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Policing is a matter of the Länder – Police work between the
actual resource situation and social demands

Abstract

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POLICING IS A MATTER OF THE LÄNDER – POLICE WORK BETWEEN THE ACTUAL RESOURCE SITUATION AND SOCIAL DEMANDS

Security is a basic human need. In the Federal Republic of Germany, the security of the citizens is comprehensively protected by the Basic Law and especially the fundamental rights to life, health and freedom. We have transferred the task of ensuring this protection to the government and its institutions as an element of our social contract using legal provisions on the protection against threats to public safety as well as criminal prosecution. Taking account of the federal structure of Germany, the Basic Law primarily assigns these police tasks to the German Länder. So much for the theory. In practice, however, we continue to see more and more clearly that there is a growing field of tension between social demands on police work on the one hand originating from the need for security of the citizens and the limits of police action on the other hand. One of the reasons for these limits is the limitation of human and financial resources which depends on the financial capacity and the political approach/prioritisation of the individual Länder. In addition, these limits are also shaped by organisational models, responsibilities and powers of intervention differing from Land to Land as well as the availability or non-availability and scope of professional and technical skills. In particular, different data models that are hardly compatible with each other, specialised applications as well as information and communication systems are additional obstacles when it comes to joint crime control activities conducted across the borders of different Länder and to providing protection against threats to public safety. This fact is diametrically opposed to what is required from police co-operation today. Increasing mobility, globalisation and the spread of digital technology have become dominant topics in our society and have likewise impacted crime. This poses special challenges for the police as such and, in particular, for policing in federal structures. When fighting phenomena such as cybercrime or Islamist terrorism which cross the borders of different Länder and countries, we cannot afford to additionally limit our options for police action through federalism-related restraints. For this reason, our organisational, legal, technical and financial framework conditions at federal and Länder level as well as our forms of co-operation will have to be adapted to the way we suppress such forms of crime and such threat situations without actually abandoning our federal structure and its undisputed advantages. However, this objective will not be achieved without - in individual cases even painful - discussions on standardisations, partnerships, the transfer of powers and responsibilities and even issues related to shared or central financing as well as the adjustment and harmonisation of our security legislation.