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MICROFILME

GERMAN
POLICE CONSOLIDATION

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INTRODUCTION

Recently much debate in government on the county level has concentrated on the consolidation of services in order to improve efficiency and make them financially more sound. One of these services is law enforcement which takes a large bite out of the local budget particularly in small communities.

In order to gain further knowledge on the difficulties and successes involving the centralization of police duties the conversion process of the German police was examined from local constabulary to a well organized State police force.

Four West German cities were chosen for this survey. Representatives of the mayors offices as well as heads of police departments were interviewed. The cities examined were Frankfurt with 600,000 inhabitants, Würzburg - 100,000 inhabitants Wertheim - 20 000 inhabitants and Tauberbishofsheim with 10.000 inhabitants.

A BRIEF NOTE ON GERMAN
GOVERNMENTAL ORGANIZATION

The Federal Republic of Germany was founded in 1949 as a parliamentary republic. It is legislated by the Bundestag and the Bundesrat. The Bundestag consists of deputies with one half elected by direct vote in single member districts and one half by party designation which depends on proportional representation. The Bundesrat is chosen by the State government from members of their cabinets. The number of representatives depends on the population of each state. The chief of state is the President who is chosen by the Bundestag and an equal number of delegates sent by the States. His powers are very limited and generally considered ceremonial. One of his duties is the appointment of the Chancellor who must also receive an absolute majority vote of the Bundestag in order to take over as the head of government. The Chancellor designs and conducts policy and generally is the leader of the strongest party or coalition of parties in parliament.

The third branch of government is the Court system, composed of a Federal Constitutional Court and a hierarchy of lesser courts, as well as special labor and administrative courts.

The individual States are empowered to legislate in all matters except as limited by the Constitution. One of the

peculiarities of the system is the requirement of each State to provide the administrative machinery for the execution of Federal directives and laws.

Each State is subdivided into provinces and further subdivided into districts. The lowest level of self government is the municipality. The municipal government is strictly defined by each State and does not duplicate State function. Each tier of government - Municipal, State and Federal, collects their own taxes, but is responsible to relinquish a certain amount of the income to the others. There is generally good cooperation between the governing units, particularly since the States have a strong influence in federal legislation by their representation in the Bundesrat.

HISTORICAL PERSPECTIVE

A more concise understanding of the German police organization may be gained if reviewed in its historical context. In the 15th and 16th century the term "police" denoted all state functions as distinct from ecclesiastical functions. Not until the 17th century, when foreign, military and financial affairs were separated, did "police" become synonymous with internal administration. In the 1850s the police were assigned two main tasks, namely to preserve the individual from dangers threatening person and property and to further the public welfare by the promotion of interests beneficial to society.

Each German state directly controlled their police forces and assigned them powers which included the framing of ordinances regulating the conduct of citizens and the power to punish for violations of certain laws and ordinances within specified limits. When the German Empire was created in 1871 the states refused to relinquish any of their autonomy in regards to law enforcement. There was little change until the Weimar Republic (1918 - 1933) when states demanded financial assistance for police since federal laws were enforced and it was argued that at times such work required much of the police agencies time.

During the Nazi era radical interference in what was always considered a state function occurred. The police were placed under central authority and extended to include a newly created secret police "Gestapo" which was to deal with political offenses.

After the conclusion of WWII on May 8, 1945 all Nazi institutions were dissolved and authority taken over by the occupation powers. Since much of West Germany was occupied by American troops, the police system was designed along the lines of the U.S. system. Each town was required to establish a police force and resemble it to a civilian organization as closely as possible.

THE PRESENT POLICE ORGANIZATION

Difficulties with the newly established police system arose since many small towns which had not previously had the responsibility of providing a police department found that it was administratively, economically and politically difficult to carry this burden. The problem which was also manifested in other organizational forms¹ imposed at that time, seemed to occur in each German state that was required to institute local police after the war.

Another problem may have been the choosing of police officers after WWII. The occupational forces required that officers could not have belonged to the Nazi Party or have had any affiliation with the Nazis. Since it was difficult to find former police officers with those requirements, many men without prior police experience were chosen and immediately pressed into service without training or appropriate background investigations.

A third reason why difficulties occurred and may have led to the eventual consolidation into State police forces is the previously stated historical rule of laying police responsi

¹ For example German mayors had been traditionally elected by and from the local councils and for a term longer than that of the council. The U.S. system of a popularly elected mayor was difficult for the German population to accept or understand.

bility to the state. Large cities usually had their own police forces but general policing was accomplished by the State for hundreds of years.

The actual responsibility of policing rests with the Minister of the Interior for each state. The overall responsibility for law and order is assigned to the Federal Minister of the Interior. The Federal Republic of Germany requires each state to carry out certain service responsibilities on behalf of the federal government in addition to other autonomous services rendered as a state agency. Under normal conditions the Federal Minister is limited to the supervision of the Border Police, the Criminal Police Bureau, which consists mostly of a crime laboratory and limited investigations and the supply of special weapons and some training aid to the State Police.

Each state's law enforcement agency is divided into the State Police the Criminal Police (detective division) and Emergency Police. The State Police is set up in numerous substations located in most larger towns and cities providing general police service including traffic and criminal in some areas even health safety assignments such as food service inspection. The Criminal Police investigates mostly detective assignments. are responsible for the crime laboratory and are stationed in most larger substations but are not under local

State Police control. They answer directly to Criminal Police Headquarters in the state capitol. The Emergency Police have a two fold assignment: (1) to be available as a standby force in case back up is needed for local police in national disorders, riots or assisting other states in emergency situations under very serious conditions; (2) to train police officers in semi-military situations, as well as classroom and on the job duties such as airport security, etc.

The consolidation of police forces began in the early 1950s and took place gradually through 1975 when Munich's police force was converted into a State Police agency in Bavaria. The length of time required to accomplish the centralization may be attributed to a reluctance to relinquish local control on the part of the larger cities. Only through financial incentives and compulsory legislation did the final move occur. Smaller towns and cities found it to their advantage much earlier and often were eager to realize the savings made possible by the consolidation.

One of the early advantages of a State police force was the professionalization through extensive training. The police candidate once entering the service has one year of basic mostly classroom training where he covers a wide variety of subjects from psychology to forensic science.

This training is continued for an additional two years during his assignment to the Emergency Police. Only after successful completion of those three years of schooling will the policeman receive his assignment to a permanent duty station. Even at this point he may be required to attend an additional six months to one year of special training in a particular police field or to gain supervisory skills. There is also a continuance of inservice schooling programs each officer is required to attend.

Another fact of professionalization is that police work is a lifetime occupation. Most police officers enter the service at the age of 19 or 20 and do not retire until age 55. This assists in utilizing the knowledge of experienced officers and builds a well organized, highly efficient buracracy.

A third factor of professionalization is the possibility of lateral entry. This may be accomplished through previous college training, attending specialized police schools or can even be accomplished by transfers from one state to another, holding the same rank.¹

Coordination among police forces realized since the consolidation has resulted in more effective police action against

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The writer met a police officer who worked in Baden Württemberg for 15 years, then inherited a house in Munich and received a transfer to the Bavarian State Police without loosing time or rank.

organized and felonious crime and terrorist activity. The fight against terrorist organizations, which have been a threat in the 1970s, could not have been organized without strong cooperation of each State. If each town had to rely on its own police resources, this work would have been much less successful. Even routine investigations which may spread across several towns or counties are certainly handled with ease through the State Police force, but would be more complicated and time consuming if initiated through numerous autonomous jurisdictions.

The interviews indicated clearly that centralized policing is viewed as more efficient by both the city management as well as the police. One of the difficulties was to combat the criminal who kept up with present technology, complicating the enforcement effort. Due to the consolidation of police forces, it became easier to realize a cost sharing of expensive and sophisticated equipment, organize task forces, improve communications and draw on a sufficient man power supply to combat the criminal element.

Also in the field of communication each State is divided into regions which have their own radio frequencies. Stations and cars are equipped to monitor all of them with the State. Patrols are controlled by local dispatch, but wanted and certain computer information is received regionally. Communications

is set up in a net which encompasses all German States and the possibility exists to contact a patrol vehicle in northern Germany from a south German location in less than one minute.¹

One of the points of interest was what controls do German city officials have over the police. The answer seemed simple - very few if any. The town in most cases states their request or problem to the responsible police administration and the police make the decisions on how to handle the particular situation. If serious differences would occur between the city administration and the police, the next higher police authority could be contacted and a complaint forwarded. (None of the jurisdictions contacted had to take this action.)

If a particular police service is requested by the city, there is usually full compliance. The important point to note is that the city can only present the problem and the police will offer the solution. For example, if the city finds that traffic is moving too slowly at a particular intersection during the rush hour, the city would submit this to the police, who would decide whether an officer should be posted at the intersection or if the present traffic light is sufficient.

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Also in Germany it is forbidden by law to monitor police calls, which adds somewhat to their privacy.

Another example would be an upcoming event. All the data about this event would be furnished to the police, but how many men would be assigned, if any is strictly a police decision. This is one of the negative marks cities give to the centralization of police departments.

Overall the city can only participate in policy decisions as far as the police service is concerned by working closely with the police administrators and keep an active liason open. There could at times be difficulties if the city requests special enforcement of particular laws. The cooperation is nearly always excellent, but the police do not permit any interference with their assignments. If special enforcement requests, such as for drunkenness or speeding are made, it is important to document instances of several trespasses and be certain the request is not political, but an actual concern..

All special city requests are directed to the local police station within the town. If there is no station the closest responsible precinct would be contacted. All requests are made to the administrator of the nearest local level, who in turn, if need be, would make the request to the next higher command.

On special municipal requests which entail a large number of officers, possibly more than could be handled by the sub-

station, the local police commander must "validate" the necessity of the man power and submit the additional need of personnel to his headquarters. This type of request is usually kept to a minimum.

City requests for reduced police enforcement in for example areas of traffic arrests or drugs would probably not occur. The police function of fighting crime and enforcing the law is generally recognized as autonomous. A need for discretion on part of the police officer, which must be according to his training and experience, is recognized and only to be judged by his superiors and the courts. The police position is that interference by the local government into the enforcement aspect could certainly lead into political influence on police operations, which would definitely be undesirable.

Cities in Germany have a right to pass ordinances, but are limited by federal law to include only violations - offenses that do not carry jail sentences, but only payments of fines. These ordinances would possibly be enforced by the police depending on their purpose. For example, a particular park may be closed at a certain hour, the trespass could be a violation enforced by the police. Parking regulations are usually monitored by city employees. It would not be possible for local ordinances to restrict police powers in a particular jurisdiction, since all police powers are delegated from each

State and only it could make any changes. The municipality would have to lobby the State government to make such changes which would be a very unlikely task. It would also not be permissible for a municipality to employ local officers and assign them to perform a particular police task. There are some employees of the city who are working as parking patrols or guards, possibly dressed in uniforms similar to an officer, but none have police powers or undergo any particular training. They would also never be permitted to carry weapons or make arrests.

In a large organization such as a State police, one would expect frequent transfers, which could create a lack of public trust. Both the cities and the police authorities interviewed repudiate this. Most larger municipalities have their own substations. The officers assigned live in the community and usually stay there for their entire career, which is age 55. Since many of the assigned officers were local prior to entering the police service, they are quite familiar with the population and have little difficulty assimilating. In larger cities transfers are more frequent. It is often more difficult to place volunteers in large cities, therefore many of the younger officers with little or no seniority will be assigned to them. After spending a certain amount of time in the larger city, the interested officer would

then be eligible for a new post of his choice. Germans have strong local ties. They often prefer to stay in the vicinity of their home town, which again is a factor against frequent transfers. Apparently one of the most frequent reasons for transfers is the availability of a promotion outside ones own station, but again it does not occur often. Generally speaking, transfers would probably be less than the attrition rate of a U.S. police department.

When focusing on savings one has to examine municipalities separately from the government. The savings are obvious at the local level, since no local tax money is spent on law enforcement. Prior to the take over by the state, the State government used to offer up to 25% in assistance for police services to municipalities. At the state level it is more uncertain. There were no immediate tax increases by the state due to police consolidation. There appears to be some savings in equipment since much duplication in that area was eliminated. As far as man power, there are certainly more officers presently employed than several years ago. The average ratio is probably somewhat less than one officer per 1000 population. The fact is though, that the officers are placed often to better use, which indirectly may be a savings in the allocation of personnel.

In summarizing the interviews and evaluating the responses, it may be of value to list the pros and cons of consolidation.

The result will probably not be clear cut, but will demonstrate the reasons why the centralization occurred. The cons may indicate why the changeover process was lengthy and a certain reluctance on part of the large cities existed to turn over their respective police departments.

ADVANTAGES OF CENTRALIZATION

The first and longer list is the itemization favoring consolidation.

Most towns and smaller cities did not have a sufficient tax base to carry the financial burden of a police department. The State, due to its greater power of taxation is financially much better able to support a law enforcement agency.

Historically the German police department was the responsibility of the State.

Small local police departments had little or no training abilities, which reflected in enforcement that was not uniform and considered extremely inefficient at times.

The State was able to raise qualifications in training standards. At present level three years of minimum training required of each officer prior to his first duty assignment.

At times police departments had great difficulty in coordinating investigations and general liason with other departments.

The consolidation removed direct political influence from the police - such as an attempt to fix traffic tickets.

Due to improved training, uniform rules of conduct and stress of ethical behavior, the state police force became much more professionalized.

In order to show no favoritism in wages, the salary of police officers is the same throughout the country. This has eased recruiting difficulties in certain less prosperous areas of Germany. Even though most German police officers are members of a police or public employees union, they have a comparatively slight impact on wages. Strikes and general work actions are prohibited. Most bargaining centers around fringe benefits and improvement of working conditions.

Another important and widely appreciated fact by the public is the uniformity of enforcement.

There is the ability now to combat a particular force of criminality which may have caused much hardship to a segment of society. For example well organized terrorist groups.

There is now a stronger and more successful union which is able to lobby for police officers in order to improve working conditions, pay and general benefits.

There is now the ability to purchase modern highly sophisticated equipment with price tags untouchable to the average size police department.

It is now easier to coordinate court cases that need particular attention from the prosecution.

DISADVANTAGES OF CENTRALIZATION

A loss of local control over law enforcement. The particular concerns were the lack of municipalities to be able to decide on services they felt were important to their respective communities. For example traffic control, police security at festivities, crowd control, public relations or programs particularly well adapted to a specific town.

There is somewhat less familiarity between individual officers and residents.

There is possibly a diminishing amount of police concentration on minor crime - violations and misdemeanors. (This could not be backed up by statistics, but was claimed by some city officials.)

A city could lose good seasoned officers if they get transferred in order to receive promotions.

There are less benefits available by the state than large cities were able to offer. For example, recreational facilities, life insurance and special holiday bonuses.

The ability to terminate police officers who are unable or unwilling to perform their duties properly. In order to terminate a police officer over 27 years of age, he must be convicted of a crime and receive a jail sentence longer than eight months.

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