

## SUMMARY

### “POLICING: RELATIVE AUTONOMY?”

An empirical research into Autonomic Police Action

Prof. Dr. Yves Cartuyvels  
Vincent Francis  
Joëlle Van Ex  
Christine Guillain  
Massimo Vogliotti

Prof. Dr. Paul Ponsaers  
Antoinette Verhage  
Wouter Vanhaverbeke

#### 1. Object of research and methodology

We have been witness of a renewed questioning of the functioning of justice during the last years. The justice system suffers a loss a legitimacy and credibility on the one side; on the other hand there is a shortage of people and means, judicial arrears and a heavy workload – especially on the police and public prosecutor’s level. Different initiatives tried to give an answer to these problems. APA, the autonomic police action, a new modality that has been implemented in the judicial system, is one of them. APA, which functions on the verge of the cooperation between the police and the public prosecutor’s office, is a project in which the police is allowed by the public prosecutor to deal with specific cases – assigned in a list – on an independent manner. This project breaks with the tradition of the public prosecutor as a mere sender and receiver of instructions (a ‘letter-box’); all necessary police research should be finished before the file can be sent to the public prosecutor’s office. Now the police itself manages the file and is obliged to make sure every possible investigation has been made – which also includes the solicitation of investigations to other police-zones or the judicial service of the district – to allow the public prosecutor to come to a conclusion based on the complete file. The implementation of APA should allow the public prosecutor’s office, which now gains time by not having to read the same file several times and no longer having to write out any instructions, to spend time on making a clear policy for its own district by setting out priorities for the police as well as the for public prosecutor’s office.

This newly risen modality has been the subject of the present research, financed by the Federal Services for Scientific, Technical and Cultural Affairs (DWTC) within the research programme regarding ‘Social Cohesion’. We present here a short overview of the starting points, the theoretical and empirical findings of this scientific research.

This research – originally entitled: *Opportuneness and effectiveness of the Autonomic Police Action* – was conducted from February 2001 until February 2003; two research groups have worked closely together in this interuniversity project: one headed by Prof. Dr. Yves Cartuyvels of the Facultés Universitaires Saint-Louis (FUSL, Séminaire Interdisciplinaire d’Etudes Juridiques), consisting of Vincent Francis and Christine Guillain, later in the project complemented by Joëlle Van Ex and Massimo Vogliotti; the other, headed by Prof. Dr. Paul Ponsaers of the Ghent University (RUG, Onderzoeksgroep Sociale Veiligheidsanalyse), consisting of Katrien Reynaert en Katrien Van Altert, who were, after the initial phase, replaced by Antoinette Verhage and Wouter Vanhaverbeke.

The present research consists of a theoretical and an empirical volume.

### 1.1. Theoretical findings

The theoretical volume (2) comprises of four chapters:

- a) *The genesis of APA*, describing the creation and implementation of APA. This chapter was based on several sources, amongst which circular letters, police handbooks and other police documents, existing research, reports on trial projects....
- b) *The legal framework* concerning APA, reviewing the judicial fundamentals of this modality
- c) *The conceptual framework*, on the one side trying to situate APA within the current socio-judicial field, and on the other side focusing on the interinstitutional evolutions surrounding APA.
- d) *The comparative study*, mapping the way judicial organisations of other countries think about judicial action.

### 1.2. The empirical findings

The aim of the empirical volume was to gather information on APA regarding the whole of Belgium, in order to describe the effectiveness and the opportuneness of APA in a more fundamental way. Questions we asked here were: has APA reached her 'stated goals'? Is APA really a more efficient working-method? Which problems can occur in APA? This volume specifically calls upon the opinion of people that put APA into practice, by analysing the interviews with policemen and public prosecutors and by describing the participant observation that was carried out within a police force and a public prosecutor's office. The statistics we were able to gather finally complement the empirical findings.

Regarding the used methodology it should be clear that the group of the Ghent University has worked on the Dutch-speaking part of Belgium, while the group of the FUSL has operated on the French-speaking part of the country. Several methodological techniques have been applied in the empirical phase.

- a) *Semi-directive interviewing*. Both research groups have – after the initial, more general interviews – interviewed a number of representatives of the public prosecutor's offices and the police. These interviews were carried out by each research group in the period between December 2001 and March 2002, in all judicial districts of the country, except for two in the French-speaking region.
- b) *Participant observation, additional interviewing and statistical findings*. After the interviewing-phase each research group chose its own method for the gathering of complementary information, as a result of the specific features of each territory (Dutch- or French-speaking). APA has been implemented earlier in Flanders than in Wallonia, where APA was still in its infancy. Therefore, the Ghent University opted for a participant observation within a police force and within a public prosecutor's office. Complementary to this method the Ghent research group gathered statistical information on the ruling of APA-cases by the public prosecutor's office. At the same time, the FUSL interviewed a number of actors involved with the judicial system (examining magistrates, magistrates from the Court of Appeal, attorneys, Human Rights organisations...) but not directly connected with APA. These people were able to look at the system at a larger distance than police and public prosecutors.

- c) *Round-table conferences*. To conclude the empirical data collection, each research group organised two round-table conferences: one for the public prosecutors, one for the police. The invitations for these conferences were sent to all participants in the research. By means of a synthesis they received a few weeks prior to the conference, they were informed about our findings. The conference gave them the opportunity to express their opinions, reactions and suggestions on the research and on APA in general. This allowed both research groups to put their findings to the test, and, if necessary, to complement or shade the empirical material.

## **2. Results of this research**

### 2.1. Theoretical considerations

#### 2.1.1. Genesis of APA

The first experimentations regarding APA started in 1996 in the form of a trial-project set in Bruges at the initiative of the Prosecutor-General of the Court of Appeal Ghent.

The two main goals of APA were pronounced by the Prosecutor-General (1 September 1997) and can also be found in the circular letters:

- 1) alleviation of the work-load on the public prosecutor's offices by allowing specific files to be handled completely on the level of the police before being sent to the public prosecutor's office;
- 2) alteration of the connections between the police and the public prosecutor's office by giving the police more responsibility through the given authority to handle less serious cases in an independent manner.

APA was, after the evaluation of the trial project (*Circular Letter 137/5.1*, dd. 13/03/1996) expanded to the whole jurisdiction of the district of Bruges, after which APA spread over the other districts: first the other districts of the Court of Appeal Ghent and the district Mechlin, followed by almost all the other Flemish districts. Still it has to be pointed out that the application and implementation of APA differ largely between the districts and still are changing as we speak.

#### 2.1.2. Legal framework

APA may seem to be conflicting with the legal principle which states that the guidance and control on the investigation should be performed by the public prosecutor, as well as with the obligation of information that is required from the police. However, a thorough analysis of the legal system in which APA functions is necessary in order to shade this legal interpretation. The reform by the law 'Franchimont' has in fact confirmed the power of control of the public prosecutor regarding the police services (art. 28bis, §1, al. 3, Code of Criminal Procedure). This confirmation was made as a reaction to perversities that were directly connected to the preponderant role of the police in the investigation (which was also pointed out by several parliamentary commissions of inquiry). On the other hand this same law confirmed the old principle of relative autonomy, which was already stated in art. 6 of the Law on the police function. This relative autonomy was granted to the police for the exercise of their functions. The principles of this autonomy still need to be fixed "*by law according to the specific rules established by directive summoned in accordance with art. 143bis and 143ter of the Legal Code*" (own translation) (art. 28bis, §1, al. 2, Code of Criminal Procedure). Although several circular letters have come out, to this day no law has been created. Other legal texts clarify the

autonomy the police have at their disposal by discussing the leading role of the public prosecutor and the manners in which information should be transferred from the police to the public prosecutor's office.

*- the leading role of the public prosecutor*

In theory, the investigation is carried out under supervision and control of the public prosecutor, who is held responsible (art. 28ter, §1, al.1, en art. 28bis, §1, al. 2, Code of Criminal Procedure). Even so, the public prosecutor is allowed to make recommendations and give specific instructions on how to apply the available means and sources (art. 28ter, §1, al. 2, Code of Criminal Procedure). There is no prohibition whatsoever – under the directives of penal policy – for him to interpret APA as a means to realise his criminal investigations policy.

*- transfer of information*

Theoretically, the police is obliged to inform the public prosecutor immediately after establishing a crime (art. 29, 53 and 54 Code of Criminal Procedure, art. 15 and 40 Law on the police function). Several reforms, instigated by the law-Franchimont (i.e. police proactivity, mini-instruction<sup>1</sup>...) have modified this principle. Art. 28ter §2 of the Code of Criminal Procedure allows the public prosecutor to grant a delay “*according to the modalities established by circular letter*”. It should be noted here that after Franchimont, the Court of Cassation confirmed – in a judgement of August 21<sup>st</sup> 2001 – the police’s right to work autonomously without informing the public prosecutor. These texts do not produce real clarity, which makes the understanding of the police’s duties regarding transfer of information rather difficult. At the same time this blur allows a certain flexibility in the application of those rules. This flexibility creates the opportunities for the implementation of APA within the existing legal framework, because the application of APA does not represent a non-transfer of information, it simply implies postponing the transfer of information. The obligation still stands. However, it implies a certain autonomy for the police regarding the investigations that have to be done before the file is sent to the public prosecutor’s office. The public prosecutor is no longer able to control the police simultaneously. However, this autonomy is relative; it’s restricted by the circular letters of the public prosecutor’s offices. These state the way the police is to behave and the manner and delay in which information needs to be transferred.

### 2.1.3. Conceptual framework

The socio-historical approach of APA allows us to situate this new modality within a larger framework: the current changes of the police and judicial intervention. The judicial proceedings that formerly focused mainly on public order maintenance, now pay more attention to local handling by several partners of petty crime causing feelings of insecurity. This results in an increasing demand for closeness and cooperation between judicial authorities in establishing a legal answer – the centre of gravity seems to be moving to earlier stages of the judicial system. APA is a manifest example of the new understanding of judicial proceedings.

Furthermore, a more systemic approach of the connections between representatives of different systems, each with their own – and often contradictory – opinions, also allows for a better understanding of the interactional mechanisms which function within APA. This approach permits us to emphasize – contrary to an institutional approach, which emphasizes the legal

---

<sup>1</sup> The possibility for the public prosecutor to ask the examining magistrate for specific investigations without having to hand over the file completely

ratio – that police and justice are open systems. The coherence of the intervention must also be understood in the framework of their mutual interaction, in a continuously changing context. The appearance of APA in the Belgian justice system is a result of the combination of political willingness and the outcome of interactions between police and public prosecutor's office.

#### 2.1.4. Comparative study

The overall conclusion that can be drawn from the comparison of the judicial systems of Belgium, France, England, Italy and The Netherlands can be that all systems are strongly linked to their own country's history. Specific changes that occurred within every organisation in these five countries were all results of highly mediated affairs, like the Dutroux-case in Belgium, 'Manu Pulite' in Italy and the IRT-case in the Netherlands.

Nevertheless, there is one thing they all have in common: each country emphasizes more and more communication and cooperation between the diverse institutions. In England, in a number of large police stations, a Criminal Justice Unit was set up in order to improve cooperation between the crown prosecutor and the caseworker. In the Netherlands, the 'hopper' fulfils this role of liaison-officer between police and public prosecutor's office. Italy also knew a period of interinstitutional rapprochement, but here the police made overtures to the public prosecutor by creating sections that were joined to the magistrates. France has set up the 'Traitement en temps réel', which installs a more informal way of communication: by phone, which stimulates direct contacts between investigators and magistrates. In Belgium, the designation of people responsible for APA, in police stations and in public prosecutor's offices also can be seen as an interinstitutional rapprochement. This rapprochement often seems to be combined with the (re)instalment of control on the police and their activities. Although England seems to be less bothered with this situation – in view of their history and judicial system, which permits the police to play a decisive role – the creation of the Crown Prosecution Service still must be noted. In the Netherlands the police dismissal is acknowledged, but still the public prosecutor sets the rules for this dismissal. It must be emphasized that in the Netherlands the control of the public prosecutor's office regarding the police is growing as well. The hopper, semi-police, semi-public prosecutor, is not only delegated by the public prosecution to bring about fines and subpoenas, but also to implement the public prosecutor's policy. APA in Belgium, in a way, also seems to be a sort of delegation, be it under control of the public prosecutor's office. The shift of workload from the public prosecutor's office to the police is borne by the police, but controlled by the magistrates when they read the complete file. In France the public prosecutor's office thought it wise to confirm their authority by, amongst others, the 'Traitement en temps réel'. This modality should allow the magistrates to intervene earlier in the judicial process, and exercise a more strict control on the police. The French evolution is a judicial reconquest at the benefit of the public prosecutor's office, which felt their power was fading. Only in Italy it seems to be going in the opposite direction. There the public prosecutor has lost ground to the police by creating special jurisdictions giving the police large powers.

## 2.2. Empirical results

The information that was collected during the different empirical phases of the research was analysed by both research groups on the basis of three dimensions: organisational, institutional and social.

This analysis mainly focused on:

- the difference in application of APA on the field and its consequences for the organisation of police and public prosecutor's office (2.2.1.);
- the possible impact of APA on the relations police-public prosecutor (2.2.2.);
- the impact of the implementation of APA on the democracy of our institutions (2.2.3.).

### 2.2.1 Modalities in application and organisational influences

#### **- Diversity**

First we must note here that the way people think about APA and the implementation of APA differs thoroughly between the French-speaking and the Dutch-speaking part of the country. After all, APA is in Wallonia mostly applied for traffic offences, while in Flanders APA is commonly applied for crimes of public law, handled by the court of first instance – ‘correctional cases’ – although there are districts where both kinds of crimes are handled in APA. This difference is connected with the differences in conception on controlling the police. It appears to be the fact that the anxiety about losing control over the police in the southern Belgium has slowed down the implementation of APA for public law-crimes (handled by the court of first instance), and up to this moment still checks its expansion. The French-speaking judicial institutions are mainly concerned about the risks APA entails for democracy, where their Flemish colleagues are more inclined to think pragmatically.

Except for this important difference, another remarkable point is the large diversity between the judicial districts regarding the application of APA (how and when to send the file to the public prosecutor's office, the organisation of a (strict) control on APA...), the criteria for describing crimes and offences that can be handled through APA (a list of APA-crimes, or APA as a remainder-category). This diversity results in a general demand for more coherence and the statement that uniformisation on a national level is getting more and more necessary.

The implementation of APA, first regulated – for the court of appeal of Ghent – by the directive of the prosecutor-general of Ghent in 1997, followed by directives and guidelines in other districts, doesn't imply that the principle of police autonomy didn't exist beforehand. During the research on the field it became clear that these structures of autonomy, similar to APA, had been used for a long time in an informal way in some districts. This ‘nameless’ APA was mainly developed by the former gendarmerie and functioned generally only within the own district.

#### **- Reduction of the workload in the public prosecutor's offices and a quicker handling of files?**

One of the goals of APA is to *reduce the workload in the public prosecutor's office* (cf. genesis). Most of the magistrates and policemen state that APA in fact generates a shift of the workload from the public prosecutor's office to the police. When APA is not in use, the file is sent automatically to the public prosecutor's office, where orders are written out, after which the file returns to the public prosecutor's office when these instructions are carried out, waiting for other instructions to come. With APA in use, on the other hand, the file has to make the trip to the public prosecutor's office just once: when its completed and ready to be analysed by the competent magistrate. The police has to physically ‘carry’ the file for a number of months, which wasn't the case before. The effects of this shift, which is more administrative than judicial, weigh more in Flanders, where mostly crimes of public law (judged by the

court of first instance) are handled in APA. In Wallonia, where mainly traffic offences are handled in APA, this workload is moderated.

It has to be noted that the police feel that this shift of workload can only result in less police presence on the field, which they regret.

Another goal of APA is a *quicker handling of files* (cfr. Genesis). There is an accelerative effect, but mostly recognised by the Dutch-speaking public prosecutor, who apply APA mainly for public law crimes. These files are dealt with by the public prosecutor himself, as opposed to the traffic offences, which are dealt with by his administrative services.

Even though the magistrates agree on this accelerative effect of APA, two Walloon magistrates – who haven't, so far, introduced APA – seem to think APA could have counterproductive effects in their case. APA could have a negative influence on the celerity of treatment of files: since they still work without judicial arrears, the delay the police is allowed to complete the file could be too long compared to the present term.

#### **- APA: surplus value for the police?**

The police in the south of Belgium (APA-traffic), state that APA only brings along more work and more costs. In the northern part of Belgium (APA-correctional) APA is, despite of the disadvantages, seen as a system that allows for a better control on files (and crime) and a broader knowledge of the field (except for two police zones who agree with their Walloon colleagues). The analysis of files and the participant observation by the Ghent University (within a public prosecutor's office and a police force in the Dutch-speaking part of the country) have shown another image: the more positive picture was even contradicted. This contradiction points out the hiatus between the vision of the officers responsible for APA and of those who work on the field.

Another observation is the fact that APA-files generate almost no additional investigations (because of an unknown suspect, a denying suspect, minor crimes) and that these files are often dismissed (as can be seen in the statistical analysis). This is a source of frustration for the police who are then sometimes inclined to get round APA by making up a regular report. The administrative procedure regarding APA is rather strict and heavy. The terms files should be handled in are exceeded regularly by waiting for, for example, results of an expert test or the execution of an instruction from another police zone.

The participant observation shows that the policeman on the field acknowledges the fact that the public prosecutor's office is the main winner when it comes to APA. Still, one can ask himself whether APA really decreases the investment of time by the magistrate. The automatic use of the dismissal within APA-files leads us to think that the public prosecutor's office would have made the same decision on the basis of the (former) initial report.

#### **- The impact of APA on the decisions of the public prosecutor's office**

An analysis of statistical findings by the Ghent University on the district of a Court of Appeal in Flanders regarding the years 1996 and 2001, and on one police zone, shows us a high dismissal-rate (73% on the level of the Court of Appeal). When we focus on the group of 'known perpetrators', we see a dismissal-rate of 64%, for reasons like: insufficient evidence, regularisation of the situation, other priorities for the public prosecutor. Next to this fact, the very low number of alternative measures – like mediation and transaction (1%) – and the extremely low number of verdicts (1%) should be emphasised.

The results of a comparative analysis of the statistics (1996 – 2001) show furthermore, that the policy regarding dismissal hasn't changed in this specific Court of Appeal as a result of APA: the numbers stay the same.

### 2.2.2. A change in the relations between police and public prosecutor's office?

#### **- APA, an instrument for negotiation**

The field research made clear that APA can imply a change in the relations between police and public prosecutors. The introduction of this new modality has led to a police rhetoric on more frequent use of the VPV's (shortened registration) for certain offences, to compensate the heightened workload resulting from the implementation of APA.

The public prosecutor's offices, in general, are convinced of the reality that APA caused an increased workload, and don't disagree with the use of VPV for minor facts. The VPV is treated as a compensation. Still, the wanted effect is not always achieved in the field: the VPV's also demand an organisation and a control-system which takes up a lot of time.

#### **- The impact of APA on communications between police and public prosecutor's offices**

The implementation of APA didn't change the nature of communication between police and public prosecutors according to the majority of policemen and magistrates – often it is stated that communication between both fails. And even if contacts are more frequent and relations have improved, these changes didn't have any impact on the absence of feedback from the public prosecutor's office – both regarding their general policy and the decisions taken in APA-files. The demand for an improved inter-institutional communication is almost unanimous.

A number of policemen (but not all) complain about the official 'vagueness' of the public prosecutor's office regarding their criminal policy; the informal instructions, generally meant for those of higher ranks only, sometimes contradict the guidelines of the official circular letters. This 'vagueness' allows the police a margin – however this was never officially confirmed. This sometimes results in problems with the division of responsibilities when it becomes clear that a case has been handled on police level only. The magistrates then hide themselves behind official guidelines.

The public prosecutor's offices all confirm that this lack of feedback is regrettable, and explain this by stating that organising a feedback-system is practically almost impossible.

At the same time we must remark that the guidelines regarding the VPV's partly reveal the criminal policy of the public prosecutor by stating which crimes will not be prosecuted with priority. The negotiations taking place in certain public prosecutor's offices regarding the VPV's can make us believe that the police has an indirect voice in determining the judicial reaction and especially in establishing which cases should or should not be given attention to. Although this also applies for minor crimes.

#### **- APA, more responsibility for the police?**

If APA only relates to traffic offences, it's clear that the administrative character of these cases does not result in a shift of responsibilities: the decisions people are supposed to take are not based on any police interpretation whatsoever. APA-corrective on the other hand, may be stimulating for the police – which is confirmed by the policemen that make use of it.



These contradictory opinions nevertheless state that APA-correctional is and always has been a shift of workload from the public prosecutor's office to the police. Police zones who are not yet making use of APA-correctional are often worried about more responsibility, because choices that have to be made in judicial cases are often more delicate than in traffic offences.

### 2.2.3. Social aspects of APA

Besides the effects APA has on the organisational and institutional level, APA also affects certain social areas. These are linked to the problem of control on police activity, uniformisation of APA and the surplus value for the citizen.

#### **- Guidance and control of the preliminary investigation**

Does the transfer of information after a fixed delay – like in APA – result in less control by the public prosecutor on judicial activities of the police? Of course, APA doesn't imply a real danger – for magistrates nor for the police – when used for traffic offences. These cases don't endanger fundamental rights: as the handling of traffic offences is mainly an administrative action, it has never been very strictly controlled by the public prosecutor. When APA correctional is concerned on the other hand, magistrates and policemen disagree on the risks of possible abuses. For some – and this opinion is vented more in Flanders – the point is to put trust in the police capacity of self-control; one needs to realise that APA-correctional doesn't imply a huge power of decision for the police. Others – more in Wallonia – state that APA-correctional does imply a danger, especially when this modality would expand to other, more serious and more complex crimes. Those crimes require the legal guarantees that can only be assured by the public prosecutor. Magistrates also fear an increase in police autonomy – up until the instauration of an official police dismissal.

#### **- Service to the citizens?**

On top of the clear interest of APA for the criminal justice system itself (acceleration of the handling of files, which results in a gain of time for the magistrates, the avoidance of written instructions and a quicker penal response), one can imagine that a file which is quickly completed also benefits the subject of the investigation, as well as the victim. Certain magistrates and policemen are aware of the importance of a rapid completion of the file for the civil parties. After exhausting the penal possibilities, these files can be used as fundamentals for the civil procedure.

Some policemen however point out the effect APA might have on the public interest: the high workload resulting from APA might influence the presence of policemen on the streets, and therefore disadvantage community policing.

#### **- Uniformity or diversity?**

The applications of APA differ greatly according to the judicial districts. This lack of uniformity enlarges the tensions between two different opinions on judicial action: one more general and applicable for all, the other more specific, organised in accordance with local problems. More in general, the magistrates tend to privilege the adjustment to local realities, in order to make specific reactions possible. Most Dutch-speaking magistrates prefer a uniformisation of procedures – even though this may seem technically difficult because of the

large differences in systems and the gap between the northern and southern part of the country.

The police mainly asks for uniformity. By standardising the procedures practice would be simplified and cooperation between different police forces would be stimulated. However, there's a difference between the northern and southern part of the country.

The North states that uniformisation should apply to the procedures. On the other hand, the south prefers the defining of the APA-crimes per judicial district.

Still, there is a unanimous feeling that the administrative modalities concerning APA should be uniform – e.g. identical forms, procedures and so on.

### **3. Conclusions**

The research has pointed out some findings which – in a management perspective – relate to the organisational aspects of APA: diversity of modalities, the transfer of workload from the public prosecutor to the police services, the quality of police activities (valorisation and responsabilisation), acceleration and systematisation of the large pile of judicial dossiers.

On top of the organisational aspects, it is clear that the judicial, conceptual and empirical analysis of APA – in reference to the experiences in other countries (France, England, the Netherlands and Italy) – mainly affect the relations between police and public prosecutor and even the way in which criminal policy is constructed. This new modality (APA) also questions the guidance and control of the criminal investigation as well as the nature of the relations between these two actor of the judicial system.

Who is the most suitable actor to lead and control this criminal investigation? This question invokes a tension between the 'ideal type' of our judicial system – based on a roman-german tradition – and reality. The 'ideal type' is the organisation of the guidance and control over the judicial activities of the police by an external actor: the public prosecutor. In practice, the police has appropriated an important degree of autonomy during the criminal investigation. This form of autonomy is not fixed within a legal frame – which in itself sometimes is not clear, ambiguous or even in contradiction. There are two possible options: the first is to create new mechanisms which lead to closer relationships between police and public prosecutors and reinforce the public prosecutor's office by giving it more means and personnel. Secondly the police could be given more autonomy and this within a legal frame. Should the public prosecutor be a 'leader of the research' or rather a 'judge of the research' who only performs a qualitative control afterwards? Would it not be a positive thing to vary the answer to this questions in relation to the gravity of the infractions: could traffic related cases – which do not affect fundamental rights – be handled in a more pragmatic way?

The question of guidance and control over criminal investigation also concerns the relations between the police and the public prosecutor. It appears that APA is a clear indicator of the relational interests between these two key figures of the judicial system. APA made it possible to make this two things clear: there are communicational problems (e.g. absence of feedback) and the interactions between police and public prosecutor are important for the construction of the criminal policy – in disadvantage of the legal texts.

This leads to the consideration that a change of mentality will be more efficient to influence practices on the field than the elaboration of texts on a high level.