

FUNCTIONS AND IMPACT OF THE ‘VIOLENCE AGAINST THE POLICE’ DISCOURSE ON GERMAN POLICE CULTURE

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Abstract: The background of the violence against the police debate is an estrangement between police and society. Furthermore the police have not enough professional knowledge on how to deal with people in exhausted conditions respectively in social and/or economic poverty apart from using force. Though, since they are not familiar with the sub-cultural rules of life and communication, it makes it difficult for them to handle the part of the population which is troubled. The second important effect of this development is that, in the shadow of the ‘violence-against-police’ debate, violent acts committed by police officers apparently seem to grow.

There are currently two different debates dealing with ‘violence and the police’ in Germany: the leading debate is put forward by the police themselves and is mostly present in the public discourse. It focuses exclusively on violence against the police and emphasises the role of police officers as victims. This debate is predominantly highlighted by the police unions. The other, much less noticed perspective, e.g. the Amnesty International campaign in 2010, is becoming increasingly critical towards police misconduct, especially in relation to the use of force and violence by the police. From my point of view, the debate on ‘violence and the police’ is not really about violence. It is about the uncertainty regarding the interpretation of and knowledge about police action. My general hypothesis, which I am going to look at here, deals with the background of the debate on violence. I believe that it is not about an increase in physical violence against the police, but about an estrangement between police and society; especially with regard to the difficulties of the police to work ‘on the edges of society’ (or, to say it more frankly, to control the ‘lower classes’). Furthermore, a significant part of the discourse on violence originates from the fact that the police do not have enough professional knowledge on how to deal with people in socially disadvantaged conditions, respectively in social and/or economic poverty, apart from using force. As they are not familiar with the sub-cultural rules of life and communication, it makes it more and more difficult for them to handle the part of the population that is troubled. The second important effect of this development is that in the shadow of the ‘violence against police’ debate, violent acts committed by police officers seem to grow. At least the reports on excessive use of force by police officers, as well as the numbers of victims of police violence are rising. There is still a high ratio of dark figures in both areas. This means that we actually know nothing or at least only very little about the actual development of violence within the society. All we know is that violence against the state authorities is registered in official police crime statistics in increasing numbers and is reported to the public correspondingly.

1. SOME REMARKS CONCERNING THE DIFFERENCE BETWEEN VIOLENCE AND FORCE — OR — HOW TO LEARN THE USE OF COERCIVE POWER

The nomenclature of official police culture, that embodies policing role models (amongst others), does not mention the relationship between ‘violence and force’ in daily police-work. One consequence of banishing violence from the ‘upper ranks’ of the police is that many police officers perceive that a significant part of their daily professional reality is not being mentioned. They, the ‘lower ranks’, need to secure their professional identity elsewhere, e.g. through creating their very own cop culture. Police education aims to avoid the use of physical power and ‘force’ as long as possible. This is what the major part of the training and education focuses on. On the other hand, recruits also need to develop a certain routine for inflicting injuries on somebody during training, i.e. practicing inflicting pain on people under certain circumstances without losing themselves in an emotional state of emergency (violent frenzy). However, the awareness of the complexity of such situations is only learned through direct experience when dealing with violent incidents and is hence not yet habituated by many young police officers when starting service. They need practical guidance through supervisors or experienced colleagues. The appropriate use of coercive power can be learnt by technical training; however, the actual experience of violence can only be found in real life situations. While police students learn on the one hand to use their coercive power very reluctantly, on the

other, they perceive an increasing amount of violence being directed against them.

2. VIOLENCE OF THE OTHERS

An internal study on the prevalence of violence against officers of the Hamburg police in 2010 (and also in 2011) came to the conclusion that there is neither a quantitative nor a qualitative increase in violent incidents encountered in everyday police work. Taken as a whole, neither the severity, nor the amount of incidents has increased dramatically. It is only the surrounding conditions that have changed (e.g. it is mentioned that there is an increase in the use of mobile phone cameras which leads to police actions immediately being accessible via the Internet and hence resulting in a general feeling of insecurity by police officers).

Hence, even though an increase of violent incidents is not supported by statistics, it is an almost unchallenged public opinion that violence is on the rise. I believe that today's complaints regarding the increase in violence are the result of an estrangement between the police and civil society. This divergence is connected to a loss of mutual appreciation, respect and communication between the so-called 'problemgroups' and the police. The discourse on violence is merely a linguistic expression to call attention to the needs of police officers, but it has nothing to do with the actual experience of violence. I therefore also assume, that it is related to a policy that can roughly be summarised as an era of smart policing, starting in the late 1980s up to the very late 1990s (Behr 2006: 26-39). As different as these strategies may be, they all have in common that they are trying to improve the relationship between the police and the public ('Bürgerpolizei'). This initiative reaches its climax with the reception and partial adoption of the Anglo-Saxon strategy of 'community policing' which has led to multiple community crime prevention schemes and the increasing number of women in the police.

Regarding the level of police culture, most national police forces and the formal federal border patrol are developing a new 'Police Philosophy' or 'Police Guidelines' ('Polizeiliches Leitbild') (Behr 2008: 242-249).

A second major shift of police work can be found in the contact with victims. Approximately from the late 1980s onwards, the victim is no longer seen as soul-less piece of evidence used by the prosecution. Rather, victims are perceived as a subject with own interests, demanding police and judicial attention. Swiss criminologist Karl- Ludwig Kunz (2011: 361) already speaks of a trend leading towards a 'victim-oriented society' ('viktimäre Gesellschaft') in which the victim or 'the loser' instead of the winner becomes the new object of reference. Police departments, which operate crime prevention and victim protection schemes, have been extended or established. The newly introduced German Victim Protection Act from 2001 has had an important impact on the police law. Especially in cases of domestic violence the police no longer just generally monitor public security and order, but get actively involved in conflicts. For example, they protect victims by banishing the offender from the scene. So, in addition to observing public justice and peace, now there is also the thought of a police mandate for taking actual care of victims.

Amongst others, these three key elements influenced the police culture of the 1990s: firstly, the significant increase in the number of women in the police and new gender-related policing strategies, secondly, the guideline debate and thirdly, the strategy of caring for the victim (there may be more but I believe that these are the most modifying elements for the culture of policing). Together, they have strongly changed the selfimage of the police: the abandoning of the dominant repressive function (law enforcement) has changed the identity of young police officers. Today, they are being much better and earlier prepared for the fact that prevention can also mean taking care of people at a stage in which the police did not used to be responsible. Working with victims requires more empathy and social skills (communication, mediation, procedural and comprehensive thinking). Thus, I conclude so far: the use of force within the 'official' police culture in the decade of the 1990s was replaced by the thought of 'caring' and 'social functions'. Of course, violence, as well as the use of force, was still present in the culture of police officers. But there was no dominant discourse about it.

On the other hand, there was a shift towards 'violence against the police' as the hegemonic topic within the police, especially within the police unions, which started about five to eight years ago. Since then, the predominant talk is not of the officer as a professional trouble-shooter taking pride in his profession and enjoying high social recognition, but rather of 'the officer, who is heavily insulted, spat on, beaten and threatened every day' (Diehl 2010).

Conflicting with the fact that there is an actual decrease in physical violence, other incidents like insults, contempt, ridicule, disobedience, naughty laughter, spitting, demonstratively walking away, shouting, bullying, bossing around or stalking, are all of a sudden mutating into violent acts. There is no question that all these offences have a severe impact on the victims, but this nevertheless leads to an inflationary use of the term 'violence'. Much more than in the past, certain behaviours are nowadays tagged as violent behaviours.

3. POLICE VIOLENCE IN THE LIGHT OF THE VICTIM DISCOURSE

As we could recently witness, the police unions are able to promote the topic of 'police as a victim of violence' even though the incident in question was really about 'police brutality'. This reversal in discourse is approaching very fast. After an obviously failed attempt of the police to settle an incident, a severely confused man was seriously injured by police officers. Yet, he was carrying a knife until the end of the incident. Bernhard Witthaut, then national chairman of the most important German police union 'Gewerkschaft der Polizei', defended the officers working in this situation. According to him, they had responded correctly: 'The officers couldn't have waited for a SWAT-Team. What if the man had bled to death in the meantime?' In fact, it was soon turned the other way around: 'It is not the police in Berlin that has a problem with violence but that violent attacks against police officers are rapidly increasing' (cited in Ahr & Kotynek 2012). With regard to excessive use of force or police brutality by the police, the police unions a) don't comment at all; b) instinctively protect the officers by trivialising what happened or c) take advantage of the situation in order to disqualify the critics, pointing out that the police officers are the real victims. Since the officers become increasingly aware that they are backed up by their unions, they can act tougher than they used to. Thus, they develop a self-awareness that does not consist of a 'professional calmness' but of a 'defensive solidarity'.

4. MORE EVIDENCE ON POLICING IS NEEDED

So far, it is difficult to present empirical evidence for my assessment of the situation, as there is no extensive research on the topic in Germany to date. It depends on permissions of police authorities who seem to have little interest in putting the discourse on violence as promoted by the police unions into perspective. At least this is the signal I recently received from my own board of administration. They were not even able or willing to present data in order to refute the claim of a dramatic increase in violence. As you can see, we are currently facing a peculiar state of affairs. The police unions are practicing dramatised politics. Most of the media and the 'political' public remain silent and endure the dramatisation strategy without an attempt to throw light on the situation. This is, however, also the result of a lack of access to the operational fields of the police and the authorities. I am talking about a working alliance or at least a division of labour between the police authorities and the lobbyist groups (police unions). A profound evaluation gets lost and a social and public debate which could focus on violence against as well as violence committed by the police is inhibited. Research alone cannot ensure democratic policing; however, it is needed in order to develop policing strategies and to calm down the debate about violence committed by and against the police. I believe as scientists we are required to bring more reliable evidence into this field of action.

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