Purple Vests

The Origins of Plural Policing in Belgium

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Abstract

This article increases the body of knowledge on the origins of plural policing in a continental setting, more specifically in Belgium. Compared to other European countries, Belgium occupies a unique position, which can be explained by its particular constitutional setting. While non-police public actors execute police surveillance tasks in the public space, private security companies have no more competences than any ordinary citizen. Today maintenance of social disorder in the public space presents itself as a municipal patchwork, delineated by municipal autonomy and by political choices against privatisation. In this article we formulate an answer to the central research question 'How did plural policing processes in Belgium originate and what is the current situation?' By means of a multiple case study with triangulation of methods, 27 years of security policy (1985-2012) are analysed. Contrasting with neo-liberal policies in the UK from the 1970s on, Belgian policy was shaped by the powerful presence of socio-democrats who occupied key ministry positions in the federal government, such as the minister of the Interior and the minister of Big Cities, throughout the entire time period. Political bargaining processes explain the ongoing investment in prevention and in 'purple vests,' and the choice to exclude private actors in the public space.

Keywords: police, public space, plural policing, incivilities

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1. Introduction

Pluralisation tendencies in Western European countries can be embedded in a broader theoretical framework of historical evolutions in late modernity. Throughout most of the 20th century, security was seen as a core function of the state, both normatively and empirically (Shearing and Wood, 2003). During the last decades of the 20th century, however, highly formalized state control failed to answer the challenges of public order problems (Prins, Cachet, Ponsaers & Hughes, 2012), and politicians outsourced surveillance tasks to other, non-state actors (Loader, 2000; 2006; Jones & Newburn, 2006; Crawford, 2002). The rise of non-police public and private surveillance actors in the public space can be seen as the logical consequence

of late modern indices of change (Giddens, 1991, 1996; Bauman, 2000; Garland, 2001; Bayley & Shearing, 2001; Johnston & Shearing, 2003; Crawford, 2004; Boutellier, 2005, 2007; Hughes, 2007; Young, 2007). The previous 30 years are characterized by economic globalisation, a neo-liberal body of thought, individualisation, fragmentation, privatisation, market fundamentalism, the decline of the welfare state, increasing feelings of ontological insecurity (Giddens, 1996), and the exclusion of deprived groups from public spaces (Johnston & Shearing, 2003; Cachet, 2008; Crawford, 2006; Hughes, 2007). Global cities arose in which the social-economic status and the development became more determined by their role and position in the world economy than by their own local priorities (Barber, 2013).

As petty crime and disorder increased (Killias & Aebi, 2000), and public space became more scarce (Hope, 2005), citizens asked for a growing visible presence and number of uniformed police officers, viewing such as reassuring (Terpstra, Van Stokkom & Spreeuwers, 2013). The 'quality of life' discourse gained more interest, wherein citizens expressed their need to feel comfortable in public space and protected against dangerous people and signs of 'moral breakdown, poor formal and informal social control, or other indicators of community fragmentation and moral decline' (Mackenzie et al., 2010: 8). To restore the legitimacy gap between the citizen and the state, a strict 'politics of behaviour' was introduced in the UK (Field, 2003; Millie, 2009). The presence of wardens and surveillance agents became important in order to protect places that became easy targets for offenders (Crawford, Lister, Blackburn & Burnett, 2005; Felson and Clarke, 1998). This protection was often installed with the focus on commercial benefits and economic perspectives (Crawford, 2002). The theoretical perspective of plural policing as a consequence of economic motives, commercialisation, neo-liberal thinking, market fundamentalism and the scarce public domain is a common used framework in the United Kingdom. In this article, we will analyze if the same framework can be used for the Belgian case, based on empirical research.

2. Methodology: multiple case study

The case study was conducted to detect the broader social and political context of the period of 1985 through 2012 and the reasons for installing non-police actors to conduct surveillance tasks in public spaces. Belgium became independent in 1830. Nowadays Belgium counts 11 million inhabitants and 3 language regions (60% Flemish speaking, 40% French speaking, and a very little amount of German speaking). Since the state reform of 1970, Belgium has consisted of these 3 regions, 27 judicial districts, 11 provinces, and 589 municipalities. After the state reform of 1988 and the New Communal Law,[1] the municipal autonomy became even larger, and the local levels have played a vital role in security policy. The authority over administrative police functions has stayed in the hands of the minister of the

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1   Royal Decree of June, 24th 1988 New Communal Law, *BS* September, 3th 1988, Act of May, 26th 1989, *BS* May, 30th 1989.

Interior, while the minister of Justice is in charge of judicial police tasks. The police force on the local level has a two-fold task: the administrative police keeps order and peace, and the judicial police (also present on a local level and financed partly by each mayor) has to execute tasks provided by the public prosecutor. Political consultation between the federal and the regional level is problematic, causing main problems for an integrated safety policy on the local level.

As the current situation in Belgium regarding police and non-police actors in the public domain has not yet been researched, a multiple case study design was set out to 'reconstruct in a retro-active way' (meaning going back in time to grasp political and societal processes that shaped 27 years of security policy) the origins of plural policing. This research method seemed suitable because, according to Aberbach & Rockman (2002), 'In a case-study, the respondents are selected on the basis of what they might know to help the investigator fill in pieces of a puzzle or confirm the proper alignment of pieces already in place' (p. 673). The case-study was conducted with triangulation of methods. We studied security policy by means of a total of 72 semi-structured interviews with policy experts (elite-interviews) (Aberbach & Rockman, 2002), consisting of face-to-face-based interviews of all of the ministers of the Interior, ministers of Justice, and the ministers of Big Cities who governed in this time period on (a total of 10), as well as of interviews with representatives of their cabinets, members of parliament, mayors, political advisors, public prosecutors, governors, police commissioners, civil servants and other experts.[2] A recognition of the specificities of the constitutional-legal settlement of the Belgian state prompted the inclusion of an additional analysis of regional governmental policy. The regional governments — based on their own ideological political agendas — develop appropriate approaches to urban security problems, which sometimes oppose national politics. So policy makers and civil servants from the regional level were also included in the case study. Finally two nested cases were added in the research design, namely the cities of Antwerp (Flemish speaking) and of Liège (French speaking) in order to analyse the origins and consequences on plural policing in big cities. All of the interviews were completely transcribed, and some quotes will be used in this article. The presentation of the interview data is anonymous, and each respondent received a unique number, which will be presented beneath the quotes.

Secondly, an extensive document analysis was conducted. On the federal and regional levels, 432 documents (governmental policy plans, national security plans, acts and preparative documents for acts) were explored. In each city a local document analysis was conducted, taking into account political documents, local safety plans, expert documents, reports, and police statistics. The data about six topics were analysed. As the central research question was divided into six sub-questions, the analysis of the interviews was oriented towards these six sub-questions, each clustering a number of questions from the questionnaire. In this article, we do

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2   The aim of the study was to understand the political context and security policy carried out over these 27 years, and not to analyse opinions of citizens on plural policing; so citizens were not included in this research.

not provide the findings of all of the sub-questions, but only of those that provide information on the origins and the context of plural policing.

3. Findings

In Section 3, we present the findings of the case study. In the first two subsections (Historical background and Origin), we respond to the first part of the research question: 'How did plural policing processes in Belgium originate?' A third subsection (the current situation of plural policing in Belgium) provides a response to the second part of the research question: 'What is the current situation of plural policing?'

3.1. Historical background

The historical background subsection provides the analysis of two sub-questions of the questionnaire, namely (1) 'What has been the political and societal context in the period from 1985 onwards that shaped security policy?' and (2) 'What were, according to you, the most important triggers for the policy of security in the early 1990s?' The historical background and context are crucial to answering the research question 'How did plural policing in Belgium originate?' We cannot separate the origins of the emergence of non-police wardens in public spaces from broader social, political and economic context factors that could possibly had influences on them. The data from the interviews were supplemented with document[3] analysis.

Many experts[4] have pointed to the constitutional settlement of Belgium as a federal country, leaving much opportunity for regional and local security policy formulation as the most important context subject. Specifically, a former cabinet officer of the Ministry of Interior said:

> *'Local democracy is considered important for the maintenance of public order in terms of public tranquillity, safety and health. Mayors are not appointed in Belgium but locally elected, based on election results. Municipal authorities have wide discretion to establish their own local public safety policy and can just adapt federal regulations according to specific local needs as they please. The shift in the balance of power from national to regional and municipal authorities, installed by the federal constitution in 1988, gave the municipalities even more autonomy to steer problems of security on the territory. Leaving only a few policy domains*

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3 For these sub-questions, documents were analysed, such as the government plans from all 4 successive federal governments, as well as the Flemish and Walloon government, the Act of the State Reform of 1988, the Communal Law of 1988 (and later adaptations), reports of the parliamentary research commissions (Commission Wyninckx on Private Militia, 1980; on the Gang of Nivelles and Organized Crime, 1988, on the Heysel Incident, 1989 and on Dutroux, 1996-1997), reports of cabinet meetings, letters between ministers and other policy documents.
4 Numbers 2, 3, 5, 6, 9, 10, 11, 12, 14, 15, 16, 17, 20, 36, 38, 41, 56 and 70.

exclusively within the power of the federal government, namely the maintenance of public order (police) and law enforcement (justice), local mayors are personally considered the authority of the local police. Those competencies relating to social policy, more specifically education, employment, health, living conditions, culture, housing and spatial planning, etc., became the responsibility of the regional governments. This settlement established a tension between the federal government policies on law enforcement and regional government responses that privilege social policy responses to the perceived causes and prevention of these problems. Whilst federal and regional authorities retain responsibility for formulating these contrasting policy responses, security policy implementation is up to the municipal authorities, and this is not always an easy task'. (Number 14)

Federal and regional regulations come together in the nodal point of the municipality. Drawing upon a common distinction between 'steering' and 'rowing', regional authorities steer social policy responses to quality of life issues, federal authorities steer law enforcement and the maintenance of public order, whilst municipal authorities are obliged to row both the maintenance of public order and social policy approaches within the municipal territory. As budgets for security differ strongly in the Flemish- from in the French-speaking regions, these differences have consequences for tackling local crime and disorder. In Flanders, the extra funding from the Flemish government towards municipalities is significant, but in Wallonia the costs for crime prevention are being paid mainly from federal resources, as the region is not contributing. The mayors in both regions pay a flexible part of the local police personnel, and they can foresee extra community workers being needed to assist the police in control and surveillance tasks.

The minister of the Interior lost his grip on steering the cities as budgets for policy domains on the possible causes of crime were — with the State Reform of 1988 — allocated to the regions (*New Communal Act* 1988). Police remained a federal competence but were (with the three different police forces) too fragmented and dispersed to be easily managed on a federal level. The mayors disposed of their own police forces, the 'municipal police,' while the gendarmerie operated on a national territorial scale (Ponsaers, 2013), with competition and withholding criminal information (which came to be called 'The Police War' — '*la Guerre des Flics*') as a consequence. All respondents mentioned the three central waves of incidents as key triggers for reforms in security policy. The first wave, in the early eighties, included the raid on supermarkets by the 'Gang of Nivelles' from 1982 to 1985, in which many innocent people were killed (Ponsaers & Dupont, 1988). The years 1984 and 1985 were marked by the terrorist attacks on banks by the '*Cellules Communistes Combattantes*' (CCC). After the Heyzel Stadium

Disaster[5] in which the police force was not able to stop violence and protect citizens, according to the respondents[6], Belgium *was 'internationally known as the country of a failing police system.'* One explained as follows:

> *'The Police War made cooperation between the three police forces impossible. Police failed to solve important international organised crime issues. No attention was paid to local petty crime and disorder offenses. In 1989 with the fall of the Berlin Wall, more migrants from different origins populated the cities, creating feelings of insecurity and fear. Brussels became the epicentre of migrants' riots [Vorst and Saint Gillis], challenging police forces and using violence. The exodus out of the dangerous cities to green rural areas left the cities with slums, litter, and migration tensions, and led to a massive electoral shift towards the extreme right on Sunday 24, 1991 [Vlaams Blok]. This dark event in our Belgian democracy will always carry the name 'Black Sunday' [Zwarte Zondag]. Policy makers had to take security issues seriously, the shift to 'Vlaams Blok' was a serious warning'.* (Number 68)

Being appreciated as a legitimacy problem, this electoral shift finally evoked political consciousness for problems of social disorder and petty crime in deprived neighbourhoods (van Limbergen, 1995). The last wave of incidents occurred in the mid- to late nineties with the 1996 arrest of Marc Dutroux, a paedophile who locked up children in basements and murdered them. His arrest was accompanied by a massive solidarity reaction to support the parents. The 'White Balloon March' (1996), in which 300,000 citizens marched the streets of Brussels, was a public statement against the incompetence of the police and justice system. In April 1998, Dutroux escaped during a transfer to consult his file in Neufchateau, leading the country to moral panic. Dutroux was captured in the Arden woods by an (unarmed) forest guard some hours after the escape, *not* by the police. Faith in the Belgium police force completely vanished. Some months later, all political parties suddenly agreed on the police reform -- a major reorganisation of the Belgian police -- which involved integrating the former three separate police services (gendarmerie, municipal police and judicial police) into one police system, which was structured at the federal and at the local level.[7]

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5   The Heysel Stadium Disaster occurred on 29 May 1985 when escaping fans were pressed against a wall in this stadium before the start of the 1985 European Cup Final between Juventus of Italy and Liverpool of England. Thirty-nine people — mostly Juventus fans — died, and 600 were injured. Approximately one hour before the Juventus-Liverpool final was due to kick off, a large group of Liverpool fans breached a fence separating them from a 'neutral area' that contained mostly Juventus fans. They ran back on the terraces and away from the threat into a concrete retaining wall. Fans already seated near the wall were crushed, and eventually the wall collapsed. Many people climbed over to safety, but many others died or were badly injured. The game was played despite the disaster in order to prevent further violence.

6   Numbers 1, 4, 5, 6, 7, 9, 10, 12, 14, 16, 17, 18, 20, 36, 38, 41, 56, 70 and 71.

7   Law of 7 December 1998 on the integrated police on 2 levels, *BS* 5 January 5 1999.

Conclusion

The findings also revealed constitutional-legal settlements as incidents that shaped Belgian security policies. The period under study was very turbulent and characterised by incidents, mass manifestations, and a shift in political voting behaviour. These circumstances made socio-democrats alert to the fact that a visible policy had to be developed concerning the public's feelings of insecurity.

3.2. Origins

In this subsection, the findings are disclosed on the origins of the policy changes, which have been placed in three different topics.

3.2.1. *Persevered federal investment in prevention on a local level*

The state reform in 1988 and the incidents mentioned before were two core elements in the introduction of non-police surveillance wardens in the cities. In particular, the electoral shift to the extreme right led to the political awareness that 'something had to be done' to reform the cities in regard to feelings of well-being and social cohesion. From 1988 through 1999 the ministers of the Interior were all social-democrats (socialists), for four governmental periods in a row. This fact created the possibility of developing a long-term security policy, with a continued investment in prevention. Based on sociological insights prepared in the socialist think-tank SEVI (De Witte, 1988), social-democrats reacted to the police and justice malaise with a preventative turn. In June 1992 the federal government approved the policy document L. Tobback (Minister of the Interior) proposed, which document was called 'Security of the Citizen, Police and Security.' One of the main projects was a massive funding for crime prevention[8] (Glorie, 1997; Willekens, 2008). Because the minister of the Interior had no formal competences on steering municipalities, L. Tobback invented 'prevention contracts' as an instrument to steer cities from a distance. One of our expert witnesses, a civil servant of the Flemish region, spoke on this saying:

> *'It is the socio-democratic ministers of the Interior that have set attention on frequent disturbing and undermining forms of petty crime and disorder that led, when not addressed, people to vote for the extreme right. They realized that the problems they would like to solve in the cities, like vandalism, theft, drugs, alcohol abuse and violence, could not be solved because it was not their competence, but that of the minister of Justice. They could not get a grip on the Minister of Justice and make him act. At the same time, they feared extreme right voting behaviour as a subversive danger to democracy. So they made 'pacts' with cities, because*

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8   Directive of the Minister of the Interior of 12 November 1990 to the mayors on the prevention of crime and Directive of the Minister of the Interior of 30 November 1990 to the mayors on the security and prevention contracts.

they could use them to solve these disturbing urban crime problems. Why are socio-democrats so strongly involved with local municipal policy, and why do they invest so much in cities? Because they have more grip there than on the Minister of Justice to solve problems, and because they believed, and this is debatable, that a mayor had to prove himself. All mayors of the five big cities in Belgium were socio-democratic, and the Minister of the Interior wanted to strengthen his own political party by supporting them'. (Number 55)

Prevention contracts were signed between the minister of Interior and the five largest cities in Belgium.[9] In order to receive funding, the Minister of the Interior financed 'prevention workers' in the cities, introducing unemployed, low-skilled citizens in 'prevention units,' executing 'starting' jobs like football coaches, stewards, city coaches, park guards, parking lot guards, and prevention officers for the cities. As most of these workers were housed within police offices, some were staff of the local authority. Starting with an investment in prevention of a global amount of 123 million euro in 1998, the marks left by these social-democratic policy have fundamentally remained until the present day, with an ongoing investment in these prevention contracts. In the year 2000, the Minister of Big Cities (a socio-democrat) followed his colleague at the Interior and invested in the five big cities (prevention and social cohesion projects).[10]

In 2004 the concepts of 'integral policy' and 'integrated security'[11] arose, obligating different actors at the local level to cooperate. An extra subsidy within the contracts in 2006 led to a massive increase of non-police public surveillance officers in the streets. Confidential letters between the Ministers of the Interior and of Big Cities[12] indicate that the positioning of citizens as guards in public spaces — an important part of the prevention contracts — was the essence of what became the 'Incivility Act' of 1999. The main goal of this act was to increase the visibility of wardens in public spaces, on the one hand, and to counteract the impunity for offences against municipal ordinances because of a non-functioning justice system, on the other. One of our French-speaking experts of the Walloon government said:

'I am sure that the social-democratic Ministers of the Interior (principally L. Tobback) but also J. Vande Lanotte have tried in a second phase to develop a social preventive policy where they were, to be honest, no longer the authority. These competences went to the regions. Anyway, they took this domain back in their social policy. They thought this was not an 'exceeding competences' issue but

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9   These are Antwerp and Ghent (Flemish speaking), Charleroi and Liège (French speaking) and Brussels (mix of both languages).

10   Act of July 17th 2000 on the requirements municipal authorities have to fulfill in order to get financial support by means of contracts with the Ministry of Big Cities, *BS* 04-08-2000.

11   Frame policy document 'Integral Security' approved on the Minister Council of 30 and 31th March 2004 (*Kadernota Integrale Veiligheid*): 119.

12   The department of big cities being social-democratic for the entire period (from the first establishment in 1999 un till 2008 (Ch. Piqué, J. Vande Lanotte: 1999-2003, M. Arena: 2003-2004 and Ch. Dupont 2004-2008).

simply a 'social-democratic' policy, the core matter of their party's political agenda. But these competences were transferred to the regions, and afterward, the state reform welfare policy boomed in Flanders, not in Wallonia, because of a lack of money'. (Number 12)

The document analysis shows indeed that Flanders invested in the Flemish cities by means of the 'Social Impulse Funding,' contracting cities to execute a social policy of city renovation and social cohesion projects, in exchange for Flemish funding.[13] In Wallonia,[14] this incentive for cities (contracts in exchange of funding) was only installed in 2003.

By the end of the nineties, most of the municipalities had a team of prevention workers -- the first non-police wardens in Belgium -- executing tasks of surveillance and control in the public sphere. They were called the mayors' 'ears and the eyes' and were additional supports for mayors, financed by the federal government, and served both in the Flemish and in the French speaking parts of the country (Devroe, 2008). Mayors could use these non-police surveillance officers as they wanted because of their municipal autonomy. These officers only had a small degree of accountability duties towards the federal government, such as handing over an annual activity report to the Ministry of the Interior. In Flanders, because of the extra investment by the 'Social Impulse Funding,' more professions[15] were present in the public sphere.

3.2.2. *Police reform (1998)*

Secondly the respondents[16] mentioned the prominent role the police reform of 1998 played in the expansion of non-police surveillance officers in the streets. The Police Reform Act integrated the municipal police, the gendarmerie and the judicial police into one integrated force, with, on the local level, a blend of the former municipality police and the gendarmerie. The system of this integrated police consists of two levels, federal and local, in which both forces have to cooperate in order to assure integrated policing. The main model in Belgium is the community-oriented police model, which requires one police community officer per 4,000 residents. One of the Mayors commented on this issue:

'This new police apparatus should act closer to the citizen, integrate the community-oriented police model and function in a multi-agency approach. Police patrolling

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13   Decree of the Flemish government of 14 May 1996 on establishment and regulation of the functioning and distribution of the 'Social Impulse Funding' (*Sociaal Impulsfonds*), *BS* 1 June 1996. Model agreement with cities, Decree 14 May 1996.

14   Decree of the Walloon government of 15 May 2003 on prevention and proximity in cities and communes in Wallonia, *MB* 4 February 2004: 6701.

15   In order to improve the infrastructure in cities, a special point of interest to the Flemish Minister of Cities, many workers were occupied in the Flemish cities with the execution of construction of housing projects, parks and traffic mobility plans.

16   Numbers 1, 2, 4, 5, 8, 19, 23, 24, 25 and 26.

the streets became—as after the reform police agents' salaries increased—a very expensive police task. While the most striking demand of the citizen during the White Balloon March was to have 'more blue in the streets,' only 10% of the police capacity was visible in the public space at that time. Being completely focused on their core-tasks, and occupied with organisational issues, police left the maintenance of order and peace on the streets, in these starting years, to other municipal actors, such as these prevention wardens. They found control and surveillance not their core tasks anymore, although they had performed these tasks for years. After the reform, every officer was so keen to become a crime fighter, and neighbourhood policing and street patrolling were tasks of minor importance, according to the police'. (Number 13)

This situation led to alternative solutions, leaving the control of semi-public space (shopping malls, football stadiums, etc.) to private organisations. Enterprises outsourced surveillance tasks to the private sector, as police would no longer provide it. Although the reform left the mayor without his own police force, the local police in Belgium is still 60% financed by the municipality, leaving the mayor the possibility to steer his own security policy. This blend of the new local police remains mainly (60%) financed by the mayor, offering steering opportunities to install his or her own local security corps. The evaluation of this reform ten years later indicated the need for supplementary non-police security providers (Bruggeman, Devroe & Easton, 2010).

3.2.3. *Tackling disorderly behaviour: Municipal administrative sanctions Act (MAS) (1999)*

In order to avoid privatisation, the federal government provided an extra incentive to recruit non-police surveillance officers in the public state. Citizens complained about impunity of incivilities in the community not being dealt with by police and public prosecution. Only one year after the police reform, the Incivility Act (*Municipal Administrative Sanctions Act: MAS*) 1999 was passed in parliament. The social-democrats of the Interior, working closely together with the social-democratic Minister of Big Cities, formed an alliance against the deterioration and disintegration of the cities.

   This act broadened the communal competence to tackle incivilities and left the mayors with sanctioning possibilities for offences against police ordinances (the gaining of the fines going to the community). In fact, one of the main objectives for the MAS Act was to give the mayors back their own 'light-blue' personnel, leaving police officers with their core business -- investigation. The public space was left to the community guards and to the community guard-recorders as foreseen in this act in 1999. Strongly believing in the autonomy of the municipalities and in the tailor-made policing, the social democratic majority handed the tools to determine, report and sanction local offences over to the local authorities. As the elections in 1999 made an end to the social-democratic majority, and formed a 'purple' government where liberals came in ('red' representing social democrats and 'blue,' liberals) (De Ruyver, 2008); this act was the concluding statement of the social-democrats after

ten years of politics of prevention. If prevention was no longer working, sanctioning could complete the security policy. With the enlargement of formal powers came the enlargement in professions that could determine offences and report them to the administrative civil servants who defined the sanction. As the amendments of the MAS-Act have consequences for the growth of non-police surveillance officers, we summarise in Scheme 1.

Scheme 1: Origin of non-police surveillance officers

The growth of non-police surveillance officers by MAS Act and amendments

↓	↓	↓	↓	↓	↓
Prevention Contracts 1992	First MAS Act 1999	1st amendment MAS 2004	2nd amendment 2005	Act on guards 2007	New MAS Act 2013
First wardens and city coaches in prevention contracts with cities (goals of social employment)	Sanctions for incivilities becomes competence of Mayor Determination and reporting of incivilities only done by public police	First amendment (broadening the group of non-police surveillance officers to 'community guards' and broadening the determination and report of incivility offences to 'community guards-reporters')	Second amendment fines for minors & mediation included- Broadening the category of determination and reporting to private officers engaged by the municipality	Act on community guards and community guard recorders (regulating licence, training and core tasks and competences)	Act on possible integration of community guards within police force lowering the age of minors that could get fines

The act on the 'Municipal Administrative Sanctions' led to installing two extra categories of non-police public providers of policing in the public space. The first MAS Act (1999) left determination and reporting of incivilities exclusively to police officers. In 2004 (the first amendment to the MAS), this task was broadened to include community guards and community guard-recorders.

3.3. The current situation on plural policing

In this sub-section we provide an answer to the second part of the research question: 'What is the current situation of plural policing?'

3.3.1. *Community guards in public space*

In addition to adding the prevention workers (like city coaches, line spotters, park wardens, street corner workers, etc.) who had been patrolling public spaces since

1992, 'community guards'[17] were also installed by the MAS-Act,[18] joining this municipal swarm. MAS officers do not include private surveillance companies, but only public personnel such as swimming pool supervisors, library supervisors, neighbourhood watchers, park wardens, and public transport supervisors. They can only operate in public space,[19] leaving the semi-public space (shopping malls, stadia, etc.) to the private security officers. The main tasks of the community guards are patrolling and surveillance, promoting citizens' feelings of insecurity, and preventing public disorder and crime. In executing these tasks, they have no special powers at their disposal. Community guard-recorders consist of enforcement officers who are entitled to record a violation of municipal regulations and ordinances that are included in the category of 'strictly municipal infringements' (minor offences)[20] in an administrative report that was to be sent to the municipal administration (the sanctioning officer), who is entitled to apply a sanction (a fine) or to propose a mediation.[21] Due to legitimacy reasons, the community guard-recorders and the sanctioning officer can never be the same person.

Document analysis showed that recruiting these low-skilled community guards was the result of an employment plan to create jobs for the long-term unemployed. The requirements for these groups were minimal;[22] community guards needed a diploma of primary school; community guard-recorders of high school. On the street, citizens were faced with a scattered, non transparent, fragmented multitude of non-police surveillance officers, and they did not know who was qualified for what.

Data on the number of municipal wardens present in Belgium could not be found. Because these wardens are engaged at a municipal level, no statistics are collected on the federal nor on the regional level. One of the respondents (Head of the Integral Security Department for the Minister of the Interior) stated that in 2009, Belgium had 3,300 community guards (including the community guard-recorders).[23] Their number drastically decreased in 2010 to only 1,814, of which 1,183 were financed and installed by the Ministry of the Interior.[24] In order to streamline this diversity

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17 The Flemish nomination is 'community guards' (*gemeenschapswachten*), while the nomination in Wallonia is 'peace keepers' (*guardiens de la paix*), which has another connotation.

18 New Municipal Act, 1999: Procedure for the non-police surveillance wardens (community guards) and sanctioning officials.

19 The 4th article of the Community Guards Act (2007), and the Circular 'PREV 32' (2010).

20 Article 119bis of the New Municipal Act, 1999.

21 Art. 119bis and 199th of the New Municipal Act, (1999) and Art. 2, Part 3 of the Law of 17 June 17 2004, change of Art. 6 of Art. 119bis of the New Municipal Act Section 3, *BS* 1 July 2013).

22 Note to the Council of Ministers of 9 November 2004 concerning the regulation of the minimal conditions municipal officials have to fulfil, as determined in art. 119bis, second part, 1° of the New Municipal Act, as proposed by P. Dewael, Minister of Interior, and C. Dupont, Minister of Policy for Metropolises.

23 Reading of Jerome Glorie, conference '*License to think*', Centre for Police Studies, 5 February 2009.

24 Ministerial regulation of December 29, 2010 on the allocation for the period of January 1, 2011 till June 30th 2011 of financial support in regard to the realization of a 90 FTE dispositive in cities and municipalities contracted with the state by means of a strategic security and prevention plan, *BS* 31 January 2011.

of surveillance officers, the 'Act on Community Guards' was installed in 2007,[25] which obligated prevention workers (working under security contracts) as well as community guards recruited within the MAS-Act, to operate under the same flag as the community guards. According to the 'purple' government, which came to an end in 2007, all professions had to wear the same 'purple' vest (no civilian clothes anymore) and a standard, recognizable insignia or emblem on it, visible to the citizens. The law created a statute with uniform regulations for all of these 200 types of surveillance officers. Under big pressure of the private surveillance companies, who claimed surveillance competences in the public sphere, politicians began to construct stricter criteria for these 'purple' vests. The private sector's position was that these private companies are very strictly controlled by the minister, require training and recognition of professional qualifications and service cards, while the non-police public surveillance officers need no requirements at all to act in the public space. Community guard recorders have to wear a bracelet with the term 'recorder' (*vaststeller*) on the right sleeve of their uniforms. Legislation on training conditions was installed ten years after the basic MAS-Act (2009). Courses had to be held in an accredited police school (90 hours) with content such as their duties and rights, communication, incivility legislation, conflict management, police functioning, reporting and first aid.[26] The police and municipal guards are legally obligated to cooperate, but police are not permitted to supervise municipal guards. Interviews in Wallonia illustrated that community guards are often located within police buildings, working under police supervision, although such is not legally allowed. The police chief of a big city told us:

'We like to supervise the community guards because they can learn from us. Here in Wallonia, the police are very Canadian-oriented towards community policing. We do not give citizens fines. In this region, people simply do not have the money to pay fines for uncivil behaviour. Sometimes, when we see drunken people in the streets, we take their beer can and pour it out. When you pass groups of alcoholics 4 or 5 times and you always pour out their drinks, they will not buy new drinks anymore. Fines do not help for these kind of problems. Sometimes we check identities on busses, together with the police inspectors of the busses, who are public police officers. We do not want peace keepers to do control and arrests. They can, under supervision of the police, only signal problems of infrastructure, of quarrels and of other social disorder to the police and the mayor. That's all. We know the federal MAS legislation is not set up like this, but this is Walloon practice, and we think it works best this way. On top of this, we installed in our city a specific team of 'public peace officers' ('paix publique'). These are 70 police officers patrolling in the streets of the centre on foot 24/7. They wear orange luminescent vests, they

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25   Law of 15 May 2007 concerning the implementation of the function of community guard, the service for community guards and the adaptation of art. 119bis of the New Municipal Act, *BS* 29 June 2007.

26   Royal Decree of 15 May 2009 concerning the regulation of the training conditions community guards have to fulfil and also the modalities for the designation of training centres and the recognition of training programmes, *BS* 12 June 2009.

can register wrongly parked cars, and they can tackle public drunkenness, and some twenty other competences. They are outside on the streets, and the private security officers are inside in the shopping malls. These 'orange' vests keep contact with the private guards. For the latter, the streets in the city centre are strictly forbidden'. (Number 62)

Community guard-recorders have no coercive competences (they cannot use force, cannot wear arms, nor use pepper spray, nor handcuffs). In fact they have the same competences as any other citizen but they are entitled to ask for an identity card.[27] Mixed patrols of public police and community guards are not allowed, although the nested case of Liège exposed this to be a common practice. The new MAS-Act[28] (2013) tries to remedy these practices by explicitly specifying that the management of these guards, the control and coordination of their tasks, is clearly stipulated to be the sole responsibility of the municipal government (and not the police). This new MAS-Act stipulates that each municipality recruiting community guards needs to set up a special 'community guards team', with a community guard manager, who is not a police officer, in charge. Also training became stricter, and possessing an identification card became mandatory. The case-study pointed out that Wallonia differs a great deal from the Flemish practice. In Wallonia only a few community guard-recorders are engaged, leaving this job to the public police. The findings showed an extensive difference between political values and opinions on security and crime prevention in both regions, creating pronounced implementation differences in the two nested cases. A more government-centred ideology dominates in Wallonia, whose administration believes strongly in non-intervention (and in the strength of each citizen to supply his or her own security), and stipulate that police intervention is an '*ultimum remedium,'* and that policing should only be done by the police. As detecting differences between different cities was not the aim of this article, we do not go further into this issue.

3.3.3. *Private security guards*

Before presenting the Belgian case, we display some international data on privatisation. In many countries privatisation of surveillance tasks has become a lucrative business (Hope, 2000; Bayley and Shearing, 1996; 2001). In the UK, the private/public ratio is 2/5, meaning that for every public police officer 2.25 officers are working within the private sector. The ratio in the Netherlands is 0/50 (Coess, 2011). Research revealed that municipalities employ more and more private security officers for surveillance tasks in the public space (van Steden, 2007; van Steden & Sarre, 2007). In Belgium the police ratio is 1 public police officer for every 1,266 inhabitants, one private security officers for every 1,703 inhabitants (Coess, 2011:

27 They can politely ask for a passport but have to give it back immediately. If the offender refuses, they have no use of force to keep him or her, and only can call the police to perform the arrest.
28 Law of 23 June 2013 concerning the Municipal Administrative Sanctions, *BS* 1 July 2013, was implemented on 1 January 2014.

15). In 2011 Belgium calculated 220 licensed private surveillance companies and 15,411 private security officers (Coess, 2011). The document analysis showed that the requirements, tasks, uniform and education of private security in Belgium were regulated by the 'Belgian Act on the Regulation of Private Security' (1990) (called the 'Tobback-Act').[29] All private security companies must have a licence; private security officers while on duty must carry an identification card granted by the minister of the Interior. In the year 2011, 10,815 new licenses for private security officers were delivered by the minister of the Interior.[30] Private security officers must be at least 18 years old, be a resident of a member state of the EU, not have a criminal record, have followed the minimal level of training of 132 hours of lessons, and not have been employed by the public police during the previous five years.[31] Private security officers have to wear uniforms at all times when in public spaces. This uniform must not resemble the police uniform and must display an established insignia. Supervision of private security officers is the responsibility of the Ministry of the Interior. Individual citizens can complain about the actions of private security guards.[32]

Furthermore, it must be clearly stated that private guards are working in any given privately owned area, indicating this fact by a kind of traffic sign that announces the presence of private security officers. The regulation in the MAS-Act of 2004 for this profession goes hand in hand with an adjustment in the original act on private security.[33] In Belgium, surveillance of persons in the public space by private security officers is not allowed.[34] Surveillance is only permitted in the public sphere in regard to the surveillance of public goods. Private guards can report sacks being left in the streets, damage to plants in public parks, covered street numbers or street signs, campers illegally parked, graffiti, etc.[35] The findings show that even after the

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29 Article 8 of the *Belgian Act on the Regulation of Private Security of 10 April 1990*.
30 The guild for private security agencies (*Beroepsvereniging voor Bewakingsondernemingen*), See: http://www.apeg-bvbo.be/_Uploads/dbsAttachedFiles/BVBO_CenI_final_05012013_Nl.pdf last consulted on May 4, 2014.
31 Articles 2, 5, 6, and 7 of the *Belgian Act on the Regulation of Private Security of April 10, 1990*.
32 *Belgian Act on the Regulation of Private Security of April 10, 1990*.
33 Law of April 25, 2004 concerning the inclusion of art. 17bis in the Law of 10 April 1990 concerning the surveillance enterprises, the security firms and the internal surveillance services (*BS* 29 July 1999). The Law of 29 July 1934 concerning the ban of private militia and the Law of 19 July 1991 concerning the regulation of the profession of private detectives (*BS* 3 June 2004) has renamed the Law of 10 April 1990 to 'Law concerning private security' (see also the ministerial circular OOP30bis, II.2, nr. 21). Still later art. 487 of the Programme Law of 27 December 2004 (*BS* 31 December 2004) renamed this domain 'Law on the regulation of the private and special security.'
34 Law of 10 April 1990 concerning the surveillance enterprises, the security firms and the internal surveillance services, the Law of 29 July 1934 concerning the ban of private militia and the Law of 19 July 1991 concerning the regulation of the profession of private detectives (*BS* 3 June 2004). Included in the Law of 27 December 2004 concerning different regulations, *BS* 31 December 2004, in art. 2 of the Project of Law for the implementation of the function of community guard, the service of community guards and the change of art. 119bis of the New Municipal Act, Chamber, 5th session of the 51st period, doc. 51, doc. 51, 3009/001, 2006-2007.
35 In the notification to the Law proposal to change the Law of April 10th 1990 and the bill to introduce a new article 17bis in the Law of April 10th 1990 concerning the surveillance enterprises and the private surveillance services, *Parliamentary Documents*, 2002-2003, nr.2328/1 and 2329/1, p. 5-6.

MAS-Act in 2004, the role of private security officers in the public domain has been kept very limited. Many respondents referred to 'political ideological principles.' Of course the private sector itself seeks for broadening their competences, seeing such as 'the third way', as one of our experts said:

> *'When we included the 'public spaces' in the security debate, the act on private policing from 1990 was adapted' [in 2004]. Private officers could register violations on goods in public spaces. When you have to put out your garbage only at 23.00 p.m., and you do it at 18.00 p.m., the private guard can take notes. But that is the only competence he has on the public domain, so it still stays very limited in comparison with the Netherlands or the UK. We notice a small expansion of their competences to registering wrongfully parked cars, jobs that became too expensive for public police officers to execute. The private sector looked at the emergence of community guards with much suspicion: Why can they and can't we? They tried to lobby with the government to take all these purple vests in and provide training for them, a uniform and a good statute, in order to stimulate the offer of private security and to influence the governmental demand. It is all about economics, about 'demand and offer' and the balance between those two, and about making a profit. But the Belgian socio-democratic Ministers of the Interior still assume providing surveillance and security to be a core business of the state, and not of private actors'.* (Number 3)

Private security officers do not have the authority to ask citizens to see their identification cards, and certainly not to conduct administrative arrests.[36] Surveillance of people in regard to private security officers' maintaining security can only be executed indoors (ex. movie theatres, disco halls, and shopping malls), and not outdoors. Since 2004, municipalities can hire private security officers to patrol events (concerts, sport events, recreation parks). If they witness an offence, private security officers have to report these immediately to public police officers, and they cannot, as any other citizen, undertake any action on their own. The use of force or violence (even to resisting citizens by entrance controls in football stadia) and of air-pressure guns are absolutely forbidden. The ban of carrying weapons was confirmed once again by the liberal Minister Turtelboom (VLD) in the Royal Decree of 15 March 2011 concerning the regulation of specific methods of surveillance (*BS* 2 April 2011) and the ministerial circular SPV05 concerning the surveillance during leisure time (*BS* 1 March 2011). Only private security officers in public transport can use pepper spray and handcuffs, and then only in cases of absolute urgency – if no less intrusive methods are available and if needed for self-defence.

Conclusion

The findings indicate an overwhelming consensus that surveillance and enforcement tasks in the public space should only be performed by state institutions.

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36   Art. 1 par. 1, second part, included by art. 3, 3° Law of May 7th 2004.

Given this consensus, a public debate about the use of private security in public places never emerged. Even as private security companies are eager to take over the tasks of community guards, with and without formal powers, tackling disorderly conduct in the public space cannot, according to most respondents,[37] be done by private security officers at all. The debate about the role of private security officers in public police tasks is an ongoing story with highlights of political attention when liberal ministers of the Interior are in charge. In the reconstruction we made, we noticed that when Minister Dewael (liberal) came to be in charge of the Interior in 2003, many policy documents were elaborated on the handing over of tasks of public police to private security companies. As Minister of Justice Onkelinx (socio-democratic party) occupied the post, these discussions did not lead to legislation. As 27 years of security policy was shaped by social-democrats (cooperating over linguistic borders), a continuous political balance in favour of prevention and of resistance towards privatisation was upheld.

4. Conclusion

The results of the Belgian case study revealed former hidden and non-transparent political processes that shaped plural policing. The results demonstrated that the plurality of policing processes resulted in an unplanned, fragmented process rather than achieving the intended result of agreed policy formulation. In response to the first part of the research question, the respondents enumerated two main contextual factors that shaped the security policy of installing non-police city wardens. These are the specific constitutional-legal settlement of the Belgian state and various scandals and incidents leading to police and justice legitimacy issues, leaving the citizen with great feelings of insecurity. We analysed these two main contextual factors in the section on the historical background. Secondly, we searched for the origin of plural policing. All 72 expert agreed that plural policing processes were a side-effect of the investment in prevention rather than the result of a weighed, common governmental policy statement. With initiatives of prevention aiming at the installation of a global social policy, the Belgian research findings do not match the British theoretical neo-liberal and economic explanation on the origins of plural policing.

In answer to the first research question seeking for key issues and political choices that led to the presence of non-police wardens in 'purple vests' on the streets, the results can be divided into three important causes.

First of all, the long-term social-democratic prevention policy of the ministers of Interior (especially introduced by the Flemish socialist Minister L. Tobback), and the continuous investment in creating jobs for low-skilled citizens, was the immediate cause for the presence of non-police prevention officers in the cities. Contracts between the minister of Interior and mayors of big cities were negotiated,

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37   Numbers 1, 2, 4, 5, 6, 9, 10, 11, 17, 20, 21, 34, 36, 54, 55, 56, 68, 69 and 70.

promoting prevention. First in order, the new prevention workers were installed within police forces, and then later they were included within the civil servants municipal personnel, which were funded by the municipal authorities.

Secondly, legitimation issues and the results of parliamentary commissions after incidents led to the voting in Parliament of the Police Reform Act. This act sharpened the need for low-paid and low-skilled, extra personnel to executive jobs of control and surveillance in the public space. The new police had become too expensive and were keen on focussing on the core business of tackling crime and investigation tasks.

Thirdly, the legal enlargement of the autonomy of each city council not only to identify but also to sanction acts of incivilities in their municipality led to the engagement of community guards and community guard recorders in the streets. These last recruitments joined the existing group of non-police surveillance officers in the cities. Last but not least, it is surprising that Belgium remains one of the only countries not giving in to international private policing tendencies, leaving private security officers a very limited role in public space. In our analysis, the explanation for that fact lies in the continuous socio-democratic dominance in the government during the reconstructed time period.

In the last section we answered the second part of the research question: 'What is the current situation?' We also discussed the installation of community guards and their different practice in Flanders and in Wallonia as the private security actors. It would be very interesting to broaden, in further research, the time period. As over the whole research period of 27 years, the coalition included the socio-democrats who shaped security policy in the direction we analysed. In 2014, for the first time, this party no longer has a presence in the government; the latest Belgian elections changed the former steady political coalition. On 1 October 2014, the classic 'tri-partite'[38] and the 'purple' coalition changed to a liberal-right government. The first minister, Charles Michel, is a French-speaking liberal, and Minister of Justice Koen Geens is a Flemish speaking Catholic. Jan Jambon, a member of the new party the 'New Flemish Alliance (N-VA),' is Minister of Security, Interior, Big Cities and Vice-first Minister. In further research, it could be very interesting to study changes in political choices on security policy. Will Belgium, having a liberal political landscape, now follow privatisation trends and thus approach UK's privatisation tendencies? What will the future role on the police in the public sphere be? Another important area of study lies in citizens perceptions on plural policing (public and or private) processes in Belgium, especially as such studies have never before been conducted on a large scale. Citizens' appreciation has (White Balloon March, Black Sunday, etc.) led to government investments in security and a mayor police reform, and this can happen again if dissatisfaction and legitimacy issues arise again.

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38   From 1985 on, Belgium has known central-left governments (social-democrats, Catholics and liberals governing together). The last federal elections (May 25, 2014) led to a completely different coalition, namely a 'central right' one (Flemish Nationalists: NVA; liberals: VLD and Catholics: CDV; without social-democrats in the government.

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