents say that the ignorant citizen sees no difference in the equipment of OGs and AOTs and their appearance. The only difference they may see is the colour of the equipment. It is suggested that the equipment and appearance of the OGs should be more appropriate to the task and objective of the deployment, with a greater tendency towards “BZP-plus”, also known as “reinforced blue”, than “AOT-minus”.

Equipment of AOTs

As with armaments, the AOTs are also equipped differently than the OGs. Each AOT has several bullet and stab resistant vests and a grey bullet-proof helmet with bulletproof visor, with sound attenuation and with a special speak-listen set. Furthermore, each AOT employee has various special (grey) garments and a special walkie-talkie. Each AOT employee also has a hood to blind suspects and a cornflower blue beret to make himself easily recognizable as a police officer at a glance on the street during an intervention on foot or a car procedure, for example.

As a team, each AOT has different sizes of bulletproof shields, transparent lexan shields, various door breaking devices (both mechanical and hydraulic and explosives) and technical (reconnaissance) means to safely prepare for a deployment. In addition, there are climbing equipment for working safely at height, diving equipment for underwater search and tactical diving. If necessary, the Expertise & Operational Support Department (EXOO by its acronym in Dutch) of the DSI can support an AOT with even more expertise and resources.

Almost all AOT respondents think that the AOT equipment is sufficient.

Recommendation

11. It is recommendable to consider granting the electric shock weapon also for the work of the OG.

Evaluation and rating

Administration and evaluation of deployments

The decision-making process regarding the deployment of OGs and AOTs is not or hardly recorded in terms of content, nor is it always discussed or evaluated for each deployment by all those involved between application and deployment. As far as the deployment of the OGs is concerned, this differs between the police units. In one regional police unit, the OG publishes an annual report and discusses it with the unit leadership. Other units do not or hardly do this. Regarding the deployment of the AOTs, the AOT team leader discusses the deployments once a year with the unit leaders of his working area and also with the HOvJs and ROvJs of his working area. Agreements are made about the lessons to be learned from this.

The national consultation of OG coordinators regularly discusses the lessons that can be learned from the experiences in the country. From this, changes can be derived for the working methods and training courses in consultation with the teachers of the OG training and with the IBT teachers involved.

The DSI receives and administers all deployment reports and deployment data from all AOTs. The head of the AOT department, together with the team leaders and the procedure committee, draws lessons learned from the deployment data and deployment evaluations and uses this information for possible adjustments and further developments of the procedures to be learned and trained.

Right of complaint

There do not seem to be many complaints about the use of the OGs and AOTs. Occasionally, the National Ombudsman (NO) deals with a complaint about an alleged AOT action, but then it sometimes turns out on closer inspection to be about a deployment by the OG. Complaints that end up with the NO are regularly declared (in whole or in part) unfounded. In doing so, the NO assesses the defendant's actions as indeed, not or partially "good administration". The NO also comes up with a recommendation from time to time. For example, the NO recommended that the way in which the AOTs usually already take into account the (possible) presence of

minor children should be formally recorded and that the AOT must weigh up the safety interests of the AOT and the order to carry out the arrest on the one hand and the interests of the children on the other when carrying out the planned arrest (No 2017/137).

In several complaint reports, the NO assesses the fact that the Public Prosecutor had not recorded the permission to deploy AOT and the reasons for this in writing as improper.

Criminal law

In court cases against arrested suspects, the judge pays attention to the deployment and actions of an OG or an AOT and the permission to do so or the lack of such permission. Various court decisions show that there is frequent confusion among suspects and lawyers, but also even among case prosecutors whether the suspect has been arrested by an OG or an AOT. This is because OGs act in much the same way as AOTs and look the same to the layman.

In at least one case (2020), the court assesses the entry by an OG as an entry by the AOT due to the method used. The fact that there is no permission for this by a Court of Justice judges that court is an irreparable breach of procedure.

In at least three cases, the court assesses the lack of a written decision to deploy an AOT by an HOvJ as prescribed in the AOE Circular as an irreparable breach of form. The judge also finds that the Public Prosecutor's Office must be able to submit such permission by the HOvJ. The interviewed examining magistrates (RC by its acronym in Dutch) also argue that the OG deployments, like the AOT deployments, should fall under the responsibility of the HOvJ and therefore be tested in advance, also on the impact.

Recommendation

12. It is recommended that the laws and regulations relating to the OGs and AOTs be updated and harmonised so that all guidelines are clear and knowable and that both the rules and the administration comply with the requirement of "No authority without responsibility, no responsibility without accountability".

Contemplation

(Violent) crime in the Netherlands has undeniably fallen sharply since the turn of the century. The total number of arrests by the police has also halved: from 327,970 arrests in 2005 through 274,680 arrests in 2010 to the 132,580 in 2023. In this light, it is noteworthy that the number of arrests by the OGs is estimated to have doubled in the last 25 years and the number of arrests by the AOTs has remained more or less stable. The latter may be explained by the fact that the role of serious and organized crime in the crime as a whole has grown. In addition, within these criminal circles, (mutual) violence has undeniably intensified and the police and the judiciary have been putting extra effort into combating serious and organised crime in recent years. The growth in the number of (complex) arrests with increased risk by the OGs is not easy to explain against the background outlined. The explanation for these increases may be partly found in the increased complexity of police work, also in the BPZ, partly related to drug-related crime. In recent years, this has manifested itself, for example, in the need to secure (digital) evidence in police investigations and arrests by means of fast, planned and well-coordinated action. This requires speed and accuracy of action and that requires tight action in a group.

The position and role of the Support Groups (OG) in the police organization and especially regarding (complex) arrests with an increased risk are an irregularity. According to a decision of the police force leadership, the OG is a separate organizational form within the Crisis and Conflict Management (CCB) teams. But unlike the legally regulated quality groups ME and AE, the OG is not embedded in legislation or regulations, not in terms of the task, not in terms of equipment and certainly not in terms of deployment criteria, powers and decision-making responsibility. In addition, the procedures and practices of OGs comply with the AOE Circular definition of combined infringements of fundamental rights. Such procedures and methods are the reason that permission from the Chief Public Prosecutor is required for the deployment of AOTs. The judge and the National Ombudsman have also established this on several occasions, without this leading to any action by the police, the Public Prosecution Service and the Ministry of Justice and Security. Such deployments of OGs are in a legal, authority and supervisory vacuum.

As noted earlier, the OGs do not have a uniform deployment administration. This does not alter the fact that several OGs do have their administration in order and accessible. In a few cases, this shows that the OG management itself also takes a critical look at deployment requests and regularly refers applications back to the BPZ or the criminal investigation department.

The argument of the less skilled agents in the BPZ is an echo of the reasons for which the OGs were founded more than 30 years ago. Since then, however, the legislator has introduced the requirement of training in the Police Official Instruction and the basic education and training (IBT) have been expanded and intensified.

Since the harmonization, the OGs have an unambiguous and joint training and a little more guidance in the implementation. But the OGs do not have their own legal basis and therefore they also have a much less clear administrative-legal framework. Management of the OGs is entrusted to the units, but due to the lack of a clear position and framework, there is no unambiguous administration and accountability of the work. Partly because of this, the OGs still differ in their tasks. Clarifying the role and improving the position of the OGs can increase their significance if they are positioned more in line with, for the benefit of and together with the BPZ. More as BPZ-plus and less as AOT-minus and also more as a knowledge and experience centre for the BPZ.

The harmonisation of the OGs has led, among other things, to the fact that the Police Academy will once again provide one joint OG training course. This provides national uniformity and quality and is satisfactory among those involved. Because most unit leaders want to continue to combine the OG with the AE in terms of organization and personnel, there is also a desire to integrate the AE training and the OG training.

Now that the OG training is back at the Police Academy and is also part of the same team as the AOT training, the way is open to connect the two training courses in a modular way. Then OG students – if they pass the AOT selection – may be able to be trained to become AOT students with one or more training modules.

Since the late 1960s, the AOTs have had a fixed role and position in the highest segment of the range of violence of the Dutch police. The role of the

AOTs is laid down by law and the responsibility for this is highly assigned, namely to the Chief Public Prosecutor. Since the AOTs have been organisationally housed and managed by the DSI, education, training, equipment, management, testing and accountability have been organised unambiguously, clearly and reliably.

The AOT training of the Police Academy and the AOT training of the DSI are tough but are satisfactory among those involved in the police and the judiciary. The AOT education and training are the pivot of the AOTs and of the national uniformity and quality of action in very dangerous situations.

The mandatory deployment coordination between the OGs and the AOTs is going well according to those involved. This does not alter the fact that some OGs are selective in the uses that they do or do not mirror with the AOT. According to the police's own internal rules, that is not the intention. Furthermore, the cooperation, coordination and information about the work between the operational and tactical managers of the OGs and AOTs is generally good and collegial. Nevertheless, there are differences of opinion between OGs and AOTs on several aspects of the work.

Independent supervision of the management, implementation and accountability is of great importance regarding all police powers, but certainly when it comes to the closed and intrusive use of powers that infringe on the fundamental rights of citizens, as the OGs and the AOTs do in appropriate cases.

This research shows that there is a lack of a sufficiently clear and recognizable administrative-legal embedding of the OGs by means of legislation and regulations. This is partly because some of the efforts and working methods of the OGs meet the description of the AOE Circular, namely that: "(...) there will often be a serious infringement of privacy. The deployment can therefore be regarded as the use of a serious means of violence, for which permission from the competent authority is required in accordance with Article 6, paragraph 1 of the Code of conduct for the police and the Royal Military and Border police". And because the decision on this is "a weighty decision, which can have far-reaching consequences, in principle the chief public prosecutor, under whose authority the investigation takes place, must grant this permission." Due to this legal vacuum, the existing

practice of deploying OGs does not meet Van Traa's¹ triad: "No authority without responsibility, no responsibility without accountability".

This research also shows that the laws and regulations regarding the use of AOTs are not up to date and that, despite the regulations, the Public Prosecution Service does not keep a record of the decisions to deploy AOTs.

The fact that this investigation now shows these shortcomings also means that supervision falls short of the closed and intrusive use of powers that infringe on citizens' fundamental rights, as the OGs and the AOTs do in some cases. The fact that, despite the inadequate laws and regulations and the inadequate supervision, the OGs and the AOTs usually manage their tasks and perform them with good results, speaks for the professionalism of the operational managers and the executive staff.

Endnote

1. Van Traa was a Dutch politician and chair of the Parliamentary Investigations Commission into police methods. The commission investigated the "IRT Affair" and other scandals related to covert policing. The commission's report, published in 1996, revealed a crisis in criminal investigation policy and recommended a complete overhaul of methods, emphasizing the need for legal basis for all investigative techniques.



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