

JAM

Justice and Management: the stakes for the transition to a modernized judicial

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ABSTRACT

As many flaws in the Belgian legal system (including police and justice organizations) were revealed in the 90's, the debate regarding the management and administration of justice obviously became a priority. As a consequence, the need for reforms became widely accepted. The JAM project aims to contribute to the development of the state of the art regarding the conditions for the implementation of the new "management logic" within the justice system. It also aims to contribute to the discussion regarding the issues involved in the creation of the instruments required to support the transition towards a modern justice system. The research process highlights a series of transversal findings in the different grounds of study (access to justice, situation of managers, impact of management on administrative actors): the political management of the modernization of the police and justice is above all based on a discourse of legitimization of the managerial logic and the emphasis of promises; modernizing these institutions takes a dominant orientation based on the principles of rationalization of resources and consequently of management of the shortage; the reforms organized by the political world or the high hierarchies represent above all general "principles" but do not give to the local actors clear guidelines of functioning what leads to the development of localism and crumbling of the public action; and doing so, we have witnessed an over-accountability of all recipients of managerial modernization policies which become guarantors of their success, without having the necessary resources.

KEYWORDS: JUSTICE REFORM, POLICE REFORM, USERS, MANAGEMENT, STAKEHOLDERS

1. INTRODUCTION

Following the "Bende dossier" and the "Dutroux case", the debate regarding the management and administration of justice obviously became a priority, and many flaws in the Belgian legal system were revealed. As a consequence, the need for reforms became widely accepted.

On the one hand, justice matters and trials have taken center stage in the media, a phenomenon of "judicialization" of society has emerged and European states as well as politicians have increased their intervention in the general workings of the justice system. All these developments have contributed to the emergence of new requirements and expectations that are, directly or indirectly, being applied to legal institutions and their actors. The various types of court are now being expected and required to improve their performance in terms of efficacy and efficiency, in terms of the quality of their decision-making process and in relation to their accessibility. In addition, the justice system is also faced with a further requirement: the obligation to justify its ability to improve its performance. The justice system is now being placed under ever closer scrutiny (both official and unofficial) from different spheres (media, politics and society). All these factors combine to constitute the fundamental process of change (or paradigm shift), which has now become a requirement for managerialization.

On the other hand, police organizations have also undergone a fundamental paradigm shift since the mid-1990s. The act of December 7th 1998 instigated a reform that radically transformed the Belgian police landscape. The act, putting into practice the so-called "Octopus" political agreement, created an integrated police body, structured at two levels (local and federal). In 1998, the act united and unified these bodies under a common legislation by abrogating the respective acts that had previously separated them. Beyond the considerable structural and statutory changes induced by the reform, the 1998 act also affected the work of the police on the ground, through its ideological and methodological dimensions. The idea was to modernize the police service firstly, by reinventing its culture (emphasizing community policing as an alternative to the traditional police model of crime fighting, which was deemed ineffective) and secondly, by imposing organizational reforms through the introduction of technical, statistical, methodological and computerized tools. The context of crisis within which the police reform emerged led to pay particularly close attention to the question of security. As a result, policy makers implemented a security policy fully anchored in both the principles of management and the philosophical renewal inherent in the reform.

However, many reform plans stem from an internal perspective, i.e. the perspective of the justice or police system, and exclude the perspective of the citizen. Bearing in mind the importance of taking into account both the internal and the external stakeholders involved in the change process in both the justice system and the police, the aim of this project is to analyze the less obvious aspects of the reform plans, aspects that usually receive little attention or research. The project aims to contribute to the development of the state of the art regarding the conditions for the implementation of the new “management logic” within the justice system. It also aims to contribute to the discussion regarding the issues involved in the creation of the instruments required to support the transition towards a modern justice system.

Applying the combined contributions of Pettigrew, of Akrich, Callon and Latour and of Crozier and Friedberg to the analysis and comprehension of the issues involved in organizational change, we formulate three main research questions (RQs).

RQ1: How do the actors involved in the justice system and the police, and their service users, perceive the ongoing transformations? Are the changes contributing to greater accessibility to those public services? More generally, what are the consequences of the reforms from an external point of view?

RQ2: What meaning(s) is/are given to the functioning of the justice system and the police in terms of management? What arrangements have been put in place to deal with the changes? What are the controversies generated by those transformations?

RQ3: How can the transformation processes at work be qualified? How is change steered and how does it impact on the action of the justice system and the police, their actors and service users?

In order to attain the goals of this project and to answer the research questions, three main work packages considering three central aspects (internal and external) of the transformation process are planned:

- The first work package focuses on the *stakeholders*, in particular the service users and those sometimes representing them (i.e. their counsel), or supporting them (i.e. various organizations, trade unions, houses of justice). Legitimacy through accessibility and, more generally, the legitimacy of justice itself will be the focus (WP1),
- The second work package focuses on management, i.e. the heads of both the police and the judiciary, who play the largest role in implementing the managerial logic (WP2),
- The third work package focuses on the actors who, because they work in the shadow of more prominent actors within the justice system and the police, often elude the attention of both decision makers and researchers. These are the secretaries and the clerk’s office staff, whose contribution to the change process is important (WP3).

We chose a qualitative approach for our research protocol, as this appeared to be the most appropriate way to find answers to our research questions. In order to guarantee a high level of validity in our results, we chose an approach based on methodological triangulation, enabling us to cross-check the data gathered. The three methodological tools selected for use were: i) documentary analysis, ii) non-participative observation and iii) (individual and group) interviews.

This qualitative methodology will allow us to gather more in-depth and circumstantial data regarding the transformations within the justice system and the police. Using these data as a starting point, we will be able to bring some nuance to the positions and perceptions of the actors working in those institutions. This will contribute to an empirically grounded update regarding the issues involved in the connection between the justice system and its management.

2. STATE OF THE ART AND OBJECTIVES

2.1. Subject and objectives

2.1.1. General context

Over the past ten years, the organization and role of the judiciary and of police departments has changed considerably. On the one hand, justice matters and trials have taken center stage in the media, a phenomenon of “judicialization” of society has emerged and European states as well as politicians have increased their intervention in the general workings of the justice system. All these developments have contributed to the emergence of new requirements and expectations that are, directly or indirectly, being applied to legal institutions and their actors. The various types of court are now being expected and required to improve their performance in terms of efficacy and efficiency, in terms of the quality of their decision-making process and in relation to their accessibility. In addition, the justice system is also faced

with a further requirement: the obligation to justify its ability to improve its performance. The justice system is now being placed under ever closer scrutiny (both official and unofficial) from different spheres (media, politics and society). All these factors combine to constitute the fundamental process of change (or paradigm shift), which has now become a requirement. Indeed, it is widely agreed in the literature that, historically, the justice system and the police have always been protected from being subjected to management or organizational concerns. The justice system has always been able to preserve an autonomous and independent organizational model, which very few dared to question. But what is the situation like in the justice system today? Currently, the central issue concerns how the new requirements for reform are impacting the exercise of jurisdiction in everyday life. In other words, the development of jurisdiction management and organizational models need to be discussed.

From the Middle Ages until the 1990s, judges and public prosecutors were confined within two main organizational and management paradigms. An early organizational period stretched from the Middle Ages until approximately the late 18th century: during that period, judges were the “instruments” of the aristocracy and/or monarchy and were placed at their service (Kuty, 1999). A second period started in the early 19th century (with the dissemination of Montesquieu’s work on the separation of powers). In its pure form, that period came to an end by the end of the mid-1990s. Nevertheless, during that long period, the judicial system became progressively more organized. It won its autonomy within the State and the general organization of legal institutions gradually took on the shape of an “individualizing autonomous bureaucracy” (Guarnieri and Pederzoli, 1996).

The end of the 20th century is deemed to be an essential turning point for the courts (Commaille, 1994; Vigour, 2006, 2013). The judicial system is now entering a third organizational era, in which the new dominant paradigm presents previously unobserved characteristics (Schoenaers and Kuty, 2003). Now being placed under pressure, judicial institutions are changing and it seems that the new paradigm has its own peculiarities: the generalization of collegiality among magistrates (collectivization of working relationships), the development of partnerships with external actors (redefinition of the place and role of jurisdiction in the public space) and a high level of concern for public expectations and the accessibility of justice.

Police organizations have also undergone a fundamental paradigm shift since the mid-1990s. The act of December 7th 1998 (Loi sur la Police Intégrée - LPI) instigated a reform that radically transformed the Belgian police landscape. The act, putting into practice the so-called “Octopus” political agreement, created an integrated police body, structured at two levels (local and federal). The law of 1992¹ had previously established a common function for the three former general police bodies (municipal police, judicial police of the public prosecutor, gendarmerie). Then in 1998, the act united and unified these bodies under a common legislation by abrogating the respective acts that had previously separated them². Beyond the considerable structural and statutory changes induced by the reform, the 1998 act also affected the work of the police on the ground, through its ideological and methodological dimensions. The idea was to modernize the police service firstly, by reinventing its culture (emphasizing community policing as an alternative to the traditional police model of crime fighting, which was deemed ineffective) and secondly, by imposing organizational reforms through the introduction of technical, statistical, methodological and computerized tools (GALOP system, security monitoring, police national security imaging). The context of crisis within which the police reform emerged led the LPI to pay particularly close attention to the question of security. As a result, they implemented a security policy fully anchored in both the principles of management and the philosophical renewal inherent in the reform.

The objective of this security policy is to plan and target police work, at both levels of the new police service, based on a 4-year cycle. The policy is built around strategic plans, developed and coordinated at federal and local levels. In accordance with article 36 of the LPI, zonal security plans have gradually been drawn up through a series of decrees and ministerial circulars produced during the reforms. These zonal security plans, whose basis can be found in the “security charts” created within the former “interpolice zones” (ZIP), have been developed at the local level (in each police zone) and are the “product of the preliminary phases of the police policy cycle, which must lead to an effective and planned approach in terms of organizational development and in local security”³. The local security plans are thus inscribed in a strategic logic: they establish priorities regarding security and develop action plans for putting them into practice. Moreover, the plans are co-constructed by a Zonal Security Council, a consultation and exchange

¹ Loi du 5 août 1992 sur la fonction de police, Moniteur Belge, 22 décembre 1992.

² Loi du 7 avril 1919, Moniteur Belge, 12 avril 1919 pour la police judiciaire près les parquets, Loi du 2 décembre 1957, Moniteur Belge, 12 décembre 1957, pour la gendarmerie et le titre IV de l’Arrêté royal du 24 juin 1988 sous l’intitulé « Nouvelle loi communale », ratifiée par la loi du 26 mai 198, Moniteur Belge, 30 mai 1989, pour la police communale (Ponsaers et al., 2009 : p. 221)

³ CG et CGL, Manuel du cycle de politique policière au niveau local, 2004, p.3.

body that brings together the chief of local police, local authorities, the Public Prosecutor and the administrative coordinator of the federal police, with all of the contributors taking into account the opinions and expectations of the public. The participation of the judicial authorities at every level of this strategic process, and through other channels of coordination specific to the judicial district level, is also aims to develop integration of the criminal policies of both the police and justice organizations.

2.1.2. General objectives and theoretical framework

2.1.2.1. Objectives of the project

The aim of the present project is to make good use of the lessons learnt from various police and justice reforms, developed in the aftermath of the Dutroux case, and implemented at various speeds times, sometimes in the same way as previous experiments. Thus, it would clearly be interesting to gain insights and to make comparisons regarding the changes implemented at various levels within the police and the justice system. The impetus behind the project is the recognition of the need for those involved in the two institutions to cooperate in their work. This cooperation is vital not only because these actors have a wealth of experience to share, but also because they are already intimately entwined within the framework of the penal justice administration system⁴. Just as police reforms affect the justice system, notably for the impact they may have on the management of the judicial apparatus, reforming the justice system also inevitably affects the police. This is particularly the case in terms of the impact on the skills expected from the various actors, the organization of their work and the distribution of workload, the circulation of information, the methods of setting criminal policy priorities, etc.

Neither the previous nor the more recent reforms implemented in the fields of police and justice have been studied in the same research setting. Yet these reforms have contributed to the same managerial transition in each institution and could be considered as both examples and counter-examples. The present project aims to examine both the difficulties and successes of reforms implemented in the recent past. Specifically, it aims at providing a clear, innovative and independent insight into the modernization of public administration. In this way, scientific research can make a contribution to the democratic legitimation of changes in the way public services are organized and provided. Such research can also offer pertinent feedback to the decision makers, who often find themselves unprepared when caught up in the midst of developing and implementing reforms. Finally, such research makes an important contribution to the knowledge within the field of social sciences applied to police and justice.

Following the “Bende dossier” and the “Dutroux case”, the debate regarding the management and administration of justice obviously became a priority, and many flaws in the Belgian legal system were revealed. As a consequence, the need for reforms became widely accepted. However, many reform plans stem from an internal perspective, i.e. the perspective of the justice system, and exclude the perspective of the citizen. Nevertheless, there are two exceptions to this usual pattern, which merit consideration: firstly, the report by the King Bauduin-Foundation (Commission Citizen, Law and Society, 2001) and secondly, the “Justice Dialogues” (2004) report by Erdman and De Leval. Research on the quality of justice has been increasingly focused on management within the justice system, especially the research of the Leuven “Instituut van de Overheid” (Depré, Hondeghem et al., 2002, 2010). This research is of course very useful and necessary, but the perspective of the citizen should not be forgotten.

Bearing in mind the importance of taking into account both the internal and the external stakeholders involved in the change process in both the justice system and the police, the aim of this project is to analyze the less obvious aspects of the reform plans, aspects that usually receive little attention or research. The project aims to contribute to the development of the state of the art regarding the conditions for the implementation of the new “management logic” within the justice system. It also aims to contribute to the discussion regarding the issues involved in the creation of the instruments required to support the transition towards a modern justice system.

2.1.2.2. Theoretical framework

In his comparative study of judicial systems, Fabri (2000) concludes that “judicial reforms and innovation processes are very hard to implement and quite often they do not provide the expected results”. From the theory on public policy, we know that agenda setting is the first important step in the policy cycle. Kingdon’s theory (1984) states that an issue comes onto the political agenda when the policy stream, the political stream and the problem stream converge, and that this opens up a window of opportunity. This theory can explain some of the differences in the follow-up of management implementation in the justice system and

⁴ We understand the notion of justice as encompassing all traditional actors from the administration of justice (that is, those belonging to the justice department *stricto sensu*), but also police actors contributing to the exercising of judicial functions.

in police departments. From the theory on public policy, we also know that policy implementation represents a weakness in the policy cycle (Hill and Hupe, 2009). The degree of implementation is dependent on factors such as steering and organization.

Pettigrew's model (1992) of organizational change is a conceptual framework that helps us to analyze the change process and the spread of innovation within an organization. This framework focuses on the context, content and process of the reform. The element of context is divided into an outer context (historical, social, economic, cultural and political aspects) and an inner context (internal structure and organizational aspects). The content of the reform project involves objectives (linked to the new ideas or vision about how the justice system and the police should function) and policy instruments. The change process concerns the role and influence of the actors and the steering of the change process.

These theoretical frameworks can also be applied to reforms within the judiciary. It is important to stress, however, that the judiciary is a distinct organization. Continental judiciaries can be characterized as "individualizing" (Pichault and Schoenaers, 2003) professional bureaucracies (Guarnieri and Pederzoli, 1996), internally highly compartmentalized, and relatively closed to the outside world. This results in a strong resistance to modernization, which could be considered as a threat to the foundations of the institutions. Judiciaries possess an important capacity for change, but support within the institutions for the current modernization project, the speed of its implementation and its effectiveness are dependent on the specific content, context and process of change.

Accordingly, specific attention will be placed here on the implementation of management rhetoric in settings within the justice field. Indeed, the development of a managerial logic brings to the fore the notion of "innovation" (Akrich, Callon and Latour, 1988), and also the involvement of actors within the framework of the change process that has been initiated (Friedberg, 1988). In our specific case, this refers, on the one hand, to the question of the dissemination of new ideas and values regarding some aspects of police and judicial functioning and, on the other hand, to the acceptance and integration of new ways of functioning and new management settings, with all the probable consequences in terms of organizational culture and the transformation of professional identities.

In broad outline, an "ideal" dissemination process of such an innovation is assumed to activate an increasingly widening acceptance among a network of actors, thus establishing its legitimacy. In order to assure its widespread acceptance, spokespersons for the innovation must be appointed at various levels of the organization and their interactions with the network of actors must result in the resolution of the controversies that inevitably arise. This leads to the creation of a common language (in this sense, spokespersons become "translators"), which will spread from one contact to the next within the network, reaching all the persons involved. It is important to highlight the fact that the creation of a common language is a process that may prove very erratic. This means that various conditions and factors (which fluctuate according to the situation) might impact (positively or negatively) on the language creation process: absence or existence of historical conflict between departments or actors, desynchronization or not of the stakeholders, presence or not of fears regarding the possible impacts of change, absence or presence of sufficient formal and informal communication channels, the depth of transformation of cultural and value points of reference, etc. In the Actor Network Theory (Law and Callon, 1989; Latour, 2005) this phase is called "interessement" (Callon, 1986). This process would be seen to have been successful when all the parts of a network agree to accept that a new idea (or a new vision of the world) is relevant and that it might be used as a standard for action. In other words, all the actors would then have been "enrolled" into the innovation process.

Moreover, enrolment refers, at least in part, to a "change" (management) logic in which actors are assumed to accept the need to modify their behaviors (Friedberg, 1997), and to step outside of their routines in order to fully integrate new ways of functioning. However, strategic analysis of organizations (Crozier and Friedberg, 1995) teaches us the importance of the involvement of first and second line actors in this complex process. Satisfying the interests of divergent stakeholders (i.e. the interests of political and administrative bodies and those of professionals, for example) is a major consideration for the success of the implementation of a project. In other words, it is essential that the social network that will be entitled to be part of the project's profit-sharing phases include first line actors. Most of the time, these first line actors are already active at local level in the field where the innovation is to be introduced. Excluding them from the phases upstream of the stabilization of the content of the innovation would expose it to delegitimation, to uneven implementation or to dismissal.

2.1.3. Research questions and general design of the research project

Applying the combined contributions of Pettigrew, of Akrich, Callon and Latour and of Crozier and Friedberg to the analysis and comprehension of the issues involved in organizational change, we can now formulate our main research questions (RQs). These RQs will be detailed in the presentation of the three work packages constituting the present project (section 3: Methodology).

RQ1: How do the actors involved in the justice system and the police, and their service users, perceive the ongoing transformations? Are the changes contributing to greater accessibility to those public services? More generally, what are the consequences of the reforms from an external point of view?

RQ2: What meaning(s) is/are given to the functioning of the justice system and the police in terms of management? What arrangements have been put in place to deal with the changes? What are the controversies generated by those transformations?

RQ3: How can the transformation processes at work be qualified? How is change steered and how does it impact on the action of the justice system and the police, their actors and service users?

In order to attain the goals of this project and to answer the research questions, three main work packages considering three central aspects (internal and external) of the transformation process are planned:

- The first work package focuses on the stakeholders, in particular the service users and those sometimes representing them (i.e. their counsel), or supporting them (i.e. various organizations, trade unions, houses of justice). Legitimacy through accessibility and, more generally, the legitimacy of justice itself will be the focus (WP1),
- The second work package focuses on management, i.e. the heads of both the police and the judiciary, who play the largest role in implementing the managerial logic (WP2),
- The third work package focuses on the actors who, because they work in the shadow of more prominent actors within the justice system and the police, often elude the attention of both decision makers and researchers. These are the secretaries and the clerk's office staff, whose contribution to the change process is important (WP3).

We chose a qualitative approach for our research protocol, as this appeared to be the most appropriate way to find answers to our research questions. In order to guarantee a high level of validity in our results, we chose an approach based on methodological triangulation, enabling us to cross-check the data gathered. The three methodological tools selected for use were: i) documentary analysis, ii) non-participative observation and iii) (individual and group) interviews.

This qualitative methodology will allow us to gather more in-depth and circumstantial data regarding the transformations within the justice system and the police. Using these data as a starting point, we will be able to bring some nuance to the positions and perceptions of the actors working in those institutions. This will contribute to an empirically grounded update regarding the issues involved in the connection between the justice system and its management.

2.2. Relevance to society

At society level: transparency of the justice system and of the police is of course an essential democratic concern, but so too is the very conception of the quality of these institutions (Tange, 2009a). The openness of these two institutions to scientific scrutiny will undoubtedly contribute to their transparency. Since the changes being introduced are often characterized in terms of improving the quality of service to the public, this institutional openness must also contribute to the success of those changes. Furthermore, it allows us to examine the perceptions held by various actors (both endogenous and exogenous) regarding the quality of these two institutions. In addition, it sheds light on the consequences of internal institutional processes both for society and for the role of justice within that society (Hubeau et al., 2011). From this point of view, the researcher is seen as a committed scientist working within a democratic society (Wood, Dupont, 2006; Beauchesne, 2010).

At scientific level: exploring further the importance of the democratic value of openness, a comparative analysis of research regarding the police, for example, shows that reforms often provide opportunities to scrutinize quite opaque systems (Ponsaers, Tange, Van Oustrive, 2009b). It must also be acknowledged that this openness thus exists for pragmatic reasons, as a way of providing support to the reforms, and in the worst case scenarios, as a means solely to formally legitimize the change process (Ponsaers, Tange, Van Oustrive, 2009a). Such reforms nonetheless offer windows of opportunity for the development and/or the actualization of knowledge regarding these institutions. Within this context, the present project aims to

contribute to a larger debate among the scientific community, for example, regarding justice reforms and their actual impact on the realities and logic of actors in the field.

At decision making level: the present project aims to constitute a valuable source of feedback for decision makers, enabling them to see some possible and/or existing impacts of the current reforms. In order to gain a real sense of the organizational reforms being implemented, it is essential to study the impact of the introduction of new public management (NPM) into public institutions within the context of everyday work. This will allow evidence to be gathered on how the reforms are being perceived, their level of acceptance by staff in the field, and whether the quality of service is really being improved through the practices promoted by those reforms (Monjardet, 1996; Brodeur, 1998, 2003; Tange, 2010). The results of this research could contribute towards maintaining a qualitative channel of communication between the decision makers and the actors to whom those decisions apply (Van Oustrive, 2005). From a management point of view, this project could have the scope to support true bottom-up dynamics, complementing the top-down decision making by affording to the practices and professions within the justice system the attention they deserve. This would be achieved by studying the reality for those working within the system on the ground, whose responsibility it is to guarantee an efficient and well managed service.

3. METHODOLOGY

In this section, we will present in detail each of the three work packages in the present study and their related methodologies.

WP1. TOWARDS GREATER ACCESS TO JUSTICE TO THE PUBLIC AS AN AIM FOR REFORM

The majority of the project will involve desk-based research. Various types of document and literature will be considered. Among these, parliamentary documents will be very useful for examining the intentions and objectives of the reforms, whether or not they have become enshrined in legislation. Socio-legal literature will also be a focus of our study. Moreover, policy documents and opinion papers produced by relevant organizations, such as the Bar Associations, magistrates' associations, the High Council of Justice, and the Commission for Modernization, will be very relevant.

Qualitative research methods will be the most appropriate approach for dealing with the central research questions in this work package. Focus groups will be organized and in depth-interviews with key persons both inside and outside the justice system will be conducted.

Participant observation is a very beneficial method, because it provides the opportunity to draw qualitative conclusions. Cases will be selected from the houses of justice, social organizations within the field of legal aid and representatives of lawyers' professional groups. In order to evaluate the development of E-justice systems, a panel of citizens will be set up: the objective is to test these systems with regard to their feasibility and accessibility.

If necessary, benchmarking against the justice systems of other countries will be carried out.

The first semester will consist of desk-based research, focusing on gaining an overview (access to justice; aims of the justice system reforms and how these are perceived by the public. The research questions will be fine-tuned and five interviews will be conducted with key persons or organizations (the Bar, Courts, Ministry of Justice, Modernization Commission, High Council of Justice; one interview will be conducted abroad for benchmarking purposes).

Case 1 will be the subject for the second semester: the perspective of lawyers will be explored (analysis of their role to date and perspectives on future role). A questionnaire will be developed and participating observation will be the most appropriate methodology. Case 2 (houses of justice and other social organizations) will be studied during the third semester using the same methodology. Case 3 (E-justice) will be the research topic of the fourth semester.

Semester 5 will deal with data collection (participating observation; focus groups for cases 1 to 3), as well as the publication of a paper in a peer reviewed scientific journal. During semester 6, data collection will be continued, and a draft version of the report will be written. An additional set of interviews will be conducted and a citizen-panel on E-justice will be held. During the last year of the project, the final report will be written and a workshop will be held for benchmarking purposes with representatives of the studied countries.

WP2. CHALLENGES INVOLVED IN THE TRANSFORMATION OF THE ROLE, POSITION AND STATUS OF THE “MANAGERS” OF REFORMS IN THE JUSTICE SYSTEM AND THE POLICE

Documentary analysis: both the police and the justice system have undergone a period of transition over the past approximately fifteen years. Consultation of a wide range of documentary sources regarding this transition will lay the foundation for the development of a theoretical viewpoint regarding the required changes in the management of these institutions. Existing studies will thus inform the implementation of this WP2. The first task in this work package will be to collect and analyze existing documents relating to the redefining of the manager's role. Various documentary sources will be used from the field of justice. Grey literature constitutes one type of documentary source that will be used (research reports: University of Leuven judicial manager profiles; J. Hubin's study of the status of heads of organizations; reports from the High Council of Justice, the Committee for the Modernization of the Judicial Order, the Consultative Council of Magistrates, the Public Federal Service of Justice, etc.). A second type of documentary source will be legal texts outlining the judicial code, and explaining the organization and function of the heads of jurisdiction and the management of judicial bodies (documents will include: mandates, activity reports, management plans, and records of general assemblies). A third type of documentary source will be international scientific literature (on "court management", and public management). Lastly, there will be an analysis of documents relating to the police: S. De Kimpe's PhD on police executive officers; management chair training content for officers (National School for Officers); management certificate content for executive officers (National School for Officers); reports from the Evaluation Committee of the Basic Training of Officers, the Support Committee of Police Reform at the Local Level; various decrees, circulars and conceptual documents regarding police management, plans and police executive status.

Exploratory phase in the field: meeting with contacts established in both the police and the justice system and establishing the project's first working hypothesis.

Semi-directive interviews: interviewing a cohort of executives (N = 10 for police and N = 15 for the justice system, distributed across Belgium). A reasoned sampling method will be applied (see Friedberg), using objective criteria: size of organization, and language used. Specifically for the justice system, additional criteria will be taken into account: type of judicial body (court vs. prosecutor's office, first instance vs. appeal, ordinary law vs. specialized jurisdictions). Each executive will be interviewed three times (with an interval of approximately one year) in order to develop a longitudinal approach.

Focus groups at intra categorical level: comparisons between various police manager profiles on the one hand and justice manager profiles on the other. Each group will be composed of 8 to 12 executives. The objective is to promote an exchange of views on perceptions regarding tasks, professional role, and the development of relationships with others (service users, lawyers, the political sphere). These comparisons will highlight the contrasting elements between executives in the institutions and will draw attention to the differences in their profiles.

Focus groups at inter categorical level: comparisons will be made between the police and the justice system in order to promote the exchange of experience and to generate mutual adjustment. Two sessions will be organized, composed of 8 to 12 executives from both spheres. Participants will be selected by taking into account the diversity in their profiles (whether in favour or not of the managerialization of the justice system, whether working in large or small organizations, and according to the level of seniority of their role).

Case studies: in-depth analysis of the various aspects of the managers' work (N= 4 for police and N = 4 for justice) (two to three weeks for each case study will be dedicated to this phase of field data gathering). We will also build on these periods by interviewing staff members and frontline staff whose work is "impacted" by their boss's management style.

WP3. THE ADMINISTRATIVE ACTORS OF THE POLICE AND JUDICIARY, CAUGHT BETWEEN BUREAUCRATIC STABILITY AND MANAGEMENT AGITATION

One full time equivalent researcher will be hired to work on WP3, over a period of 4 years. The purpose of WP3 is to observe the everyday work of two types of actors (secretaries and court clerks inside the justice system, and secretaries inside the integrated police system, working at arrondissement and zone levels). The scope of this workplace observation will cover four judicial districts (two French speaking and two Flemish speaking).

After a preliminary phase of literature study (6 months), two fields (that is, two distinct judicial districts; one French speaking and one Flemish speaking) will be successively explored, each respectively for 6 months. During each 6 month presence in a judicial district, a first group of actors will be studied for 3 months (for example, the secretaries and court clerks of the judicial organization) while a second group of actors (police secretaries) will be studied for the next 3 months.

The first phase of analysis of the gathered data will then take place (6 months).

At the end of the first two years of the project, the first mapping of the everyday work of those actors will be established, bearing in mind the managerial reforms that accompany the endogenous transitions they are facing.

The second phase of research will aim at developing the initial results further through:

- Group analysis or focus groups, analyzing with field actors themselves their everyday work (6 months)
- Follow-up observations in the field. The aim here will be not to validate the first observations but to contrast them with the experience of other professionals in other judicial districts. Two other districts, again one Flemish speaking and one French speaking, will be visited for shorter periods of time (4 months each). It is quite possible that the research may require follow up observations of the first fields as a preferred means of examining the development through time of practices and their permeability to the managerial reforms affecting them. This expansion phase of the study, characterized by the use of two distinct methods (group analysis/focus groups and observation), will also be accompanied by an interview process aiming at widening the scope of the results, through the use of a questionnaire sent to every district in the country.

Following the analyses, a final report will be written for the sponsors of the research and feedback organized for the field actors and decision makers (10 months).

Finally, while undertaking the project, the aim is to maintain regular contact with those responsible for implementing the reform of the justice system. This will offer a pertinent insight into the ongoing change process, in particular through the highlighting of otherwise often ignored or disregarded realities, which can represent obstacles to the management of reform.

4. SCIENTIFIC RESULTS AND RECOMMENDATIONS

The next three sections of this report provide a summary of the results obtained within the three main WPs that form the project.

WP1. TOWARDS GREATER ACCESS TO JUSTICE TO THE PUBLIC AS AN AIM FOR REFORM

1. STATE OF THE ART AND OBJECTIVES

1.1. Access to justice: definition

Access to justice is conceived internationally as a fundamental right and a necessary component of a democratic State organized according to the rule of law⁵. Access to justice has a very broad meaning (Cappelletti and Garth, 1978) and can be defined as access to just and fair solutions for judiciable problems of citizens whenever a legal need is perceived (Rhode, 2004; Rhode, 2012-2013). When defined in this manner, it is clear that the notion of access to justice reaches well beyond the scope of the justice system as it is traditionally defined. Access to justice necessarily includes aspects of social welfare: while judiciable problems include a legal component, they are not limited to this dimension, often also including a social component (Cappelletti and Garth, 1978; Galanter, 2004; Sandefur, 2009; Macdonald 2010; Dean, 2015).

It is the State's responsibility to create the opportunity for all citizens to receive legal information and preliminary advice in the case of a conflict or problem. In recent years, the ever-increasing number of rules and regulations at different governance levels has put considerable pressure on the access to justice, especially for the most vulnerable groups in society, who are unaware of their legal position and their legal rights and/or obligations (Johnsen, 2009; Coumarelos et al., 2014). This only adds to the importance of frontline legal aid, which, at little or no cost, provides citizens with easy access to information which they can understand and which is specific enough to their situation. This frontline legal aid is not only an

⁵ E.g. The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.

important fundamental right of citizens, but might also benefit the community in general by cutting government budget spending on second-line legal aid (Buckley, 2000; Cookson, 2011), with frontline legal aid serving as a filter and preventing the escalation of minor problems. For example, legal information and information about the consequences of certain situations, in particular, might persuade citizens to take a different course of action and thereby prevent a legal conflict. Moreover, early intervention could be seen as a form of frontline legal aid because it could prevent escalation and a court process (Pleasence et al., 2014).

Broadly speaking, access to justice can be provided in two ways, resulting in two different types of legal aid. The first type is traditional frontline legal aid provided by private lawyers and focused solely on legal assistance. While they provide information and preliminary advice or refer the applicant to a specialized body for further help, they do not offer any service themselves. The second type is socio-legal aid, which refers to a group of legal service providers who act as experts in dealing with problematic situations beyond the scope of traditional legal aid (Van Houtte, 1998). The essential characteristics of socio-legal aid may be summarized as follows: it is concerned with problematic legal situations confronting the most vulnerable groups in society; the services are provided free of charge or are almost free (no market-driven pricing); there is a client-centred approach; it offers frontline socio-legal assistance; it is provided mostly by private initiatives; it is often provided as part of a broader, more encompassing welfare service; the primary focus is on individual problems and curative action, but also pays due attention to collective problems, including preventive action, and is sometimes organized by the public sector; it may be open to all or restricted to specific target groups (Hubeau and Parmentier, 1990).

Frontline legal aid and socio-legal aid have been topics of recent political debate and subject to changes in Belgium (Gibens and Hubeau, 2017). There have always been a multitude of organizations that provide socio-legal aid, including consumer organizations, Municipal Centres for Social Welfare (OCMW), Centres for General Welfare (CAW), ombudsmen, trade unions, health services, advice centres for migrants, tenant organizations and children's rights associations (Van Houtte, 1998; Hubeau, 2011). However, until 1999, when the Houses of Justice were established, there was no institution with a general approach to frontline socio-legal aid. Around the same time, the Legal Aid Act of 1998 provided a new framework for frontline legal aid and second-line legal aid, as well as establishing the Commission for Legal Aid (Gibens, 2008; Lejeune 2010).

Until 2014, general socio-legal aid (Houses of Justice), frontline legal aid and second-line legal aid were under federal jurisdiction, while socio-legal aid in specific legal matters was usually given by legal assistance providers organized and funded by the Regions and Communities. The Sixth State Reform of 2014 transferred the competence for frontline legal aid (both socio-legal aid and frontline legal aid) to the jurisdiction of the French-speaking and Dutch-speaking communities. This provided new momentum to the discussion about access to justice and frontline legal aid because it presented an opportunity to develop a comprehensive approach to frontline legal aid. In his policy statement of 16 October 2015, the Flemish Minister for Welfare, Public Health and Family, Jo Vandeurzen (Christian Democrats), situated frontline legal aid within a general welfare approach.

However, little is known about how frontline legal aid is organized and whether or not it is successful in facilitating access to justice for citizens. This paper aims to present an overview of the legal bodies providing general legal aid, namely the Houses of Justice and Commissions of Legal Aid. We will not consider the specialized organizations that provide social or other legal aid in specific matters, such as trade unions and tenant organizations. However, we will examine an outreach centre experiment set up by the Commission of Legal Aid in Leuven, as an example of best practice in frontline legal aid. This outreach centre provides frontline legal aid to the most vulnerable groups in society. We will also consider the digitalization of frontline legal aid, and the internet as a source of information and advice. Our aim is to formulate some recommendations to improve policy on frontline legal aid and access to justice in Belgium.

1.2. Models of legal aid systems

The political climate, social developments and the role and function of certain professional groups and professions are important factors in the organization and financing of free or low cost legal aid systems. The literature has discussed various models (Driesen et al., 2006), namely the charity model, the *judicare* model, the welfare model, complex mixed models and, finally, we can add a fifth, the digital or e-Justice model. The legal profession and socio-legal assistance is institutionally characterized by an ideal-typical distinction between a *judicare* and welfare model (Zander, 1981). The *judicare* model represents a reactive procedural approach by the legal profession that accentuates the remuneration of lawyers for their performance (Gordley, 1975). The welfare model emphasizes preventive action, among other elements,

and approaches legal problems within a broader social framework, relying on methodologies known within the social work field (Zemans and Thomas, 1999). However, various studies and empirical research have shown that these ideal types are not that easily distinguishable in reality and occur in mixed forms.

The above-mentioned models reflect the balance of power between the various service providers within the legal aid system based on their position and their social and cultural capital (Bourdieu, 1988). This emphasis on their position as professionals contributes to a deterministic view of professional groups and ignores the changes that occur in society. Many professionals in Western society are now known as knowledge workers (Svarc, 2016). These professionals, including social workers and other care providers, are considered to have acquired certain expert knowledge. The authority of a certain professional group is linked to the improvement of the quality of this knowledge and thus professionalism. A distinction has also been made between professionalism from within and from above (Evetts, 2012). This distinction characterizes the transition from professionalism to post-professionalism (Kritzer, 1999; Susskind and Susskind, 2015). The starting point is no longer the mere knowledge worker, around whom the current legal professions are organized. The attention in post-professionalism shifts to the tasks and services that must be delivered (Abbott, 1988; Susskind and Susskind, 2015; Svarc, 2016). This shift means that non-legal professionals will increasingly become important in not only providing social but also legal services, in combination with the technological evolution within legal aid. Post-professionalism is a force that is influencing the legal field from above, initiated by the government and the public. However, the legal profession, as a body of self-managing professionals, also continues to claim its place in legal aid from within.

These changing power relations are visible in what we have called the *e-Justice model*. The digitization of legal aid is characterized, on the one hand, by its innovative character and, on the other hand, by the automation of services provided by professionals (Christensen, 1997; Susskind, 2012). Digitization leads to standardization through routine, disintermediation and disintegration (Susskind, 2010; Susskind, 2012; Rabinovitch and Katsh, 2012). The various types of services, such as training, diagnosis, triage, information, advice and referral assistance, are increasingly being unbundled, with service providers restricting their interventions to certain types of services according to the needs of the legal aid seeker. The *e-Justice model* fits within the shift from professionalism to post-professionalism, a shift that is reflected in changing professional roles and functions, and the arrival of intermediaries, such as paralegals and social workers, who can (and will?) take up certain legal aid tasks. The emphasis is mainly on dispute avoidance and dispute containment. Digitization seems to focus more on preventive forms of legal assistance, although there are also curative applications that digitally guide people through a procedure. The latter means that individuals have the skills to solve their own problem or conflict. However, technological progress does not automatically remove existing physical, social and cultural barriers to access to justice. As one ironic statement puts it: 'The internet, exactly like the Ritz, is open to all' (Smith and Paterson, 2012).

If we combine the different views on professionalism with the above-mentioned models of legal aid, it is apparent that the *judicare model* emphasizes self-regulation. Within the *welfare model*, the government co-determines the operation and organization of legal aid through a strict legal framework and associated subsidy policy. The *digital model* transcends these models and makes it possible to reach more people and support self-reliance. This model highlights the changing role and function of professionals and emphasizes the tasks and services that should be undertaken, rather than primarily emphasizing the role of the professionals. The distinction between professionalism from within and from above is not a dichotomy but a continuum. The complex mixed models, for example, are a combination of self-management and government intervention. The primordial focus on tasks and services entitles policymakers to limit self-regulation and to introduce methods grounded in disciplines that are required to carry out the tasks and provide the services. Within these complex mixed models, lawyers obviously still have a place, but no longer solely on the basis of their professionalism.

1.3. Legal aid, integral accessibility and integral management

The modernized justice system has been instituted today based on the concept of integral NPM management. Moreover, the realization of accessible justice appears to stem implicitly from an improved and modern justice system (Mak, 2007). However, the assumption that integral management automatically leads to better access to justice lacks theoretical justification and a conceptual framework that analyses and characterizes the quality of an accessible service.

The internal functioning of the judicial order is characterized by integral management. The concept of integral accessibility considers the functioning of the judicial system from an external viewpoint, and the

accessibility of the judicial organization even more broadly. The concept of integral accessibility finds its relevance in the context of the inaccessibility of legal aid to disadvantaged people. Hubeau and Parmentier (1999) proposed a consumer-friendly approach that increases the accessibility of legal assistance on the basis of the 5Bs (in Dutch): *bereikbaarheid*, *beschikbaarheid*, *betaalbaarheid*, *bruikbaarheid* and *begrijpbaarheid* (accessibility, availability, affordability, usability and understandability)⁶. These criteria for defining an accessible service have proven useful with respect to legal assistance as well as the social-cultural sector and social services. In recent research, these 5Bs have often been expanded to 7Bs to examine the accessibility of the offer. These two additional Bs are *bekendheid* (familiarity) and *betrouwbaarheid* (reliability). Just as the 5Bs have proved their usefulness in mapping out the accessibility of legal assistance, they can also serve to analyse and study the integral accessibility of law and the courts.

The concept of integral management is not at odds with this concept of integral accessibility. Ideally, integral management of the judiciary should contribute to an accessible, available, affordable, usable and understandable judicial system. The two concepts will constantly fluctuate in importance, with organizations always looking for the right balance. In a limited sense, particularly in the context of current judicial reforms, the two concepts link the external perspective of a qualitative offer with the internal perspective of integral management, as the basis for successful judicial reform. In broad terms, the 5Bs allow the same criteria to be applied when studying the other actors involved in judicial services, who contribute to better access to law and justice.

2. METHODOLOGY

We have chosen predominantly qualitative research methods and a small pilot survey. To obtain a clear overview of what legal practice in Flanders may entail, we chose a research design based on triangulation. We also chose to study social and legal practice in three different institutions, in which both social and legal service providers are involved within a generalist first-line function. The three institutions concerned environments in a welfare context or in which representatives from the welfare sector participated. We first researched the Houses of Justice as a general gateway to justice and interviewed lawyers and non-lawyers who participate in a Commission for Legal Aid, asking about their relationship, collaboration and practices. Subsequently, we undertook a pilot project in Leuven, where lawyers provided first-line legal aid in an outreach centre. Central to the research within these three institutions is the legal profession, which provides or organizes first-line legal aid. In addition to this in-depth descriptive analysis of daily practice in the field of frontline legal aid, we designed an online survey to obtain information on how citizens search for information on the internet. The pilot study was aimed at gaining some initial insight into e-Justice, because data is currently lacking on whether citizens use the internet for legal information and, if so, which search strategy they apply.

These different gateways to studying access to justice allowed us to connect the theoretical findings (models, professionalism and integral accessibility) with qualitative and quantitative empirical data.

We chose to analyse the annual reports of the Houses of Justice in Belgium, looking at frontline legal aid from 2010 to 2014. These reports are publicly available and give an objective overview of the way the Houses of Justice operate on a daily basis. The Sixth State Reform of 2014 transferred the regulation and organization of the Houses of Justice to the communities. Because the communities are currently developing a new role for the Houses of Justice, and this process will most likely take several years, we chose not to incorporate any information after 2014. This means that the information below is slightly outdated but does incorporate a full view of frontline services provided by the Houses of Justice in Belgium.

Because there was no fixed format for the annual reports, the data obtained could not be used for comparative research. However, even at first glance, there were some significant differences between the annual reports. Firstly, some Houses of Justice present a comprehensive and detailed overview of their

⁶ The description of the 5Bs is as follows:

- Accessibility: the service must be available at a reasonable distance, there is a balanced distribution of the offer and it must be clear what can be asked of whom. It also deals with the actual contact between the public and the service provider.
- Availability: the service must be available at times when it is useful and the service providers actually want to invest in the problem.
- Affordability: can be obtained by making the financial threshold for the client as low as possible (fully or partially free of charge).
- Usability: the service is sufficiently geared to the demand, the needs and the client.
- Understandability: the service is offered in a simple language that is understandable to the client, and that is also put in writing. It also means that individuals seeking justice can understand the service they are looking for.

The other two Bs that are not always used:

- Familiarity: is the service sufficiently known to the users?
- Reliability: the provider has a good reputation, is credible. This, therefore, concerns the legitimacy of the provision of services.

frontline aid, while others provide little to no information. In Flanders, in particular, relatively little attention is paid to frontline aid (this was the case for the Houses of Justice in Antwerp, Ypres, Leuven, Oudenaarde, Turnhout and Veurne) compared to Wallonia (Arlon, Mons, Charleroi, Eupen, Liège, Marche-en-Famenne, Namur, Neufchâteau). The two outliers were Ghent and Hasselt, both Flemish Houses of Justice, but with comprehensive reports on their frontline legal aid.

Secondly, there was also a clear change over time: while the annual reports of 2010 and 2011 for most Houses of Justice reported on their frontline legal aid, from 2012 onwards, only Mons, Charleroi, Turnhout and Verviers referred to frontline legal aid. This could imply that from 2012, little to no frontline socio-legal aid was provided by the Houses of Justice.

Document analysis, as a research method, can raise issues concerning the validity and reliability of the results. Consequently, to check validity and reliability, interviews were planned with the directors of the Houses of Justice in Flanders and Wallonia that reported most extensively on socio-legal aid. In total, six interviews were conducted using a semi-structured questionnaire. The questionnaire contained twelve questions divided into three categories, 'General trends', 'Substantive aspects' and 'Concluding questions'. Of the six people who were interviewed, three were French-speaking (two directors and one coordinator – justice assistant) and three Dutch-speaking (two directors and one managing assistant). Each interview took between 1 and 1.5 hours. The interviews revealed that the information contained in the annual reports was more or less accurate, despite the fact that the annual reports only ran until 2014.

To study the daily practice of the different Commissions of Legal Aid, an a priori stratified purposive sampling approach was used: all presidents of the Commissions of Justice were invited to participate in the study. However, only a handful responded to the request, with only four Commissions of Legal Aid prepared to take part in the study, all of which were Flemish. None of the French-speaking Commissions responded⁷. Consequently, the research design was changed to mixed purposive sampling and snowball sampling (Hood, 2012), with the presidents of the Commissions that had consented, being asked to recruit a number of non-lawyers to participate in the study.

In total, 21 respondents agreed to in-depth interviews: eight of whom were lawyers, five of whom were representatives of public centres for social welfare (OCMW), four from a centre for general welfare (CAW) and four from other organizations involved in legal aid, including three French-speaking respondents. The respondents were from rural areas (Tongeren and Bruges), a middle-sized city (Leuven) and three large cities (Antwerp, Ghent and Brussels).

Inspired by the policy statements of the Flemish Minister of Welfare, and with the aim of focusing more on early intervention, two partners of the Commission for Legal Aid in Leuven, private lawyers offering aid and the CAW, started a project, which was studied by the University of Antwerp using various research methods, such as participative observation, interviews and focus groups (triangulation). The project aimed to provide legal aid from private lawyers in two different community centres (CAW) – one in Tienen, a small town in a rural area, and one in Leuven, a university city – both of which work with vulnerable people. Some of the consultations were held with social workers present, others without. The social workers engaged with their clients on a daily basis, while the private lawyers were available for consultation on a fortnightly basis for about two hours.

Very little is known about how citizens find legal aid online and whether or not they are satisfied with the information provided. Therefore, an online survey was compiled with the aim of gaining insight into how citizens used the internet in their search for socio-legal advice⁸.

The survey was distributed to a sample of the general population, which led to 391 respondents. In general, the sample was a good reflection of the population: 49% male and 51% female, the average level of education indicated that the majority had completed secondary education, and 37.6% had a degree from higher education. There was a slight bias towards students (16.1% of the respondents were students), and pensioners were slightly underrepresented (11.5%). The majority of the respondents used the internet frequently: 88.5% indicated that they surfed online more than five days a week, while only 2.8% used the internet less than one day a week.

⁷ With one exception: one Commission of Legal Aid referred to its website for further information.

⁸ The questionnaire was partially based on a Dutch publication concerning the paths to justice (Geschilbeslechtsdelta, 2014) and partially constructed to reflect the research question.

The survey was administered online, which inevitably excludes all groups that do not have access to the internet or groups that do not have sufficient know-how to browse the internet. Therefore, we cannot assess how easily citizen's turn to the internet for information in general, but the results do give us an indication of how frequently citizens who do have access to the internet turn to online sources for information about frontline socio-legal aid.

3. RESULTS AND RECOMMENDATIONS

3.1. The Houses of Justice

3.1.1. Introduction

The Houses of Justice were established in the aftermath of the Dutroux case and significantly reformed frontline socio-legal aid in Belgium. The goal of the Houses of Justice was to bring all the different paralegal services together, to adjust their various tasks and develop coherent policy. It was considered that access to justice would improve significantly, simply by bringing these different services together in one location.

The core business of the Houses of Justice was threefold, namely: (1) frontline socio-legal aid, (2) victim support and (3) different judicial mandates relating to the execution of sentences, conditional release during a criminal investigation or questions about parental authority and visitation rights. As such, the Houses of Justice were perceived as a socio-legal platform where citizens and the justice system could interact. The Ministerial Decree of 23 June 1999 stated that: 'the House of Justice is at the service of every citizen in their contact with the justice system, whatever the legal position of the citizen (offender, victim, injured party or indirectly involved in a judicial action)'.

Although the Houses of Justice are autonomous institutions, with their own responsibilities and tasks, they also provide logistical support to the Commissions of Legal Aid, which are responsible for frontline legal aid. The Houses of Justice are obliged to provide a meeting place for the Commissions of Legal Aid and usually also provide a space for lawyers to hold consultations in frontline legal aid. As such, the Houses of Justice would be the perfect partner to implement a broad frontline legal aid system with sufficient attention to socio-legal aid.

Houses of Justice are staffed by justice assistants, who are social workers with a degree in human sciences rather than legal studies. When working on frontline legal aid, their advice might differ significantly from that of lawyers because of their background. Social workers do not reason from a legal point of view but from a social point of view.

However, there is little research examining how well the Houses of Justice have fulfilled their task. In 2004, Maes studied the annual reports of the Houses of Justice in the period 1999 to 2002 (Maes, 2004), reaching the following conclusions.

- 1) Although in 1999, the year of the foundation of the Houses of Justice, not every House of Justice provided frontline aid, by 2002 all of the Houses of Justice had an operational frontline aid scheme and the number of interventions more than doubled.
- 2) There were some differences between the regions of Flanders and Wallonia, with frontline aid first taking off in Flanders and Wallonia following shortly after.
- 3) There were differences in frontline aid between the districts in Flanders. The districts of Dendermonde, Mechelen and Hasselt did relatively well in providing frontline aid, while Veurne, Tongeren and Brussels scored poorly.
- 4) Overall, citizens were most likely to visit a House of Justice or phone in with questions. Only rarely were written questions submitted.
- 5) The questions were mostly about divorce/separation or information on judicial procedures. Little to no questions were asked about the House of Justice itself.
- 6) In most cases, the justice assistant found an answer or a solution, although they frequently referred to frontline legal aid or other legal services. Only rarely did the justice assistant refer to second-line legal aid.

The research by Maes is, however, already more than 10 years old and it is safe to assume that circumstances have changed. Therefore, more research was required to gain an understanding of the current frontline practices in the Houses of Justice.

According to Article 2, §1n 2 of the Royal Decree of 13 June 1999 (BS 26 June 1999), the Houses of Justice are responsible for the reception of justice seekers and the provision of information and advice to

the users of the House of Justice, and, if necessary, should offer a referral to the competent authorities. The annual reports show that this definition of frontline aid has been interpreted in a restrictive manner. Especially in recent years, frontline socio-legal aid had been restricted to providing information on competences of the House of Justice itself (DG Justitieuizen, Activiteitenrapport 2013).

3.1.2. Frontline interventions: the numbers

The justice assistant will clarify the question. If the question is outside the scope of the competences of the House of Justice, the justice assistant will refer the client to the competent authority. If the question falls within the scope, the justice assistant will provide a general answer concerning the legislation and the law, or give preliminary advice on a concrete case. The preliminary advice can be oriented towards legal aid, social aid, mediation or alternative dispute resolution. If necessary, the justice assistant will still make a referral to frontline legal aid or another legal service (Drosens, 2011). It is clear that the justice assistant will take a broader look at a situation than a purely legal standpoint. This is also due to the fact that justice assistants are social workers and have little to no legal training.

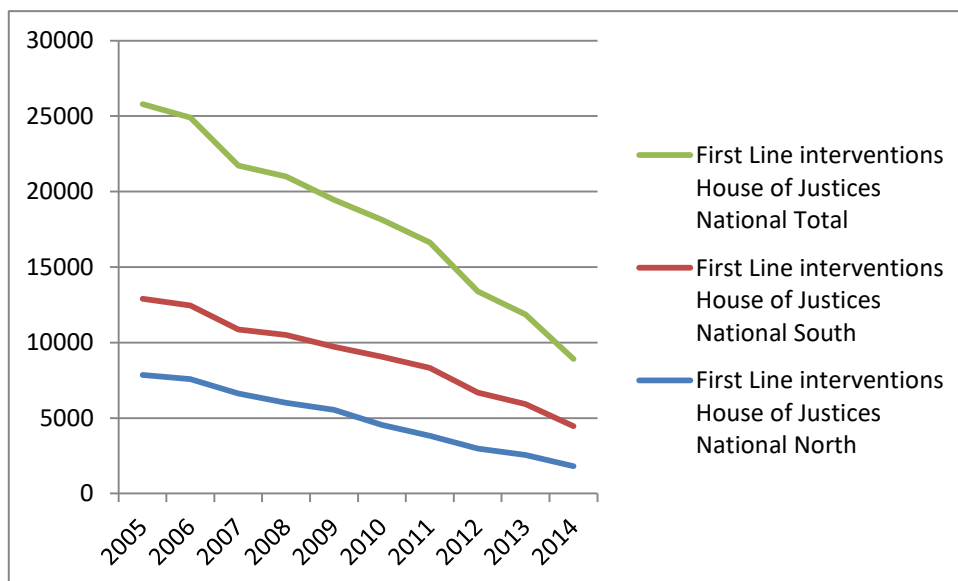
Any intervention by a justice assistant is registered in a computer system called SIPAR. The data extracted from this system offers a good overview of the frontline operation within the House of Justice. However, it should be noted that the number of interventions recorded in the computer system is probably an underestimate because the justice assistant or the reception clerk do not always make the effort to register an intervention in the system (Dendermonde Report 2010; Eupen Report 2012). Table I presents the number of registered frontline interventions from 2010 until 2014:

Table I - Registered first line interventions, 2010-2014

	2010	2011	2012	2013	2014		2010	2011	2012	2013	2014
Antwerp	135	145	109	56	31	Brussels-Fr.	589	493		191	81
Mechelen	32	14	8	2	3	Nijvel	124	185		98	106
Turnhout	7	11	2	3	3	Eupen	110	337		312	358
Hasselt	636	651	495	442	485	Hoei	69	108		112	99
Tongeren	324	122	59	37	48	Luik	356	447		407	273
Leuven	11	6	3	0		Verviers	288	254		173	173
Brussels	254	182	80	61	29	Aarlen	161	173	65	118	63
Dendermonde	1010	853	602	455	214	Marche-en-Famenne	716	683	641	703	724
Ghent	846	860	815	784	408	Neufchâteau	103	141	106	76	98
Oudenaarde	49	79	38	72	51	Dinant	353	311	283	285	202
Bruges	51	33	31	20	8	Namen	213	179	139	178	140
Ypres	55	10	15	10	17	Charleroi	944	834	599	345	282
Kortrijk	780	608	580	562	462	Bergen	189	137	191	150	23
Veurne	361	248	135	47	52	Doornik	299	112	303	232	21
Total	4551	3822	2972	2551	1811	Total	4514	4492	3718	3380	2643

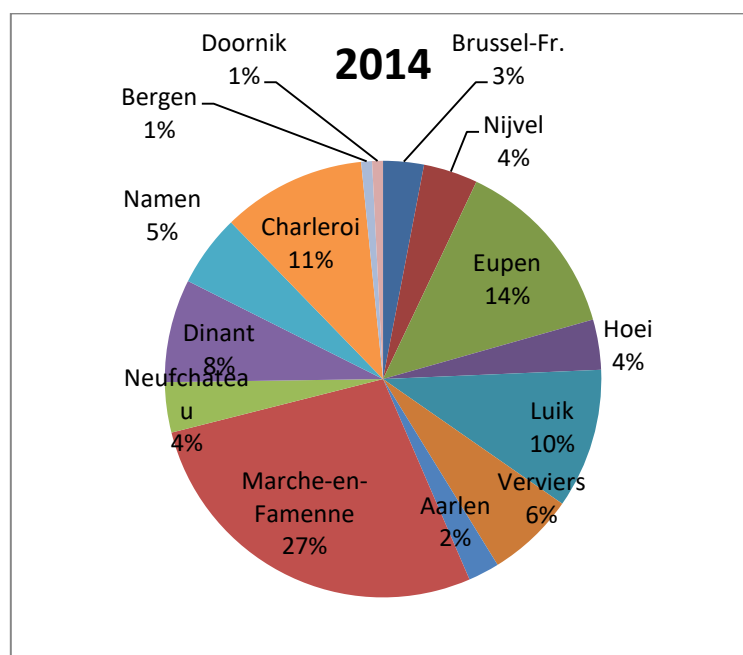
In summary, it is clear that the number of interventions has decreased (Figure 1)

Figure 1 - Source: Houses of Justice and UA



There is a clear difference between Flanders and Wallonia, but there are also some distinct differences within Flanders. Hasselt, Dendermonde, Ghent and Kortrijk registered the most interventions, with more than 86% of the total interventions taking place in one of these four Houses of Justice. In Wallonia, differences between the districts is less clear cut; however, 62% of the interventions took place in Liège, Charleroi, Eupen or Marche-en-Famenne.

Figure 2 - Frontline interventions in percentages for 2014



3.1.3. Frontline legal aid as provided by the Houses of Justice

The way in which frontline legal aid is provided by each of the Houses of Justice differs significantly. In 2010 and 2011, many Houses of Justice had consultation hours on fixed days, allowing the justice seeker to simply walk in and ask questions (Arlon Report 2010; Neufchâteau Report 2011) or even daily consultation hours (Namur Report 2011; Ghent Report 2010). However, there were a number of Houses of Justice that did not have fixed consultation hours (Bruges Report 2010; Antwerp Report 2011; Turnhout Report) or no longer had them (Ypres Report 2010), but they would respond to questions by citizens if asked. In 2011, the House of Justice in Oudenaarde had a telephone service staffed by five justice assistants.

However, in all of the Houses of Justice, the justice assistants who were entrusted with frontline legal aid provided this service (often voluntarily) in addition to their workload in other domains. There were no justice assistants solely available for frontline aid.

Not only are there differences between the availability of frontline aid, the Houses of Justice also approached frontline legal aid differently. All of the Houses of Justice provided 'reactive' first-line aid, meaning that information was given or made available upon request. However, there was little to no proactive first-line aid. The initiative must be taken by the justice seeker, who contacts the House of Justice with a specific problem, situation or conflict.

None of the Houses of Justice invested in proactive first-line aid through outreach to vulnerable groups of citizens. Outreach implies that information is provided to vulnerable citizens before a problem rises. The initiative is thus taken by the House of Justice itself rather than the citizen. However, there were some minor forms of outreach. For example, the House of Justice in Ghent provided proactive first-line aid for offenders on probation by inviting everyone who had received a probation sentence to a meeting to obtain more information on probation within 48 hours.

3.1.4. Deterioration of frontline operations

Since the reorganization in 2005, the Houses of Justice restrict their frontline interventions to certain issues, more specifically, criminal law, family law and information on paralegal services that the Houses of Justice provide. In other words, first-line interventions are restricted to questions about the core business of the Houses of Justice themselves. All other issues, such as juvenile law, civil procedures and migration law, are regarded as outside the competence of the House of Justice, and citizens with questions related to these subjects will be referred to other paralegal or legal organizations, or to frontline lawyers who hold consultations within the Houses of Justice.

There are number of reasons why frontline aid in the Houses of Justice has decreased over the years. Firstly, there was a shift in the required objectives of the Houses of Justice. While the Houses of Justices were founded in order to improve access to justice, in recent years they were much more focused on security and risk analysis. Frontline operations were deemed less important than the execution of sentences and conditional releases. The increasing importance of the role of the Houses of Justice in criminal cases was not accompanied by an increase in staff, thereby making it necessary to reallocate the available personnel and means, and investing less in frontline operations.

Secondly, there is no policy from above concerning the way Houses of Justice should provide access to justice through frontline operations. Therefore, the different Houses of Justice each developed their own strategy, with little to no knowledge about how other Houses of Justice were implementing frontline operations. The lack of a general policy, in combination with little investment in the training of staff to respond to citizens seeking information on socio-legal topics, resulted in a very limited definition of frontline operations and systematic referral to legal first-aid provided by lawyers rather than social workers.

The lack of cooperation and knowledge-sharing between the Houses of Justice is apparent in daily practice. For example, over the years, every House of Justice has gathered information relevant to frontline services, such as a list of frequently asked questions. This information needs to be stored and must be easily accessible to other justice assistants. Most Houses of Justice have developed methods and rules for data storage, which includes methods to update, correct and/or supplement the information. However, data storage is not unified, meaning that the justice assistant of one House of Justice cannot consult information available in another House of Justice.

In recent years, nearly all of the Houses of Justice have decreased their frontline services and/or are planning to begin limiting or further limit frontline services⁹. Most Houses of Justice no longer provide any walk-in sessions for citizens who have questions. If a citizen does contact a House of Justice, their first point of contact is often the receptionist, who will refer the justice seeker to the appropriate organization for frontline legal aid. In some Houses of Justice, justice assistants still voluntarily participate in a frontline aid scheme, which they do in addition to their daily workload.

3.1.5. The failure of socio-legal aid given by the Houses of Justice

Since the reorganization in 2005, the Houses of Justice have cut back on their frontline services. Their main focus is now on their primary tasks as specified by the law, such that they now essentially provide a second-line service. In some Houses of Justice, as mentioned above, frontline services have been maintained, often on a voluntary basis, by the justice assistants or through an IT tool at the disposal of citizens (Dinant Report 2010). These are, however, local initiatives that have no general effect. In most Houses of Justice, frontline services are reduced to a strict minimum and questions are answered on an individual basis.

Nevertheless, the Houses of Justice have the potential to fulfil a bridging function between the citizen and the justice system by introducing legal aid to broader frontline services provided by social workers. Due to budget cuts, understaffing and an increasing focus on risk analysis, frontline services have been put on the back burner; however, it seems necessary that a general policy regarding frontline services is required. To date, the State has more or less left every House of Justice to fend for itself and to decide autonomously what it understands by the term 'frontline service'.

The transfer of the competence regarding frontline services to the communities in 2014, has spurred hope that change is on the way. In his policy statement of 1 October 2015, the Minister of Welfare, Public Health and Family chose to strongly embed frontline legal aid within a general welfare approach. It is thus likely that the general frontline services exercised by non-legals within the Houses of Justice will be redrafted and potentially revalued.

The frontline services of the Houses of Justice should not be confused with the frontline legal aid provided by lawyers and the Commission of Legal Aid. According to Article 2 §1, 5 of the Royal Decree of 13 June 1999, the Houses of Justice must provide logistical support to the Commission of Legal Aid. They should provide a location for lawyers to practise frontline legal aid and for the Commission of Legal Aid to hold meetings. However, the Houses of Justice do not take part in the Commission of Legal Aid and cannot be part of the Commission. In some Houses of Justice there is cooperation between the Commission of Legal Aid and the House of Justice through social workers who provide frontline services also taking part in the meetings of the Commission as observers (Dendermonde Report 2011; Neufchâteau Report 2011), but there is no obligation to cooperate. Cooperation would, however, be an asset for the Houses of Justice, in assisting the provision of frontline services in a socio-legal practice environment, especially because both frontline services and frontline legal aid are confronted with similar questions and problems, but might come to very different solutions due to the different backgrounds of the individual providing the service. While a justice assistant will answer a question with recourse to experience as a social worker, a lawyer will primarily look at the legal aspects. The justice seeker might well be best served by professionals who have some knowledge of both aspects and an interdisciplinary approach to frontline legal aid. In the next section, we will examine the organization of the Commissions of Legal Aid as a body providing frontline legal aid.

3.2. Commissions of Legal Aid

3.2.1. Introduction

In every judicial district, a Commission of Legal Aid is entrusted with the different aspects of frontline and second-line legal aid. According to Article 508/2 §3 of the Judicial Code, half of the Commission of Legal Aid is composed of lawyers assigned by the Bar Association, while the other half is composed of representatives of public centres for social welfare (OCMW), centres for general welfare (CAW) and the various organizations providing legal aid within the relevant judicial district. The president of the Bar Association appoints the president of the Commission of Legal Aid. Generally, it is the president of the Commission who will nominate the lawyers. This selection is more or less informal: a letter is written to all lawyers, asking whether or not they wish to participate in the Commission of Legal Aid, with the president having the final word.

⁹ Only the House of Justice in Liège is planning to further invest and maintain their first-line service to citizens.

The selection procedure for the social workers is strictly regulated by the Royal Decree of 20 December 1999. When there is a position open on the Commission, all public centres for social welfare (OCMW), centres for general welfare (CAW) and the various organizations providing legal aid within the judicial district are asked whether or not they want to propose a member. The Commission decides which candidates are appointed.

3.2.2. Failure of integrated frontline legal aid

Although the Commissions of Legal Aid are composed of lawyers and representatives of socio-legal aid organizations, lawyers have the upper-hand for a number of reasons. Firstly, in some Commissions, lawyers are simply in the majority, because a socio-legal organization might choose a lawyer as its representative. This was the case, for example, in a Commission of Legal Aid where the Union des Locataires chose a lawyer as its representative. Secondly, most Commission members restrict their involvement to participation in the Commission's meetings, and spend little time on the formulation of goals and the development of policy lines. Consequently, it is usually the president of the Commission, a lawyer, who is responsible for its general policy.

Although the legislator states that the Commissions of Legal Aid should: (1) provide frontline legal aid by lawyers and (2) streamline the already available legal aid provided by social organizations, Commissions of Legal Aid have usually focused on the first aspect. The field of socio-legal aid remains diffuse and vague, with each organization following its own policy line and specialization, often unaware of the socio-legal aid provided by others in the field. Many of the respondents referred to a sense of competition between representatives of social organizations and lawyers. This might be explained by ignorance of the services that others provide. For example, one of the respondents (a representative of the centre for welfare), noted that their organization often offered advice on issues associated with rent, while the Union des Locataires was specialized in all matters relating to rent. Apparently, the Commission of Legal Aid did not provide the necessary forum to align the different organizations.

The Commissions of Legal Aid are largely autonomous in relation to the policy they develop. The legislator has only provided limited information regarding the goals of the Commissions and has not provided any guidelines about how these goals should be achieved or how the success of the Commission's daily work should be measured. Thus, it is left up to the bar to shape and implement the Commission's policy. The government has never exerted control over how the Commissions of Legal Aid determine their policy lines and whether or not the different Commissions of Legal Aid have achieved their goals. Every Commission publishes an annual report for the Minister of Justice, but these reports have never led to political intervention, nor have any remarks or questions ever been asked by the Minister of Justice to the various Commissions. Consequently, every Commission has developed its own routine, largely without external oversight.

3.2.3. Implications of the Sixth State Reform

The Commissions of Legal Aid were founded in order to organize the entire field of frontline legal aid. However, due to a lack of policy and control issues in the state department, this goal was not achieved. On the contrary, Commissions of Legal Aid have mainly focused on frontline legal aid provided by lawyers and have not made any significant improvements to the diffuse and often parallel area of first-line legal aid provided by different social organizations. The Sixth State Reform could potentially improve this situation because frontline legal aid has been transferred from the federal state to the communities, including the organization of the Commissions of Legal Aid.

In Flanders, frontline legal aid is regarded as an inherent aspect of the Department of Welfare¹⁰. The Minister of Welfare considers frontline legal aid as a preventive measure: by intervening early and informing or advising citizens, further escalation of a conflict might be prevented. This welfare approach might lead to significant changes in the operations of the Commissions of Legal Aid because the focus will most likely shift from a legal point of view to a more holistic approach, and referral to alternative dispute resolution and other social services will become more frequent. The Minister of Welfare also wants to impose quality standards and guidelines on how the Commissions of Legal Aid perform their role¹¹. It is already clear that the Minister of Welfare wants to achieve a single integrated reception service that is easily accessible and low cost, in order to provide access to justice. The integrated approach demands an interdisciplinary method that the Commissions of Legal Aid are currently lacking.

¹⁰ Although recently there have been rumours that a department of justice will be founded within the Flemish Community.

¹¹ Beleidsbrief Welzijn, Volksgezondheid en Gezin 2016-2017, Minister VANDEURZEN, *Parl.St.VI.Parl.* 2016-2017, nr. 941/1, 56-57.

In Wallonia, legislative action has also been undertaken to reform frontline legal aid. On 12 October 2016, the Decree Concerning the Accreditation and Subsidy of the Partners for Legal Aid was promulgated (Décret relatif à l'agrément et au subventionnement des partenaires apportant de l'aide aux justiciables). This Decree covers all aspects of socio-legal aid and expresses two fundamental principles. Firstly, socio-legal aid should be organized with regard to the demand side. The citizen, as a consumer of frontline legal aid, should be served as well as is possible. This means a shift in the approach to socio-legal aid, which to date has been primarily focused on the supply side: Houses of Justice provide information primarily about their own operations, while lawyers hold consultations focusing on legal aspects of a conflict situation, but rarely referring to social aid.

To create an integrated system of frontline legal aid, the Decree established three consultative bodies: one overarching Commission (la Commission communautaire des Partenariats) and a Commission d'arrondissement des Partenariats in each judicial district. Every district Commission has three sub-committees focusing on specific topics (les Commissions thématiques des Partenariats): the offender, the victim and every other citizen who does not fall within the first two categories. The second fundamental principle concerns the funding of socio-legal aid schemes. The organizations will not be funded according to the number of people employed, but according to the extent that the organization reaches the goal of providing effective socio-legal aid. This implies that the government must establish methods and standards to measure the quality of the service delivered.

However, the new Decree does not encompass frontline legal aid provided by the Commissions of Legal Aid. Wallonia has opted to maintain the current role of the Commissions of Legal Aid, but restrict their competences to the organization of consultation hours in the framework of frontline legal aid. This means that the Commission of Legal Aid is no longer responsible for streamlining the entire landscape of frontline legal aid. As such, the French-speaking community has changed the legislation in order to fit daily practice.

Since the Sixth State Reform, both the Flemish and the French-speaking communities have taken steps to reform frontline legal aid. Some of the respondents, especially lawyers, are wary of the increasing involvement of the state authorities in the organization of frontline legal aid, while others are already taking initiatives to integrate frontline legal aid provided by lawyers and socio-legal aid. One example is the research project initiated by the Commission of Legal Aid in Leuven (*infra*).

3.3. Early intervention: a research project

3.3.1. Introduction

Inspired by the policy statements of the Flemish Minister of Welfare and aiming to focus more attention on early intervention, a project was set up between two partners of the Commission for Legal Aid in Leuven: private lawyers offering aid and the CAW. The project aimed to provide legal aid from private lawyers in two different community centres (CAW) – one in Tienen, a small town in a rural area, and one in Leuven, a university city – both of which work with vulnerable people. Some of the consultations were held with social workers present, others without. These social workers engaged with their clients on a daily basis, while the private lawyers were available for consultation every fortnight for about two hours. The project ran for a period of six months.

The project was conceived after evidence was found to suggest that frontline aid from private lawyers was more often provided to the middle class rather than the most vulnerable. The project thus aimed to inform and advise more vulnerable people about legal issues within a social setting. Based on the literature, one might describe this form of proactive legal aid service as 'peripatetic outreach' or 'inreach' (Stimson et al., 1994; Rhodes, 1994; Grymonprez and Mathijssen, 2014; Van Doorn et al., 2008), in the sense that private lawyers visit locations where vulnerable people often meet each other. The community centres co-exist alongside regular welfare organizations and have developed an appropriate method to reach vulnerable people, referred to as 'presence theory' (Baart, 2011) or 'basisschakelmethode' (basic chain method) (Baert and Droogmans, 2010). The project differs from the frontline legal aid organized by the Commissions of Legal Aid.

3.3.2. The difficulties of communication and cooperation between the legal and social professional

Private lawyers normally provide consultations in different settings within a judicial district, for example, at the courts, the House of Justice, or local public welfare centres. These services are more reactive, and are usually used by the middle class. During these brief consultations (approximately 10 minutes), legal issues will be handled, but only practical legal information is offered, sometimes more elaborate than others, with the offer of only initial brief advice and no follow-up. Of the referrals, 90% are to a private lawyer in the

second line if the client needs to make further contact with a counterpart, or requires a letter, or when the frontline lawyer is not sufficiently familiar with the legal matter.

In the case of a social problem within a legal context, private lawyers do not have the requisite knowledge of social welfare organizations, and do not refer clients to social welfare organizations or other socio-legal aid services such as those offered by unions, housing unions, consumer organizations or ombudsmen. These organizations often work with vulnerable people or a mixed public and provide a social space where intake is done by social workers or employed lawyers (e.g. OCMW and CAW)¹². These lawyers provide legal aid for clients by supporting social workers when their clients are confronted with legal issues, and they are familiar with social issues as well. Thus, they not only provide legal information and advice but also assistance, mediation and representation.

During the project, it became clear that not every private lawyer felt at ease, and they often lacked the basic attitude required. In this environment, it is not necessary to be a brilliant private lawyer but to be a 'human being'. It is possible to characterize private lawyers as somewhat distant, primarily problem-focused, taking a more rationalistic position, looking at the objective facts and interpreting these facts within a legal framework (atomistic rather than holistic). Primarily, they wish to intervene immediately and see themselves as advocating on behalf of the clients (the advocacy model, according to Galowitz) (Galowitz, 1999; Aiken and Wizner, 2003; Hyam et al., 2013; Rizzo et al., 2015).

In the community centre, the private lawyers had direct contact with clients around a table, where they might drink coffee and talk about everyday life issues. Thus, rather than hide behind their desks, in the centre they had more space and time to not only build formal, but also to develop informal, contacts. This contact created less distance and more proximity. The presence of the private lawyers also led the clients to trust them more, which they considered was more important than a confidential or private conversation. The process was about building an understanding or even a relationship. This understanding meant more to the clients than the lawyers simply helping them to rationalize the legal issues or problems. Their daily life issues not only concerned legal problems but often also social problems. This complex context was what was important, whether a specific issue was legal or social. In fact, both contexts could be intertwined, with even a small legal question potentially containing various legal sub-problems, hiding legal complexity within a social context or vice versa.

The presence of the private lawyers also changed the attitude of the social workers to the law. Although social workers are often the first to face the legal problems of their clients, they do not generally regard these problems as purely legal and consider the issue might be addressed through social work (Aiken and Wizner, 2003). A study by Michael Preston Shoot (2011 and 2013) revealed that social workers considered law to be a tool for resolving issues, challenging inequality, protecting people at risk and meeting their needs. Nevertheless, while these final-year social work students reported less anxiety about using and keeping up-to-date with the law, their levels of anxiety in relation to it remained high. As law has become such a central feature of contemporary social work practice, the students were particularly concerned about how to keep up-to-date and how to ensure that the information they provided was accurate.

At the same time, the social workers in the project used different methods to work with clients. In contrast to the private lawyers, they were client-focused, sought more proximity, built up relationships, worked within the life world of the clients, were more contextual, more present, and as Galowitz stated, they tried to act in the best interests of the client, which is not always to the immediate benefit of the client (best interest model). In the community centres, legal issues were normally referred to in-house lawyers who remained at a distance (it was necessary to make an appointment, and the lawyers only provided legal information and referred people to other legal services). During the project, however, social workers had direct contact with the private lawyers, with whom they were previously not familiar and had often had bad experiences.

We can also make a distinction between consultations with and without social workers present. Social workers are well trained in communication skills, they are familiar with the daily life problems of their clients, and they are able to translate their clients' experience of the world to the lawyer, who functions in a legal system that is distinct and distant from that world. In doing so, the social workers create a bridge between these life and system worlds (Habermas, 1984; De Savornin Lohman and Raaff, 2012; Zifcak, 2014; Kunneman, 2015). By attending these consultations, they also obtained more knowledge about the current legal framework, which addressed their lack of basic up-to-date legal information. Thus, they

¹² The lawyers working in these organizations have a law degree but are not members of the bar. Lawyers who are members of the bar will be called 'private lawyers'. The term 'lawyer' as such refers to someone with a law degree who is not a member of the bar.

became more aware of how to detect legal issues; in fact, more aware that they could detect the different legal issues at a very early stage in social contact with the client.

The clients of the community centre were mostly vulnerable people, some having psycho-social problems, others being former prisoners, and others who were homeless, facing poverty, or had a weak network of support. Due to the presence of the lawyers, and after realizing that the same lawyers would return and thus showed some commitment, they started to think and talk more about legal issues in their lives (family issues, debt problems, housing, etc.) and thus gained greater legal awareness. In this way, they came to regard the private lawyers not merely as professionals operating at a distance, but as human beings, and became less afraid of them. Many clients had already had an appointment with a private lawyer at no cost, but had experienced a lot of difficulty in trying to contact them, as well as problems understanding them due to their use of difficult legal language.

Based on the results of the research, some features of a proactive legal service based on outreach could be distinguished (Forell and Gray, 2009).

- 1) *Interdisciplinarity*: legal and non-legal organizations should work together in formal and informal ways
- 2) They should be located in the same areas or places as vulnerable people
- 3) *Flexibility*: urgent matters, time, space
- 4) *Costs*: while it seems more expensive, it can save costs created by X-inefficiency in the second line; the lawyers will also need specific skills (training)
- 5) *Monitoring*: always looking to improve outreach services (e.g. supporting social workers with legal tools and more complex cases for lawyers; see CAW Brussels project, not evaluated yet)
- 6) *Intradisciplinarity*:
 - a. social workers should obtain more legal skills to detect legal issues, and even provide basic legal advice and refer or orient the client in a more guided way
 - b. lawyers should learn more communication skills and other methods, such as 'multidirected partiality', to inform and advise clients (Boszormenyi-Nagy and Krasner 1986). As Coleman concluded:

Attorneys typically do not receive much instruction in counselling or interacting with clients, and so these social work skills are critical. This observation is especially true because it is often necessary to understand the psychological aspects of the clients' legal problems in order to help them. Indigent clients usually have a variety of problems that contribute to, or in some way affect their legal situations (Coleman, 2001).

The project succeeded in bringing law into the daily lives of vulnerable people in a community centre. Two professional fields made contact with each other in what we would call 'socio-legal practice', which might be characterized as: professional proximity (rather than distance), responsibility (able to respond adequately to the social and legal issues), communication (able to be agents of transformation) (Albiston and Sandefur, 2013) and legal presence (in time and space, able to intervene if necessary).

3.4. Access to justice and e-Justice

3.4.1. Introduction

The Flemish Minister of Welfare has referred to online tools for legal aid as a way of improving access to justice¹³. The concept of e-Justice might give a new impetus to the debate about access to justice. The European Commission defines the purpose of e-Justice as:

to improve citizens' access to justice and to make legal action more effective, the latter being understood as any type of activity involving the resolution of a dispute or the punishment of criminal behaviour (Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee Towards a European e-Justice Strategy)¹⁴.

The European Parliament, in its resolution of 18 December 2008, which contains recommendations to the Commission, asserted that 'e-Justice has a broad definition including, in general, the use of electronic technologies in the field of justice'¹⁵. In its multi-annual European e-Justice action plan for 2009-2013, the Council referred to 'the use of information and communication technologies (ICT) in the field of justice'.

¹³ Beleidsbrief Welzijn, Volksgezondheid en Gezin 2015-2016, Minister VANDEURZEN, *Parl.St.VI.Parl.* 2015-2016, nr. 506/1, 53.

¹⁴ 30 May 2008, Com(2008) 329 final (3).

¹⁵ OJ C 75, 31 March 2009.

Hence, the term 'e-Justice' does not refer to a different kind of justice, an alternative judicial power, or divergent judicial procedures, but to ordinary justice involving the use of IT tools in the organization and performance of tasks by the regular judicial bodies (Inchausti, 2012). The characteristics of e-Justice include: (1) internet services for the purpose of public information (or even data exchange between citizens and judicial organizations); (2) internet services that exchange data between organizations (business-to-business); (3) intranet services to facilitate procedures within a given organization (e.g. workflow systems); (4) services that provide 'juridical communication' (e.g. protected email, digital signatures); (5) services for digital audio and video-recording (e.g. systems for relaying court hearings); and (6) video communication services (tele-surveillance and long-distance interrogation) (Vassileva, 2007).

E-Justice in Belgium is still in a very early stage; however, multiple initiatives have been developed in this field. First and foremost, the federal government provides information on various departmental websites. In addition, there are sites of the various authorities and public law institutions that provide more or less extensive information about citizen's rights and obligations (Gibens, 2014). In addition to the public sector, many private organizations also provide online tools and solutions for legal problems; for example, the website of the Centres for General Welfare (www.caw.be/jouw-vraag-onze-eerste-zorg) or the ombudsman's website www.ombudsman.be, which not only provides information on referrals to the relevant ombudsman in the area but also includes a step-by-step platform for filing complaints. Several websites also provide the option of downloading relevant texts and templates of documents and contracts, such as the website of the Flemish tenants' platform (Gibens, 2014).

3.4.2. Online behaviour of citizens confronted with legal problems

The respondents in our study were asked whether they had experienced any problems in the past three years concerning: (1) work, (2) real estate purchase, (3) renting a home, (4) rent of other real estate, (5) purchase of a good or a service, (6) money, (7) minors within the context of the family, (8) health issues, (9) damages of any kind, (10) family excluding minors or (11) conflict with the government authorities¹⁶. The most frequently encountered problems were health issues (24.3%), work-related issues (24.3%), purchase of a good or service (17.5%) and money (17.4%). The least frequent problems concerned conflict with government institutions (4.6%) and problems with minors within the family (5.1%)¹⁷. However, 40% of the respondents (N = 156) did not encounter any significant legal problems in any of the areas listed.

The respondents were asked how the legal issue was resolved and whether legal action was taken against them; whether they had taken legal action themselves; whether they had threatened to undertake legal action; or none of the above. It was surprising to see that in 65% of the cases no threat of or actual legal action was undertaken. Only 12% had undertaken legal action and 14% had threatened to do so. In 9% of the cases, the respondents were subject to legal action taken by the opposite party.

The internet did not serve as the primary source of information for the respondents, with only 35% using online tools to find a solution to the conflict, and 55% reporting that they had not¹⁸. The majority of the respondents who had used online tools reported that they had typed some terms into a search engine (66%), while 30% indicated that they began by searching for websites of organizations and/or institutions that provided socio-legal aid. When asked whether or not they deemed the online advice sufficient, 61% of the respondents answered affirmatively, while 36% considered the online information insufficient (N = 30).

Of those who were unsatisfied with the online information, 3% were not satisfied because they did not understand the information provided, 20% were not sure whether they were on the right website, 27% were not sure whether the website offered correct information, and 13% of the respondents could not determine whether they were consulting the right website or if the information was correct. In addition, a total of 20% of the respondents indicated that the information they were looking for was not provided by the online sources they consulted.

At the end of the survey, all respondents – including those who had indicated that they did not use online tools to search for socio-legal information – were asked whether they considered the internet as a useful source of information that had helped them find a solution to the conflict. In total, 76% of the respondents indicated that the internet was a 'sufficient', 'good' or 'excellent' source of information.

¹⁶ When a respondent indicated that they had in fact encountered legal problems with more than one of the areas indicated in the survey, they were requested to select one area to complete the rest of the questionnaire.

¹⁷ Children younger than 18 years old.

¹⁸ 10% indicated they did not recall whether or not they had searched online for possible solutions.

A total of 45% of the respondents who used online tools did not take any action after online consultation of relevant websites, 33% took action themselves, 16% contacted the organization or socio-legal aid worker they found online and 4% contacted a different organization rather than the socio-legal aid worker they had found online.

This leads to the following conclusions. Firstly, online legal tools are a source of socio-legal information to citizens, as 60% of the respondents indicated that they had used the internet as a source of information. However, when considering that our pilot survey suggested that 88.5% of the population use the internet on an almost daily basis, this result might seem low. It might be expected that in the future, the percentage of citizens who will use the internet as a source of information on dispute resolution will increase. Secondly, in general, 76% of the respondents deemed the internet to be a useful source of information that could potentially help them find solution. However, only 61% of those who had actually used the internet as a source of information were satisfied with the service provided, while 36% considered the online information insufficient. The reason why the information was deemed insufficient varied. In some cases, it was unclear to the respondents whether they had accurate information, while other respondents indicated that information on their specific situation was not provided.

3.4.3. E-Justice: a new model of frontline legal aid

Online tools are a part of contemporary society and are used by citizens to find information about and/or solutions to their legal problems. Online tools should therefore be regarded as an important element of justice systems, currently still in the early stages, but most likely gaining influence in the future.

Online legal tools could be limited to providing information by listing frequently asked questions or by giving a brief overview of the citizen's rights and duties; however, it is not unthinkable that, in the near future, online tools could be used to compile legal documents or to submit an application to the court. The research reported on here offers a first insight into the online behaviour of citizens when confronted with socio-legal problems; however, more research is required to further explore improvements to online tools that might increase citizen's satisfaction with the services provided.

It is clear that online socio-legal aid is advancing and this might have a significant impact on the current division of tasks in the field of frontline socio-legal aid, as such aid does not require the involvement of a professional, with citizens able to find information in their own time without consulting a lawyer. Moreover, it is likely that in the future more online tools will be developed that will empower citizens and allow justice seekers to find all the necessary information online to fill out an application or to compile a contract of purchase or settle a dispute in a legally binding way. In this scenario, professionals would be responsible for controlling and updating the online information, with the necessary IT knowledge and IT support, no longer needing to be involved in every transaction or dispute resolution process.

4. CONCLUSIONS AND RECOMMENDATIONS

This work package attempted to give a non-exhaustive overview of the field of frontline socio-legal aid. It began by focusing on the frontline legal aid provided by the two institutions that were introduced in Belgium in 1998 to improve access to justice: the Houses of Justice and the Commissions for Legal Aid. It became apparent that in daily practice, both institutions have failed to deliver the service the legislator intended.

It can be concluded that, in Belgium, frontline legal aid is organized according to a complex mixed model: a combination of the welfare model and the judicare model. The welfare model is represented by the different social organizations that provide frontline legal aid; it also emphasizes preventive action and approaches legal problems within a broader social framework. The judicare model is embodied by the Commissions for Legal Aid, which organize consultation hours for private lawyers and the remuneration of the lawyer according to their performance. The judicare and welfare models exist in parallel to one another, with very little interaction occurring between the two professions of social worker and private lawyer.

The failure of this complex mixed model in Belgium is due to the lack of policy. While the legislator stipulated some general goals of legal aid, there was no further clarification concerning how these goals should be obtained. Moreover, there was no follow-up on the way the legislation was put into practice. The Houses of Justice and the Commissions for Legal Aid had to organize frontline legal aid within the existing structures themselves, without any form of guidance or oversight. It is apparent that to develop an integrated socio-legal aid system, the government needs to take its share of responsibility and make policy

decision concerning how frontline socio-legal aid should be organized, with the aim of creating a *planned* mixed model (Paterson in Gibens, 2005).

New impetus was given to improve access to justice by the Sixth State Reform of 2014, which transferred the competence for frontline legal aid (both socio-legal aid and frontline legal aid) to the jurisdiction of the French-speaking and Dutch-speaking communities. The Flemish community has subsequently brought frontline socio-legal aid within the competence of its Department of Welfare, and the Minister of Welfare has made it clear on numerous occasions that he wants to develop an integrated socio-legal aid system, with a focus on an interdisciplinary approach to conflicts as well as a general focus on prevention. It remains unclear how the Minister of Welfare intends to design and implement this policy. However, a few recommendations can be suggested in relation to the development of successful policy on frontline socio-legal aid:

- A clear government policy must not only aim to clarify the objectives of socio-legal aid, but also develop quality standards for the institutions in the field. These quality standards must be clear, and must include techniques that are able to measure the quality of the frontline services. Within the welfare domain, social organizations are already familiar with such techniques and monitoring methods. The Centres of General Welfare and Public Centres of Social Welfare are monitored and regularly reviewed. However, the bar and the Commissions for Legal Aid are unfamiliar with such approaches and it is likely that there will be some resistance to any interference by state authorities. However, in order to arrive at an integrated approach to socio-legal aid, it is necessary to establish some form of oversight of the Commissions for Legal Aid.
- The preventive aspects of socio-legal aid must be further explored, focusing on outreach to the most vulnerable groups in society, who are confronted with a multitude of problems that might have a legal dimension but do not necessarily need to end in the courts. The outreach centres in Tienen and Leuven have had some success. By bringing lawyers closer to vulnerable citizens, access to justice was improved. In particular, when consultations involved both a lawyer and a social worker, the best results were reached. However, this requires a certain basic attitude from private lawyers, who must be willing to not only look at a case from a legal perspective, but also take into account psycho-social issues. In other words, lawyers must take a holistic approach to the matter. Currently, lawyers are insufficiently trained to do so. Thus, if the goal is to develop an integrated front-line socio-legal aid system that assists the most vulnerable groups in society, training should be made available to lawyers who wish to participate in these schemes.
- In addition to government policy, every region should have its own policy concerning socio-legal aid, taking into account the specific demographic, economic and societal characteristics of the region. For example, a city such as Brussels, with a high number of young people from different demographic backgrounds, will require a different approach to that needed in a small rural town predominantly inhabited by pensioners. These local policies should be developed within the framework provided by the government, but with their own accents and initiatives.
- The state authorities should invest in e-Justice as an easy way to provide better access to justice for the average citizen. In Belgium, internet access is common and, as was shown in the pilot survey, the great majority of people use the internet nearly everyday. Moreover, when confronted with a legal problem, 60% of the respondents indicated that they had searched for an adequate solution online. However, we also found that problems were encountered because the information online was too narrow or because the respondent could not be certain that the information was accurate. Thus, the government should develop policy in relation to e-Justice that prevents the proliferation of private websites that provide legal information which might be outdated or flawed. Many government websites already provide a page with frequently asked questions; providing documents which are easy to fill out for the most common requests made to court might also be considered.
- Whenever socio-legal aid policy is developed, the policymaker should take into account the general requirements that must be met, which are best represented by the 5Bs, as shown in the following table.

Indicators	Affordability	Availability	Accessibility	Usability	Understandability
Parameters					
Macro	Budget strategic aims frequency of needs and use models of legal aid	Vision of equal access to the law & courts budgetary preconditions (government intervention or not) societal developments (e.g. refugees)	Geographical scale	Lines (clear legal descriptions)	Legal language and legal culture
Meso	Organization: people and resources	Dissemination monitors: (legal) aid workers, region, place, time cooperation: sectoral and intersectoral integral: reactive and/or proactive types of (legal) aid worker: generalist or specialist	Access points: direct, indirect, neutral, non- neutral, physical, non- physical social and legal reception visibility and awareness dissemination	Bespoke: knowledge building on methodologies generalist specialist coherent: internal and external at the right time target-group-oriented: vulnerable <-> self-reliant	Transparency
Micro	Price one-time/multiple use	Opening hours locations (physical or virtual) types of aid worker	Proximity: territorial, relational, social and professional involvement: clients' problems are acknowledged	Tailored to the situation (social, legal, substantive and financial)	Basic attitude: attention to signals use of specific methods and methodologies: conversation techniques, instruments, consultation, follow-up use of clear (legal) language

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WP2. CHALLENGES INVOLVED IN THE TRANSFORMATION OF THE ROLE, POSITION AND STATUS OF THE "MANAGERS" OF REFORMS IN THE JUSTICE SYSTEM AND THE POLICE

1. CONTEXT AND DEFINITION OF THE STUDY TOPIC

For a few decades, management rhetoric has constantly spread in many forms, demanding performance, competitiveness and responsible management from the business world. Demands for efficacy, efficiency, quality or even transparency have made their way into the lives of many private sector organisations, drawing inspiration from the changes to the governance and production methods of the industrial era.

Public institutions have not escaped this trend. The managerial rationale has gradually penetrated the authorities since the 1980s. This managerial wave, known under the generic concept of 'New Public Management' (NPM) (Pollitt and Bouckaert, 2011), which brings 'the ideology of good public sector management' (Peters, 2010: 398) tends to minimise the specific features that dissociate the two spheres. By deploying techniques and instruments ordinarily used in private firms, the goals of user satisfaction, streamlining and accountability should be met (Amar and Berthier, 2007). The spread of this ideology also helped discredit public organisations of a bureaucratic nature, calling into question their methods of operation, which have traditionally been described as rigid, in contrast with market entities (Cueille, 2007; Pupion, 2015). The precepts of New Public Management were then presented as likely to correct the perverse effects (rigidity, red-tape, slowness, cost, opacity, lack of accountability, excessive rules, etc.) revealed here.

Police and judicial institutions do not escape from bureaucratic caricature. The dramatic events of the 80s and 90s (Brabant killers affair, attacks claimed by the Communist Combatant Cells, Dutroux affair, etc.) highlighted many failings relating to strict and rigid organisation: partitioning, or even competition between entities, lack of collaboration, information withheld, etc. (Van Oustrive, 2005). A strong political discourse, inspired by the changes at work in the country's authorities, then accompanied the signing of the Octopus Agreement in 1998, echoing the repeated demands from public opinion for an in-depth reform of the Belgian judiciary and police systems, that would also meet the economic constraints weighing on the State (Vigour, 2004). The reform project initiated was therefore steeped in the neo-liberal doxa of New Public Management, requiring flexibility, transparency, accessibility and streamlining and more from these institutions which had long

remained free from managerial preoccupations (Vigour, 2008). The police landscape then underwent a significant reorganisation, leading to the establishment of a Police Service that was Integrated and Structured on two levels, one local, the other federal (Tange, 2003). The measures adopted for the judiciary sphere, on the other hand, were relatively restricted and more disparate (creation of the High Council of Justice (CSJ - Conseil Supérieur de la Justice) in charge of appointing jurisdiction chiefs, with a view to depoliticising them and establishing a time-tenure system for jurisdiction chiefs, etc.). However, in the absence of centralised management of the reform provided by the police authorities or the higher echelons of the police or judiciary, local initiatives spread exponentially and took precedence, led by more or less willing jurisdiction chiefs, based on the resources that could be mobilised locally (Ficet, 2010). The change led here also calls to mind a kaleidoscope, with developments of variable intensity, carried out in a disparate order (Dupont and Schoenaers, 2018). The managerial rhetoric did, however, have a performative dimension, that led to the filtering of managers' precepts through the various strata of the judicial and police organisations, encouraging every individual to take part in a quest for efficacy and efficiency (Delvaux and Schoenaers, 2009) despite any external instructions (Pichault and Schoenaers, 2012).

Over the last decade, despite the first local modernisation initiatives, the spectre of bureaucracy has continued to loom over our judicial and police institutions. Limited exchanges of information, outdated methods of operation maintained, and the exponential spread of consultative and decision-making bodies are among the ills that still seem to plague the recently reformed entities (Jurisdiction Chief Excerpts)¹⁹. The former demands for efficacy were once again mentioned. The unfavourable global economic context also guided the discussion process, prevailing on the public authorities to reduce their costs and make their management more efficient. The direction of meaning assigned to the reform projects emerging seemed, in fact, deeply marked by a typified vision of NPM based on a search for performance and streamlining (Muller, 2015).

Among the precepts of NPM, decentralised management is certainly one of the key elements (Pesqueux, 2006). A series of intermediary hierarchical actors were entrusted with responsibility for organisational aspects as diverse as human resource management, drawing up budgets or even monitoring action plans, consequently denoting a change in their role and function. The traditional image of the local manager as a simple administrator, a transmission belt between the strategic summit and the organisational core, an expert technician, coordinating the actions of his employees and controlling the smooth execution of assignments, in light of the stipulated procedures, has gradually become dislocated (Dunleavy and Hood, 1994). A new, more strategic role seems to have been built for these local managers, distancing them from their original occupations. The increase in their responsibilities has therefore made them team managers, spokespeople, partner network coordinators, negotiators, change leaders, etc. (Schoenaers et al., 2013; Guilmot, 2016). These 'managers in the middle' (Guilmot and Vas, 2012) are now subject to dual pressure (Courpasson and Thoenig, 2010), squeezed between, on one hand, the increasingly pressing demands for performance and competitiveness from their superiors or the political sphere and on the other, by sometimes legitimate expectations and fears expressed by their employees, who face a shifting context, which is by nature troubling and calls into question the ancestral order established and the routines in place. Within their entity, these local managers now become responsible for spreading and implementing the managerial rationale that has insidiously made its way in (Exworthy and Halford, 1999). The literature on NPM therefore confers on them 'a large share of the responsibility for the results of public management and good administration in general' (Peters, 2010: 398), these middle managers supplanting the political leaders are however regularly the source of the adjustments imposed. Our searches also push us in this direction, leading us to observe the political world and the State withdrawing from management of the transformation dynamic (Quertainmont, 2007). Once the impulse had been given, the framework been more or less defined, and a few principles laid out, responsibility for change would lie with middle managers, not only its implementation but also, and above all its success (Dupont and Schoenaers, 2018). The requirement to make these top local managers (TLM) take responsibility²⁰ has only grown over the years throughout the institutional changes.

Ultimately, taking on this TLM role would be equivalent to making a promise. By becoming a role holder in the civil service, these jurisdiction chiefs would be offered the possibility to position

¹⁹ In order to preserve the anonymity of the people we spoke to, we will invariably use the masculine to refer to the jurisdiction chiefs we met and relate what they said. The excerpts shown here will be from material collected through various methods of collection (see below).

²⁰ Note that we will regularly use the term 'top local manager'. To us it seems apt to refer to the jurisdiction chiefs in our population. Notwithstanding their integration in a hierarchy that is more or less defined and confirmed, depending on the institutions and their structure, these jurisdiction chiefs are at the head of the local entity, implementing reforms, taking on the entire management of their organisation and in other terms carrying out public action on their scale.

themselves as an entity manager, at the very least a local one, to have room for manoeuvre, to develop their vision and lead with total freedom - perhaps we should say, with contained freedom - restrained by their integration in a broader institution, their politics and their strategy (De Visscher et al., 2012). The jurisdiction chiefs' mission statement system or management plan for candidates responsible for a judicial entity therefore seems to open the field of possibility and confer on the role of jurisdiction chief the independence and freedom expected. Responsible for fulfilling the commitments taken, managers appointed are however subject to a system for reporting and assessing their performance for their respective superiors.

Through our research process, we propose to study this diverse population of actors in a shifting position and role, who are divided between pressure and promise. We will therefore analyse the impact of the most recent reforms within the judicial and police spheres.

2. RESEARCH PROCESS AND METHODOLOGICAL SYSTEM

Our research process began in May 2014, at the launch of the JAM project, almost concomitantly with the entry into application of the two reforms studied. The project was based on a research protocol, structured around an inductive, qualitative type approach with a comprehensive scope, based on the principle of methodological triangulation. In a longitudinal perspective, we included semi-directive interviews with a population of jurisdiction chiefs, case studies within reformed structures and intra and inter-institutional focus groups. The initial protocol was, however, subject to a few amendments, with the agreement of the Work-Package manager, so as to incorporate the empirical data collected, to be combined with the field reality and fitted in with the methodological choices made by the other researchers on the project.

Launched at the beginning of our project, our exploratory phase was initially extended until March 2015. This combined, on one hand, documentary analyses through reform plans, internal documents from the institutions visited, press articles as well as literature on management and, on the other hand, semi-directive interviews with a series of key actors. These interviews led us to meet strategic managers who were either working or retired²¹. We also took the decision to go beyond our target audience with jurisdiction chiefs and to extend our population, including actors who gravitate around entity managers, either from nearby or afar, and support them in their reform projects²². In total, thirty-one interviews were held.

The research phase, strictly speaking, then began in May 2015, with a first wave of interviews with our population of jurisdiction chiefs, made up of fifteen actors for the judicial sphere²³ and ten for the police sphere²⁴, making us travel across the country. In addition to the geographical dimension, other objective criteria guided the selection of our actors: level of activity²⁵, entity type²⁶, organisational features²⁷, entity manager's career²⁸, participation or not in governance bodies²⁹, etc. Through these semi-structured discussions, themes as diverse as the jurisdiction chief's role and function, the implementation of reforms or even local particularities were addressed. As our research is part of a longitudinal perspective, the exercise was repeated a year and a half later, so as to shed further light on the process and our initial results. A series of semi-directive interviews developed our approach in

²¹ A First President of the Labour Tribunal, two Presidents of the Courts of First Instance, A President of the Labour Court, a Public Prosecutor, two Director-Coordination and three Local Police Chiefs.

²² Non-exhaustive list: the Federal Public Service Justice, the High Council of Justice, the Judicial Training Institute, the former Judicial Order Modernisation Commission, the Professional Magistracy Union (UPM - Union Professionnelle de la Magistrature), the Magistrates' Trade Union Association (ASM - Association Syndicale des Magistrats), a House of Justice, a Human Resources Advisor at a Court of Appeal, the Union of Wallonia Towns and Municipalities, a Police Academy and a Professor of Law at the University of Liège.

²³ A First President of the Court of Appeal, a First President of the Labour Tribunal, a General Prosecutor, five Presidents of Courts of First Instance, a President of the Court of Commerce, a President of the Labour Court, a President of Justices of the Peace and Police Court Justices, three Public Prosecutors and a Labour Auditor.

²⁴ Two Director-Coordination, two Judicial Directors, a Director of the Transport Police Department, five Local Police Chiefs.

²⁵ In terms of Police, Local Police and Federal Police and in terms of the Justice system, the public ministry and seat, first and second instance.

²⁶ In terms of the Police Services, Police Area, Coordination and Support Division, Federal Judicial Police and Transport Police, and in terms of the Justice system, Court of Appeal, Labour Tribunal, General Prosecutor's Office, Court of First Instance, Labour Court, Court of Commerce, Justice of the Peace and Police Court, Public Prosecutor's Office and Labour Auditor.

²⁷ Judicial districts that have been merged, split, remain unchanged, are atypical, etc.

²⁸ Origin of the jurisdiction chief, seniority, new tenure, renewed tenure, etc.

²⁹ College of the Courts and Tribunals, Public Ministry College, WE-Change programme, Permanent Local Police Commission, etc.

parallel, leading us to meet institutional actors, close to the jurisdiction chiefs, who would enhance our investigation into the transformation dynamic at work³⁰.

Our research process was then extended through seven case studies³¹, spread between August 2015 and February 2017. These observation phases lasting between 4 and 14 days enabled us to gradually compare and go beyond the data collected at our interviews and grasp the *in-situ* methods of operation, while offering us the possibility to extend our analysis to other strata of the organisation that had to work with the politics and management style of the jurisdiction chiefs.

We ultimately completed our methodological approach with a trio of Focus Groups between October 2015 and October 2016. Organised at an intra-institutional level (two sessions) and inter-institutional level (one session), these groups respectively gathered around ten actors³², from our two study spheres, selected at the outset based on the aforementioned objective criteria. The objectives of these discussions between jurisdiction chiefs were for opinions to emerge and points of view to be compared.

Notwithstanding the appropriations made, our desire was to maintain the spirit of the research protocol: ensuring that our threefold investigation methodology formed part of a 'complementary rationale' (Peretz, 2004), simultaneously leading our research into the Police and Justice system at national level in the most balanced manner possible, despite the inherent complexity of the process, and maintaining the longitudinal aspect that was characteristic of our Work-Package, which we believed to be appropriate for 'step by step' monitoring (Chevalier, 1996: 6) of the implementation of new reforms.

During the research process, the empirical data collection and analysis phases broadly intertwined, drawing from each other. Therefore, this systematic toing and froing inspired by the approach recommended by Grounded Theory (Strauss and Corbin, 2004) contributed to the emergence of themes, which were marked by their recurrence and connection, and the organisation of the material gathered, offering an initial conceptualisation and theorisation of our body of data, in other words 'a new understanding of the phenomena [studied]' (Meliani, 2013: 436), not intending to be at all definitive, however.

3. PRESENTATION OF THE TWO REFORM PROJECTS

In this part, we successively come back to the reform projects undertaken within the judicial and police spheres. We first address the Justice project, built around two legislative texts containing the three founding pillars of the Judicial Order Reform. The Optimisation Plan guiding the transformation dynamic of the Police Services will then be presented through its major constituent principles, binding the two levels of our integrated Police. The Ministries of Justice and the Interior have both confirmed their desire to see their reform project enter into effect concomitantly, with the new Judicial Landscape becoming a reality on 1 April 2014, the date many provisions of the Optimisation Plan were implemented³³.

3.1. The Judicial Order Reform, three founding pillars

The judicial organisation reform project that we are seeing today is part of the extension of various aborted attempts at reform (Thémis project in 2005, Atomium in 2010-2011). OpenVLD Annemie Turtelboom, Justice Minister under the Di Rupo government, made project completion, which had been announced many times, one of her priorities. Taking inspiration from previous memos, she proposed three draft laws which were the founding pillars of the reform. The first two were collected in one text, leaving the third to one side, which was inserted in a legislative document taking the shape of a framework law.

³⁰ A Director General of the Federal Police General Commissariat, a President of the Police Union, a Human Resources Advisor at the Public Prosecutor's Office, an Advisor to the Judicial Reform Cell and the Justice Minister Strategic Cell, a Judicial Order Advisor to the Justice Minister's Office, a manager at the College of the Courts and Tribunals, a manager of the College of the Courts and Tribunals support department, a manager of the Public Ministry College support department and a chief clerk to the Justices of the Peace and Police Court Justices, active in the ICT field.

³¹ In chronological order, a local police area, a Court of Appeal, a Court of Commerce, a Federal Judicial Police force, a Court of First Instance, a Public Prosecutor's Office and a Coordination and Support Division.

³² Our invitation was launched with a dozen managers. Despite the disappointment of not being able to gather the full group, the explanations and justifications given provided insight into the working conditions of our field actors.

³³ Note that at Justice level, the new organisation became a reality without all the jurisdiction chiefs being appointed. On the other hand, all the new TLM police officers were sworn in on May 2014 and took up their role on 1 June, so as to prepare for the district restructuring and the internal reorganisation on 1 October.

3.1.1. Law of 1st December 2013, first and second pillars of the reform³⁴

The Law of 1st December 2013 is based on two founding pillars of the reform: increasing the scale of judicial districts on one hand and the mobility of members of the Judicial Order, magistrates and judicial administrative employees³⁵, on the other.

The new national Justice structure is based on a principle of scale extension. The division into twenty-seven districts, which was deemed obsolete as it dated from the Napoleonic era, was reviewed, reducing their number by more than half to twelve. According to the principle of provincialisation, eight of these spaces drew their borders according to the regional boundaries of administrative provinces³⁶, with three locations being the only exceptions³⁷.

This reorganisation of the country resulted in the revision of a number of jurisdictions and their regional organisation. In terms of jurisdictions there are the five Courts of Appeal, Labour Tribunals and General Prosecutor's Offices as well as the nine Labour Courts, Courts of Commerce and Labour Auditor's Offices, which are newly merged. The judicial districts level includes the thirteen Courts of First Instance, the fifteen Police Courts and the fourteen Public Prosecutor's Offices. The Justices of the peace, finally, remain organised in the hundred and eighty-seven judicial cantons.

These new jurisdictions are placed under the authority of a jurisdiction Chief, Chairman, or Labour Auditor, appointed based on a management plan presented to the CSJ. This jurisdiction chief oversees the general management and the organisation of the jurisdiction. The former districts that have now been integrated obtain 'division' status within the new merged judicial districts. These divisions are managed on a daily basis by division managers (recently appointed or former jurisdiction chiefs not reappointed in the new organisation) who assist the jurisdiction chief in managing the jurisdiction. Despite this reorganisation, all the existing hearing locations were, initially, maintained in order to guarantee a local Justice system to serve court users.

The second pillar of the Law addresses the mobility of members of the Judicial Order. This mechanism is closely linked to the principle of scale extension. Faced with the creation of large judicial districts, the establishment of a real and not more apparent system for mobility, as in the past, for magistrates and judicial staff, seemed to be necessary in the eyes of the political decision-makers and upper echelons of the judiciary. Both horizontal and vertical, this system should enable jurisdiction chiefs to make up for an occasional or structural lack of staff, or even a judicial delay in any division of their jurisdiction, more rapidly and with greater flexibility (Federal Public Service Justice, 2015a). In the past, appointed only for one court or prosecutor's office, magistrates will now be mainly appointed within a new judicial district (or within the jurisdiction of the Court of Appeal, for magistrates of the Courts of Commerce, Labour Courts and Labour Auditor's Offices), thereby making moves between all the divisions that make up this district (or this jurisdiction) possible. They will also be given a simultaneous appointment, on a subsidiary basis, for all the courts or prosecutors' offices in the jurisdiction (Vogelaere, 2013). This system is based on the coexistence of voluntary and compulsory aspects, as the jurisdiction chief must give reasons for their decision and, depending on the case and the terms of the transfer, require the consent of their employee.

This mobility mechanism was also desired to make it possible for magistrates to specialise and enhance their expertise. Initially intended only on a regional level, the distribution of skills could in future become concrete. All cases with the same legal matter could no longer be handled in all the divisions of a district but be centralised in a single division and be dealt with by one or more magistrate(s).

These first two pillars, the reform of the judicial landscape combined with the mechanism for the mobility of magistrates and judicial staff, demonstrate the political world's desire to strengthen the efficacy of the judicial system by giving it the means to become more flexible and specialise (Federal Public Service Justice, 2014). These aims would be made more concrete through the Law of 18 February 2014.

³⁴ Law of 1st December 2013 reforming the judicial districts and amending the Judicial Code with a view to strengthening the mobility of members of the Judicial Order (M.B. 10.12.2013).

³⁵ The term employee here is meant in the broad sense, encompassing both administrative staff and members of the magistracy or operational Police Service staff indifferently, and not in its acceptance relating to the Federal Public Services, referring to Level D staff who do not hold any study certificate (Federal Public Service Personnel and Organisation, 2014).

³⁶ West Flanders, East Flanders, Antwerp, Limbourg, Hainaut, Walloon Brabant, Namur and Luxembourg.

³⁷ Brussels, which due to its bilingualism forms a district in its own right, dividing the courts into a French-speaking seat and a Dutch-speaking seat. Hal-Vilvorde which, since the division of the former district of Brussels in 2012 has its own Public Prosecutor's Office and is also different from the Leuven district which is also located in the Flemish Brabant province (Lisy, 2012). Eupen for the German-speaking Community established in the Liège province and which is separate from this judicial district.

3.1.2. The Law of 18 February 2014, third pillar of the reform³⁸

This second Law relates to the introduction of autonomous management for the judicial organisation. It is based on the decentralisation of management and overturns the process of hypercentralisation in place until then, starting from the central administration of the Federal Public Service Justice (SPF Justice - Service Public Fédéral Justice). In aim towards a 'modern, accessible and fast Justice system' (Belgian Chamber of Representatives, 2013: 4), the local level, represented by the jurisdiction chief, will eventually become responsible for its own budget, its staff, its buildings and its logistics. In order to support the transfer of these skills to local entities, new management bodies emerged.

The Law first establishes the creation of two colleges, the College of the Courts and Tribunals and the Public Ministry College. The first is made up of ten representatives from the Seat elected by the country's jurisdiction chiefs: three First Presidents to the Court of Appeal (PPCA - Premiers Présidents près la Cour d'appel), a First President of the Labour Tribunal (PPCT - Premier Président de Cour du travail), three Presidents of the Court of First Instance (PTPI - Présidents de Tribunal de première instance), a President of the Court of Commerce (PTC - Président de Tribunal de commerce), a President of the Labour Court (PTT - Président de Tribunal du travail) and a President of the Justices of the Peace and Police Court Justices (PPP - Président des Juges de paix et des Juges au Tribunal de police). The different roles of this college are therefore, by definition, related to the operation of the Seat and concern computerisation and discussions on the measurement of the workload, or work processes. This college will also issue restrictive directives and recommendations for the management boards at local level (*see. below*). The second college gathers the five General Prosecutors (PG - Procureurs Généraux), three members of the Public Prosecutors' Council (PR - Conseil des Procureurs du Roi), a representative of the Labour Auditors' Council (AT - Conseil des Auditeurs du travail) and a Federal Prosecutor (PF - Procureur Fédéral). Its roles, for the Public Ministry, are identical to those entrusted to the College of the Courts and Tribunals. It will also be responsible for the execution of criminal policy determined by the General Prosecutors' College. In future, these two colleges will be responsible for discussions with the Justice Minister and will negotiate the Judicial Order's work framework, by establishing a management contract. This new tool will include a budgetary part for the allocation of operating budgets to the different jurisdiction chiefs. It will therefore become the 'objective barometer based on which the staff and resources [will be] allocated' (Federal Public Service Justice, 2015a) and will involve the colleges in achieving the results. The duty to report and provide supporting evidence will be organised annually, through the operating report for the Ministry and the Parliament.

Alongside these Colleges, two support departments have been created. The latter have incorporated within their existing departments, the Bureau for Statistics and Measurement of the Workload on one hand, and the Bureau for Coordination of Statistical Analyses and the Bureau for Measurement of the Workload and Development of the Organisation from the General Prosecutors' College, on the other hand, thereby ensuring a smooth transition and follow-up on open cases. Made up of experts in all matters, these support departments are intended to offer assistance to the two Colleges as well as to the jurisdiction and to support them with their management.

Finally, at district level, each judicial entity has been invited, pursuant to article 19 of the Law of 18 February 2014, to set up a management board. This gathers the jurisdiction chief, the clerk or the secretary in chief, the division managers and potentially two people from the jurisdiction whose management expertise may be an added value for the local entity. This college supports the jurisdiction chief and assists him in managing and organising his jurisdiction and takes part in decision-making. In other terms, the aim is to establish collegiate management of the jurisdiction as well as a discussion between the magistrates and the judicial administrative staff. The management board will also be in charge of drafting and monitoring the management plan³⁹, based on which negotiations will be started with the two Colleges for the distribution of means between the different local entities, in accordance with the budgetary allocation granted by the Ministry of Justice. In this aim, the results rationale, accountability and the supporting evidence will take a new turn. It is therefore planned that the management board will incorporate in its annual operating report a section dedicated to the allocation of resources and achieving the goals of its management plan.

Let us note however that this Law of 18 February 2014 is presented as a framework law, stipulating a series of proposals whose later implementation will depend on the drafting and adoption of related

³⁸ Law of 18 February 2014 relating to the introduction of autonomous management for the judicial organisation (M.B. 04.03.2014).

³⁹ The name chosen in French creates linguistic confusion with the name of the document that the CSJ uses to appoint jurisdiction chiefs. In Dutch, the terms chosen are easily distinguished, with 'beheerplan' for the Management board management plans and 'beleidsplan' for the management plans presented by the jurisdiction chief candidates to the CSJ (High Council of Justice, 2014).

legal documents, conferring a certain amount of responsibility on future Governments as well as on the Ministers in charge of Justice (Lenaerts, 2015).

3.2. The Police Services Optimisation Plan

Since the 2000s, which saw the Police reform⁴⁰, the transformation dynamic in the police sphere has never truly abated. An intermediary reorganisation therefore affected the central entities in 2007⁴¹. Five years later, in 2012, the first discussions on the optimisation of the Federal Police began, led by the Vice Prime Minister and the Minister of the Interior, Joëlle Milquet (Humanist Democratic Centre). One year later, these resulted in a 'Police Services Optimisation Plan', which had belatedly had a chapter added on the local echelon of the Police, in order to propose a general and integrated reform of the police system (Milquetoast, 2013a).

The plan is based around a multitude of general objectives⁴² in turn addressing the integrated Police, the federal level and its local counterpart (Federal Public Service Interior, 2013). In general, the reform project aims to work on the development of an optimised, modernised and professional Police Service, ensuring its efficacy, its efficiency and the quality of its service, serving its partners and citizens (Milquet, 2013b).

3.2.1. Reorganisation of a structural nature

The Optimisation Plan was initially made concrete in the Law of 26 March 2014⁴³ and the Royal Decree of 23 August of the same year⁴⁴, which modified the structure and operation of the Police Services (Robert, 2014). These legislative revisions planned to simplify the structures that existed at national and district level as well as to simplify the deconcentrated level, based on the following principle: 'deconcentrate what can be deconcentrated, centralise what must be centralised' (Milquet, 2014a: 5), enabling streamlining and economies of scale (Federal Police, 2015). The federal echelon of the Police will therefore undergo a new reshuffle of its divisions. The General Commissariat will be structured around two 'vertical' general operational divisions, one for the administrative side (DGA - Direction Générale de la Police Administrative), the other for the judicial side (DGJ - Direction Générale de la Police Judiciaire). Both will be overseen by a 'cross-departmental' general division for the Management of Resources and Information (DGR - Gestion des Ressources et de l'Information), structured around four departments: staff, logistics, ICT-information and finance (PLIF - Personnel, Logistique, ICT-Information et Finances), carrying out its duties for the General Commissariat, the general divisions and the deconcentrated entities. The twenty-seven former deconcentrated divisions, Coordination and Support Division (DCA - Direction de Coordination et d'Appui) and Federal Judicial Police (PJF - Police Judiciaire Fédérale) will follow the movement of the Justice system and be reorganised according to the new regional distribution of the twelve judicial districts, thereby reducing their number by more than half. There are therefore fourteen Judicial Directors (DirJu)⁴⁵, placed under the management of the General Judicial Director as well as twelve or thirteen Coordinating Directors for the administrative police (DirCo)⁴⁶, in direct collaboration with the General Commissioner (CG). In addition to the economies of scale, which have been made necessary in a difficult economic context, these multiple reshuffles must lead to the limitation of management positions, the number of tenures within the Federal Police, the overhead (roles attached to management) and the human resources deployed in-house, which must enable the transfer of resources and an increased investment in operational policing capacity available in the field, so as to meet the authorities' demands and citizens' expectations in terms of security more adequately (Milquet, 2013a) as well as a strong investment in the modernisation of the federal Police's technology, facilities and equipment (Milquet, 2014b).

⁴⁰ The Police reform led to the creation of an Integrated and Structure Police Service on two levels, following the merger of the three former general police entities: Gendarmerie, Judicial Police under the prosecutors' offices and Municipal Police (Seron, 2003-2004).

⁴¹ The five general divisions of the General Commissariat were then reorganised and reduced to three.

⁴² Twelve objectives for the first part on the integrated Police, eleven objectives for the Federal Police and five objectives for the local Police.

⁴³ Law of 26 March 2014 providing for police service optimisation measures (M.B. 31.03.2014).

⁴⁴ Royal decree of 23 August 2014 amending the royal decree of 14 November 2006 relating to the organisation and expertise of the Federal Police (M.B. 03.09.2014).

⁴⁵ There are in total fourteen Judicial Directors, for the purposes of consistency in line with the number of Public Prosecutors: West Flanders, East Flanders, Antwerp, Limbourg, Hal-Vilvorde, Leuven, Brussels, Mons, Charleroi, Walloon Brabant, Namur, Luxembourg, Liège and Eupen (Federal Police, 2015).

⁴⁶ There are twelve or thirteen Coordinating Directors: East Flanders, West Flanders, Antwerp, Limbourg, Hal-Vilvorde, Leuven, Brussels, Hainaut, Walloon Brabant, Namur, Luxembourg, Liège and Eupen (the Liège DirCo jointly covers the Eupen role) (Federal Police, 2015).

3.2.2. Unified management and police policy

Through this reorganisation, the roles and duties of the General Commissariat are clarified and strengthened. The new dynamic should contribute to the development of an overall and long-term strategic vision for the Federal Police. This centralisation should therefore 'strengthen the consistency and unified nature of the police policy and management' (Milquet, 2013a: 2) of the structure. The decisions taken in terms of policing strategy, investments, information or the PLIF must be concerted and shared by all the general divisions, within the Federal Police Management Board (*see below*) (Milquet, 2013b). The CG will also have a strengthened decision-making authority over the general divisions, enabling it to issue directives relating to operational strategy in particular. Through a cascade effect, the General Directors may, in turn, direct their deconcentrated divisions (Milquet, 2014a).

3.2.3. Strengthened coordination within the deconcentrated entities

At deconcentrated level, the judicial districts will remain placed under dual management involving the Coordinating Director and the Judicial Director⁴⁷. Collaboration and synergies between the two divisions must be strengthened and optimised. In this perspective, two single cross-departmental departments will be set up, in order to unify and optimise police operation and management in the district (Milquet, 2014b): a department for PLIF aspects, in charge of all non-operational management matters, in collaboration with the central PLIF, along with a 'single office', centralising all the requests for partners, on one hand, and a District Information and Communication Department (SICAD - Service d'Information et de Communication de l'Arrondissement), emerging from the merger between the former Information and Communication Centre (CIC - Centre d'Information et de Communication) and District Information Centre (CIA - Carrefour d'Information d'Arrondissement), responsible for police information management, on the other hand. Placed under the management of the DirCo, these departments will carry out their roles for the deconcentrated policing entity as a whole, in order to avoid redundancy (as the DirJu legally has the right of decision in the matter) and the local Police areas (Milquet, 2013b; Milquet, 2014a).

3.2.4. Strengthened collaboration with local entities

The Optimisation Plan intends to 'consolidate the concept of integrated Police by strengthening the federal-local link' (Federal Public Service Interior, 2013: 8). Consultation and collaboration between the deconcentrated Federal Police entities and the local Police areas must therefore be improved. DCA and PJF must therefore develop or instead reaffirm their role of providing general support to the local Police Forces, through the deployment of a real support police more focused on area needs. The resources freed up and the administrative easing promised should therefore improve the offering and services of the Federal Police, through, among other things, signing protocols in terms of specialist operational support to the administrative police (provision of the Intervention Corps (CIK), SICAD, etc.) and specialise judicial support (deployment of the technical and scientific police laboratory, the Regional Computer Crime Unit, etc.) (Milquet, 2014b). The DirCo's coordination role also appears to need to be strengthened, and is likely to provide a link between the local Police Forces, becoming a potential intermediary in the signing of agreement protocols, management of the inter-area solidarity system - Capacité Hypothéquée (HyCap - Borrowed Capacity)⁴⁸, etc.

3.2.5. Establishment of multiple management bodies

In parallel to this reorganisation, the Optimisation Plan provides for the establishment of new management bodies⁴⁹. The federal echelon of the police will therefore have a Management Board, bringing together the General Commissioner and their three General Directors. Within this body the outlines of the police services management strategy and policing strategy will be defined, in particular to support the National Security Plan (PNS - Plan National de Sécurité) (Lemmens and Lysy, 2014). The federal and local levels of the Police Services should, also, find a place for meeting and discussion, in the Integrated Police Coordination Committee, commonly referred to as the Extended Management Board or DirCom+, bringing together the members of the Federal Police Management

⁴⁷ The option of a single district division, like in the management method at work in the police areas, has often been referred to as a 'missing step in the reform' (DirCo Excerpt). 'Strong political lobbying for the DirJus to be given back a tenure has enabled them to remain in their roles otherwise they were becoming a division in the same respect as the others within the DirCo' (DirCo Excerpt).

⁴⁸ HyCap is a system through which the police areas provide mutual support for administrative police assignments. It is legally governed by the Ministerial Directive MFO-2 (Ministerial Directive MFO-2 of 29 May 2007).

⁴⁹ Our interviews led at Federal Police deconcentrated level have not allowed us to discuss these new management bodies, as none of our stakeholders spontaneously mentioned them at our interviews because these bodies were being created or only had limited influence on the reorganisation for optimisation on their scale.

Board and the Permanent Local Police Commission Bureau (CPPL - Commission Permanente de la Police locale), supported, depending on the circumstances, by experts. The links between the two echelons should also be strengthened and enable strategic integrated policing consultation (Robert, 2014; Federal Police, 2015). The national consultation platform 'JustiPol' should enable the judicial authorities (General Prosecutors' College, Federal Prosecutor, President of the Public Prosecutors' Council) and police authorities (Extended Integrated Police Management Board) to meet regularly in order to promote discussions and collaboration between the two spheres and to define the common management lines on issues of general interest, such as criminal policy, without however infringing on article 143 quater of the Judicial Code⁵⁰ (Lemmens and Regout, 2014). Coordination between the police services, administrative and judicial authorities at national and local level will, ultimately be strengthened through the increased use of existing legal spaces such as, in particular, the District Research Consultations (CRA - Concertations de Recherche d'Arrondissement)⁵¹ and Area Security Councils (CZS - Conseils Zonaux de Sécurité)⁵².

3.2.6. Scattered objectives for the local level

At Police Service local level, the objectives appear to be less specific and more as a repeat of the projects formulated in 1998. They superficially include the needs to improve the recruitment process and train local employees, to finance local Police Forces or even to strengthen operational officer numbers, via, in particular, the reduction of the administrative load. Some of the people we spoke to seem to perceive, in the small number of objectives proposed here, the prospects for a future discussion on optimisation of the operation of police areas.

3.2.7. Implementation broadly guided and marked out

In order to guide the project implementation within the deconcentrated departments of the Federal Police, an 'optimisation path' was developed by the General Commissariat. This path has four phases, planned over time and paced with multiple stages of validation with the Federal Police Management Board a *sine qua non* condition for continuing the process. Within this framework, a 'roadmap' listing the duties of the new district representatives was sent to the latter, so as to guide their actions and ensure the uniformity of the change at work. The process therefore began, on 1 April 2014, with a common information and consultation phase between the Coordinating Director and the Judicial Director to gather the aspirations of the stakeholders for their new district (Governor, Public Prosecutor, police areas, related Federal Police Services, staff, etc.), which was to result in the drafting of an integrated DirCo-DirJu vision, for the newly constituted judicial district.

The second phase, lasting a year and half, taking place on 15 July 2014 aimed to formulate a proposal for the future organisation and to prepare the implementation of new entities now organised on a provincial scale. This phase should, among other things, include the definition of an optimised organic table TO3 and an administrative migration plan for the creation of the PLIF Department, by moving staff members from the PJF to the DCA. Given the multiple repercussions of these projections for employees, this stage required the increased involvement of trade unions, signs of the national negotiations that had begun as to the statutory issue relating to the change and social support measures for putting the staff in place.

Then came phase three of the implementation itself. A new plan in seven successive phases was drafted by the Federal Police management board and the trade unions to organise the transfer of members of staff to their new roles. Three stages in the approval of the Federal management board's progress were planned once again.

⁵⁰ Article 143 quater of the Judicial Code is formulated as follows: The Minister of Justice decides on criminal policy directives, including in terms of research and proceedings policy after having taken the advice of the general prosecutors' college. These directives are compulsory for all members of the public ministry. The general prosecutors to the courts of appeal ensure these directives are executed within their jurisdiction (Judicial Code of 10 October 1967).

⁵¹ CRAs are consultations bringing together, within the judicial district, for the police sphere, the local Police areas (jurisdiction Chiefs and Investigation and Research Department managers), the Coordinating Director and the Judicial Director and, for the judicial sphere, the Public Prosecutor. The aim is to ensure there is a regular exchange of judicial information between the two spheres and to enable harmonisation of the execution of judicial police assignments between the two levels of the Police Services (PR Excerpt).

⁵² The CZS are consultation spaces established within each police area gathering the Burgomaster(s), the Public Prosecutor, the Coordinating Director and the area chief. Their responsibilities relate to the definition of the local police policy in terms of security. This encompasses the drafting, monitoring and assessment of the Area Security Plan (Area Chief Excerpt).

- **Phase 0** for the transfer and simple reallocation of employees whose role had remained identical in relation to the previous organic table, the TO2ter, and whose usual workplace was not changed. A 'wish list' system would inform the member of staff of the role that had been allocated to them in the optimised TO (organic table) and enable them to either accept this allocation or seek another job, which was accessible in phase 4.
- **Phase 1** for reallocations by consensus for employees affected by a change of role, usual workplace or who were in excess in relation to the TO3 following the entity merger. Each member of staff was here offered a new job by the authority. The wish list enabled them to indicate their preference as to keeping their position or their usual workplace. In case of disagreement, the employee was sent to phase 2.
- **Phase 2** for reallocations by competition within the division, for employees whose requests has been rejected at the previous stages or who were applicants for a new role. An internal division selection procedure was then to be established.
- **Phase 3** for reallocations by the assignment of a job within the department, likely to result in a different usual workplace.
- **Phase 4** of 'in mobility', internally, exclusively for members of the Federal Police which would enable the allocation of jobs that were still vacant.
- **Phase 5** of reallocation within the Federal Police, at national level, for members of staff who have not been assigned.
- **Phase 6** of return to standard mobility, open at national level, for all the members of police service staff, so as to fill the TO3.

The change process that began in 2014 had, finally, to end, during phase 4, on 1 July 2016. This had to lead to the implementation of the latest ICT projects and new working methods, developed for the 'WE-Change' Programme⁵³ as well as the launch of a project assessment planned for 2018 (Federal Police, 2015; Confidential Documents provided by the deconcentrated entity Directors).

3.3. In conclusion...

A common direction seems to guide the two reform projects, as the *New Public Management* rhetoric has gradually made its way into the judicial and police spheres. The noble objectives of performance, encouraging efficacy, efficiency, quality and transparency, that are present in the political discourse and in a series of systems put in place during the reforms are unlikely to find any opposition with those in the public services (Schoenaers, 2014). The streamlining requirements imposed on all the Public Services against the backdrop of an economic crisis, do however appear to be more disputable, according to some of the people we spoke to, and were also initiated in two institutions that regularly complained of under-financing. Despite these points of convergence, the two spheres seem to maintain their specific features, making any homogeneous reform process complex. The project initiated for the police sphere is presented, therefore, in a marked out and framed, programmatic format, aiming for a hierarchical structure, partly comprising a former Military Corps⁵⁴ (Devroe et al., 2006). The format of the framework law adopted for the judicial reform project is intended to be more flexible and malleable and meant to work with the principle of independence that is so dear to the magistracy (Schoenaers, 2010)... A project for each sphere...

4. PRESENTATION OF THE RESULTS OF OUR RESEARCH

Within the framework of the analysis and handover of our empirical material presented here, we have chosen to follow the Pettigrew contextualist approach (1987). The latter enables us to study a transformational process, starting with three interconnected and scalable variables, the content⁵⁵ of change, for us referring to the reform projects developed for the judicial and police spheres; the context⁵⁶ of change, understood both in its internal and external aspects and encompassing all the elements perceived to be likely to interfere in any way with the change process and its content; and finally the process⁵⁷ of change, to describe the longitudinal nature of our approach and to report on how the jurisdiction chiefs take ownership of the reforms and the project developments over time.

⁵³ In order to support and assist the Police Services Optimisation project, a change trajectory was developed in parallel. The latter was based on four programmes: essential police tasks, the new working world, simplified and efficient operation, and finally, an effective information system (Federal Police, 2014; Belgian Chamber of Representatives, 2016).

⁵⁴ The Gendarmerie was a former military force linked to the national Ministries of Defence, Justice and the Interior. It was demilitarised in 1991, according to the 'Pentecostal Agreements', becoming a general police service (Federal Police, 2012a).

⁵⁵ 'What' change?

⁵⁶ 'Why' the change?

⁵⁷ 'How' the change is structured.

The guiding thread of our analysis will be based on the jurisdiction chiefs' experience and their implementation of reform projects that are separate but fully inter-connected and necessary for their institution. Our research question may therefore be formulated as follows: 'What do the Reforms at work in the Belgian judicial and police spheres make the jurisdiction chiefs do?' In this perspective, we move away from a deterministic approach to change, emphasising, starting with the testimonies gathered from actors in the field, the practices of these strategic managers who are situated locally, and their room for manoeuvre in the deployment of the reform projects.

In an aim towards clarity, we will successively return, in the two phases of our research process, while separating our fields of study, presenting on one hand the judicial sphere and on the other, the police sphere, which is structured on federal and local levels. We would like to draw the reader's attention to the fact that the stances presented in the following text are 'ideal types' (Weber, 1965), in the Weberian sense of the term, presuming a focus on and emphasis of certain characteristics. These various stances are not a 'faithful copy of the social reality' (Uhl, 2004: 161) but are a representation of it, a simplification based on the most salient features.

4.1. Phase T0, the first months of the reforms

There was a little more than one year between the first meetings with our population of top local managers and the entry into application of the more or less concrete reform projects, imposed on their institution. Let's return here to the more salient elements of the managerial experience of our jurisdiction chiefs.

4.1.1. In the judicial sphere, circumspect beginnings

- **A long-awaited reform project**

The judicial organisation reform had, for many jurisdiction chiefs, now seemed to be a necessary, even essential development, in the face of a continually changing society and police partners who had seized the opportunity for change at the beginning of the 2000s in the midst of the Dutroux affair. Several entity managers mentioned their disappointment as to the setbacks encountered by the Thémis and Atomium plans. The reform project formulated today therefore appears to have been relatively well received within the judicial sphere, although the terms of its implementation were sometimes questioned (*see below*).

- **From the augmentation to the reduction of the strategic aspect of the jurisdiction chief's role**

The management plan drafted by the new TLMS when they applied for a judicial jurisdiction chief tenure had plunged them into the heart of the strategic dimension of their role, requiring them to define a project for their entity, developing, for some, the assignment-vision-values trio or restructuring their future departments. This exercise in writing enabled them to project into a more or less near future and to dream of their ideal organisation, sometimes, according to some of the people we spoke to, too theoretically and ambitiously. A few entity newly appointed entity managers mentioned the feeling of '*euphoria*' (PR Excerpt) they had when they were appointed. This however quickly changed into a feeling of '*worry*' and '*frustration*' (PR and PTT Excerpts), several jurisdiction chiefs were confronted '*with the harsh reality of the field*' (PPP Excerpt), '*obliged to get their hands dirty*' (PTPI Excerpt), to lower their ambitions, or simply, to put them aside to solve more basic everyday problems, among other things relating to the lack of human and material resources: changing an order of service to ensure a hearing by an absent magistrate takes place, repairing a broken printer, appointing deputy clerks, etc. One of the most illustrative examples of this concerns the jurisdictional workload of jurisdiction chiefs. Many of them had formulated, at the outset, the hope of limited involvement in trial scheduling in their jurisdiction, or in more rare cases, a permanent withdrawal. This hope was however disappointed in several entities. The operational part of their role appeared to have grown exponentially in the first moments of their tenure. However, a few jurisdiction chiefs seem to set themselves apart here, some whose entities remained unchanged, on a second tenure, pursuing goals that were sometimes situated '*miles away from the concerns*' (PTPI Excerpt) that new role holders may have; others were able to anticipate the internal reorganisations before their appointment; others still, carrying on with their predecessors' projects, had management tools that were more or less developed such as strategic goal cascades; which permanently allows a certain eurhythmia between the strategic and operational aspects of their jurisdiction chief role.

The promise made to judicial role holders of strategic management, independent from their jurisdiction, structured around more or less long-term goals, also seems to suffer from a few limitations, moreover awaiting the future definition of the management autonomy principle. A number of jurisdiction chiefs therefore appear to us as '*kings without power*' (PTPI Excerpt), '*hands and feet*

tied' (PTT Excerpt), subject to the desires of other actors, some of whom are outside the judicial sphere and in the eyes of the people we spoke to, do not always grasp the singular nature of it. The examples mentioned by the entity managers are multiple: wanting to close hearing locations deemed to not be profitable, in terms of visits and maintenance due to their dilapidation, but dismissed by the Minister and his initial intentions in the matter and by local authorities disinclined to lose their place of Justice; aware of the staff deficits and imminent retirements but without any freedom of anticipation and depending on the central level for any commitment; judicial building managers but having to refer to the SPF Justice and the buildings department for any refurbishments; etc.

- **The uncertainty and lack of clarity surrounding the reform project marking the arrival of local initiatives**

Several jurisdiction chiefs question the systems proposed by the reform project and the terms of their implementation. Others fear, in particular, the emergence of an arbitrary figure in the entity managers' head through the mobility mechanism, the allocation of roles and the hearing locations, that could *'dissimulate a hidden sanction'* (PTPI Excerpt). The format of the framework law adopted for the third pillar of the reform also appears to be a source of worry that is likely to lead to the formulation of a proposal against the judicial power. Various proceedings were then introduced to the Constitutional Court against these two legal texts. A few jurisdiction chiefs and members of staff therefore maintain hope for the projects under way to be suspended and for corrective laws to be promulgated. Awaiting a decision from this jurisdiction consequently allows doubt to linger as to the future of the reform and the local entities.

The question of time also appears to be central. Certain TLMs mention the haste with which the project was implemented, the two laws coming into effect without the entity managers, the *'ship captains'* (PR Excerpt) being in their roles. Several months of wait were also necessary for the jurisdiction chief-administrative staff manager (clerk in chief or secretary in chief) pair, regularly qualified as *'essential [and] fundamental'* (PTPI Excerpt), to form, the appointments having been somewhat delayed, extended by the Finance Inspectorate. Transitory operation had to be initiated in certain places with managers in the role, sometimes leaving the structure on standby pending the arrival of new jurisdiction heads. Some local arrangements have however enabled such situations to be avoided through the provision of employees between divisions and entities. By a cascade of delegation orders from a Court of Appeal, a clerk therefore became a clerk in chief officiating in a Court pending their permanent appointment, providing *'a semblance of organisation'* (PTPI Excerpt) and allowing the projects formulated to begin.

A few entity managers also point to the concomitance of reform projects to be led, the Family and Youth Court⁵⁸, among other things, being established on 1 September 2014 at the start of the first judicial session since the laws came into effect.

Given the lack of clarity surrounding certain concepts and principles introduced by the legal texts, the new methods of operations were also enacted by the jurisdiction chiefs, divided between following to the letter and a personal interpretation allowing for caution or specific local features to be taken into account. The merger of judicial districts gave rise, in certain places, to the creation of work groups in charge of harmonising practices between newly merged divisions so as to make the treatment of court users within the jurisdiction uniform, and also, for some, to reduce the workloads of an ever-diminishing number of employees. The principle of independence was, however, sometimes evoked by certain magistrates to oppose this harmonisation work, requiring the intervention of the jurisdiction chief to (re)set the limits of this freedom of action. The mobility system was also established in a few locations only, in a limited manner and on an exclusively voluntary basis at first. The question of specialisation was, in the same perspective, left to the appreciation of field actors, some preferring to work by niche, others remaining general. The management board, a new local management body, whose sole composition was legally governed, was organised in almost all locations⁵⁹, presented as *'real added value of the reform'* (PR Excerpt). The TLMs opted here for the variable responsibility of their elected employees (cross-departmental, local, themed management, etc.) and often limited meeting points in the absence of strategic themes to discuss. Some more stabilised structures however deployed this new management tool more systematically. The signs of discussion about a more effective and efficient operating and organisation approach, *'refocused on judicial core business'* (PR Excerpt) did, finally, begin within a few newly reformed entities, thereby joining certain jurisdictions that had been following this process for a longer time. In this way, the Municipal Administrative Sanctions (SAC - Sanctions Administratives Communales) and Official Police

⁵⁸ Law of 30 July 2013 creating a Family and Youth Court (M.B. 27.09.2013).

⁵⁹ Only one jurisdiction chief in our population is an exception here, having established no management board within their entity, more than two years after the reform project took effect.

Investigations - Simplified Reports (EPO-PVS - Enquêtes Policières d'Office - Procès-Verbaux Simplifiés) systems were (re)discussed, with a view to outsourcing and growing responsibility for the local Police Forces and municipal structures⁶⁰, according to the staff adage, *'do less and do better'* (PR Excerpt), as well as questions of a local nature on hearings or report quotas⁶¹.

A share of uncertainty also surrounds the new national bodies. The place and role of the Colleges of the Courts and Tribunals and the public ministry in the judicial landscape are mentioned with circumspection by many jurisdiction chiefs. Several seat managers are delighted, however, with the constitution of a body representing⁶² their jurisdictions, like their colleagues in the public ministry who have had a General Prosecutors' College since 1997, which has also been merged with the new governance body established within the Prosecutors' Office⁶³. *'It's the first time that the Justice system [at seat level] is able to make its voice heard'* (PPCA Excerpt). The two support departments alongside the Colleges do however have difficulty filling their staff positions, starting with the Directors. Thus, the changing and incomplete nature of these bodies helps maintain the image of the *'black box'* (PPP Excerpt) mentioned by some of the people we spoke to. It also opens the door for the formulation of all kind of expectations within the judicial entities in their respect. The projects initiated until then were, it is true, essentially focused internally (definition of a vision, a budget, constitution of clusters and work groups, etc.), in a way that was less evident in the Public Ministry College, which was *'a length ahead'* (PTPI Excerpt) of its counterpart.

The lack of clarity remains virtually absolute in the intentions of the new Ministry of Justice director as to the future of his predecessor's reform project. Certain jurisdiction chiefs therefore consider that the Minister *'does not give himself the means to fulfil his ambitions'* (PR Excerpt), through simple and inexpensive decisions, causing a certain amount of delay in the ratification of the royal decree on case distribution rules⁶⁴ which should enable the reorganisation of jurisdictions and consequently, a gain in efficiency for the judicial system as a whole or in the engagement of advisers⁶⁵ and lawyers in the Prosecutor's Office⁶⁶, supposed to help and relieve the magistrates. Negotiations with the Minister have just begun here in the form of think tanks in order to define the outlines of the third and last pillar of the reform, which is still nebulous in the Law of 18 February 2014. The reform project being implemented within the local entities is, now, still being developed on another level. A few entity managers here fear a form of tutelage in the judicial sphere, damaging its independence and its recognition as the third constitutional power. The unfavourable economic context leads one to fear a limit budget will be granted, likely to result in competition at all entity levels, obliging the latter to *'manage the penury'* and making them *'take responsibility for the collapse'* (CT Advisor and PTPI Extracts). Aware of the budgetary restrictions imposed on them, certain top local managers began a discussion in terms of streamlining their operating methods (library management, sending files electronically, etc.) and attempted to *'make proposals for intelligent savings to the Ministry without anything through everything like it does'* (PTC Excerpt).

The euphoria of the first moments had, permanently, been replaced with a feeling of *'worry'* and *'frustration'* (PR and PTT Excerpts) faced with the size of the task to accomplish and the multiple difficulties arising. However, this feeling now seems to have changed into a form of *'hope for a better future'* (PTC Excerpt), made of personal choices and freedom, in particular in terms of recruitment and allocation of resources, as the jurisdiction chiefs wanted at all costs to take on their role as TLM and give meaning to the reform project. The latter therefore was implemented in a gradual and circumspect manner, through local initiatives led by jurisdiction chiefs who wanted to take ownership of their new role as future manager and modernise their institution. The latter made the reigning

⁶⁰ 'Sanctioning civil servants' were appointed at regional, provincial or municipal level, at the municipality's free choice, in order to implement this new legislation (Union of Wallonia Towns and Municipalities, 2015).

⁶¹ Snowed under and no longer able to manage the incoming flow, many Public Prosecutors' Offices define quotas in terms of police reports that can be processed, in particular for speeding fines, and any additional input being officially classified (PR Extract).

⁶² The position of the College of the Courts and Tribunals remains ambiguous, as some jurisdiction chiefs qualify the latter as a body representing the Seat entities, and others do not recognise this quality, given the exceptional status conferred on the Court of Cassation, extracted from the revisited judicial structure (Jurisdiction Chief Excerpts).

⁶³ General Prosecutors' and Public Ministry Colleges have been merged in practice, in order to link the definition of criminal policy and management in search of effectiveness and efficiency (PR Excerpt).

⁶⁴ According to article 186 of the Judicial Code, the case distribution rule must enable the jurisdiction chief to organise the operation of their entity and define a distribution of case categories between division and hearing locations (Judicial Code of 10 October 1967; De Jonge and Mstoian, 2014).

⁶⁵ 'The advisers are lawyers who help the judges in the courts and tribunals to prepare their rulings. They collaborate in processing legal cases, under the responsibility and [...] the instructions [of these judges]' (Federal Public Service Justice, 2018b).

⁶⁶ The prosecutor's office lawyers are lawyers who help the public ministry prosecutors in the legal preparation of their cases. They perform their roles under the responsibility and instructions of these Prosecutor's Office magistrates (Federal Public Service Justice, 2018a).

uncertainty and lack of clarity data to be incorporated in the reform project implementation equation. According to some of the people we spoke to, the risk of resurgence, or maintenance of outdated operating methods does however appear to be well and truly real.

- **Strengthening the role of distributing information and acting as a liaison**

During this T0 phase, the uncertainty and lack of clarity surrounding the reform project broadly helped strengthen the jurisdiction chiefs' role of 'distributing information' (Mintzberg 1984). Some therefore adopted the stance of discussing the project's progress with their employees at national and local level as well as their future, sometimes with clumsiness. This role was not one of the easiest to hold as the entity manages also faced this nebulousness in their roles. Therefore, passing on information, which was supposed to reassure employees, was often equivalent to sharing the jurisdiction chiefs' doubts and worries.

The implementation of the reform also enabled the jurisdiction chiefs to take ownership of their 'liaison role' (Mintzberg, 1984). Several of them initiated a rapprochement between the magistrates and members of administrative staff within their judicial entity, as the latter regularly display their mutual disaffection, certain magistrates evoking the administrative staff's distrust and the latter the magistracy's disregard towards them. The work groups established with a view to harmonising the practices therefore enabled a meeting between the two Corps which had until then evolved in parallel without any formal exchange. Despite the awareness of significant interdependence, the collective work dynamic was hardly tenable over a long period, in certain places.

As already in the past, the links bringing together certain jurisdiction chiefs from the same type of jurisdiction, meeting at Conferences⁶⁷ or at Councils⁶⁸, were also maintained, or even for some, intensified, so as to share their common experience; in rarer cases, attempting harmonisation on a larger scale and enabled certain collegial representatives to feed back information to unelected colleagues. A form of solidarity will emerge between analogous judicial entities, according to the interpersonal relationships between jurisdiction chiefs, sharing their thoughts and the fruit of their personal work. A few entity managers, active at second degree of instance, initiated meeting spaces with the actors in their jurisdiction, in parallel (PTPI, PR, etc.). This desire appears much less controversial in the public ministry, where being part of a hierarchy seems to be more recognised than at the seat, the actors at first instance claiming their autonomy and their independence here. The exchanges are therefore organised on the method of discussion, devoid of any imposition of a common direction.

Number of jurisdiction chiefs who would ultimately like to see their liaison role extend beyond the boundaries of the judicial sphere. Discussions with the Police Services, both deconcentrated and local to the district should, therefore, begin (again) in several locations in order to ensure better collaboration. This should avoid wasted energy and restrict and guide each person's efforts, as the judicial entities are currently, in many districts, able to handle far fewer events than those observed by the Police Force, as per the *'funnel'* metaphor (PR Excerpt). A rapprochement of this kind would perhaps have avoided the responsibility approach promoted by the judicial authorities (*see above*) from being perceived as ill-timed offloading given the Police Services were already overloaded.

4.1.2. In the police sphere...

4.1.2.1. The federal echelon of the Police, accompanied dynamism

- **The undesirability of the reform project**

Many deconcentrated entity Directors did not seem to consider the Police Services Optimisation Plan as an absolute necessity, responding to the clear malfunctions identified within their institution. The 1998 Police Reform was still producing effects. Each person was developing in their managerial role and the institutional routines in the departments, as well as between departments, seemed relatively well established. Furthermore, the lack of a preliminary costed assessment of the reform project's impact and its repercussions on the operational and administrative staff scared more than one of them. Often blamed for their distance from the police areas and local authorities, DirCos and DirJus also feared even greater distancing through the formation of larger districts. The added value of the Optimisation project therefore appeared to be questioned.

⁶⁷ Conference of Court of First Instance Presidents, Conference of Labour Court Presidents, etc.

⁶⁸ Public Prosecutors' Council and Labour Auditors' Council.

- **A highly restricted reform project**

The form project developed for deconcentrated federal level of the integrated Police was broadly marked out. The new Coordinating Directors and Judicial Directors therefore had specific requirements imposed on them by the central level as regards the future structure of their entity, the budgets allocated and the operating norms. A restrictive calendar, planning for much feedback and validation from the Federal Police Management Board, also accompanied project implementation. A feeling of *'childishness'* (DirJu Excerpt) then emerged in certain entity managers due to this integration in very present hierarchy. Some lamented the schedule imposed, which was deemed regrettable in terms of the well-being and involvement of the members of their staff, with some deadlines extending pending general validation on a national scale, others falling in a critical period, during the holidays, for example. Several Directors evoke a *'time manager'* role (DirJu Excerpt), having had to dampen the expectations of members of their staff who had long been informed of the changes to come. However, keen to work towards the unity of the integrated Police that had been difficult to maintain since the 1998 reform, many managers complied with the recommendations from the central authority and the trade unions. The implementation of the Optimisation plan therefore seems to demonstrate a certain uniformity. A few rare acts of dissidence did however appear here and there. Some TLMS installed their new department heads without waiting for official validation of their organisational flowchart by the General Commissariat; others locally adapted the wish list for department reorganisation at the expense of the national model.

- **The consecration of the strategic dimension of the deconcentrated entity director role**

During the first months of the new DirCos and DirJus taking up their roles, the strategic dimension of their role was exacerbated, thereby meeting the promise made to the police role holders when they applied. The multiple demands from central level, although restrictive and regularly urgent, did in fact plunge them straight into their entity manager role. They all worked hard on drafting a DirCo-DirJu integrated common strategic vision of their entity's operation and service offering, after consultation with the stakeholders in their district; on developing their structure (centralisation and cross-departmental working, maintenance of former usual workplaces, etc. depending on the specific features of their DCA or their PJF) and the organisational flowchart for their department (pyramid, flat, etc.), taking into account the organisational claims of their partners (judicial, police entities, etc.); to merging former police services, regularly requiring work to harmonise practices⁶⁹; on giving shape to ambiguous concepts, such as the creation of a single office and PLIF functionality; and on the definition of a TO3 specifying their staffing needs, etc.

Pending validation of their proposals by the central level, a number of top local managers made strategic choices for their structure. The choice of a transitional organisation was regularly posited, based simply on the juxtaposition of existing structures and the appointment of intermediary functional coordinators, making investment requests complex.

In terms of the growth of this strategic aspect of their role, several Director mention a *'distancing from the field and the palpable tension in the corridors when something was happening'* (DirJu Excerpt). DirCos and DirJus then often had to delegate the operational part of their role to some of their employees, a share that was however manageable in smaller organisations.

Despite their initial aspirations, a few deconcentrated entity directors seem to have to detach themselves from this exclusively strategic dimension, led to more operational management of their structure. Facing considerable staff shortages and relatively unclear prospects for recruitment, these entity managers cannot, like their colleagues, start on more or less long-term projects. They are therefore obliged to deal with what is most pressing, ensuring basic services are provided and as far as possible meeting the support requests from police areas *'because we are above all an integrated Police force and I do not want to sideline that even if it's difficult'* (DirCo Excerpt).

Let us note, ultimately, that the legal requirement placed on police role holders, to draft a mission statement as soon as they are in place, is supposed to strengthen the strategic dimension of their role. The exercise was not however carried out by any DirCo or DirJu we met during this period. Asking to be part of a hierarchy, the latter are waiting for strategic guidelines from their respective superiors to engage. From a cascade effect, the General Directors of the Judicial and Administrative Police are in turn waiting for directives from the CG.

⁶⁹ In this sense, the image giving by one of the people we spoke to is illustrative: *'The PJF does in a way make it easier because it must strengthen the ties between identical occupations, but the DCA really has a patchwork of occupations... if only the people from CIC, people at central level at base and system managers too, so we must manage to integrate them'* (DirJu Excerpt).

- **Strengthening the role of distributing information and acting as a liaison**

Within the framework of Optimisation, a number of deconcentrated entity directors wanted to strengthen their role of 'distributing information' and acting as a 'liaison' (Mintzberg, 1984). Meetings between DirCos and DirJus at district level were therefore multiplied due to events, and in certain places, where dual command was quite complex, the administrative and judicial visions, carried by directors with *strong personalities*' (DirJu Excerpt), sometimes contradicted each other. Monthly meetings with the General Commissioner and the General Directors also enabled the rapprochement between the two Divisions at national level. They also, internally within their local entity, had to discuss with their new department heads, who were sometimes far away and remained off-site in their former usual workplaces. Management or local management boards were set up here and there. The distribution of information also had to be directed towards employees, so as to communicate on the reform project progress as well as reassure them of their future, both for Administrative and Logistics Framework (CALog - Cadre Administratif et Logistique) staff and operational staff.

Communication with the outside also developed. DirCos and DirJus increasingly communicated with police areas in order to clarify the reform project and *'put an end to the rumours circulating around it'* (DirJu Excerpt). Many local Police Chiefs feared increase disinvestment from the Federal Police in the support proposed and the offloading of assignments to the local level, through, in particular, revision of the COL2/2002⁷⁰. The places of exchange between local Police and the deconcentrated entities, which had been neglected in the past, were often found to be useful again by general demand. The unfavourable economic context did seem, according to some of the people we spoke to, non-conducive to the maintenance of earlier autarkic operation, promoting collaboration between the two levels of police, and all the more faced with *'a partner that has a little more resources and greater provincial strength'* (DirJu Excerpt). The TLMs in deconcentrated entities therefore truly got the measure of their intermediary role between the central federal level, deemed to be *'overloaded and outdated'* (DirCo Excerpt) and the local level of Police Services on its way.

Several deconcentrated entity directors ultimately aimed to intensify their discussions with the judicial authorities in order to bring together the two spheres that had for a long time evolved in parallel, notwithstanding their interdependence, as well as to work to develop the management of research and investigations, which was supposed to ensure better coordination between police and judicial assignments, for greater system efficacy and efficiency. Depending on the districts, this aim was, however, more or less obscured by the reorganisations monopolising the two entities and *'inevitably involving withdrawal inwards because alongside the restructuring, the rest has to be managed'* (DirJu Excerpt).

- **Initiatives to make the reform project a more personal project**

Despite innumerable recommendations from the central federal level, the new role holders in deconcentrated entities took ownership of the reform project. Beyond the acts of dissidence mentioned above, certain local arrangements were found between DirCos and DirJus to maintain the past balance and take into consideration the specific district features. Some therefore made larger staff transfers between DCA and PFJ than expected by the central authority in order to strengthen the new PLIF department or certain operational departments in their district.

These appropriations and local projects appear, overall, as roundabout ways to maintain and reaffirm the autonomy and power acquired in the past decade. Notwithstanding their integration in a hierarchy, Coordinating Directors and Judicial Directors seem to want to go beyond their middle management condition (Rouleau, 2005) and claim a district strategic role, while working with the lack of resources available and the reform requirements. Therefore, for some, speaking of optimisation would have required a break in this dependency link, real autonomy for the deconcentrated entities and the allocation of a specific budget.

4.1.2.2. The local Police Services level, between waiting and seeing and voluntary dynamism

- **Who was left out of the Police Services Optimisation project**

The local jurisdiction chiefs were truly forgotten in the Police Services Optimisation Plan. The five objects added at the very end of the initial project do not seem to dissipate this impression, all the more so as the intentions specified in it broadly correspond to the intentions already present in the 1998 Police reform programme. Many area chiefs among those that we met do not feel directly concerned by the project.

⁷⁰ The COL2/2002 is a circular from the General Prosecutors' College containing the ministerial directive organising the distribution of tasks, collaboration, coordination and integration between the Local Police and the Federal Police with regards to judicial police assignments (Directive of 20 February 2002).

Some however seem to be placed in a 'wait and see' position, both in the operation of their force, allowing the routines in place since the Police reform '*run the shop*' (Area Chief Excerpt), and with respect to the changes likely to occur following the more noteworthy reforms that are currently affecting the federal entities of the integrated Police and the judicial sphere. Keen to go beyond this stage and '*persuaded that they would be the next to go through hell*' (Area Chief Excerpt), some of their counterparts showed 'voluntary dynamism'. Notwithstanding the lack of external orders, the latter were themselves made responsible and by their own initiative began discussions and developed projects, so as to modernise their force following the instructions imposed on federal entities.

- **A significant desire for self-subsistence**

This desire for self-subsistence does not appear as a new reality, resulting from the current reform projects. Since the reorganisation of the police landscape in 1998, the police areas have benefited from a certain amount of autonomy, both in their structure and their management (financial, logistical, human resources, etc.). Many jurisdiction chiefs then prioritised and still prioritise an autarkic method of operation. An area chief delegation and autonomy and responsibility in a cascade seem to have been established towards the lower strata within certain police forces, despite the difficulties mentioned by some, who were faced with employees that sometimes lacked managerial skills and who had reached a position of responsibility via a '*red or orange carpet*'⁷¹ (DirCo Excerpt), during the Police reform. To complete their framework, several area chiefs did also engage specialists in all areas to have skilled staff internally, thereby breaking any dependency on the outside. Strategic analysts, lawyers or even IT experts are among the most frequently recruited profiles. A similar rationale was also applied in terms of equipment (tablets, tools for monitoring phenomena in their region, control systems for measuring the workload, etc.), sometime making the area entities better equipped and more competent than their counterparts in deconcentrated entities.

Furthermore, multiple local arrangements and agreement protocols were signed between the local Police forces through interpersonal contacts between representatives of the different structures, enabling the exchange of best practices, the pooling of resources, including in particular, the shared services of a social assistant and consequently savings. Some entities also signed partnerships with public and private structures, so as to '*outsource everything that is not police*' (Area Chief Excerpt), among other things, building maintenance, fleet management, etc. The multiple provisions overall enabled many areas that were disillusioned by the promises of the 1998 reform that had not been kept, to resort at least to the support offered by the deconcentrated Federal Police entities, which followed '*a standardised catalogue philosophy [...] and not a philosophy of needs*' (DirCo Excerpt), that was often far from the real expectations of local forces. The relations pre-dating the Police reform also facilitated this disaffection of *the* deconcentrated echelon, promoting direct contact with the central level. These practices were however more difficult to achieve within smaller entities or entities with a few financial difficulties. Searching for independence, these forces therefore promoted '*wearing many hats*' (Area Chief Excerpt) to their employees, juggling with the constraint of some of their incompatibility. Some resorting to the services of deconcentrated Divisions was, all the same, inevitable.

Searching for an operating method of this kind ultimately appears to be at the origin of vicious circles, at the expense of both the local and deconcentrated entities. Therefore, the autarkic desire formulated by several police areas seems likely to lead to a strong demand on local forces. '*Our major problem is that we are too efficient in comparison with the other departments and that we have no one behind us after that*' (Area Chief Excerpt). The example most frequently given concerns certain SER, given more responsibility than is reasonable by the judicial sphere in conducting investigations, to the detriment of PJF services. The second vicious circle relates to the disinvestment at federal level in fields where involving the local echelon has only decreased. Therefore, the recurring requests, that until now had been unanswered or had not obtained an adequate reaction, could result in new frustrations and disappointments with respect to the second level of the integrated Police, thus exacerbating the desire for self-subsistence that was well and truly present. The idea of a potential substitution of police areas with DCAs and PJFs seems therefore to have made an impact on some.

⁷¹ The 'red carpets' concern operational staff who were at a medium level in the municipal Police (main first class inspector), before the Police reform and who, following the reorganisations, were promoted, without training or diploma, to police commissioner grade (Belgian Senate, 2006).

The 'orange carpets' concern operational staff who are former members of the BSR (Brigade de Surveillance et de Recherche de la Gendarmerie - Gendarmerie Surveillance and Research Brigade) who had a diploma that had not yet been validated and who were directly able to become a main inspector (DirCo Excerpt).

- **The ‘going gets tough’ for local Police forces⁷²**

‘Police areas are finally seeing what the Federal Police has seen for five years now... Budgetary restrictions in all areas [...] with everything that there is still left to do’ (DirJu Excerpt). Therefore, the budgetary aspect which had long been favourable to police areas is now being questioned. Some worn out municipalities pass their difficulties on to the police force, imposing sometimes drastic reductions to the allocations. Several jurisdiction chiefs are ordered to take part in real negotiations with their Municipal or Police Council, as well as to hunt for subsidies and grants of all kinds. An extra workload is added to this financial issue, resulting from a transfer of assignments and an offloading from federal entities and the judicial sphere to the police areas. The latter are now gradually made responsible in cases in which they were only slightly involved in the past: SAC according to municipal choices, EPO-PVS according to the desires of the Public Prosecutor, etc.

Often disappointed with the support previously provided by the deconcentrated level of the Federal Police, many jurisdiction chiefs are today forming new expectations towards it, given the Optimisation under way and the service philosophy promoted, hoping that the term ‘support’ is not/no longer understood in a restrictive sense, and thereby being able to reduce their spending. A new ‘wait and see’, slightly opportunistic stance therefore seems to be arriving.

Some also engage their force in discussions on reorganisation and revising their practices, seeking modernised operation that is more efficient and generates certain benefits that can be reinjected in the area. Therefore, proposals as diverse as grouping together the CALogs departments of multiple local entities, building less energy-consuming buildings, restructuring the area organisational flow chart, etc. are being discussed.

A few voluntary merger projects finally emerged in certain police areas. These proposals must be placed in connection with the issue of the viability, survival and critical size of local forces. The achievement of such projects could, in future, according to some of the people we spoke to, question the place of the Federal Police and the benefit of the support offered. The cards could therefore be reshuffled, according to some of the people we spoke to.

- **A balance between the strategic and operational aspect of the jurisdiction chief’s role**

Finally, the daily life of local jurisdiction chiefs oscillates between strategic and operational work. The latter take on many roles and functions, according to the contingencies of everyday life and the particularities of their police area. They therefore sometimes become involved in negotiations with the local administrative authorities or the managers of the judicial sphere to define their operation and position in the area and sometimes become plunged into internal discussions on the development of their entity in the more or less long term, in order to ensure their survival. However, the strategic share of their role, exacerbated here, seems at other times to be counterbalanced by *‘management from day to day that requires us to take it down a notch’* (Area Chief Excerpt). Certain jurisdiction chiefs therefore taken part, out of choice or necessity, in the guard duty of Administrative Police or Judicial Police Officers, a role that is attributed in certain forces, to officers alone. Others go down further into the field, joining their employees to give them help and support. This more operational dimension of the jurisdiction chief’s role appears, nevertheless, quite often less tangible in larger police entities, as the manager can often delegate to a larger strategic staff.

4.2. Between the phase T0 and the phase T+1, a troubling intermediary period

Eighteen months went by between our first and second meeting with our population of jurisdiction chiefs. During this period, *‘water went under the bridge’* (DirCo Excerpt), and a multitude of data joined the equation and affected the reform project process. Without being exhaustive, let us go over a few of these events.

4.2.1. In the judicial sphere

Within the judicial sphere, the proceedings introduced by trade unions⁷³ and a few magistrates on an individual basis against the legal texts did not achieve the expected results and led to the profound questioning of the expected changes. Several more reticent jurisdiction chiefs and members of staff therefore had to resign themselves and accept the reform project.

Having showed his desire to complete the project developed by his predecessor, the Justice Minister singularly focused on management autonomy. Negotiations were started with the College of Courts and Tribunals and Public Ministry College, so as define the outlines of this third and final pillar of the reform, which remained pending. After a relatively promising start, according to the people we spoke

⁷² (DirJu Excerpt).

⁷³ In the French-speaking part, these are the Magistrates’ Trade Union Association classed as ‘on the left’ and the Professional Magistracy Union which is more liberal (Former PTPI Excerpt).

to, the discussions got bogged down. An unprecedented strike⁷⁴ within the prison world also diverted the Minister from an exclusive discussion of the judicial sphere. The Colleges and Minister also preferred different options as to the governance structure⁷⁵, the management and allocation model, etc. With solidarity in process, the College of Courts and Tribunals and the Public Ministry College refused to have the Minister's designs imposed on them and withdrew from the negotiations. The two bodies then proposed a dual model, offering a common management line, while respecting the specific features of each side. A new exchange dynamic was established, placing Minister and Colleges on an equal footing. Uncertainty did however remain surrounding the reform project which is still being designed. Some TLMs also now seem to believe in the Minister's disinterest in this part of the reform, given the time passed in his term, leaving only a small chance for the project to be completed before the end of his tenure as the development of the judicial system is here entirely dependent on the electoral agenda.

The Justice Minister ultimately made his mark on his predecessor's project, appending a budgetary rationale to the reform that meets the streamlining requirements imposed by the Government. With this in mind, the Minister consolidated a section of his 'Justice Plan' and in 2015 began the first phase of his 'Justices of the Peace Plan', constructed around a triple objective, likely to make savings (Geens, 2015a). Furthermore, the Minister unilaterally decreed linear staff restrictions in all the legal entities, refusing to fill the legal staff quotas one hundred percent⁷⁶, except for in Brussels entities. Keen not to limit his role to implementing a project developed by someone else but to become the author in turn, the Minister also took on other projects. The promulgation of the five pots-pourris laws⁷⁷ between 2015 and 2017 as well as his ambition to recode the basic legislation of Belgian law (Geens, 2015b) seem to demonstrate these intentions.

4.2.2. In the police sphere

The implementation of the Police Services Optimisation project was '*interfered with*' (DirJu Excerpt) by the arrival of multiple related cases. These various unforeseen intrusions only confirmed the seriously unpredictable nature of police work (Monjardet, 1996).

One of the flagship cases of recent months related to the management of the migrants and illegal immigrants crises. The border areas with France as well as the regions surrounding Brussels were especially affected by this issue. It became necessary to strengthen coordination with the foreign authorities. The implementation of the police system also required increased reliance on the Federal Police Intervention Corps (CIK) and HyCap. The operation of police entities 'more distanced' from the issue was then affected to various degrees. The strikes in the prisons, mentioned above, also affected the Police Services' capacity, as the local and federal entities has been called upon to replace the prison guards who were off work.

The tragic events in Paris at the end of 2015 also led the Minister of the Interior and Justice Minister to develop a vast national action plan against radicalisation, violent extremism and terrorism in Belgium. More commonly known as the Plan Canal⁷⁸, this project was to strengthen the operational capacity of the Police Services, both at local and federal level as well as lead to the recruitment of additional magistrates and members of staff in the ranks of the seat and the public ministry of the Brussels and Hal-Vilvorde districts. A better coordination dynamic was supposed to emerge from this plan between the local authorities, the police and the Justice system. Despite the project's focus on the Brussels regions, the issue of terrorism and radicalism impacted a number of police entities in their daily operation. The measures adopted following the attacks of 22 March 2016 placing the police entities on high alert and requiring certain organisational reshuffles did, according to some of the people we spoke to, delay the implementation of their own change projects.

During his term, the Minister of the Interior also gave special attention to the 'essential tasks' project, already mentioned in the past and included in his predecessor's Optimisation Plan. The discussions, which had for a long time remained secret, advocated refocusing on basic police tasks, 'noble tasks' (Smeets, 2009: 12), through the outsourcing of certain assignments or signing partnerships with other

⁷⁴ In terms of duration, given that the strike was to last over thirty-five days (Hovine, 2016, press article published in *La Libre*).

⁷⁵ Minister's desire to establish an intermediate management level between the Colleges and the local judicial entities, embodied by the Court of Appeal jurisdictions, although the idea was abandoned within the framework of earlier reform projects.

⁷⁶ The magistrate quotas were ninety percent filled and those of the staff members capped at eighty seven percent.

⁷⁷ The Pot-pourri Law 1, in particular amends civil procedure law; the second amends criminal law as well the related procedure; the third concerns the conditions of person internment and the communication methods between Justice actors; the fourth address the legal status of detainees and prison surveillance and finally, the fifth provides for the harmonisation, computerisation and modernisation of family law, the civil procedure and notariat (Rogge, 2017).

⁷⁸ With reference to the 'canal area' encompassing seven Brussels municipalities: Laeken, Saint-Gilles, Anderlecht, Molenbeek, Koekelberg, Saint-Josse and Schaerbeek and, on the outskirts, Vilvorde.

public and private actors, so as to give back strength, as part of a 'security' vision of the police role, to the old adage 'more bobbies on the beat'. The proposals formulated by the work groups were still, at the time, to be discussed in the Minister's office.

We must finally look at the 'pensions' issue. The Constitutional Court's decree on 10 July 2014 cancelling the preferential pre-retirement scheme for operational members of the Police Services and consequently extending their career time sowed discord, generating worry, frustration and anger among many employees. Management of the issue internally was not easy, given the uncertainty still surrounding the measure, the imprecision as to its financial repercussions or even the need to envisage a potential reorganisation of the departments, to keep '*operational staff who were no longer very operational*' in their jobs (DirCo Excerpt). The Ministry of the Interior and Unions did however agree, in 2015, on an alternative measure, pending the permanent disappearance of the early retirement system in the public sector.

4.3. Phase T+1, after 30 months of reform implementation

After thirty months of implementation, in October 2016, what became of the reform projects, what did they make the jurisdiction chiefs do? Let's describe, in turn, the experience of the judicial and federal and local police top local managers, related at our second meeting.

4.3.1. In the judicial sphere, a voluntary dynamism

- **No dissipation of the lack of clarity**

During this T+1 phase, the lack of clarity and uncertainty that characterised the first moments of the reform did not dissipate and seem to have even been strengthened with respect to certain aspects of life in the judicial entities. Therefore, the final aims of the Justice Minister as to management autonomy remained as vague and uncertain, as the latter was still in a discussion phase. This too was, according to some of the people we spoke to, a source of obscurity, as the ministerial authority sometimes negotiated with the College of Courts and Tribunals and the Public Ministry College jointly, sometimes separately, with the aim, as some seem to believe, of '*dividing the judicial power and weakening it*' (CERAP Conference, 2017).

The two Colleges, seeking this autonomy, did however consent to considerable investment in the definition of a dual model based on a brand new union, which was however strewn with hazards. Certain members of the College of Courts and Tribunals mentioned the '*professional development and maturing [of the body], [...] which enabled the delay to be caught up*' (PPCA Excerpt) behind his counterpart in the public ministry, by recruiting experts and allowing an easier position in the negotiations. The recruitments within the support services still appeared problematic in the absence of additional resources, making it difficult, if not impossible, to keep promises made to the local entities that had adopted a wait and see stance with respect to these management bodies. Therefore, the recent arrival of a Director for the public ministry support department and the launch of the recruitment procedure for a manager of the competent body for the seat, allowed hope for greater structure and the development of a service offer for jurisdictions which matched their actual needs better, as the latter, for the time being, were still dependent on the central departments of the SPF Justice.

The period for writing this dual management model also appeared nebulous in the eyes of many jurisdiction chiefs, calling to mind once again the '*black box*' metaphor (PPP Excerpt). Some mentioned the silo work of the Colleges and Support Departments on their management model and the rare projects developed for the local entities, which was targeted, among other things, linked to the limitation of available resources, to the SPF Justice's desire to maintain its expertise or even, to the jurisdictional origin of the collegial representative responsible for the active cluster. This situation then led, once again, to the work carried out within the new representative bodies being invisible. The Public Ministry College seemed, however, to stand out, finalising the development of twenty Business Process Management (BPM) projects⁷⁹, for the Prosecutors' Office, leaving out the Labour Auditor's Offices however. Other entity managers point to the lack of communication on project progress which was essentially caused by more or less limited relays of information initiated by elected members within the Colleges to their counterparts. Others, still, mention the lack of clarity as to the goal pursued by the two governance bodies when distributing the established model, some of whom needing simple information, others a consultation requiring their endorsement of the proof sent. The autonomy project therefore seems today, to becoming somewhat stagnant, enabling, at the very least, friction to be avoided between judicial entities but leaving doubt to linger as to its future materialisation and the need to prepare jurisdictions to take charge of areas of management other than '*joke budgets*'

⁷⁹ According to the IBM site, 'Business Process Management' is a discipline which uses software and services to [...] offer total visibility over your company's [your entity's] activity. [By] constantly identify[ing], document[ing], automat[ing] and improv[ing] [your] processes, [...] [you can] increase [your] effectiveness and reduce [your] costs' (IBM, undated).

(PTPI Excerpt) currently managed locally, including representation fees, little expenses and for the public ministry, exclusively spending for documentation⁸⁰. Some jurisdiction chiefs therefore encourage their employees and members of the management board, to get informed and train (benchmarking with financially independent bodies, accounting training, etc.) so as to be *'ready when the time comes'* (PR Excerpt) while others prefer to wait, otherwise *'when it comes we will have forgotten'* (PPP Excerpt).

A certain nebulosity also seems to be have maintained by the Justice Minister in person. The latter did make many promises at his meetings with the jurisdiction chiefs, guaranteeing the recruitment of additional employees, the early opening of positions when a person retires and the possibility of centralising more domains and specialising certain magistrates. However, these promises were difficult to keep given the limited budgetary resources and the policy pursued by the Government. Furthermore, several cases that has remained blocked or pending in T0, such as the approval of case distribution rules in certain jurisdictions or the recruitment of advisers and lawyers in the Prosecutor's Office seemed to progress little or hardly at all, consequently moving away from the Minister's initial ambitions for the streamlined operation of the judicial system. The government representative did finally seem to maintain the mystery surrounding future projects, for example, as to the removal, expected by some, of hearing locations that had initially been maintained, only allowing *'shreds of information'* to filter through (PTC Excerpt), requiring proactive information searches by entity managers and extrapolations, so as to be able to organise and plan locally, although these projects could stop suddenly, in particular due to local authorities defiant against the loss of their place of Justice.

A series of decisions were also imposed by the Justice Minister. In addition to the district particularities and linear restrictions decreed in the staff quotas, many situations stand up as examples: that of cash flow contracts⁸¹ closed or extended according to the Minister's will and the budgetary envelope available, that of IT tools developed centrally by the SPF Justice's ICT department, from time to time, a simple appropriation of the Colleges' ideas, as part of a test phase in certain locations and sometimes, improbably, the same division or the same judicial entity having several or even, that of the unilateral termination of subscriptions to legal magazines and the extension of certain unwanted sources, that the central level had already asked to revoke and not been obeyed. This situation evokes the image, according to some of the people we spoke to, of a Minister disconnected from the realities of the field and the everyday life of the magistracy.

We must finally mention the thorny case of the workload measurement, reappearing through the terms. This case seems, in this phase T+1, to have been initially consolidated, as each type of judicial entity had made their first benchmarking assessment⁸². The results obtained do however appear, in the eyes of many of our jurisdiction chiefs, to be somewhat disputable, lacking credibility and revealing staff deficits that are certainly real, but excessive within several jurisdictions. These distortions are in particular caused by one-upmanship between separate yet similar entities, sometimes for analogous assignments. The fear of being wronged in future if the calculation of budgetary envelopes granted has these evaluations as its basis seems to have played a part. These disproportionate measures consequently call into question the added value of such an exercise and also allows doubt to linger as to the use that could be made of them, as a response appears unlikely, given the Government's policy.

Overall, the situation did not seem to have been clarified since phase T0. Several jurisdiction chiefs lamented a form of stagnations, as their freedom of action was always circumscribed, restricted by multiple external constraints, and the lack of clarity in ministerial directives, if there were any, bureaucratic requirements or even management bodies and hierarchy that were hardly present. However, the hopes formulated as to management autonomy had not faded, the promised independence allowing entity managers to dream of human resources management free from all constraints, budgetary envelopes that could be allocated according to local needs, modernised IT allowing for network working, etc. since *'for the time being, we do everything except manage, we improvise'* (PR Excerpt). This phase T+1 presented us with top local managers divided between discouragement and hope.

⁸⁰ The documentation-library budget transfer within the seat entities is planned for first January 2016 (PTPI Excerpt). However, in our second wave of interviews led from October 2015, quite little information filtered through on the issue, according to the people we spoke to.

⁸¹ 'Cashflow' contracts are one-off, temporary staff recruitments, pending the publication of an opening. They are granted by the SPF Justice when it 'observes, during a budgetary year, that the staff budget available for [the period] will not be fully used' (High Council of Justice, undated: 3). A breakdown of these contracts is therefore planned, in consultation with the Colleges, between judicial entities with major staff deficits.

⁸² Notwithstanding the revision of the methodology applied during the process, requiring a distinction between the data collected for the Courts of Appeal and the other judicial entities.

- **Local initiatives becoming more significant**

Faced with this uncertain situation, tired of this *'management under tutelage and [...] without plans'* (PR Excerpt), many jurisdiction chiefs took the stance of adopting the change dynamic that was supposed to run through the judicial sphere and make the project to modernise their institution move forward more quickly, paying no heed to the multiple obstacles in front of them and the characteristic slowness of the Justice system. Among the latter, several regularly involved the manager of their entity's administrative cell in their discussions. Also, the 'voluntary dynamism' witnessed in many entities seems to have multiple origins. Without being exhaustive, we can, in particular, point to the staff restrictions that had been announced and become tangible, requiring local reorganisations to ensure the established department order and attempt to put in place the organisation they had dreamt of before they took up their roles; the arrival of jurisdiction chiefs in the middle of their tenure, when an 'assessment' of the implementation of their management plan was to take place, in the near future for public ministry managers and later on for their seat counterparts⁸³, and for some, keen to see their tenure renewed⁸⁴ or even, the desire of certain TLMs to anticipate the restrictive requirements that would certainly result, in their eyes from the Minister's future projects, by being proactive and formulating proposals directly inspired by field realities. Multiple reform and reorganisation projects were then developed locally, in order to maintain the specific district features at the risk of emphasising disparities between jurisdictions, with already heterogeneous experiences. The goals of effectiveness, efficiency and streamlining broadly filtered through the Law Courts, often accompanied by a speech on the pressing need to develop this reasoning⁸⁵, involving making *'decision that do not please everyone'* (PTPI Excerpt) within the judicial sphere as well as beyond.

The principles and new methods of operation introduced by the legal texts having initially been applied and monitored more or less strictly have today been largely reappropriated by the jurisdiction chiefs, imposing their choices and defining their own priorities. The work undertaken to harmonise practices, as part of a cross-departmental approach, within various merged entities, naturally continued. Some jurisdiction chiefs highlighted their desire to finalise the project before the end of their tenure, so as to join some of their colleagues who had already been able to complete the exercise and develop vade-mecums describing their working methods and concert their work groups into discussion groups, so as to maintain the sometimes laborious collective dynamic in place where other managers were obliged to reduce their ambitions because of employees who were difficult to rally or reluctant about the project. Use of the magistrates' and judicial administrative staff members' mobility system still seems sparing, organised according to the needs identified within the local entities and the operating methods selected, such as provincial guards; regularly mobilised vertically between jurisdictions that are hierarchically dependent on one another, from time to time under the constraint, but never horizontal between colleague entities, at least within our population, so as not to excessively disrupt past routines and not exceed the reduced mileage quotas granted by the SPF Justice. Only new recruits, who had never known the old system, were made roam more, without however being forced, in light of the distances separating certain division, the non-existence of electronic files making all travelling more complex. In rare cases, the mobility system did not, however make up for a lack in staff, restricting certain jurisdiction chiefs to making drastic decisions such as the temporary closure of court administration services or moving judicial investigation offices, sometimes even going against legal provisions. Along with this limited mobility, a specialisation in certain matters for some locations and employees was freely organised, sometimes leading to different operation between linked entities. A Public Prosecutor's Office was therefore able to centralise its affairs in one division, where the Court of First Instance active within the same judicial district remained organised across all the previous entities. Specialisation could, however, according to some of the people we spoke to, become vital in some places, in light of the increasing staff deficits, and precede the Minister's projects in terms of removing jurisdictional spaces and centralisation. The management boards created during the reform seem to have gained consistency in a number of places, sometimes meeting more regularly; addressing more themes relating to the essential operational process of the jurisdiction both at magistrate and administrative staff level, in the absence of any management autonomy and then, *'real challenges'* (PPCA Excerpt); revising, for

⁸³ According to the Law of 18 December 2006, the jurisdiction chiefs of the public ministry were subject to an assessment procedure organised in two phases. An initial interview takes place mid-tenure, or around two years after its start and a second, after five years, for a potential renewal. The seat jurisdiction chiefs were, originally, subject to a similar procedure (Law of 18 December 2006). However, the Constitutional Court judged, in its decree no.122/2008 of 1st September 2008, that this approach was anti-constitutional, removing the system for these jurisdiction chiefs (High Council of Justice, 2015).

⁸⁴ Therefore, the jurisdiction chief in our population who had not, in phase T0, established any management board within their entity finally thought, in this phase T+1, that they would make up for this lack, so that they could not be reproached for it, at their end-of-tenure interview when their renewal application was made.

⁸⁵ *'I didn't have a choice'* (PR Excerpt), *'I can't do anything else'* (PTPI Excerpt), *'I won't know any more'* (AT Excerpt), etc.

example their vision and values or setting annual goals. Some jurisdiction chiefs did, however take the stance of somehow neglecting this new management body, preferring old discussion spaces, not based on *'one small summit of the organisation'* (PR Excerpt), but allowing for a much more collegial decision to be taken. Many division representatives were also made more responsible, consequently allowing certain TLMS to delegate, sometimes at the expense of their employees, who were already strongly under pressure from some of their more operational tasks, and to refocus on their more strategic duties, which had become essential in the eyes of some. Among these entity managers, some however preferred to give priority to the *'public service to be rendered'* (PTPI Excerpt), ensuring that hearings would be held and maintaining their jurisdictional load, which was sometimes further intensifying. Therefore, the management plans drafted by the jurisdiction chiefs when they applied, often neglected in the first moments of the reform, have, today, been consolidated to an extent, however disparately according to the projects that have been completed. The jurisdiction chiefs of the public ministry having had to bring out their management plan or deploy their own management tools (dashboards, goal cascade, etc.) for their mid-tenure assessment, expressed their content and ultimately said they were satisfied with the resulting developments despite multiple difficulties encountered. A few of their counterparts in the seat also began this exercise in the absence of any legal obligation, wanting to *'have this pause'* (PTC Excerpt) after two years of operation. These entity managers were, for the most part, as delighted with the progress in their jurisdiction. The exercise carried out therefore enabled several jurisdiction chiefs, in addition to the discussion work led every day, to equip themselves with instruments enabling them to monitor projects more easily, and for others, to update the existing tools.

Beyond the lessons established by the legal texts, local initiatives that are part of the search for more effective and more efficient operation in the judicial entities, and for some, in *'a survival strategy'* (PTPI Excerpt) have multiplied so as to *'provide the public service entrusted to them'* (PTPI Excerpt) and to *'do as much as before, with less'* (PPCA Excerpt). The situations mentioned by the jurisdiction chiefs are multiple and quite scattered, endeavouring to respect the specific features of the jurisdictions and incorporating local realities, including the lack of human and material resources. Some entity managers took internal measures, revising the structure of their hearings (extension, gathering, suspension, etc.) and their content, making sure times slots were made profitable and, for some, ensuring the fair distribution of work time between magistrates; seeking to limit input, through, in particular, the distribution of jurisprudence, agreements with the Prosecutor's Office or making administrative employees responsible in managing certain cases, making it possible to *'only bring in cases to be processed in the machine'* (PR Excerpt) or even, reworking their work processes, establishing BPM projects and models in all fields for their departments. Efforts at streamlining were also made, more than in phase T0, among others, at library level encouraging the deployment of digital sources, sending files electronically or using paper format, although the paperless goal is still very utopian within the judicial sphere, according to some of the people we spoke to. Among them, some now seem to consider that the human capacity of their organisation can become an adjustment variable, streamlined methods of operation enabling limited contract renewals and recruitment. There were many jurisdiction chiefs who also worried about their IT equipment, convinced of its added value for their operation and the judicial system as a whole, but for the time being considered to be in a lamentable state (ageing, no longer technically supported, etc.). Much local DIY work was required to make *'the machine run'* (PTPI Excerpt), often based on the IT skills of some employee or other who was interested in the matter. Wanting to develop their institution, several jurisdiction chiefs regularly volunteer to become a pilot site and test the tools developed such as JustScan⁸⁶, E-Deposit⁸⁷ or Consult-Online⁸⁸. Certain entities now significantly invest in it, without their counterparts or the dependent entities giving the same priority. A few jurisdiction chiefs say they are disappointed with the restrictions imposed in terms of the subjects dealt with or the test jurisdictions chosen, only allowing for *'limited modernisation'* (AT Excerpt) of the judicial system. The lack of staff also sometimes leads to the withdrawal of these tools, which are considered, depending on the case, to be time-consuming and of limited benefit for administrative employees, as the saving takes effect within other strata of the jurisdiction, in particular at magistrate level or they are even deemed to be purposeless in the absence of a real electronic case file. Note that management of computerisation of the Justice system seems to remain problematic, as the Minister's policy only rarely matches the Colleges' intentions in

⁸⁶ JustScan is an application enabling the 'digital scanning of criminal files' (Geens, 2018) and is therefore a first step in the move towards an electronic case file.

⁸⁷ E-Deposit is a system allowing conclusions and evidence files to be deposited, electronically, for lawyers, in an existing case file (Geens, 2018).

⁸⁸ Consult-Online is an application enabling the 'consultation of remotely scanned criminal files' (Geens, 2018), in particular from prisons, and is therefore a first step in the move towards an electronic case file.

the matter, the Colleges sometimes being distanced from the real *'ground level'* needs (PPP Excerpt) of local entities, therefore making the latter steer a tricky course, with the issue however requiring a degree of centralisation. Therefore, for example, use of the MaCH application⁸⁹, advocated by the Minister, is, in the eyes of the people we spoke to, *'a dreadful step back because it's already an old tool'* (PR Excerpt), as it does not allow the production of statistical data, among other things. In this field too, the entities must demonstrate initiative, developing their own dashboards with the help of IT-savvy employees and *'a few Excel filters'* (PPCT Excerpt) using the tools that area already available or data produced by others who are better equipped, such as the General Prosecutor's office analysts, in criminal matters, so as not to *'play it totally by ear'* (PPCA Excerpt), only being able to count in a limited manner on the help of the College support departments of the SPF Justice ICT department. Some jurisdiction chiefs therefore mention a more remote monitoring of their entity's encrypted data, able to *'feel things without having their eyes riveted to the stats'* (PPP Excerpt) while others continually draw inspiration to consider the developments in their jurisdiction, be able to *'have almost permanent foreseeability'* (PTC Excerpt) and justify their actions, with lobbying looking likely around management autonomy. The partnership dimension ultimately seems to have gained importance, drawing from the procedures already initiative in phase T0. The ties were also strengthened at local level between jurisdiction chiefs active within the same district: exchange of best practice between the Labour Auditor and Public Prosecutor for certain cases, regular discussions between the Public Prosecutor and the President of the Court of First Instance, involving, on certain occasions, the administrative staff managers, etc. A few entity managers did however prefer to put an end to this dynamic, lamenting the progress and prospective discussions that would be too dissimilar. The jurisdiction level also extended, to various degrees, its commitment to this search for cooperation, through, in particular, large scale harmonisation projects, mixed work pools or even, the sharing of IT applications allowing an easier exchange of information and a move towards paperless working. The national exchange spaces also maintained a prime position, being organised at variable paces, dividing however into a few occasions, due to the differing regional vision surrounding certain themes, such as filling staff quotas or future lobbying to obtain resources. However, dissimilarities sometimes need to be pointed out within these regions, as the entities have different realities a progress at variable speed. The regional level therefore seems to stand out here. A conference of French-speaking Presidents was therefore set up, by initiative, below the linguistic border between entity managers active at first degree of instance, *'because in the end, whether one is a President of Justices of the Peace, the Court of Commerce or other [...], one faces the same difficulties'* (PTPI Excerpt), harmonisation on a larger scale is therefore possible, even if the College of Courts and Tribunals seems to have difficulty grasping the issue. These meetings at multiple echelons seem, however, to suffer from certain weakness, as the jurisdiction chiefs are often caught up in their daily work and local management of their entity, preventing them from taking part in meetings, or are simply unconvinced of the added value of these meetings. More broadly, certain entity managers wanted to extend their network beyond the borders of their jurisdiction, trying to establish more frequent meetings with the representatives of legal advice centres, presidents of the bar, prison directors, etc. and for some, other public bodies. The notion of partnership was, finally, used to describe the relationship between the judicial and police spheres, with many jurisdiction chiefs mentioning the trusting relationship established with the Police Services present in their region, although this is not always seen as such by the actors concerned. Therefore, the negotiations relating to SACs and EPO-PVSs continued, often with a view to the complete outsourcing *'of everything that could be outsourced'* (PR Excerpt), according to the personal adage, this time completed *'doing less to do better and with less'* (PR Excerpt), *'while considering, [however,] that it was not a bad plan B but it was the only plan B that had been found, [...] trying to disinvest from a whole series of fields in which alternative answers existed'* (PR Excerpt). The judicial entities then tried, as far as possible, to be available for the police bodies and to include them in the discussions relating to their personal development, encouraging, in certain places, work groups on research and investigation management; some of which offering, by initiative, a revision of COL2/2002 for a more equitable distribution of the workload between local and federal police levels based on more objective criteria; authorising quotas established in the processing of police reports to be exceeded, when specific and targeted actions known to the judicial authority were taken, or organising CRAs (district research consultations) on a more or less regular basis, enabling the two institutions to meet.

⁸⁹ MaCH is the 'application for managing files available in all the court administration services and secretariats of the Public Prosecutor's Office' (Geens, 2018), enabling the centralisation of data arriving from the various applications available and facilitating exchanges between entities (Federal Public Service Justice, 2015b).

- **The increase in the strategic aspect of the jurisdiction chief's role**

In this period of widespread uncertainty, the operational aspect of the jurisdiction chief's role still remains relatively dominant but seems to give increasing importance to strategy. Many entity managers actually only take ownership of their managerial role in real terms and impose their personal outlook on the reform project at work within their institution, fearing, in the past, a direction being taken that goes against the management autonomy that is supposed to arrive. The extremely varied local realities seem, however, to forge a gap between judicial entities that are able to progress at variable speed. Some more delicate or specific situations lead some to be closer to the work of their employees, taking *'day-to-day'* decisions (PR Excerpt), so as to ensure the daily operation, or more arduously, the survival of their jurisdiction. The strategic goals then seem, here, to be confused with the operational goals (AT Excerpt). However, several TLMs opted in favour of resources that could be deployed locally or out of a desire to promote change, to come out of their *"comfort zone [...]* *holding hearings'* (PTC Excerpt), so as to *'take a step back'* (PTPI Excerpt) that was in their eyes inherent to their role. Then, they left more space for discussions with a wider, visionary purpose that were part of a more or less long-term plan, giving their employees responsibilities in operational tasks and consequently offering a certain amount of tangibility to the strategic aspect of their jurisdiction chief role. This second stance was, for some, one of hope, but they actively engaged in its implementation. Among the jurisdiction chiefs in our population, some also seem to have taken hold for much longer of the promise made to them at the beginning of their tenure, of strategic management, independent from their jurisdiction. They therefore seem able to project into the future without much difficulty, equipped and surrounded to various degrees.

For around twenty jurisdiction chiefs, the strategic part of their role appears to have been pushed to its climax, the latter taking part in the governance bodies of the judicial sphere. The College of Courts and Tribunals and the Public Ministry College were therefore regularly presented as places for decisions par excellence, *'where all the challenges and all the important questions are being discussed'* (PPCA Excerpt). However, this investment seems to have been a tough experience for entity managers, resulting in a relatively high psychological load and a feeling of abandonment of their own jurisdiction. Although some of them had been settled in for a long time and others were far from being stable, the jurisdiction chiefs were here obliged to delegate some of their missions and, consequently, part of their strategic role to their division managers or deputies, who were already very under pressure from daily management and their jurisdictional tasks. Some therefore seem to question the commitment taken during the first term of the newly established bodies, mentioning the offloading of this *'extra cap'* (PR Excerpt) to focus on their judicial entity and their local responsibilities.

4.3.2. In the police sphere

4.3.2.1. The federal echelon of the Police, consolidation

- **A reform project following its process**

The restrictive schedule imposed by the central level of the Federal Police and the trade unions came to an end here, in this phase T+1, relegating the central federal entities to a position of withdrawal and leaving the deconcentrated entity Directors alone in the manoeuvre. The latter mention being part of a *'consolidation'* phase. The images evoked by two of the people we spoke to are illustrative of this: *'no longer builders, we are now the guard the destination and the standard'* (DirJu Excerpt). Others, however, are less complimentary and point, more radically, to a *'stagnation'* phase, without any learning and likely to result in the resurgence of past operating methods.

The succession of reorganisation and staff transfer phases enabled the partial fulfilment of TO3 and still offers slim hope of recruitments for certain less privileged entities. However, these are still dependent on the opening of restricted places authorised by the central level. Several Directors now appear less alone in their reform projects, having benefited from recruitment within their strategic staff (PLIF director, operational director, SICAD manager, etc.) and enable greater responsibility for the lower strata. Not all, however, can say as much, experimenting still, and sometimes exponentially, with large deficits in the quota of staff they manage. An overload for the entity Directory, a requirement of extreme versatility for the few managers present and illegitimately making employees responsible who did not have the required level must all be pointed out here.

Nevertheless, thanks to the staff backups in place within certain entities, new change projects emerged. The latter are in line with past reform instructions but are intended to be incremental, incorporating the local needs identified more and based on the *'provincial strength created'* (DirJu Excerpt). A revision of the internal work processes of a PJF, the drafting of a district Interior Order Regulation for a DCA and a PJF, thus perfectly embodying the reform's spirit of unity, or even, developing a welcome brochure presenting the revised structure, all took place in different locations.

The newly created structures and operating methods established were also stabilised, so as to create new service routines and enable local arrangements to be put in place. Various agreement protocols were signed between deconcentrated entity Directors for the centralisation of certain matters and the specialisation of their entity. The meeting and exchange spaces, both internal and external also maintained their importance, and some were made more concrete. The district management meetings and monthly meetings of the General Commissariat and the General Divisions still punctuate the Directors' schedule. The need to meet between peers also led to the recommencement of meetings between DirCos, organised at national level, and between DirJus, dissociating here the north and south of the country. These gatherings offer the opportunity to prepare discussions with the General Commissioner and the General Directors, to share best practice *'to avoid doing the same thing ten times over'* (DirJu Excerpt) and to mention the *'daily difficulties between people who understand each other'* (DirJu Excerpt). Exchanges with the local Police Forces also stabilised and sometimes intensified. The deconcentrated level, unlike in phase T0, is now the *'police areas' ambassador with the central level to avoid unceremonious initiatives and to relay their field realities. We are really more than ever between a rock and a hard place'* (DirCo Excerpt). However, we must distinguish here between the local entities according to their size, as the areas express heterogeneous needs as to the support expected from the deconcentrated level. Meeting hopes formulated in phase T0, some districts were ultimately able to initiate meetings regularly with the judicial sphere, thereby joining in with dynamic already at work within neighbouring entities. CRAs gathering Public Prosecutor and police representatives and themed platforms gathering magistrates and police offers were launched in particular. Despite these multiple consultations, some Directors mentioned their difficulty to see Justice system actors as *'true partners, as they above all remain authorities'* (DirCo Excerpt) regularly imposing their vision on the police sphere.

- **Necessary corrective actions**

Over time, many corrective actions have been imposed on police entities, from external orders or their own desires. The events of March (see above) therefore required internal reorganisations with a view to strengthening certain departments, such as terrorist cells, and even more notably in entities close to Courts of Appeal in charge of terrorism. At the same time, the decision taken unilaterally by the political sphere and the central level to priorities the entities of Hal-Vilvorde and Brussels led to the never before witnessed repatriation of employees detached within connected structures to the Capital, as well as the limitation of recruitments within these same structures. Many departments were then weakened by these staff restrictions, stymieing the projects begun and requiring, among other things, a revision of the service offer for federal actors and police areas as well as the adoption of a responsive approach to the detriment of a proactive vision of the police assignments within several DCAs and PJFs.

A few corrections were also outlined to respond to the aporias of the reform project and redirect the first actions taken in respect of the Optimisation Plan. Certain deconcentrated entity Directors did become aware of the cost of the new structures established, of their limited added value in the operation of their structure, of the excessiveness of their initial ambitions or the particularities of their administrative or judicial role and the related imperatives. In this way, the single office created at the beginning did, within certain entities, become 'virtual', as a simple shared email address centralising requests. A certain number of departments that at first remained off-site in the former usual workplaces were reorganised and centralised. Accompanied by voluntary moves by employees who finally preferred to come closed to the nerve centre, these reorganisations enabled strong, merged police entities to be formed. A few DirCos and DirJus did also choose to limit the work to harmonise practices between merged entities. *'As long as it can't be seen from the outside and it doesn't cause any difficulties in operation, why want to do the same thing everywhere? The Justice system is not harmonised either'* (DirCo Excerpt). Some DirJus who were dissatisfied with the support offered by the PLIF department, which was sometimes understaffed, temporarily replaced or even bypassed their DirCo colleague and continued to deploy their own CALogs employees.

Some top local managers did, also, in the first moments of the reform, personally choose not to change past habits in former districts, to make themselves available to the Police Forces and sometimes, to invest more in assignments that were not the responsibility of their departments (handling murders pursuant to COL2/2002, guard roles in prisons during the strike, etc.) in order to maintain the unity of the integrated Police or even attempt to correct the errors of the past. However, given the lack of both human and material resources, the need to refocus on Federal Police's own assignments has now become pressing for a certain number of deconcentrated Forces, obliging them to disinvest with respect to their local counterparts, which was often taken badly. A new balance must therefore be found in the support proposed and expected.

The task does not however appear to be very easy. Certain local Police Forces seem to have applied an *'umbrella rationale'* (DirCo Excerpt) towards deconcentrated entities, enabling them to offload and transfer any breach or error, caused by insufficient support, onto the DirCos and DirJus. The parliamentary investigation commission on current terrorist attacks ultimately, according to some of the people we spoke to, allows doubt to linger as to a potential new reorganisation of the Police Services: should we review the new operating methods that have recently been established? Will the public-private partnership approach gain power? Will we evolve towards a single Police Force? All these questions remain open.

- **A balance between the strategic and operational aspect of the deconcentrated entity director's role**

Phase T+1 reveals the splitting up of the deconcentrated entity Director's role between operational and strategic aspects. The mission statements, symbolic of this second aspect, were finally drafted but seem to have only seen basic implementation in light of the multiple demands and constraints placed on DirCos and DirJus. The events of March (see above) did lead the General Commissariat to once again and urgently require deconcentrated entities to produce psycho-social risk analyses for staff, relating to each role description, risk analyses of occupied infrastructure and emergency action plans on terrorism. Despite the strategic discussion led here, the staff deficits from time to time required the involvement of Directors alongside employees, some of whom were inexperienced in the matter, thus bringing DirCos and DirJus into the more operational management of their entity. However, taking stock of their position as TLMs, the latter regularly imposed their own timings, refusing to bend to the requirements of the central level that were likely to upset their local operation. A plethora of assignments relating to the management of these events did also lead to an increased operational aspect to the Director's role: intensified management of the Intervention Corps (CIKs) called on from all areas, often to the detriment of Police Areas; coordination of armed forces made available in major cities; management of the HyCap from police areas, etc. These security-related questions finally led to the multiplication of consultation spaces and partners to be integrated in the exchanges: usual collaborations with police areas, the Burgomasters, the Governor⁹⁰ as well as the Coordination Body for analysing the threat, State Security, or even the Federal Police Central Division for the fight against serious and organised crime (DJsoc)⁹¹. The organisation of *Local Taskforces*⁹² at district and local level therefore became compulsory in order to deal with security and radicalism matters from a strategic and operational perspective. Local Integral Security Cells (CSIL - Cellules de Sécurité Intégrale Locale)⁹³ were also created at municipal level for the exchange of information and the consistency of actions led locally. Within certain deconcentrated police entities, a delegation of these responsibilities to officers was initiated. A few Coordinating Directors and Judicial Directors did, on the other hand, prioritise, out of choice or necessity, centralisation at their level, thus investing in *'more operational, [more] ground level'* (DirCo Excerpt) management of their entity.

The operational part of the Director's work therefore seems to have been strengthened overall to the detriment of the strategic investment required in the first instants of the reform, flouting the promise made to role holders. An *'umbrella rationale'* (DirCo Excerpt) seems then to have been applied by the actors in deconcentrated entities. Keen to justify their actions, which were sometimes far from the instructions, and to fend off criticism from the hierarchy, the latter ensure that they code their assignments in IT tools that finally offer a provincial view, such as GALoP⁹⁴ and GES⁹⁵, as well as feed back information to the central departments.

⁹⁰ The Governor is only present with the strategic Local Task Forces because for the operational Local Task Forces, the persons present must have security authorisation.

⁹¹ DJsoc is one of the divisions of the DGJ. It oversees the fight against serious and organised crime and therefore the monitoring of terrorism.

⁹² The *Local Taskforces* are 'operational and strategic consultation platforms'. They gather the police services and representatives of the Justice system and information departments to ensure the exchange of information on security and radicalisation (Security and Prevention, 2016b).

⁹³ The CSILs were created by the circular of 21 August 2015. It provides for the implementation, by cities and municipalities, of cells for the exchange of information and coordination between the departments involved either directly or indirectly in security issues (stakeholders in social prevention, CPAS (Centres Publics D'Action Sociale - Public Centres for Social Action), security and information departments, etc.) (Security and Prevention, 2016a).

⁹⁴ GALoP (Gestion Administrative de la Logistique et du Personnel - Administrative Management of Logistics and Staff) is an IT application available to the integrated Police Services, enabling the coding and monitoring of members of staff as well as the creation of staff files, to support the Human Resources Management (Area Chief Excerpt).

⁹⁵ The GES system lists all the investigations open within a PJF. It enables day-to-day management, by coding completed assignments, data updating, case monitoring, etc. and offers the possibility of producing statistics (Federal Police, 2012b).

- **A federal central level ‘steering a tricky course’⁹⁶**

The position adopted by the central federal level appears quite ambiguous, in the eyes of some of the people we spoke to. Once the reform calendar was completed, the General Commissariat and the General Divisions seemed to have withdrawn from the deconcentrated entities, only addressing a few one-off, often urgent requests to the DirCos and DirJus. The latter were also made responsible in the management of certain national topics, such as ICT equipment or airport surveillance⁹⁷, previously managed by the central level. Notwithstanding the merits of a *‘participatory model’* (DirJu Excerpt) and delegatory model, some TLMs here have the feeling they are replacing their hierarchical superiors who certainly *‘no longer have the means they had before, as the federal level is emptying out, but we don’t have them at our level either’* (DirJu Excerpt). Others fear, in this perspective, the weakening of the central level and the creation of *‘mini general division at deconcentrated [entity] level’* (DirJu Excerpt), likely to break up the Federal Police Services into small pieces.

The central level does however seem to want to keep its upper hand over the deconcentrated entities. The assessment announced in the Optimisation journey therefore emerged, with a variable format for the DirJus and DirCos. The PJF TLMs were therefore subject to *‘quite in-depth peer supervision’* (DirJu Excerpt) with their General Director, based on a questionnaire listing all the actions led and requiring evidence of the results achieved. On the other hand, the control appears to be more labile from DirCos. No interview with the CG was organised independently from monthly meetings, with monitoring based on IT tools, finally available at provincial level. Therefore, the recent establishment of the *Itinera*⁹⁸ system enables supervision, by the central level of mission statements and actions led at deconcentrated level, in the priorities of the PNS, notwithstanding all the criticisms made of it.

4.3.2.2. The local Police Services level, between voluntary and forced dynamism

- **An adventure to be followed alone**

For many local jurisdiction chiefs, phase T+1 was synonymous with *‘crisis management’* (Area Chief Excerpt). This was, for some, intimately linked to the management of legislative changes, such as the amendments to the Salduz law with total lack of preparation and events occurring during the intermediate period. *‘Terrorism will have really taken over the police areas this year’* (Area Chief Excerpt), having required various approaches: local rearrangements, reorganisation of services and production of risk analyses, all with the greatest urgency. Management of this theme also led to the multiplication of meeting spaces, obliging jurisdiction chiefs to often invest personally in the local task forces and CSILs. For some jurisdiction chiefs, this crisis management also materialised in the actual operation of their entity where the human and material resource deficits presaged started to be felt more severely, requiring an exponential investment and versatility from the jurisdiction chiefs and their closest employees⁹⁹, depending on the cases, or greater responsibility placed on lower strata, who were sometimes trained on managerial techniques. Several entity managers mention their isolation at the start of processes, only being able to count on themselves and their own resources, without it being negatively viewed however by some who wanted to keep total control over their structure.

The hopes formulated in phase T0, with respect to the recently reformed Federal Police, do not seem to have been met. *‘It’s a failure of Optimisation and the integrated Police’* (Area Chief Excerpt). Many strategic area managers mentioned a disconnection between the deconcentrated and central levels of area reality, imposing their diktat on areas, in terms of IT among other things, notwithstanding the virtually unmanageable costs for a good number of local entities. Some jurisdiction chiefs also mention a growing disinvestment in terms of support, in particular, for police documentation, holding public tenders, etc. For certain larger local entities resorting to the federal level in a more limited manner, this practice is only a little problematic. Other forces, more limited in terms of resources, point to the more or less significant difficulties that required a revision of their own service offer or local practices. According to some of the people we spoke to, the past support system was even being reversed, with police areas standing in for federal entities. Several local forces therefore acquired equipment (IT, analysis, fleet, etc.) which was as, or even more sophisticated than that available to district Directors, sometimes leading to a transfer of unofficial tasks to local entities. The increased reliance on the HyCap inter-area solidarity system is one of the more illustrative examples of the mobilisation of area forces that strengthened and relieved the federal intervention corps (CIKs) that were already broadly in demand and with increasingly limited numbers. A purely instrumental

⁹⁶ (DirJu Excerpt).

⁹⁷ Security is in principle provided at airport level by the Aeronautical Police (LPA), placed under the management of the DGA.

⁹⁸ Itinera is an IT system developed in the DGJ and spread within the Federal Police, enabling the monitoring of mission statements, action plans and internal projects initiated within entities, in connection with PNS priorities. It consequently enables statistics to be produced at national level (DirJu Excerpt).

⁹⁹ Such practices are a deliberate choice however, according to one of the people we spoke to who wanted to streamline their entity’s TO.

approach also led some DirCos and DirJus to turn towards local entities, so as to benefit from the flexibility of their operating methods, among other things, in terms of public tenders, as the areas were extracted from any hierarchical dependence on the central level.

Relations with the judicial sphere appear to be just as complex, deemed, by some, harmonious and by others delicate, even disastrous. The operating methods of the two spheres therefore, according to some of the people we spoke to, sometimes appear diametrically opposed, if only in terms of IT and sending files electronically, with the Justice system *'remaining in the Middle Ages'* (Area Chief Excerpt). The observable approach of offloading in the first moments of the reform has only increased, *'as the aim is each time to lighten their load to increase ours'* (Area Chief Excerpt). The SAC and EPO-PVS system promoted within several districts was therefore reinforced. Other tasks formerly attributed to jurisdictions were also delegated to the area police entities according to the directives of their judicial colleagues. Certain forces were, for example, entrusted with the management of driving licences under the order to withdraw or conserve conviction evidence instead of the overloaded court administration services. Then, the reorganisations carried out within the judicial sphere and the decisions finally taken towards efficiency and streamlining, despite, according to the police officers we spoke to, all the harmonisation of local practices, did have consequences for the area police entities. Difficult to accept and manage in certain places due to the tensions in relations between the two spheres or the police staff deficits, the multiple decisions imposed without negotiation sometimes gave rise to a *'protection and justification approach'* (Area Chief Excerpt) in the minds of certain entity managers, with the frequent budget deficit as a reason to limit judicial requirements.

In these circumstances, the vague hopes for transformation and the search for more efficient and streamlined operation, through multiple actions (paperless working, use of the federal radar, etc.) often originated within the local Forces, with some area chiefs acting as real *'private company directors'* (Area Chief Excerpt), under the authority, however, of their Municipal or Police College. Therefore the *'wait-and-see attitude'*, displayed by some in phase T0, here gave way to a *'voluntary dynamism'*, or even *'forced'* by the events, the new constraints and the practices of their police and judicial counterparts, consequently increasing the distance from these partners.

- **An increasing desire for self-subsistence**

The ambitions for self-subsistence mentioned in the first moments seem to have been reinforced. Requisitioned, to various degrees, beyond the borders of their entity, several police forces *'withdraw into themselves'* (Area Chief Excerpt), from time to time to the detriment of mutual assistance between areas. Some area chiefs now refuse to provide their own human resources, as well as for federal assignments, notwithstanding the bi-annual HyCap¹⁰⁰ services decided by the Minister of the Interior. Hoping *'one day to be able to count on reciprocal help'* (Area Chief Excerpt) or out of a fear of *'looking like the bad guy'* (Area Chief Excerpt), some managers, however, try to maintain this solidarity mechanism somehow. In order to re-establish a certain balance between police areas, discussions as to a review of the Ministerial Directive MFO-2 governing this mechanism were started with the Minister.

This autarkic desire also seems to be manifest towards the Federal Police where services that in the past were provided free of charge by local entities have now become fee-paying or conditional. Surveillance of federal detainees locked in local cells at night, which was previously exclusively provided by area staff, now in some places requires the presence of a member of the deconcentrated Division concerned by the detention, so as to limit the investment agreed by the local entity in the second level of the integrated Police.

This position of withdrawal can be seen more in participation in management bodies at the local police echelon. A few active jurisdiction chiefs within the CPPL do in fact envisage not renewing their tenure, judging the structure, in its current state, to be ineffective and incapable of finding a position in the police spectrum. Certainly, *'it's a place of information, [...] but go to Brussels [...], when I see what that brings me... We are too different', 'the areas are really small baronies and do what they want irrespective of what CPPL decides'* (Area Chief Excerpts). At moment T+1, the negotiations that began with the Minister of the Interior to restructure the body and integrated in the police decision-making bodies, in particular, through the proposal to create a Coordination Committee, reflecting the duality of the integrated Police¹⁰¹.

¹⁰⁰ Given the high demand for HyCap reinforcements, which led to the almost total consumption of units planned for the year in most police forces, the Minister of the Interior proposed a one-off service budget line to account for area efforts jointly in 2016 and 2017 (Lemmens and Mees, 2016).

¹⁰¹ When we finished our field, work, various proposals were issued to the Minister of the Interior. The Royal Decree of 13 May 2017 had not yet been published (Royal Decree of 13 May 2017 ; Permanent Local Police Commission, 2018).

The signing of inter-area and extra-area agreement protocols, already broadly promoted in phase T0 in many locations, has only increased for certain forces, affecting increasingly diverse themes: municipal mobile duty offices, open access to databanks in certain areas through IT tools developed locally, etc. Supralocal meeting and discussion spaces for area chiefs, sometimes excluding the deconcentrated entity police authorities, have also emerged within a few judicial districts, so as to promote local mutual assistance, to mitigate the difficulties encountered and make up for the deficiencies of a Federal Police deemed to be defective, or at the very least, not having added any value through its Optimisation plan and thus replace it. A new register of justification seems to come through here, with several jurisdiction chiefs hoping, through these agreements and local arrangements, to distance the spectre of a move towards a single Police Service, through efficient intra-area and inter-area operation, capable of autonomy. In the same perspective, the issue of area mergers, mentioned earlier, seems to re-surface, which could, according to some of the people we spoke to, lead to the disappearance of minimum type 3 areas¹⁰². These area groupings appear to receive enthusiasm essentially in the north of the country, where mergers are perceived to be inevitable in the more or less long term, in order to enable the specialisation of forces and generate savings. The French-speaking police areas seem, however, to prefer inter-area collaboration to these mergers, which in their eyes maintain the proximity characteristic of the local Police.

This autarkic operation ultimately reveals growing disparities between local police entities, accentuating them from time to time. The issue of financial resources and by extension, the human and material resources available, becomes crucial and seems to deepen the gap between police forces. There is a difference, from one extreme to the other, between the areas where *'one just has to ask [...] to [...] receive'*, where *'one can create a reserve if one makes savings'* (Area Chief Excerpts) and those for which *'each cent counts'* (Area Chief Excerpt). Different ideas of what tomorrow's police should be, could be and will be therefore seeming to emerge for the local jurisdiction chiefs, some of whom talk of trying to achieve *'a computerised, better informed force'* (Area Chief Excerpt), by way of booming internal high-tech services and others whose constant patching only just enables basic assignments to be accomplished.

- **A balance between the strategic and operational aspect of the jurisdiction chief's role**

The balance between the strategic and operational dimension does not seem to have found equilibrium here. The everyday lives of local jurisdiction chiefs are once again divided between managing immediate matters, *'stuck in more low-ranking, ordinary tasks, forgetting the conceptual aspect'* (Area Chief Excerpt), at the mercy of events and the development of a more or less long-term vision, given the resources available locally. The extension of local Police area two-year Area Security Plans (PZS - Plans Zonaux de Sécurité), until December 2019¹⁰³, reveals this ambivalence, leading for some jurisdiction chiefs, to the reduction of their strategic part of their role. The latter simply postponed the achievement of targets previously stipulated within local entities where the addition of further tasks in connection with the new National Security Plan¹⁰⁴ to basic assignments seems untenable or for which the priorities announced are, for some already largely part of routine operation. Some entity managers did, on the other hand, with to develop their strategic thinking and tried to add a few one-off actions to their initial project, even if the fear the latter would not be carried out if *'something new suddenly falls from the sky'* (Area Chief Excerpt) is still well and truly present.

¹⁰² There are five types of area: category 1, 'the five major cities [which are] Brussels City, Charleroi, Liège, Ghent and Antwerp', the 'regional cities or eighteen municipalities of Brussels' for category 2, 'agglomeration municipalities and small towns with good infrastructure' in category 3, 'small towns with average or little infrastructure, or highly urbanised municipalities' in category 4, finally, 'municipalities with average or little morphological urbanisation' (Clerfayt, 2011: 5).

¹⁰³ The period initially covered by the former PZS was four years. The last one should therefore have finished in 2017. However, the law of 16 August 2016 extended it until 2019, so as to bring the PZS validity period to six years, providing perfect concordance between the local administration period and the length of municipal tenures (Law of 16 August 2016; Security and Prevention, 2016c).

¹⁰⁴ The National Security Plan covers a period of four years, from 2016 to 2019 (Federal Police, 2018).

Table I - Diagrammatic representation of the deconstruction/reconstruction of our empirical material

		Longitudinal perspective		
		Phase T0	Influence factors	Phase T+1
Judicial sphere	Jurisdiction chief Justice	Circumspect movement	...	Voluntary dynamism
Police sphere	Deconcentrated entity directors Federal Police	Accompanied dynamism	...	Consolidation
	Jurisdiction chief Local police	Wait-and-see attitude / Voluntary dynamism		Voluntary dynamism / Forced dynamism

5. CONCLUSIONS AND RECOMMENDATIONS

After several decades of notable developments and aborted attempts, the judicial and police spheres were considerably reorganised in 2014. Led by the political world and the upper hierarchy of both institutions, these reforms were part of a context of crisis, both economic, requiring all the Public Services to reduce their costs and in terms of questioning bureaucratic methods of operation that are regularly criticised. Two projects therefore emerged, the Judicial Order Reform programme and the Police Services Optimisation Plan, both based on the rhetoric of New Public Management. The goals of efficacy, efficiency, quality and opening then both filtered (back) through these two sovereign institutions, materialising in concepts and systems that were more or less restrictive and limpid. This duo setting the programme also made a promise to the jurisdiction chiefs and local entity managers, guaranteeing a certain amount of autonomy and freedom in the strategic management of their organisation without however supplanting the register of justification and accountability. The outline of the figure of top local manager, the final manager of their entity and the transformation dynamic at work within their institution seemed to therefore take shape with the arrival of these reforms.

With time taking its toll, *'the absence of management'* (PPCA Excerpt) at central level became more and more significant. The political sphere seems to be disinterested, at the very least partially, in the projects defined beforehand, with other intentions, and did not therefore give itself the means to fulfil its ambitions. The central authorities of the Federal Police, that were themselves in a restructuring phase had, for their part, established a process to support the deconcentrated entities that were limited in time and had not immediately got down to drafting their mission statement, defining their own vision of the future and, by a waterfall effect, influencing that of the structures under their command. The local jurisdiction chiefs therefore faced the reforms alone, divided between discouragement and a desire to develop their institution.

Taking ownership of their role as TLM, some of them not caring about their integration in a more or less consolidated hierarchy, sweeping aside their middle management condition, many jurisdiction chiefs displayed a certain voluntarism and dynamism. The everyday management of their entity led to a sometimes imbalanced hold between strategic and operational aspects, as the managers were almost constantly managing crises, facing more or less considerable deficits in terms of human and material resources or awaiting clear directives from their hierarchy, given the bureaucratic constraints that remained significant. The promise formulated at the beginning of the tenure therefore seems to suffer from a few weaknesses, distancing the top local managers from purely strategic management. To put it in other words, a gap seemed to deepen between the work instructed/promised and the actual work of TLMs.

Becoming architects of public action on their scale, achieving local 'profit-sharing' (Callon, 1986), the latter got their institution moving, giving meaning to the reform projects (Weick, 1995). The projects begun were appropriated by many, according to local particularities, the resources that could be deployed and the singularity of the entity manager. Consequently, the panel of consolidations was deeply broken up and hugely contingent, denoting a form of autonomy. *'Now, there is not much difference between the north and the south, but between the districts'* (DirCo Excerpt). According to some of the people we spoke to, acknowledging the specific features of the different local orders seems to be an absolute necessary and promising for the development of both police and judicial entities. Many of them, however, appear conscious of the inherent risks of this localism pushed, in some places, to its peak. The absence of discussion and the multiplication of actions led may, effectively, be damaging for the structure as a whole, and likely to lead to the accumulation of costs borne locally and a growing distance between organisations, allowing a local and not general collective capacity for action emerge. The risk of competition between entities then appears well and truly tangible, in particular caused by the limitation of resources available and by dissimilar approaches to action, some withdrawing from their assignments at the expense of their colleagues, whether these are in the judicial or police sphere.

In this context, the justification rationale seems to grow, aimed at multiple actors in the political world and upper hierarchy to elude all forms of criticism as to the assignments carried out; colleagues to legitimise the operating methods chosen and finally employees to lead the situation to acceptance. This rationale then seems to distance itself, to a certain extent, from any strategic managing interest in the more or less long term, supposed to lead to more effective and efficient internal operation and the modernisation of the judicial and police entities.

Let us note, finally, that the new structures reveal the multiplication of consultative and decision-making bodies as well as places for exchange, giving rise to a complex institutional layer cake. Participation in these multiple bodies, which is also voluntary, is very time-consuming, without the cost of this investment having ever been truly assessed and gauged in terms of its added value. Several TLMs, therefore, seem to call into question their future participation in managing bodies, some of them wishing to re-focus on their local entity and their operation. The reform projects, therefore, seem to be paradoxical, placing a certain bureaucratic weight on the initial ambitions, autonomy and administrative simplification promised, being hardly, if not at all visible, falling back into 'peculiarities' that led, among other things, to the transformation dynamic. Are the signs of a cyclical process leading to new reform ambitions taking shape?

- **Giving time to stabilisation**

For a few decades, reform projects seem to have followed on from one another at a frenetic pace, giving the impression to field actors that they are constantly going through change. *'In Belgium, we have the impression that we are always turning everything upside down for the fun of it, it must be the national sport'* (DirJu Excerpt). Many TLMs, therefore, advocate a slower pace of reform, so as to allow the time for changes to take shape, for the new system to *'go through teething'* (Area Chief Excerpt) and for both the beneficial and damaging effects to emerge. This stabilisation could also get onboard employees from different strata of the organisation who are scared of change, inevitably calling into question the ancestral order and routines established. Making the transformation dynamic last over time could, ultimately, help local initiatives be taken and bring out ideas as close as possible to the field realities and the needs actually identified.

- **Providing communication**

Work on communication seems to be required on multiple levels: within the local entities themselves, between entities, with the governance bodies, with the hierarchy, the politic sphere and with the society, both in the judicial and police sphere, and between the two. Although many jurisdiction chiefs recognise their weaknesses in the matter, this work is necessary, so as to demystify the transformation dynamic at work within both institutions and to deconstruct the image of the *'black box'* (PPP Excerpt) regularly mentioned. Discussion must, therefore, be organised both upwards and downwards, as the field actors from all entities and all levels, are likely to put together a precious source of information for managers, who are sometimes disconnected from the everyday realities.

Many TLMs also ask for strong bodies to be put together to get their voices heard. The CPPL, at Police level, must therefore, according to some of the people we spoke to, reposition itself on the spectrum, because *'the Police Services are not just the Federal Police'* (Area Chief Excerpt). In the judicial sphere, the College of Courts and Tribunals and the Public Ministry College seem to need to reconfirm their position as a 'representative' body. After a relatively eventful phase T0, the two Colleges were more discreet in phase T+1. Some jurisdiction chiefs therefore encourage their

colleagues to make themselves heard individually and to leave behind their duty of confidentiality to claim their position as a third power and show their discontent as to the direction taken by the Minister (CERAP Conference, 2017).

- **Giving a place to localism**

Notwithstanding the possible shifts mentioned above in relation to local practices, it would be interesting to pay attention to what is happening within the entities, in the Law Courts, the deconcentrated Police services and Police Commissariats. A member of our population mentioned these work spaces as the breeding ground of future developments at regional or even national level. *'I don't think that things should come from above [...]. Initiatives should be taken locally, if there is [...] a good idea in one place, it must be put forward and spread elsewhere. That's how things should be done'* (PPCA Excerpt). It therefore appears essential that the management bodies and upper bodies listen, in a bottom-up perspective, to the local entities and initiatives taking place there. An approach like this would also, at certain moments, avoid repetitive steps and a multitude of efforts, leading to the development of tools or work processes that already exist in other places. In this sense, it once again seems necessary to promote communication around systems developed locally and ensure that emerging best practices are shared. Some collaborative tools already deployed, in some places, could, from their distribution, give shape to this recognition of the added value of local activism.

- **Asking the question of sustainability**

The question of sustainability should be addressed from multiple aspects. The mass retirements due by many judicial and police employees from the baby-boomer generation, who have accumulated professional experience, know-how, knowledge and savoir-faire which cannot be learnt from books, poses the question of how to conserve this knowledge and pass it on to new generations. Therefore, in the judicial sphere, the trend towards the disappearance of collegial chambers seems to already create difficulty as to training young arrivals. Beyond the assignments and procedures provided for legally, a whole range of informal practices has been deployed within the entities, so as to *'run the machine'* (PTPI Excerpt). It could, therefore, be wise to envisage the creation of schooling mechanisms to pass the baton on to other generations.

The time-tenure system for jurisdiction chiefs also leads to the more regular renewal of entity managers, less tangible however in the Police Services, with no restriction as to the number of successive tenures having been imposed. Therefore, the ephemeral nature of these actors within organisations must draw our attention. In this sense, the development of increased collaboration with the managers of administrative staff members and employees who are by definition more stable, in principle becoming established more sustainably within entities¹⁰⁵, could ensure that knowledge is maintained, and a certain continuity of vision developed. An approach like this would, however, in certain places, require recognition of this part of the staff, who are often given little recognition, as their representation is not necessarily guaranteed on decision-making bodies, or if it is, only to a limited extent, such as, for example, within management boards established at judicial level, as the latter only provide one place for the clerk or secretary in chief, then the only ambassador of the administrative staff before the judicial squadron.

- **Moving towards a more uniform political vision**

The ministerial duo, Justice Minister and Minister of the Interior appears, for the time being, to be a source of questions. Therefore, despite the desire broadly confirmed by their respective predecessors to ensure the concomitance of Justice and Police reforms, a few hitches seem to have made their way into the transformation processes: policies and visions with sometimes little if not no compatibility, tools developed in a centralised and separate manner making working in a network impossible, etc. The example of judicial employees printing and digitally *'re-scanning'* (PR Excerpt) police reports received from the Police Services, caused by the absence of inter-connected IT programmes, is one of the most striking. The police and legal entities therefore find themselves stuck, steering a tricky course and inevitably developing at variable speeds. Strengthened collaboration between the two ministries appears vital so as to ensure there is a more uniform political vision given the interdependence between these two spheres in their work. Some of the people we spoke to go as far as to hypothesise about the disappearance of the roles of Justice Minister and Minister of the Interior, to make way for a single Security Minister, thereby providing better coordination of the two spheres, with *'a greater overview'* (Area Chief Excerpt), capable of thinking about system as a whole,

¹⁰⁵ With the exception of certain clerks and secretaries in chief who are also subject to a system of renewable five-year tenures, if their jurisdiction has more than a hundred members of staff, as their colleagues have been appointed for life (Law of 10 April 2014).

the 'chain' metaphor (PTPI Excerpt) being used frequently, and to ensure more harmonised movement.

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WP3. THE ADMINISTRATIVE ACTORS OF THE POLICE AND JUDICIARY, CAUGHT BETWEEN BUREAUCRATIC STABILITY AND MANAGEMENT AGITATION

1. RESEARCH CONTEXT AND OBJECTIVE

1.1. Research with a double object: the actors and the changes

Work Package 3 of the project concerns the daily work of particular actors in judicial and police organisations, those who are relatively off the radar of decision-makers and researchers compared to the more central professionals such as the judges, lawyers or police officers. And it is precisely the identity of these actors, their status, their work and their daily reality which form the less apparent dimension that is the focus of the JAM project. This report intends to shed some light on the experience and perceptions of actors regarding the ongoing reforms in their institutions; it also aims to focus on the places they hold and the roles they play. With this goal in mind we have attempted to understand the functioning and practices of judicial and police institutions starting from the places, roles and practices of some members of these institutions¹⁰⁶.

The aim is to highlight the 'black box' of criminal justice in order to demystify its functioning through a close study of the daily experience of the actors who work there and interact (Faget, 2013). Defining criminal justice as a system, as shown by D. Kaminski, entails recognising three elements crucial to its functioning: 1) a flow of information between input and output; 2) an exchange with the environment assumed by the above idea of information flow and lastly, 3) a black box intended to transform the information entering the system before releasing it in its environment (Kaminski, 2015). In our study the black box is comprised of the organisations and professionals whose daily work is to implement criminal proceedings. Their practices imply the interaction of three concurrent normativities: institution, organisation and profession. The first designates 'the normative measures imparted by laws, values or symbols and having the capacity to guide practices (...)' (Kaminski, 2015). The second relates to the organisational modes of bodies that are also in a position to guide criminal cases and are characterised by a bureaucratic and hierarchy model as well as by the emergence of new organisational norms under the New Public Management. Lastly, the professional

¹⁰⁶ This report is to be considered as a synthesis of the main results of the research. Intended to be succinct, it does not include the component of the ethnographic approach adopted: detailed and precise discussions of the nuances and issues at stake. To complete and refine the ideas herein, we refer readers to the doctoral thesis submitted to the School of Criminology of the Free University of Brussels (ULB): *La participation des acteurs administratifs aux pratiques de la justice et de la police. Immersion dans les coulisses de commissariats, de parquets et de tribunaux (Participation of administrative actors in practices of the justice and police. Immersion behind the scenes in police stations, prosecutors' offices and courts)*. This thesis is considered to be a second deliverable of the research financed by Belspo.

normativity consists of knowledge, routines or even a 'craft' (Monjardet, 1996), in other words ways to do one's job that do not necessarily reflect institutional and organisation rules and which arise from professional socialisation mechanisms that have been built collectively (Kaminski, 2015)¹⁰⁷.

1.1.1. Identifying and naming the actors studied

The actors designated by the initial project are the clerks and secretaries of the judicial bodies as well as the secretaries working in the integrated police forces. More largely referred to as 'administrative staff', they have been chosen for this study because little is known about them and they work 'in the shadow' of the judges and police. Indeed, very little scientific or even official data are available about these actors, who generally form the baseline of the institutional line of command. Our first exploratory steps quickly revealed a diversity in the profiles and characteristics of those working in the clerk and secretarial offices. We thus decided to expand our field of research to the entire staff of these judicial and police offices and to group them under a common denominator administrative actors. The term administrative here refers more to a type of tasks and roles than to a formal status. It would be reductive to differentiate the actors based on their status (administrative, police or judicial) as this does not determine the type of tasks they accomplish. The main characteristic is primarily the administrative nature of their work and the fact that they work in services considered as administrative compared to so-called operational actors and services that are responsible for carrying out the basic work and taking the decisions needed to fulfil the institutional goals (Mintzberg, 1990).

The notion of actor also reflects the way we situate our approach in the sociology of public action, which recognises the actor's power to take action and go beyond certain institutional and organisational constraints and also a rationality that gives meaning to one's action and that is intrinsic to the context in which the action takes place. This context is rich with resources and implies representations that vary depending on the situation and which influence the actor's behaviour (Musselin, 2005 ; Poulet, 1995). As such, the person acts and is not considered as a mere agent of public policies. The actor's quality of being a subject and his/her subjectivity are at the heart of the scientific approach to understand and interpret the social reality, without precluding the possibility that it may also be determined by structural contexts and constraints.

1.1.2. Changes of a managerial order completed by other changes...

The starting point of the JAM project is the observation that the justice system and the police are in the midst of a paradigm change spawned by growing pressure on institutions to become managerialised. The concrete expression is a focus on their internal organisation, increasingly guided by performance criteria in terms of effectiveness, efficiency and improving the quality of services, particularly in terms of accessibility and service to the citizen/customer (Jonckheere, 2013 ; Kaminski, 2009 ; Kutty et Schoenaers, 2010 ; Vigour, 2006). This managerial transition is part of a broader context of modernisation throughout Belgium's public administration. Launched at the start of this century, and largely inspired by the New Public Management (NPM) current which spread throughout the OECD countries from the 1980s, the movement aims to apply managerial principles of the private sector to the civil service and focuses on continual improvement in performance (Beuken et Van De Moortel, 2014 ; De Visscher, 2002). Our research project is more specifically interested in all the management reforms of a nature to reconfigure the organisation and functioning of institutions.

This research began in 2014, a year marked by major reforms in judicial and police institutions. This included a geographical restructuring of the judicial districts, staff mobility, autonomy in the management of judicial bodies, a career definition for judicial staff and an optimisation of services by the federal police primarily in the aim for consistency with reforms in the justice system. Although these vast plans for reform were undeniably an incitement in our on-site observations; the inductive nature of our approach led us to extend our field of study to other types of changes.

1.2. Research framework

Given that relatively little is known about the target actors, our first step consisted in identifying them more clearly and gaining a better idea of the places they hold in their institutions, the roles they are led to play, including the way they construct their own practices. This work was coupled with specific attention to changes underway in the institutions, but without limiting ourselves to managerial transition and always observing through the perceptions and experience of the actors under study.

¹⁰⁷ As a more detailed discussion of these three normativities is beyond the scope of this report, we refer you to the two main works that guided our thoughts on this subject : (Kaminski, 2015 ; Monjardet, 1996).

This attention enabled us to learn much more about what the changes make actors do and on the role these actors, in turn, play in the ongoing transition.

This perspective reflects the theoretical framework of sociology of public action, more specifically an approach that consists in understanding 'from below', in other words through the actions, the 'actual work' of the actors responsible for implementation. It is thus a question of looking into routines, ways things are done and the discretionary power of the street-level bureaucrats¹⁰⁸ who are always both in competition with the legal framework of public action and participating in its construction (Dubois, 2015 ; Lascoumes et Le Galès, 2012 ; Lipsky, 2010).

2. METHODOLOGY

Our methodology is an inductive and empirical qualitative approach involving immersions of an ethnographic type, completed with other qualitative methods such as individual interviews and focus groups. Criteria for diversification and saturation were crucial and our main concern was to draw up an interpretive scheme based on correlations established between various elements of the situations observed (Paille, 1994) all the while paying close attention to the reflexivity and intersubjectivity that are inherent to a qualitative and ethnographic approach (Adam, 2009 ; Cefai, 2013 ; Ghasarian, 2004 ; Schinz, 2002).

A first exploratory phase lasting six months was spent consulting the targeted literature and holding about 20 exploratory interviews with reference actors. This work enabled us to refine our field of research and define the criteria for our sample.

The next phase was devoted to collection of the main empirical data. For twelve months we conducted on-site observations in two judicial districts, one French-speaking and one Dutch-speaking, as well as in judicial and police offices. During this period our immersion focussed more specifically on the following bodies: Crown prosecutors' offices, first instance courts, local police stations and the deconcentrated services of the federal police at the judicial districts (the DirCo and DirJud services)¹⁰⁹. Certain sections and services were chosen in these bodies. On the judicial side, our observations concerned solely the secretariats and clerks offices of the traffic and correctional sections¹¹⁰, and on occasion, in some support services. At the police facilities, we also focussed on the administrative and operational secretariats and added some support services to our sample, especially at the deconcentrated federal level. The immersions took place from November 2014 to late December 2015. This year of immersion enabled us to assemble some 1300 pages of field notes.

After this data collection period came an interim analysis phase where we entered the data gathered and drew up a first analysis grid in order to guide the next steps. We used the qualitative data processing program Nvivo for the initial organisation of our data. We then continued this work of synthesis, analysis grid and data interpretation in a more hands-on manner.

Once this grid was ready, a series of information collection methods were set up. We first organised round tables and focus groups where the administrative actors of the police and judicial bodies situated at the base of the organisation structures were assembled. We worked with them on the basis of suggestion sheets in order to gather their perceptions and opinions about the notion of change. With team leaders employed in a service but working in a team management role¹¹¹, we chose to use the critical incidents method (Leclerc, Bourassa et Filteau, 2010) and based our work on incidents proposed by the actors themselves. All these data collection methods focussed on the notion of change and the actors' experience.

¹⁰⁸ *Street-level bureaucrats* denotes the individuals who work in civil services characterised by a series of rules and authority structures (a 'bureaucracy') and those who, in the context of this work, interact with citizens and are invested with considerable discretionary power in the attribution of benefits or sanctions. The term '*street-level*' designates the distance between these actors and the assumed centres of authority. We say 'assumed' for M. Lipsky has shown the extent to which the decisions, routines and devices invented by these SLB to cope with their daily work *become* public policies; conferring on them a 'policy making role' (Lipsky, 2010).

¹⁰⁹ The integrated police, structured in two levels, include a local level which covers a multitude of police zones corresponding to the territories of townships (and some zones covered several townships); a federal level consisting of a general directorate and central services along with a deconcentrated federal level that corresponds to the judicial districts and includes the coordination and support directorates led by the Coordinating Director (DirCo) and the deconcentrated judicial directorates led by a Judicial Director (DirJud).

¹¹⁰ From a criminology perspective, we focussed on these criminal cases and for the most part on the first level of justice (even if the correctional courts represent the level of appeal on decisions handed down by the police courts).

¹¹¹ We have often referred to these people as 'foremen/women'. *Managerial* terminology tends to associate them with the *middle management* rank.

We then undertook a second and final immersion on-site phase in order to diversify the contexts by comparing our analysis grid and main materials with other organisations. The latter were primarily selected based on their size and their rural or urban context which differed from our original fields. The prosecutors' offices and local police stations of four other districts (two Dutch-speaking and two French-speaking) were thus observed for approximately one week each.

Once all the study material was collected our task was to aggregate these latest data gathered using a provisional analysis grid and then to consolidate this grid by defining and selecting the final themes of our inductive analysis (Blais et Martineau, 2006 ; Paille et Mucchielli, 2008).

3. THE MAIN RESULTS: THE PLACES, ROLES AND PRACTICES OF PARTICULAR ACTORS

This third section discusses the main results that emerged from our analysis. The inductive and interactionist approach adopted consists in defining the actors' work by resituating it in its system of interactions and elucidating both the constraints and the creative facets. This is done by stressing the 'relational and human context' instead of the functions assigned by normative texts (Avril, Cartier et Serre, 2010). Thus, data in the field will be our starting point to present the successive places that the actors hold in their institutions. To begin, we will look at the institutional and organisational normativities that define or influence these places (3.1). We shall then turn to an analysis of concrete activities and examine the ideal type roles they end up defining (3.2). And then we shall close with an analysis of practices that stray from a job's prescribed dimensions, enabling the actors to adapt them to their work context and to the changes they face daily (.3.3).

We should clarify briefly a few basic notions that shape this results presentation. The notion of place is used to situate the actors in their institutions and in the work organisation deployed; it is therefore relatively static and theoretical. In our project, this notion is associated with that of mission which designates the goal of the action assigned to the worker. Tasks refer to a prescriptive dimension, thus to the work activities that are governed by rules concerning both the aims of the work and the conditions for carrying it out. The prescriptive dimension can be more, or less, developed and have a variety of origins, but it always entails a constraint aspect that is occasionally negotiable (Tourmen, 2007). Activities refer to 'work that is going on', to the activities the workers are accomplishing here and now either individually or collectively, regardless of their degree of prescription. Activities are subject to constraints and environment-related variations and they require adaptations by the actors (Tourmen, 2007). The notion of role has a dynamic nature and serves to articulate the theoretical places and missions with the tasks and activities actually observed and complying with rules; the also articulate with the actor's representations of what they think is expected of them. Practices refer more to the ways the actors invest in and accomplish their tasks, missions and daily roles. Roles and practices form a more significant interactional dimension.

3.1. The actors' places and missions

Before discussing the concrete activities of the administrative actors, the roles they assume and the way they inhabit these roles, we must first clarify the place(s) they hold in the institutional and organisational context of their workplaces. We will first look at the formal status of the actors before examining their work context.

3.1.1. A formal status marked by distinctions and misalignments

All the actors are employed by the civil service which applies a nomenclature that organises the functions along various levels and classes, mainly corresponding to the level of diploma obtained. Without going into details irrelevant to this study, it is sufficient to note that the civil service lists the four following levels¹¹²:

- Level A staff must have a university diploma 'or assimilated';
- Level B staff must have a short-cycle higher education diploma;
- Level C staff must have an upper-secondary education certificate;
- Level D staff do not need to have any school certificate 'other than exceptional circumstances'.

The administrative actors in our study working in the judicial offices for the large part belonged to levels B, C and D. Level B includes the court clerks, secretaries at the prosecutors' offices and the experts who may be assigned to clerks offices, secretariats or support services; levels C and D

¹¹² For further information, see the website specially devoted to the status of federal civil servants, the 'federal cartography': <http://www.cartographi.efederale.be/web>, consulted 19 December 2017.

concern the job titles assistants and collaborators who may work in these same services¹¹³. It is worth noting an important distinction between the court clerks and the prosecutors' secretaries on the one hand and the attaché staff on the other. The status and functions of the former are determined by law in order to guarantee their independence towards the executive power, which is necessary to exercise judicial authority. This is not the case, however, for the experts, assistants and collaborators (CMOJ, 2012).

There is an important nuance between the police and judicial institutions: the administrative actors studied in the police institutions can have a status of police officer or of 'administrative and logistic manager' (CALog) a designation for civilian staff working in the police services. It is clearly less probable, however, that a judge would hold the job of a court clerk or even that of an assistant or collaborator at the clerk's office or prosecutor's secretariat. Although the staff members studied are always distinct from the operational actors, the line is sharper on the judicial side because the police institution has undergone a stronger integration between the two management roles, in particular symbolised by the 'single status' introduced by the reform of 1998¹¹⁴.

The administrative actors on the police side were thus selected for our sample primarily because of the service where they were employed or the tasks they accomplished, not on the basis of their status. Our sample nevertheless contains definitely more CALog members than police officers. These civilians also belong to levels B, C and D which correspond to titles that are not the same as those used by judicial staff: level B is consultant; level C assistant and level D can be called auxiliary, worker, employee or qualified worker¹¹⁵.

We should also point out that the question of statuses and careers plays a particularly important role on the judicial side where we observed several misalignments, which are keenly felt by the actors. They contrasted official statuses with more individual dimensions, such as education level, seniority and professional experience or even the jobs actually done, whose level of complexity or responsibility did not necessarily correspond to the status. These misalignments are often hard to objectify but are clearly resented by the actors, arousing feelings of injustice and frustration.

3.1.2. A particularly constraining work context but one that is not without resources

- **An organisational structure marked by a double hierarchy and a division of labour with differentiations between justice and police**

The actors' places are necessarily determined by the organisational structure of their agencies, characterised by an undeniable hierarchy dimension and the special autonomy of the structures' operational members. This autonomy is based on a recognition of specialised qualifications, on the model of the 'professional bureaucracy'¹¹⁶ formulated by H. Mintzberg (Mintzberg, 1990 ; Monjardet, 1996 ; Vigour, 2008). The place of the administrative actors, however, is a completely different case. At the same time they are responsible for providing support to these operational staff who are not always a superior in their line of command, and they must also follow orders from a supervisor who may have the status of judge, police officer or administrator (often at level A and with director or team manager functions).

Independently of formal hierarchy relations, the main characteristic of the administrative actors is their instrumental mission, as a means at the service of an operational directorate or staff member. This function situates them at the base of a hierarchy pyramid that is double. In fact, it seems that the main pyramid – which we could qualify as institutional, with the head of the corps and his/her team at the top – actually contains two other pyramids, each with its own classification system: an operational pyramid for the police officers or judges, and then an administrative pyramid for the administrative staff, that is, the CALogs and the judicial staff. These two pyramids imply distinct chains of command despite the relations that exist between the two, which vary in the two institutions under study. The administrative actors are involved in authority relations with their direct supervisors, who are part of their own pyramid but are also at the service of operational actors who, although they are not necessarily part of the chain of command above the administrative, definitely benefit from a symbolic

¹¹³ Art. 168, 176 and 177 of the Judicial Code.

¹¹⁴ Art. 119 of the law of 7 December 1998 organising the integrated police service, structured in two levels (LPI/GPW), *M.B./B.S.*, 5 January 1999.

¹¹⁵ Art. 7 of the law of 26 April 2002 concerning the essential elements of the legal position of the personnel of the police services and concerning different other dispositions related to the police services, *M.B./B.S.*, 30 April 2002.

¹¹⁶ This model is based on the professionals' primarily education-based qualifications and knowledge and grants these professionals a broad autonomy in controlling their own work (Mintzberg, 1990).

authority in virtue of their status. On the judicial side, the distinction is sharper: the base level judges have no direct authority over the administratives. In the police services, however, the administrative staff's supervisors are often police officers. This configuration accentuates the prescriptive nature of the actors' work and daily routine and reinforces their places as people merely carrying out orders. The image of the double pyramid also illustrates the very first level of the division of labour between two groups: on the one hand the operational staff whose missions entail specialised qualifications and knowledge and who are recognised and protected by a status that institutionalises them as such, and on the other the 'base administration agents', 'assistants' or 'technicians' who are less qualified, more strictly controlled and whose main role consists in sparing the operational staff the most repetitive and technical aspects of their work (Gadrey, 1994 ; Weller, 2007).

This first level of work division is compounded by the way the work is divided and shared among the administrative actors. On this subject, it is worth noting an important nuance between the judicial and police institutions. A characteristic of the former is a Taylor type division of work within an administrative pyramid. The work is divided and shared among several services and actors who are divided and structured along the various steps of the legal process. As a result it is schematically possible to follow the case files by moving from one service to another. A characteristic of the activities of these services is their focalisation and specialisation on certain quite specific steps of this path. The administrative actors in the police institution are less concentrated in their administrative pyramid and are distributed more along the divisional structure of the police organisation, which offers each unit a relative autonomy (Mintzberg, 1990). The administrative and operational secretariats, and the support and reception services are above all attached to a division (often called a unit) and to its leader, director or manager. They are distributed and integrated all along the institutional hierarchy. While the administrative and operational judicial pyramids function in a way that is relatively autonomous and distant, the administrative actors of the police organisation are much more attached and close to a direct supervisor, often a police officer, and the police staff who make up the unit.

- **A space-time context that poses constraints and acts as a resource**

The work spaces and the way work time is managed are also useful illustrations of the actors' institutional and organisational places and the differences between them and their operational colleagues. Most of the administrative actors share offices; sometimes with just one colleague, other times a group of 20 employees share a large open work area. This is not as systematic for the judges and police officers. The former usually have an office to themselves, if they even have one¹¹⁷, while the latter often share their work areas but with a smaller number of colleagues. Some police officers do not have a specific desk of their own because they are often out in the field; they share a work area that looks less like an office and more like a large meeting room equipped with some individual lockers and some computers. The police return between missions in the field, stow their personal effects and then find a seat to prepare their police reports and daily notes. Those further up the line of command almost always have an individual office, the volume and furnishing of which give clues as to their rank in the hierarchy.

The work hours of the administrative actors are prescribed, controlled and regular, differing from the schedules of the judges and police officers. The control modes vary considerably from one place to another, but are nonetheless omnipresent: mechanical time clocks, computer programs or else more rudimentary systems to record the hours worked. And even when there is no technical control method, the hours are prescribed, interiorised and largely respected by the employees. They must work 7hrs36min per day on a so-called flexible schedule: they can start between 7:00 and 9:00 a.m., take their half-hour lunch break between 11:45 and 2:00, and then leave between 4:00 and 6:00 p.m.¹¹⁸ Although the judges are not subject to such a mandatory schedule, their work hours are determined by their hearings and their holidays by the periods of court vacation. The same can be said for the hearing clerks who follow a schedule similar to that of the judges. The schedule of the level one police officers¹¹⁹ is prescribed and controlled as they must enter their work hours in a program that is common to all the police services ('Galop') and they have to submit service sheets justifying their time by associating it with precise activities. Research shows, however, that it is hard to effectively control police work which is mainly defined by the actors in the field (Monjardet, 1996).

¹¹⁷ The prosecutor's magistrates generally have an office in their organisation, which is hardly the case for sitting judges who often work from home.

¹¹⁸ This is the typical schedule for an employee working full-time. Part-time work and individual schedules arranged locally are not taken into account here.

¹¹⁹ The base level staff is composed of police officers (INP). They have all the police capacities and are only rarely team managers.

The prescribed use of space and time says a lot about the places the actors hold and the constraints and resources of their work context. The administrative actors rarely leave the premises during their work day. They move around but almost always within the building, while the judges and police officers often leave the institutional site, either in the context of missions or for more informal reasons such as lunch at a restaurant or simply because they are working from home. It is not so much that the administratives have no right to leave the offices, but the time constraints and obligation to be present considerably limits their chances to leave. It is hard to dine out in less than a half hour, for example. At the same time, these strict hours also mean that the actors can head for home even if they have not finished their day's work. In view of the context of overwork and understaffing, it is a considerable resource for the actors to be able to leave unfinished work for the next day; it spares being overwhelmed by the workload or by the expectations of their line of command or symbolic superiors.

3.1.3. A professional identity and an instrumental function that is neither truly understood or appreciated

The various titles and function levels reflect a system to classify workers that helps produce an image (Bourdieu et Boltanski, 1975). This image is the institutional facet of the construction of their professional identity (El Akremi, Sassi et Bouzidi, 2009), which can be defined as 'the self-image elaborated on the basis of what is conveyed to us by other actors (individuals, groups, institutions) with whom we interact' (Loriol, 2000). It is never defined once and for all, but is built, deconstructed and evolves in the light of the interactions and signals received from the environment (El Akremi, Sassi et Bouzidi, 2009). It must be noted that the signals sent by the official classification hardly enable the actors to identify one from another. Yet one mechanism that contributes to building an identity is precisely the 'individual's ability to feel different from others on the basis of his/her work' (El Akremi, Sassi et Bouzidi, 2009). Only the court clerks and prosecutor office secretaries seemed to truly recognise themselves in their titles, while all the other actors seldom used theirs. Assistants, collaborators, experts, auxiliaries, employees are indeed less associated with precise activities and they are found at an inferior position in the classification. The titles seemingly refer to a large and vague category of 'base level administrative employees', ill-suited for distinction thus not useful for identification either. This is compounded by the misalignment between the official statuses and the actual job situation which frustrates a good number of the actors.

The imprecise classification system and its observed misalignments compared to the actors' actual work experience reveals a lack of institutional knowledge regarding the specificities of a large portion of the active members of the police and justice systems. This lack of knowledge is clearly detrimental to the first element crucial to recognition at work, defined as 'the formation of a positive relation with oneself that is both built and reinforced by others' (Dubet, 2006, *Injustices : l'expérience des inégalités au travail*, Paris, Seuil, quoted by (El Akremi, Sassi et Bouzidi, 2009)). This first indispensable element involves being seen, identified and known; its absence compromises the workers' whole process of identity construction (El Akremi, Sassi et Bouzidi, 2009). These observations show a need to question the institutional recognition of the places, identities and real contribution of the actors who are working in their organisations.

The places held by the administrative actors in the institutional and organisational context illustrate the circumscribed and prescriptive nature of their work and the primarily instrumental dimension of their function, characterised by a double scope: organisational serving the hierarchy, the 'managers' of the agencies, and operative making it possible to concretise the missions of the operational actors. Their mission is therefore one of assistance and support to other actors (operational and management) in addition to external actors, professionals and citizens. This mission implies tasks that are defined formally with a more or less developed and precise prescriptive dimension, the origin of which is often hard to identify. The tasks define the way the actors theoretically must accomplish their mission. They can have various origins – an order coming down the hierarchy, a formal work assignment, a written regulation or even learning passed on by colleagues conferring a customary nature. They can be broken into three main categories: tasks to manage the flow of information that enters or leaves; those that are related more to assistance and services to professionals and citizens, and lastly tasks of mutual learning among actors. The level of prescription ranges largely, between a relatively strict standardisation and a vagueness that leaves more margin to the actors. However, all tasks have a formal dimension and an obligation for execution by the actors. The task, however, is not sufficient to identify and analyse the actual work done. For this reason the next section will concentrate on the actors' activities which, among other things, include tasks that supposedly frame these activities but are not limited to this.

3.2. Types of activities and the roles that emerge as a result

After clarifying the theoretical places our actors hold in their institutions, let us look at their actual work through their activities and the type roles they portray. We shall start from the postulate, largely demonstrated, that no work can be reduced to its prescriptive dimension – thus to its formal tasks – by evacuating the workers' subjective involvement. This subjectivity encompasses their intelligence, feelings and their 'relations with the world' and is necessary to accomplish the work (Ganem, 2011 ; Linhart, 2008). We propose to start by summarising the categories of essential activities observed in the field, which seemed to be the clearest illustration of the work the actors actually do, even if they don't all apply to each worker (3.2.1.). These activities will then be used to identify the ideal type roles that the actors play or assume and which clarify their contributions to the work done by the institutions (3.2.2.).

3.2.1. Inventory of the main activities observed

As it is inconceivable to present a detailed description of all the activities observed in the field, we have drawn up an inventory of the most essential and cross-cutting activity categories. Some are the object of clear and precise prescriptions, especially in the way they are to be carried out, and as such are genuine tasks associated with the administrative actors' mission. Others, however, involve the workers' subjectivity to a greater extent.

The first category of activities concerns the daily management of the information flow both incoming and outgoing - often after transformation by the organisations. The criminal system is indeed characterised by a flow of input and output managed by a system responsible for transforming incoming information into a finished product (Kaminski, 2015). This information processing is shared between the operational staff who take the major decisions and the administrative actors who handle the more technical side. This 'socio-technical network', as J.-M. Weller (Weller, 2007) calls it, is what materialises the institutional action. On the judicial side, these activities are mainly illustrated by the judicial file (or else the procedural or hearing folders or actual files of paper). On the police side we have police reports, court orders, service sheets and other paper documents. This flow management requires activities to handle mail and enter or process data (complete, move, format, update, make available), along with filing and archiving.

Managing mail consists primarily in receiving, sorting and distributing the incoming and outgoing mail. The activity is organised in several management levels: the most general is done by the messengers, postal clerks or couriers while the most specific work is done by each service where an administrative actor sorts and distributes the mail delivered by the messengers. This activity follows a strict schedule and is governed by certain precise rules, but can be subject to unforeseen circumstances that call on the workers' subjectivity. The tools used: pigeon holes, mail carts, plastic crates or cardboard folders and other inboxes, are all office supplies that illustrate the importance of paper and the artisanal and non-digital nature of these mail activities. Coding and data processing, a job done by most of the administrative actors, designates any activity consisting in writing or registering information or data with the help of certain forms or codes that modify a data's format. Coding and data tasks include activities with IT equipment such as databases or time/event management programs that are standardized at the institution level; they also include more local forms of coding either by hand or more or less computerised. Regardless of the prescribed nature of the tool itself, the coding/data entry method is mainly transmitted among colleagues and is thus shown to be a customary practice. This includes handbooks prepared by the actors themselves, at each organisation indicating the way to do certain things. Although the actors occasionally criticise the institutions' archaic IT tools, they recognise the utility of these codes from a functional and pragmatic point of view because they make it possible to follow and locate information. They feel less concerned by the management and evaluation goals attributed by the authorities that impose the codes. Tasks related to daily information processing consist in updating information, transforming it to meet requirements and ensure its dissemination and transfer within and between agencies. A central issue of these activities is the ability to locate the information, at any and all times; a considerable focus of the actors' attention. The information processed moves back and forth among a multitude of different actors, requiring scrupulous respect of the rules to make sure that each person can locate the information when needed. Although digital coding assists locating, it absolutely must also entail an irreproachable storage of material data (files, folders, reports and other mail). Error and distraction are human, so a file gets misplaced the actors must call on their own knowledge and experience to search and find it quickly, which often sparks a degree of agitation. These activities also imply tasks making the information available, especially through portals and hearings, occasions that all pose a risk of information disappearing or being mishandled which the actors must then put right. Lastly, there are

the activities of filing/archiving which in a way mark the final point of the organisation's information processing. The finished product has been achieved, it moves towards the next step of the criminal process or simply reaches the end of its judicial path and leaves the flow of ongoing information. Yet it never totally leaves, for each organisation maintains a trace of the information that it processed, a trace that is filed and archived according to very strict methods, which in principle make it possible to retrieve the information if needed. These activities are incarnated in the image of basements, attics and cabinets containing all these traces in the form of documents, files and pieces of evidence. The technical means available influence the ways these pieces are conserved and also the work of the actors: some are scanned and digitalised, others are loaded with barcodes for rapid identification, while others are simply stored away and accumulate in basements and attics in a general state that raises doubts about the quality of the preservation and provides many work challenges. The administrative actors primarily involved in these activities nonetheless seem to be comfortable with these artisanal, customary methods which they pass on from one to the other.

A second category groups all the assistance and service activities that occur more frequently in an interactional context where the administrative actor provides a service; the beneficiary can be either a colleague, another professional or a citizen. The beneficiary colleagues can be base-level operationals, supervisors or close colleagues working on the same collective job. The external professionals are primarily lawyers and police officers. The citizens who come for police services are characterised by their diversity and heterogeneity – illustrating the scope of police work (Bittner, 2001 ; Monjardet, 1996) – while those who contact the judicial offices are more specifically involved in a judicialized situation. Although most of these activities reflect prescriptions, the way the work gets done varies depending on the actor, the situation and the beneficiaries. These tasks also involve quite a bit of the unforeseeable because of the requests and questions from potential contacts. Although obviously some specialised portals, especially on the judicial side, receive the same type of questions – thus suitable for pre-formulated answers – there will always be unforeseen questions. The same can be said for requests from colleagues. These activities, despite being prescribed and circumscribed, are thus mainly relational. This tends to intensify the actors' work - requiring them to be more available, offering a degree of motivation by feeling useful and also creating dilemmas and a further need to negotiate, in short it mobilises their subjectivity more intensely (Weller, 2003, 2017).

Activities to assist colleagues are striking illustrations of the work divisions in the organisations studied. The words of the actors themselves show two types of actions that complete each other: preparing and checking the work of certain colleagues. Preparing according to the Oxford English Dictionary means 'make (something) ready for use or consideration' or 'make (someone) ready or able to do or deal with something' both quite appropriate for the work of our actors who effectively prepare the work not only for operational actors but for some of their more direct colleagues. They make other professionals ready by producing documents, delivering mail, ensuring follow-up, organising schedules, preparing the material for hearings, and so on. This work implies tasks that are relatively standardised, especially coding, often with a degree of personalisation either through repairs or corrections to documents or forms, or by additions to draw the colleague's attention to an important element. These are all small things that involve the actors' subjectivity and influence the work of their colleagues. Many other activities revolve around checking one's own work and that of others. The dictionary describes this action as 'examine (something) in order to determine its accuracy, quality, or condition' or 'verify the accuracy of something by comparing it with (something else)'. The actors check the work done by colleagues in a previous step for to ensure its quality. Although checking and verifying have a prescriptive dimension they largely depend on the actors' work conditions, particularly the time they can spend on these tasks that are mainly invisible thus hard for the hierarchy to evaluate (Ganem, 2011). These checks illustrate not only the division of work among actors but also the fear of making mistakes including that of failing to identify and correct mistakes made by others. The actors often refer to the umbrella, a metaphor in French for covering oneself to illustrate the logic whereby some feel less responsible while others feel more responsible, people who are either at the next step of the activity (horizontal division of work) or lower (vertical hierarchy). Sharing tasks among actors and activities to check mistakes made by others reflects a distribution of responsibilities, liable to lead to a 'collective lowering of responsibility' (Mouhanna et Bastard, 2010). It is worth adding that as one goes down the chain of command, the workers have fewer possibilities to 'open an umbrella' which clearly increases the burden of responsibility of those at the base of the line. We should also add that assistance activities can also lead to operational activities being more frankly delegated to administrative actors. This is particularly the case, in certain police prosecutors' offices, for secretaries whose job title is 'qualifier secretary'. They are in charge of judicial files from start to finish, a job that

consists in analysing them and proposing an orientation (drop charges, transaction or direct summons to a court) which the judge will then validate. The tasks to qualify cases are similar to the work of the judges even if they concern solely massive cases and are undertaken under strict criminal policy directives that lend a prescriptive dimension. Although this minimises the discretionary power of the qualifiers it is never completely cancelled due to the singular nature of each case.

The third category refers to activities of learning/teaching and mutual assistance among peers characterised by a lower, even non-existing, level of prescription. The first activity, as the term indicates, consists in teaching colleagues about one's own job either because they are new to the organisation and must learn to do the tasks to be assigned to them, or because they must diversify their activities by learning to do the work of other colleagues, once again illustrating the strict division and distribution of the work. These learning activities are often ordered by someone up the chain of command. The way it works is always the same: the apprentice follows the mentor while she/he carries out the activities that need to be learned. The mentor takes the apprentice along and explains the tasks being done in order to teach the other how to do them. This apprentice-mentor relationship holds an important relational dimension; it will be more fruitful if the protagonists get along well, and this will have an impact on the quality of the learning process. Furthermore, it is worth noting that these teaching/learning activities are always an adjunct to the actors' daily tasks, especially for the mentors since the apprentices often do not yet have their own activities. They are systematic adjuncts for all the parties when they are organised in the perspective of diversifying activities or developing greater polyvalence. We should mention a paradox at this time: while immersions in the field show how crucial and time-taking these activities are, they always appear as an additional or even secondary job compared to the prescribed work that must be done each day. No specific time is set aside formally for these activities. The actors are thus ordered to teach their job to X or learn Y's job – often during quite specific times of the day or week. Yet, as the time needed for this is never specifically allocated, subtracting time from daily work, the teaching/learning will be neglected if it threatens daily operations. It is never considered a priority even though it is indispensable as the only way to learn the profession. No one orders mutual assistance among colleagues but it is part of those unspoken rules for getting along in a group of peers: making it possible to unravel problem situations and work together to find solutions, but this cooperation ends once a worker decides to just do the work assigned. This assistance enables institutions to continue functioning in a way that is invisible to the hierarchy that controls and evaluates the work. These activities are evidence of the empirical and local nature of the way the administrative actors in the institutions studied learn their profession, one that differs partially from that of the operationals. Judges have a university diploma and are then trained in the judiciary by their peers but in conditions that are more recognised. Police officers also follow a long police training process organised by the police force itself. The institution leaders or managers often have university diplomas and follow management training organised by the training institutions of the federal administration¹²⁰ or of their respective institutions¹²¹. This illustrates the observation by D. Kaminski that the 'subaltern agents of the criminal agencies, in Belgium, are trained by their own agencies' (Kaminski, 2015). Although 'on the job' training, a daily feature of work that relies on peers, obviously occurs among the operational actors, the lack of time and specific means of training lend it a nature more empirical and impromptu among the administrative actors. This type of learning is quite different from following a training course, even one organised by one's own agency, given by a trainer outside the office during a time exclusively dedicated to training. Lastly, we note another tool prepared by the actors themselves that supports all these activities – these are the handbooks that most services are responsible for preparing in order to clarify work processes and transmit them easily. They are quite local and artisanal and preparing them is always something in addition to daily work.

3.2.2. Identifying the types of roles the actors assume

All these activities more or less prescribed can be associated with roles that reveal the diversity of the administrative actors' contributions. To identify them we will use the jargon the actors themselves use, completed by our own notions when no word denotes the set of specific tasks or activities that our analysis brought out. We should add that these roles do not necessarily correspond to one specific actor, some can be assumed by several individuals and others are more liable to be the object of a

¹²⁰ Institut de Formation de l'Administration Fédérale (IFA) / Opleidingsinstituut van de Federale Overheid (OFO), <https://www.ofoifa.belgium.be/fr>, consulted on 20 January 2018.

¹²¹ See the website devoted to police recruitment, <https://www.jobpol.be/fr> and the Institut de formation judiciaire / Instituut voor Gerechtelijke Opleiding, <http://www.igo-ifi.be/fr>, consulted on 20 January 2018.

specialisation. The following table summarises these roles and the categories of activities they correspond to.

Activities	Roles
1. Managing information flows	
Mail	Messenger, courier, relay
Coding/data entry	Data Processor
Daily follow-up	File manager/technician (including photocopy clerks)
Filing/archiving	Materials manager (files, documents, evidence)
2. Assistance/service	
Provided to operationals	Auxiliary, hearings clerk
Provided to supervisor	Support, right hand staff
Provided to director or 'boss'	Individual or office secretary
Provided to outside professionals	Relays, contact points between institutions
Provided to citizens	Reception desk, Intermediary between the citizens and institutions (SLB)
Prepare/check	Quality and legality guarantor
Qualify case files	'Qualifier secretaries'
3. Teaching/learning and mutual assistance	
Teaching and transmitting	Mentor
Advice, assistance, guidance	Reference person, 'bible'
4. Preserving a good climate and a 'human' workplace: listening, advising, supporting	Pressure valve, Care, 'psychologist'

Some roles are more suitable for specialisation, that is assumed exclusively by one actor, while others are more suited to a form of polyvalence as they are more diffused and assumed by several actors. The more specialised roles correspond to the most technical and detailed tasks, those that are found in the first category even if the activities of coding/data entry, for example, are done by a large number of administrative actors. In this area, indeed, we can find the most specialised roles such as those of the messenger, relay and courier, the photocopy clerks or the file and materials managers. The assistance and service activities are an integral part of the instrumental mission of the actors, but those that imply a closer relationship, 'one to one' with another professional are also specialties ensured by the hearings clerks and individual or office secretaries. The reception desk role is often specific for certain actors but is never the person's sole job. The roles of right hand, support, auxiliary or relays between the organisations as well as guarantors of the work's legality are for the most part prescriptive, occasionally quite precise, but they are always shared among several actors. All the administrative staff are auxiliaries or right hand staff for the institutions' operational actors or supervisors; all are relays who transfer information between organisations, and all are guarantors of the legal conformity of decisions, a role symbolised by the tasks of preparation and (especially) checking which gives legitimacy to the bureaucratic model. The division of work and hierarchical control that this model establishes are justified by its ability to guarantee the legal conformity of decisions and forcibly this division and control particularly concern the administrative actors (Weller, 2007). It is because they do what they do and the work is divided between them and the operational/supervisory actors that the latter can devote themselves to their central mission. The administrators get information ready and check it in order to guarantee the quality of everyone's work. The mentor and reference person roles are more dispersed, mainly because they require more polyvalence. Some actors are nevertheless more specifically designated as a service's mentor or 'bible' because of their experience and acute know-how, often linked to many years on the job. These roles illustrate the importance of transmitting practices and knowledge among actors, and the participation of each individual to disseminating a professional culture. A large majority of the tasks and activities are learned from colleagues. As such they are of a customary nature, which confers a central role on workers in spreading practices and a professional culture. Lastly, all actors can be led to play the role of pressure valve in their organisation, a role that by definition is not prescribed and is invisible, but nonetheless crucial for the daily functioning of the teams, especially in a context of a job characterised by lack of means and an ever growing workload. This pressure valve role takes shape solely in interaction and summons a large degree of each person's subjectivity.

The distribution of the roles varies widely depending on the size of the agencies. They are more divided and specialised in the larger organisations whereas polyvalence is more developed in the smaller bodies. The actors themselves often explain that the work itself is basically the same in all the agencies, but the way it is organised and done varies from one structure to another, because of its size on the one hand, but also because of the interactional dynamics that settle in. And finally, it is largely dependent on individuals regardless of the prescriptive dimension.

3.3. Practices and modes of adaptation

We are now going to highlight the practices of the actors, those they set up in their daily work to carry out their activities or assume their roles. These practices are part of a context that contains both constraints and resources; they are built through interaction with other individuals and these contextual elements. The practices refer less to the prescribed and standardised dimension of the job than to the actors' own creativity, knowledge, skills and experience, in other words to their subjectivity and professionalism (Linhart, 2015). As they carry out their mission and do their prescribed tasks, the actors develop practices that enable them to adapt to a work context and also to their own perceptions and representations of their work. These practices are directly concerned by changes of a varied nature that intervene in their daily job.

3.3.1. The practices to adapt to a work environment: between professional routines and DIY (do-it-yourself)

The actors' work context reflects a constraining and prescribed framework as regards both their status and daily tasks and the space-time in which they must accomplish their missions. These characteristics tend to standardise work procedures and restrict the workers' margin of manoeuvre according to an industrial model logic (Gadrey, 1994). Nevertheless, in each of these dimensions we can see practices set up by the actors in order to adapt to these constraints. This occasionally implies side-tracking the prescribed norms to address an interest that is often shared by the peer group and motivated by the actors' search for quality in their work and also for well-being on the job. These practices often take the form of routines or 'DIYs' devised and transmitted locally in an artisanal manner by and among the administrative actors. They are based on a 'professional art' arising from a professional rationalisation of the job, which is different from an industrial type rationalisation aiming primarily to standardise the work to a maximum, and emptying it of any professionalism (Gadrey, 1994).

A 'DIY' is understood as a 'practice and adaptation to a situation and a context, the opposite of submission and careful and systematic application of a theory (...) [The worker] uses the existing materials but takes liberties with them and adapts them to circumstances (...) ' (Poulet, 1995). A routine in this context has a positive connotation of 'know-how acquired in an activity extending over time' (Breviglieri, 2006). It does not necessarily or exclusively imply something machinelike, but is a basic element of the set of professional skills by which actors can adapt their practices to the unforeseen and to evolution, and which thus reflects more a real job than a series of prescribed tasks (Breviglieri, 2006 ; Gadrey, 1994). These practices are intrinsic to the process of learning the job, which as we have seen relies heavily on the actors themselves.

The differences and misalignments observed in the statuses and job titles leading to a failure to recognise the places, identity and work of the actors seem to be directly tied to their use of jargon titles. We also used these titles in the discussion of the ideal type roles as they were so precise that we considered them important in terms of recognition. These jargon titles are a shield of sorts against the failure of the official status to provide institutional and organisation recognition; they can be interpreted as a way to give meaning by 'putting some order' in an official situation that is vague and subject to controversy. As such they respond to two facets of recognition that are both contradictory and complementary: recognition of belonging to a group with whom they develop a common jargon and the recognition of one's individuality and difference by refining the official categories to that each individual can be identified more precisely (El Akremi, Sassi et Bouzidi, 2009). These adaptations reveal how the actors themselves construct their social reality, their daily professional lives: by appropriating certain practices, attributing denominations that accent certain specificities they participate actively in building their professional reality and forging recognition among peers.

The adaptation practices also stand out amidst the pyramid structure and the strict space-time context to reveal the margins of manoeuvre and appropriations that enable the actors to recover a degree of control over their daily work. Their relatively subordinate place under a double authority, hierarchical and symbolic, places the accent on relations of authority and their role as mere executives, but it also

highlights the relations of dependency between the administrative actors and those they are called on to assist. The authorities up the command chain and the operational actors need the administrative actors to make their offices run and fulfil their own missions. This relationship gives the administrative actors a de facto power in terms of resisting authority. It is always possible to refuse certain tasks or to apply work rules so stringently that the system grinds to a halt, the so-called work-to-rule strike (Linhart, 2008 ; Lipsky, 2010). This is all the more true in the cases under study because the hierarchical and symbolic bosses are not free to fire the employees, who are protected by their status as tenured civil servants¹²². The way the actors use their space-time framework also reveals interesting adaptations. They personalise their work areas with decorations or install tools and spaces for conviviality: they all chip in to buy a coffeemaker or organise a social area if space permits. They also develop strategies to find more time outside the institution's walls, for example by eating a quick lunch at their desk and then leaving the building during their half-hour break. Every now and then, in the absence of physical supervision, they take some extra time to go out for lunch. Despite the flexible hours, the actors on the whole tend to organise their work time along a regular and strict schedule. They start early and leave early. This phenomenon is certainly influenced by other time constraints, like public transport, the spouse's work schedule and the school hours of young children but it is also a precious resource in controlling work overloads or unforeseen tasks. They close the information windows and leave the offices at 4:00 p.m. regardless of the amount of work done and then move on to their second life, their private life, often quite busy and the most important in their view. These practices provide them with a degree of control over a daily job that is strictly regulated and structured.

Activities, regardless of their degree of prescription, also reveal forms of adaptation related both to tools and to work relations. The challenge for the actors is thus to adapt themselves or the tools so that they, in turn, can be adjusted to a diversity of individuals, whether professional or not. As the scope of this project did not lend to a description of all the adaptation practices, we shall focus on IT tools which is a true mirror of these practices, before we discuss adaptations of a more relational order. The computer is an essential work tool along with files and other physical items (binders, procedure folders, reports, evidence). All the actors studied have an institutional email account and access to software, like MS Office. They also do a large volume of data entry in the institutional databases (Mach; TPI/REA; ISLP; Galop; ...) and thus cannot avoid these standardised tools that structure their work and practices. They are all required to make the reglementary entries in the institutional databases and to keep their inboxes up to date, yet the way they do these jobs reveal interesting practices. The way to enter data is laid out in handbooks and is mainly passed on among peers. They are of a customary, routine and highly local nature, thus apt for diversifying practices and undermining the uniformity of the coding. The tools produce model documents to which the actors often need to add corrections or improvements to ensure their legal conformity or adapt them to their own requirements or those of supervisors or their peers. Some of these adaptations are alternative tools, for example, creating Excel spreadsheets or writing down the manual codes in registers of paper agendas in addition to the official coding. These adaptations make up for shortcomings in the tools, or else provide personal tools so the worker can be more in control of his/her own work, or even 'continue doing things the old way' – through habit or else because the alternatives make it possible to work better, thus control one's own activities. These practices are proof of a 'professional art' that is transmitted and learned, resisting uniformity and it is the backbone of the actors' professionalism.

The actors activities also require adapting to a diverse range of individuals, from more or less direct colleagues to citizens who ask questions that can be delicate and somewhat out of context. The need to adapt to subjectivities confers on daily work a relational dimension that is quite unpredictable. The actors are characterised by their instrumental mission serving a diverse group of beneficiaries who present a range of requirements and unforeseen circumstances that intensify their work. Adapting consists both in doing a bit of extra work to make a supervisor happy by adjusting a practice, or doing a favour for colleagues by changing a day off at the last minute or entering work hours in a favourable manner, or even answering a citizen who arrives at the desk just before closing or helping visitors find their way, both literally and figuratively, through the institutional labyrinth. All these examples illustrate

¹²² The principle of this protection has changed since 2002 in all public functions and since 2014 in the judiciary through the introduction of an evaluation system whereby a supervisor can write a negative evaluation of a worker, which may lead to the person being laid off. We are nevertheless not in a position to affirm the concretization of this change in the principle. See the following Royal Orders: A.R./K.B. of 2 August 2002 establishing an evaluation cycle in the federal public services and in the Ministry of the Defence, amended by A.R./K.B. of 24 September 2013 regarding evaluation in the federal public function, M.B./B.S of 4 October 2013; A.R./K.B. of 27 May 2014 regarding evaluation of staff members of the Judiciary, M.B./B.S of 6 October 2014.

those grey areas where the administrative actors deploy their discretionary power and necessarily influence the institutions' daily functioning. They more truly reflect the actors' subjectivity and professional identity than work norms do; they reveal the central character of the professional culture and its transmission among the actors.

All these practices mobilise the actors' know-how and take shape as routines and professional DIY solutions. The routines allow them to accomplish technical tasks in a systematic and attentive manner, while also providing the skills that enable them to side-track the strict rules and innovate. The do-it-yourself solutions find individual or collective solutions to unexpected situations, using the often limited means available.

3.3.2. Adapting to changes that jeopardise bureaucratic continuity

As we pointed out above, the research project is particularly interested in the managerial transition going on within the police and judiciary, especially the plans for reform being drafted by political authorities in order to modernise management of the institutions. Nonetheless, our immersions in the field brought out other types of changes. Some are more local (changing office buildings, organisation restructuring, change in the supervisor,...) others are more peripheral (reform in pension plans or in the public administration, status of State agents, and so on) but they directly affect the workers and contain elements of a management logic. We should also mention changes to the criminal code and procedure, as well as the introduction of new work processes that alter the distribution of tasks between the workers, or the ever growing mass of work that the criminal institutions must assume. The examples are infinite and all highlight the accumulation of changes and the permanent shifting they entail in the daily professional lives of the actors in the criminal justice system.

The model of work organisation that prevails in the agencies under study is largely derived from the rational-legal logic of M. Weber, which is based on a division and specialisation of the work and on a hierarchical supervision of the workers (Weber, 1995). These features, the foundation of the bureaucratic model, lend a form of stability and regularity to the workings of these organisations. The division and rationalisation of work ensures the model's continuity, in particularly by enabling the actors to develop specialised knowledge and skills that form their profession. Our immersions showed the extent to which these practices are the object of a transmission between the actors, who in this way participate in disseminating and thus reproducing a professional culture. The constant changes experienced by the workers are liable to alter this stability by introducing 'dyschronies' defined by N. Alter as a '*conflict of temporality between the different elements of movement*' (Alter, 2003) which requires increased adaptation movements from the actors. The stability as well as the scientific and rational nature of bureaucratic activities depend, inter alia, on a 'reduction in organizational uncertainty' that the actors must face (Alter, 2003). This means that the unpredictable dimension of all work activity discussed above, which mobilises the actors' subjectivity and professionalism, is now coupled with the constant uncertainty caused by this accumulation of diverse changes.

These uncertainties are associated with two observations. The first arises from the lack of information available to the administrative actors about the changes underway. They often evoke the brutality of the changes imposed on them 'from one day to the next' without any consultation or clear information. This observation especially reveals the place of the administrative actors, which is particularly divorced from decision-making processes, even though they are not the only ones in this situation. The base level police officers and judges are also relatively far from these processes, which once again illustrates the pyramid organisational logic and the verticality of relations between the State and its agents. The second observation concerns the vague and imprecise contents of some of these changes, making it hard, if not impossible, to inform and prepare the actors. Some members of the organisation hierarchy have often expressed the wish to inform their staff all the while regretting the lack of information they themselves have available to do so. This admission illustrates the political origin of the lack of precision and reinforces the hypothesis formulated by some public action sociologists who suggest that policy makers, by opting for imprecise formulations, transfer responsibility for implementing public policies on the staff in the field. These people, confronted with vague instructions are led to 'arbitrate these questions raised by the reforms (...) or decide what the reforms do not explicitly foresee (...)', in other words, to 'handle "technically" what has not been decided politically and thus to "construct" public policies, but under heavy constraint' (Dubois, 2012). This illustrates a form of 'passing the buck' by the political authorities to lower levels, responsible for implementing imprecise and inadequate decisions (Dubois, 2012). This hypothesis inevitably places heavier responsibility on the lower echelons who are asked to take decisions that are beyond their

scope and run the risk of being reproached for an implementation that does not coincide with the non-explicit intentions of the policy.

It is also important to note another interesting observation on these repeated and cumulated changes: they concern more the way work is organised than it does the actual work the actors do. The changes modify the organisational structure, the workplaces, team management, work tools, work schedules or even rules on the employees' status or career. Yet the activities handled by the actors for the most part remain unchanged: they continue to prepare the material bases of public action, assist professionals, create, transfer and manage information and files. Only now they are urged to do the work more quickly and efficiently in order to meet organisational requirements that are increasingly guided by a management dimension. Thus, the work organisation and processes change but the tasks and actors' practices, mainly learned among peers and forming a 'professional art', remain relatively stable over time. They ensure the continuity of the action even though they are seriously compromised by multiple changes, especially by more stringent requirements for polyvalence which we observed in all the agencies studied. Although the actors generally find value in the specialisation of their profession, their knowledge and skills and the professional routines they imply, they are under increasing pressure from their supervisors to develop polyvalence in a perspective of interchangeability which would make it easier to manage problems of staffing and, more globally, the means available. Although this polyvalence is certainly an opportunity to diversity activities that can be repetitive and limiting at times, the context in which this change is being implemented, one with not enough time and too much work, jeopardises skills and knowledge by standardising, rendering the activities as uniform as possible in order to facilitate the transmission and accomplishment by a large number of individuals (the handbooks are particularly telling examples of this standardisation).

The time factor is a formidable challenge for the actors in their implementation and adaptation to the changes. By definition, change is already frightening, especially in organisations with a stable bureaucracy. These fears and feelings of resistance are accentuated by the lack of information given to the actors and the mainly top-down nature of the changes imposed on them unilaterally without prior consultation (often expressed concretely by a perception of the misalignment between the change imposed and the actors' reality). But another factor, possibly the most important, is the temporality of these changes. They often occur 'from one day to the next' in a context of an excessive workload and egregious understaffing which places the actors in a constant stressful race for time. This threatens the reception and implementation of changes that require a form of digestion and appropriation by the professionals actually doing the jobs. Any change, by definition, calls for a period of adaptation, but it is even more the case when the change is designed and developed by others, working in areas that are far from the baseline workers and occasionally fairly insensitive to their daily reality. This failure to take into account daily experience and the time needed to adapt heightens the chance of resistance by these actors.

4. CONCLUSIONS AND RECOMMENDATIONS

The research undertaken has shed some light on a category of actors who have gone unnoticed by policy makers, researchers and the public in general because of a 'role (...) that is often invisible or reduced to a management item' (Salle et Moreau De Bellaing, 2010). Even these workers' institutions and organisations show a lack of knowledge and recognition of them, in particular through many cases of misalignment between their official, prescribed situation and their real work context, the one they experience and perceive daily. These actors thus hold an instrumental place in the shadow of those who are better known, such as police officers, judges and members of the hierarchy. Yet these workers in the shadow often outnumber the others and they play key roles in the daily running of their organisations.

In addition to their effective participation in the general functioning of the police and judiciary, the research shows that they are indeed full-fledged professionals, with an identity, know-how and knowledge that enable them to follow their profession in accordance with all the rules, but also to adapt themselves to a daily work context marked by constraints and changes that tend to accumulate. They also incorporate and transmit a professional culture forged by the values and meaning they give to their work. This is strongly associated with their awareness of belonging to something larger and participating in a collective action that is often significant in their eyes. This is what mainly underlies the importance they give to minute details, work well done and thus to a specialisation of activities, which is undermined by evolutions of a managerial nature. This observation evokes an important challenge in the managerialisation of professional organisations – the autonomy of the workers (Kuty et Schoenaers, 2010). The administrative actors, like many others, do a job that requires a certain

margin of manoeuvre to enable them to develop routines and do-it-yourself solutions. Their job also entails side-stepping the strict prescriptions whose application would completely block their work. Furthermore, their professionalism is based more on a customary learning on the job rather than prerequisite qualifications. However, this process of 'learning the trade' is compromised by an excessive workload, understaffing and an increasing urge by the hierarchy to develop the actors' polyvalence, to the detriment of their specialisation. Their culture and professional autonomy are called into question by the evolution underway. The top-down nature of this evolution reinforces the feeling of being subjected to changes imposed from above, which in turn accentuates the disembodied nature of the changes and increases the chance of resistance from the actors.

The administrative actors do indeed play a series of roles, occasionally quite specialised and indispensable in preparing and providing the material production of public action in the police and judiciary. Without these employees, this action would simply be impossible. They are conscious of being part of a collective effort, organisations with a special social purpose, even if they do not always perceive the effects of each of their tiny actions on the overall functioning of the institutions. Nevertheless, they do feel responsible at various levels. They try to avoid individual reproaches and are also sensitive to the potential consequences that their errors or those of colleagues – mistakes that could be overlooked without careful checking – may have on the collective effort and society in general. This sense of responsibility reveals not only a tendency for individual workers to assume greater responsibility for their work, but the specific social role of the police and justice and the representations that emerge as a result. The legal formalism that denotes these institutions are guarantees against arbitrary actions and abuse by organisations or actors who, by definition, have considerable power over citizens and society overall. And the administrative actors make a considerable contribution to this formalism and as such take care to respect the central legal guarantees of the state of law. They participate concretely in public action through their activities, but also through the practices they organise that are 'beyond the rulebook'. They would thus also be in a position to hamper the implementation of public policies if they refused to undertake certain actions or develop the practices that make public action possible.

We also highlighted the particular way that changes were experienced from the administrative actors' point of view. Far from being limited to the vast mediatic plans for reform, the change experienced by the actors is diversified, widespread and accumulating in their daily job. The experience of an accumulation of changes is inherent to the distance of these actors from the political and institutional decisions and it tends to limit their control over their daily professional context. It is detrimental to their routines and know-how, both key factors in the actors' capacity to adapt to their work context, to unpredictable situations and to the changes that affect them. These adaptations are necessary for them to accomplish their daily activities and thus contribute to the functioning of the organisations.

The actors studied are definitely indispensable resources, in terms of efficiency certainly because they allow others, who cost more, to focus on their essential activities, but also because they are active participants in the decision-making by these other professionals. They make the decisions possible and participate by getting everything ready and occasionally by influence, more or less conscious, when they draw the decision-makers attention to one or another element that can weigh on a decision. Or else they simply make the decision easier to take by accomplishing a series of small actions to prepare and facilitate the work.

A few recommendations:

- **Be informed before changing**

One of the most striking points emerging from the research is the extreme lack of knowledge about the way the law enforcement branch actually functions. The upper levels of the hierarchy, both police and judiciary, have been relatively well studied – even though we are far from systematic approaches that offer a set of guarantees needed to build a robust and coherent body of knowledge. Yet it must be said that the lower levels are virtually terra incognita. It is surprising that at a time of extreme budgetary pressure, while the justice system, for the past 30 years at least, has been seen as a political priority and when deep-seated mutations, both technical (in particular under pressure of the IT infrastructure cracking) and legislative, have occurred, there has been no systematic attempt to understand the actual – not just the theoretical – functioning of the system. It is crucial to take into account the daily realities of the actors, including not only their tasks but also work relations and practices that are less visible and which involve their subjectivity (Ganem, 2011 ; Linhart, 2008). It is thus a question of recognising to a greater extent the actors' specific skills and know-how which are much more extensive than the prescribed dimensions lead one to expect.

A few initial attempts have been made of course, particularly incited by institutions such as the High Counsel of Justice or the Commission for the modernisation of the Judiciary (CMOJ/CRMO), but there are no signs that a coherent set of knowledge has been gathered.

In this context, it is completely illusory to think of reforming the justice and police without encountering a considerable resistance, drawbacks and dysfunctioning. The very idea of rationalisation goes hand in hand with a reasoning exercise that must begin by establishing sufficient – if not complete – knowledge of the way an institution functions.

This is an immense challenge. The result of avoiding it is like a wall barring the path to reforms.

- **Promote the transmission of knowledge and learning**

Before even thinking about reform, it must first be possible to ensure the continuity of the public service. However, it appears that in many services the age pyramid works against the institution's stability. Indeed, a generation of baby boomers are on the verge of retirement. In coming years, a large number of people will be leaving the civil service. At the same time, our research has shown that transmission of knowledge and know-how is primarily improvised and heavily dependent on the staff in place.

On this subject, one should not forget everything that escapes new technologies and, in particular, enables a largely under-funded justice system to continue year after year. The relatively 'artisanal' solutions of the justice system staff may not seem that impressive but they are nonetheless indispensable in maintaining the institution. In general, it was clearly shown that the administrative services studied were at the same time a source of innovation at the margin of regulations in order to adapt rigid structures to a changing environment and also the vehicle for transmitting experience and knowledge learned 'on the job'.

The loss of these elements could provoke a shock wave fatal to institutions whose resiliency has been largely founded on do-it-yourself solutions and whose regeneration capacities are considerably reduced.

The acquisition of new knowledge, but also the transmission of the old, therefore must be at the very heart of the reflection underlying the reform processes to come.

- **Anticipate**

It is clear that what has been said above implies having the means to anticipate the evolution of the administrative services. A calendar for retirements must be drawn up, coupled with a process for hiring and training the staff who will replace those leaving.

In the present context of austerity and a linear reduction of staffing budgets, this recommendation will be particularly hard to meet. However, it must be understood that what is at stake is not just the quality of the work in the concerned institutions, but also the viability of various service sections, in risk of collapsing when it reaches a certain level of understaffing and insufficient training.

- **Listen to the base**

What has been said above also implies, necessarily, introducing change management and planning processes that take into account the knowledge and skills of those at the base of the hierarchy pyramid. Henceforth it appears crucial to move beyond the essentially vertical top-down model, which thoroughly dominated the reforms undertaken up until now. In the reform process, but also in the way administrative services are conceived, one must move from the notion of administrative agents to that of administrative actors who participate fully in implementing criminal justice. This approach would take the realities of these actors into account and more fully adapt the changes to the daily work of the actors (instead of the contrary) which would make these changes appear more reasonable in the eyes of the actors and would facilitate their implementation.

This implies setting up possibilities for the actors to express themselves and represent their interests towards the authorities. This would improve the recognition of their identity and work, in other words their professionalism, and would encourage their motivation. Such possibilities would provide more relevant knowledge about the daily realities in which criminal justice is implemented and would make it possible to formulate decisions and reforms on a more empirical basis.

Clearly such vast changes imply re-examining the cultures of the institutions concerned, for it is true that the police and justice systems are stamped with strong images of verticality and hierarchy. It is not a question of saying that only the base counts. The question is rather that it is impossible for the 'operationalists' to achieve the objectives and accomplish the tasks attributed to them without the knowledge and skills of the 'administratives'. And sustainable changes cannot be formulated until everyone is aware of this.

If the elements described above are to be considered, three different types of contribution must be articulated: that of the scientific staff and experts who ideally provide empirical knowledge and not merely predefined formulas; that of the hierarchies concerned whose strategic vision and professional responsibility are essential, and lastly that of the baseline actors, whether they are part of the operational or administrative services, whose essential contribution we have developed in this report. It is obvious that this tripod must itself work under the guidance of the government, which alone holds the legitimacy to define the directions of the public services in the strict framework of the rules of democracy.

- **Have control over change**

Change of a sustainable nature, mentioned above, is essential to enable reforms that do not provoke the crash of institutions that are already particularly fragile. It also depends on the ability to be in control of the changes.

In this context it is not a question of merely being able to draw up and implement the adequate transformation processes, but also to guarantee sufficient stability to the institutions concerned. It is a challenging task to reform the justice and police so that these institutions will be able to offer the population a public service they have the right to expect. It appears crucial, if the change is to come about rationally and efficiently, to limit other factors that destabilise the institutions and services concerned. As we have seen, innumerable changes are under way in the structures we studied. They are often introduced brutally, without warning and without envisaging their effects on the whole structure. Their application also involves an innumerable series of patches, in turn implying other overwhelming changes down the line. It therefore appears useful, if not essential, beyond the value placed on change, to become aware of the inherent usefulness of stability. Movement is possible only when certain coordinates are stationary. The body can move when the footing is sure.

Thus a notion like polyvalence may be able to bring positive changes, but it can also be nothing more than a way to manage shortages and disorganisation, leaving individuals alone to cope with the need to keep the institutions going. While flexibility and diversity of tasks can be an advantage in terms of motivation, diagonality and efficiency, unbridled flexibility only causes destabilisation, deregulation and opacity in the way things work.

To summarise, change must not become a mantra. It is important to appreciate its potentialities but also the adverse effects, not only for the institutions but for the actors as well.

Controlling the change that must be introduced requires, once and for all, a rupture with a mindset that sees change as a process entirely steered from the top.

- **Shedding light into the black box**

In the context of our thoughts, we have seen the importance of doing away with what, in managerial thought, is comfortable with seeing things as a black box. A shortcoming of managerial perception in terms of flows and process is the tendency to dismiss all the processing undertaken by the actors – administrative and operational – as something that can be viewed from the angle of the black box. Its nature, quality and its contents are thus beside the point.

Yet, justice and the police are essential democratic institutions that are grounded on ideals, not on just quality standards and flow charts. It is thus important for processes of mutation involve the general will to open the black box, to understand why and how cases are processed, justice is handed down, order is maintained, the public is assisted and public service is made available for citizens and the body politic.

Restoring value to the contents of the work these different actors do – regardless of their spot along the chain of command – is thus essential. Indeed, the notion of meaning must return to the reflection

on change, for it is part and parcel of the process that gets actors truly involved in the systems in which they participate.

In short, as important as it may be, the organisational issue must not become the only one to prevail. On the one hand, we must bear in mind that the organisation is only a means to the end, an end that is all the more vital because it is necessary in maintaining the democratic nature of our State. On the other hand, it is also important to consider the risk of the organisational issue prevailing mainly in virtue of the cost of the organisation itself and not in virtue of the instrument it constitutes, at the service of much higher aims. In a nutshell, there is a risk that the prevalence of organisational questions is based solely on financial concerns rather than the purpose of organising the concrete bases of the democratic ideal.

This prominence of budgetary concerns will be even easier when the black box remains tightly shut. Only when light is shed on the qualitative dimensions of the work done by the organisations will it be possible to place goals and purposes at the heart of the debate.

In this area, the awareness of the actors at all levels that they are participating in a vital endeavour, their understanding of what is at stake in their job as modest as it may seem, is an indicator of the potential that exists to restore the public services of the justice and police on solid bases with the involvement of each individual actor at the service of reaffirmed goals.

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TRANSVERSAL REFLECTIONS

FIRST POINTS FOR DISCUSSION

It should be acknowledged from the outset that the preceding pages make for stimulating reading. The proposed health diagnostics elements raise useful questions about the justice system, which has been evolving and transforming for some years now.

As a reminder, each WP (work package) was subjected to the same question: what effect have the management and reforms that have transformed the justice system in recent years had on the judiciary, and what demands do they make of the actors within it? The question is all the more crucial given the fact that the justice system is in the interest of everyone, and therefore, as a central pillar of the common good in a democracy, it must be “governed”.

This question of the governance of the justice system is evidently very complex given the multidimensional nature of the phenomenon. In reference to the works of Vigour (2017), we wanted to consider the justice system not only as an institution, but as an organisation and a range of different professions. This raises the question as to whether reform of access to the justice system (analysis of community justice centres, LAOs and orders-WP1) applies to the justice system as an institution in that it highlights public policies that are supposed to promote the exercise of rights by everyone. For their part, WPs 2 and 3 are based on approaches to the justice system as a range of organisations and professions.

The originality of the project seems to us to reside in the fact that the levels of reading concerning the impact of reforms are particularly varied. Internally, the place and role of managers of deconcentrated entities have been examined, both within the police and in organisations of a judicial nature. The same applies to front-line personnel and the “shadow players” of the justice system and the police. Externally, we tried first and foremost to deal with the point of view of citizens seeking justice and those actors who are supposed to facilitate access to justice. In this way we were able to highlight a large range of individuals and organisations that are essential to the smooth operation of the justice system and the police.

These areas were dealt with by mobilising the tools of scientific disciplines applicable to each research area (legal science, the sociology of public action, the sociology of organisations, criminology, etc.). As every individual concerned has drawn on the tools of his profession, the closeness of the disciplines mobilised has led to many theoretical and methodological overlaps and this has given an interdisciplinary or even multidisciplinary character to the way research questions are dealt with. Therefore, in the first analysis, a series of subjects that are common to the three WPs appear and these all constitute analytical observations that highlight important issues for the police and judiciary of today, and perhaps to an even greater extent, those of tomorrow. The lines of argument that follow briefly summarize a series of points for attention.

GOVERNMENT BY STATEMENTS

In a general way, research has shown that modernisation of the justice system (in its three dimensions: institution, organisation and professions) depends almost systematically on the release of statements (in particular, of a political nature, those of successive ministers) marked both by strong statements underlining requirements (improving performance in several areas of justice system life such as the effectiveness of actions, efficiency, quality etc.) and optimistic promises (“correct management of the justice system and its instruments will make it possible to do more with fewer resources”, “the reforms will contribute to well-being”, the BPR will lead to a better grasp of work practices” etc.).

More specifically, these statements are based on explicit criticism to a greater or lesser degree of the situation observed and the management methods that are in place. Indeed, it is because the services concerned are costly, inefficient and unsatisfactory for the users and personnel that it is necessary to proceed with reforms. The implementation of new ways of thinking about justice and policing and new ways of governing are therefore based on criticism of a previous situation, of the will to end an era and to leave behind old statements and practices considered to be obsolete and old-fashioned.

However, are these criticisms based on processes of rigorous and systematic evaluation of public policies? The answer is no. Unquestionably, the knowledge of managers and personnel is not negligible, but it is far from being shared and systematically pooled in such a way as to create a common vision of the situation, just as it is rare for this knowledge to reach sufficiently high in hierarchical structures in such a way as to inspire the positions of decision-makers and particularly the minister.

Henceforth, criticism justifying the adoption of reforms can be understood either as the expression of something so patently obvious that it does not need to be based on a particular process of objectification, nor as an already available position – in public debate or in theories of New Public Management – mobilised for the legitimisation of reforms. It is indeed possible, or even probable, that these statements stem from both registers in variable parts.

Promises of improvement are the inevitable response to these criticisms. Efficiency, quality, client-orientation, flexibility, reliability, respect for workers, the values promoted are examples of these that cannot be criticised. How, for example, can the prospect of an efficient justice system be postponed (Le Moenne, 1993), even though we are constantly reminded that the one we know can be described as a complete waste of resources.

MANAGING SCARCITY

While management of a public service can be conducted in a multitude of ways while paying attention to extremely varied questions, it must be stated that the planned managerial reforms in the case of the justice system and the police are very typical: above all, it is necessary to rationalise the use of resources and means: Consequently, it is hardly surprising that these imagined devices are based on so-called “optimisation” strategies.

It is not a question, in the first instance, of defining an ideal justice or policing project, ensuring, for example, effective maintenance of order, a concrete application of penal devices, a level of satisfaction concerning demands and a reasonable deadline in which to achieve this, and in the second instance, identifying the means of implementation in order to meet these objectives. Quite on the contrary, finance, human resources and infrastructures are an essential prerequisite which must be used to maximum advantage. It is therefore a question of achieving the maximum with a “sealed envelope”.

Therefore, far from observing a management structure that works in the interest of a democratic state, we witness the deployment of a straight-jacketed state which tries to fulfil its remit to the maximum. The limits set to its action do not come within the scope of legality or restrictions on its influence on the type of society that is consubstantial with a liberal and democratic system, but rather stem from the pre-existence of a state apparatus within predefined boundaries straight-jacketed by the resources available.

The aim here is less that of effectiveness – succeeding in reaching an objective – than that of efficiency – deploying an action with an advantageous investment/benefit ratio whatever the level of achievement in terms of objectives –¹²³.

Therefore, we are talking about managerialism: a type of shortage management, based on the transformation of inputs into outputs whatever the nature of the latter. It is essentially about increasing the response rate of the system, without consideration being given to anything other than flow. What is important is that things are done, not that they are done well (Kaminski, 2002; Kaminski, 2008).

The set of justice system, civil and penal chains is then placed under the label of increased flow, each task or stage of the treatment being evaluated in terms of the benefits it brings but also the obstacle it can represent to an efficient transformation of inputs into outputs. This primary preoccupation with performance indicators (quantitative, in the form of flow measurement) is only remotely connected with questions of quality, except when it reduces these to the production of any kind of outputs. And yet, in a system involving the maintenance of order and justice, especially in a democratic context, high quality requirements apply in theory.

Managerialism, as a system of shortage-management therefore implies a complete modification of the definition of the ambitions of the organisations observed and, consequently, the expectations we can have of them...at least if we consider these statements and practices as determining the working of the organisations in question.

FRAMEWORK REFORMS OR REFORM OF PRINCIPLES

The system is all the more problematic because these managerialist discourses are not totally (if at all) assumed in the devices issued by the legislator or the “upper hierarchies” (see the reform of the Houses of Justice, access to justice, the laws of 2012/13 or the “optimization” reform of the federal police). We are in an era marked by the figure of the State coordinator which does not produce precise instructions about the “what” and the “how”, which is at the very least problematic when the essential ambition is optimization.

The “what” here refers to the vagueness of the reforms, even regarding their central purpose. Therefore, the merging of justice system districts is clear in some areas – such as the maintenance of

¹²³ On the subject of the distinctions between these categories, v. Christophe Mincke, “Effects, effectivity, efficiency and effectiveness of law: the realistic focal point of validity”, R.I.E.J., 1998, No. 40, p. 115 to 151.

current justice facilities – but a great deal less so regarding other questions which are nonetheless essential. Therefore, the eventual specialisation of entities is left to department heads, without the provision of decision-making criteria which would facilitate a uniform application of legal principles. Consequently, we can consider that the object of the reform is largely uncertain.

Despite claims that the service offered is improved in terms of efficiency, there is no way of determining communal guidelines in the different districts, nor indeed of setting evaluation criteria. The evaluation is intended to estimate whether the objective of the reform has been reached¹²⁴ and if so, to what extent.

If the observation can be made at management level, the same applies to the “shadow actors” who speak of the upheavals they experience and the unknown areas into which these upheavals lead them. The suddenness of reforms, imposition without preparation of new labour and organisation standards, lack of understanding of objectives, poor knowledge of contents, of the above-mentioned modifications and persistence of traditional tasks which require the invention of conditions for continuity are also indications of a fundamental vagueness concerning the “what” and the “how”.

The latter question adds the polymorphism of solutions to the polysemy of the project.

By supplying few or even no indications about the way to achieve vague objectives, the process of managerial reforms leads to the development of local cultures, the results of choices made by local leaders or makeshift first-line services. Hidden under the appearance of major reforms based on a clear vision is a poor level of knowledge on the part of management and the policies related to the operating modes of organisations, including a somewhat deliberate and accepted “hot potato” policy, which delegates the task of implementing reforms to the lower echelons. The actors are expected to display the ability to improvise which ensures the continuity of the action of the institutions and a grasp of the precise definition of the “what” and “how” of the reform. In the absence of any systematic policy of exchanges and information at the higher hierarchical levels and same-level services competent in other places, we witness the development of a pointillist justice and police apparatus, interwoven with local cultures and makeshift arrangements, with varying degrees of stability.

We will observe in passing that these local cultures and systematic improvisation are conditions of resistance to reforms – in the form of habits, but also of the necessity to complete tasks that are as essential as they are unknown or disliked – one of the major factors of the resilience of organisations that are constantly subjected to upheavals without any reduction in their workload¹²⁵ or basic redefinition of their missions.

Between the polysemy of objectives and the polymorphism of ways of doing things, justice and policing apparatuses appear and these are subjected to imperatives of the economy of means and their problems related to objectives (“what”, and the question of the ideals of justice or the maintenance of order) and modes of action (“how”, and the problem of due process) are relegated to second place. Seen through this prism, justice is merely an organisation and not an essential and delicate mission of the democratic state. The vagueness of objectives¹²⁶, the fragmentation of decision-making and the implementation of inevitable localisms reflect a lack of interest in questions that would otherwise be central to the concept of justice, such as equality before the law, the continuity of public service or accessibility to the greatest number of people. It would seem necessary here to insist upon the overlapping observation about the unpreparedness concerning the implementation of reforms. It is not enough to note the vagueness that stems from what could be called “soft managerialism”, it is still necessary to indicate the absence of information and consultation of individuals who will have to implement the reforms. This heaps vagueness upon vagueness, while at the same time favouring the crystallisation of resistance related to the lack of comprehension by staff. Once again, this lack of information *by* management seems to mirror a lack of information *on the part of* management who know precious little about what personnel, whose tasks and organisation they intend to redefine, are doing.

It seems necessary at this point to stress the overlapping nature of the unpreparedness for the implementation of reforms. It is not sufficient merely to point out the vagueness that stems from what could be described as “soft managerialism”, it remains important to indicate the absence of information and consultation of individuals who will have to implement the reforms.

¹²⁴ It should be noted that this question relates to effectiveness: the capacity to reach pre-determined objectives.

¹²⁵ It should also be noted that the reform processes in themselves, constitute a neglected workload.

¹²⁶ According to Kaminski, “definalisation” is one of the characteristics of managerialism (Kaminski, 2002).

THE OVER-ACCOUNTABILITY OF “LOCAL” ACTORS

The lessons of research all point to a common observation: the over-accountability of local actors, across all categories, by means of a cascading system.

In an overall sense, a proactive and demanding discourse tends to increase the pressure on organisations and their actors. The need for reforms has become obvious and duly acknowledged, beyond any other consideration, on one hand, so that the observed (or assumed) dysfunctions owe as much to the shortage of investment (financial, personnel, training, by cooperation, etc.) in implementing the previous reforms and enabling the system to function as it is, and on the other hand, for the conditions of possibility of any reform within institutions that are at breaking point. The legitimacy of demands for reform is unquestionable and calls upon all the actors to become involved not only in the work they must continue to carry out, but also in successive reform packages. The pressure is therefore strong, constant and impossible to avoid.

The reformist position is not necessarily unwelcome because it increases the expectations of actors at all levels. These actors hope that the reforms will ease some of the various problems they are confronted by and indeed this is the promise that is made to them. It is nevertheless unsurprising that processes which are mostly motivated by a rationalisation of means are accompanied by a reduction in the same means, which keeps the pressure on the actors. At the end of the day, the changes rarely provide relief to the actors, but rather, contribute to doing as much or more with fewer means.

This disappointment in relation to expectations can lead to disillusionment and disaffiliation to managerial processes, the shadow actors, for example, regularly, and very frankly express their scepticism and disenchantment with permanent and systematically inefficient reforms. However, these denunciations of managerialism and its window-dressing do not stop the actors from continuing to hope for improvements, while at the same time managing situations described as transitory and dysfunctional, even though everything indicates that they are structural and functional (we will come back to this point below). This can lead to a rekindling of hope, after each disappointment, that the next reform will be good, and in this way, trapping the organisations and their actors in an unending cycle.

This is undoubtedly due to a very strong personal and ethical investment by the individuals in the organisation and in the accomplishment of their public service functions which drives a remarkable ability on the part of actors at all levels to surpass themselves and push back the boundaries of the impossible even further.

We are therefore witnessing a complex game of acceptance and rejection, disillusionment and expectation, compliance with performance imperatives and improvisation in the shadows, application of norms and standards and a game of appearances.

All along this cascading system, the requirements descend through the hierarchical levels of the police and justice system, or even extend beyond the very apparatuses of the state, aimed at actors who are strongly involved and who try to satisfy demands such as the orders of lawyers. Within each echelon, the rationalisation requirement, combined with a chronic work overload, demands an abandonment of non-priority tasks, which fall to other actors who, also overwhelmed with work, abandon some of their functions. Between the abandonment of some and overinvestment by others, a cascade of demands and work (over)loads runs through the entire system.

Over-accountability results from this because each echelon is not only held accountable for the completion of its tasks but is also often called upon to assume tasks that are theoretically not its own. Therefore court clerks perform acts that legally are the responsibility of magistrates who have not been prepared for them, that individuals, who are not trained for this purpose, are carrying out the functions of court clerks, magistrates who have not been suitably trained for it suddenly find themselves in the position of managers and administrators of penal policies, etc. This cascade results in a situation where everyone is fulfilling roles for which they are not theoretically responsible. In the last echelon, there remains an army of shadow actors who have nobody to whom they can turn in order to delegate part of their work.

Undoubtedly, the justice system works in accordance with conditions that are usual in a time of crisis, but which have become the norm and are increasingly assumed as such by a management searching for extra rationalisations (and therefore a reduction of means) but cannot realistically be seen as durable. If breaking point is reached, the entire organisation risks being affected, each postponement of work can lead to the collapse of another echelon in turn.

INCREASED INFRASTRUCTURAL COSTS

Statistics, reports, road maps, task forces, work groups, partnerships and indicators of satisfaction are the symbols of this new justice system or police management through the prism of which an image of justice governance can be produced. A technocracy constituting a new managerial infrastructure is formed. The latter requires upkeep, designated means, and presents working costs that remain for the most part hidden, and which, in any case, are never evaluated. The bureaucratic burden that has been so disparaged seems to have found a worthy successor without any proof of the fact that it can totally replace the previous one instead of merely adding to it.

The paradox is perhaps also that this new technocracy exerts a tight control over a set of actors and processes even though it intended to free them from the pernicky interventionism of bureaucracy. Behind the autonomist position with regard to taking responsibility and showing initiative, proactiveness and flexibility, there are barely-concealed new standards, new constraints and new ways of pointing out non-compliance (Courpasson, 1996).

Nothing indicates in this regard that the calls for autonomy in question are other than new ways of demanding more, beyond what could define a bureaucratic system founded on a Taylorist fantasy and on the decomposition of movements, flows and competencies. The promise of promoting self-esteem in terms of autonomy must seem very distant to shadow workers confronted by the makeshift autonomy imposed by the constant flow of reforms, to the lawyer who is the vector for access to justice and whose way of working seems to him to be more and more vague, or the head of department manager tasked with shortage-management rather than thinking about the justice of tomorrow.

MANAGEMENT, A MOBILISATION OF JUSTICE?

One of the central objectives of the programme that this text concludes was therefore to better understand “what management does to justice”. We have just proceeded with some overlapping observations which seem to us to be common to the different research modules. However, before definitively bringing this report to a close, we would like to suggest an increase in generalisation whose ambition is to place the developments described in a broader context: managerialism and, beyond, the development of what Christophe Mincke and Bertrand Montulet (2019) called “a mobilising normativity”.

Here we are developing the theory that the transformations described above stem from a movement of integration of mobilising normativity within police and justice apparatuses that was limited for a long time by its progression, already well-advanced in other domains (Mincke, 2013; Mincke, 2014). The mobility ideal is in fact a normativity that has recently emerged in western societies and which favours mobility – to be understood in the widest sense – for itself (Mincke, 2016). It is divided into four imperatives which seem to us to impose a structure to the observations made in the research: activity, activation, participation and adaptation.

EXTRA WORKLOAD AS A STANDARD

A first striking element, in terms of this research, is the point to which work overload has become the norm in justice system and police apparatuses, it has become so to such an extent that nothing seems to indicate that this situation can reach an end. Work overload, consequently, is merely a dysfunction, the result of an exceptional situation or a problem that is going to be settled by means of a reform. On the contrary it is a given, a legitimate and normalised situation which needs to be managed.

The managerial reforms try, in various ways, to meet this challenge, but without the ambition to change the established order.

We could even defend the idea that the work overload is now an important part of the legitimisation of institutions given what it says about their efficiency (Mincke, 2013). Indeed, despite the criticisms linked to the many problems brought about by work overload, the latter has the distinguished virtue of constituting clear proof of the fact that the capacities of the system are exploited to the maximum and that no resource is left fallow. In a society which has made efficiency one of its cardinal values, it is an essential element of legitimization.

Thus, the systems for measuring the workload and describing flows within apparatuses are instruments which overlook the maintenance of the work overload or, at least, a maximal workload. There is no question of having a comfortable amount of time to deal easily with files, to protect staff from exhaustion by taking care to allow them room to manoeuvre; on the contrary, it is necessary to be able to affirm that the bulk of resources is consumed in a sort of scorched earth policy. This legitimisation of public organisations by means of the work overload seems to be linked, on one hand, to a position presenting public functions as a (budgetary) load which is always too high and public

servants as incurable slackers, and on the other hand, as the permanent validation of the “private sector”, considered as an example of efficiency, even though its missions and objectives have no link to public services.

Managerialism as a mode of shortage management, is seen here as the equivalent of a validation of work overload as a legitimization factor of organisations. This observation can be compared with the activity imperative which currently weighs upon individuals and organisations and delegitimises any respite as such. It is an entire society which, from young to old, share in the validation of work overload and constant movement. Rest time, as such, has been increasingly frowned upon which can be seen in numerous sectors where continuous activity has become an imperative under the banner of the mobility ideal.

AUTONOMY AND ACCOUNTABILITY

The constant activity which the mobility ideal calls for is not made of a mechanical application of rigorously predefined gestures and tasks. It is not made up of standardised Taylorist movements whether industrial or administrative. In a word: this activity breaks with the principles of rigorous standardisation which are prevalent in bureaucracy.

On the contrary, this activity is an activation: a set of actions whose principle is to be found in the individuals and organisations who deploy them, rather than in strict pre-existing requirements. Proactiveness, autonomy, initiative or accountability are some of the ways of naming activation. They enjoin the actor to determine his own movement, to understand the context and initiate an activity.

This type of injunction is extremely present in the managerial discourse which enjoins the manager to stop wanting to control all the activity of his subordinates and the latter to put actions in place by his own initiative.

The cascade of accountability we have described above such as over-accountability seems to us to stem from this way of thinking. In an environment where the clear description of functions, grades, tasks and professions is lacking – as attested to by the lexicographical improvisation of the actors who invent titles that enable them to describe their role – calls for reform are constant and result in the delegation of responsibility from floor to floor to concretely define the “what” and the “how” of their action.

Even though the law – especially procedurally – works on the basis of a principle of legality which denies all competence to the state which would not be legally specified and imposes upon the agents of the state to ensure that each of their actions complies with legal prescripts, the managerial logic, driver of the imperative of activation, the vehicle of contrary injunctions that call for creativity and autonomy¹²⁷. We can consider that the actors like the police and judiciary find themselves confronted by contradictory injunctions: respecting legality and adhering to it and, at the same time, showing creativity in terms of reaching assigned objectives. Part of the resistance of personnel to justice can come from this tension, deeply attached to the idea of due process and consequently, a strict regulation of the conditions of their action. This logic is not the only one they have appropriated because we see them constantly resort to improvised methods, to the indifferentiation of functions and vagueness to keep operational the apparatuses they are responsible for and even which they embody.

We clearly see that the activation imperative is a source of tensions for personnel and, from the point of view of principle, questions about the legitimacy of a managerial approach to the workings of a democratic justice system.

COLLECTIVE CONSTRUCTION OF THE ADMINISTRATION OF JUSTICE

It is important to dwell on two points which seem essential to us: on one hand, the “DIY” approach to the management of tasks and functions within the apparatuses of the policing and justice system, and on the other hand, the vagueness of professional and functional identities.

Evidently, the two proceed from the same movement which leads the actors to participate in the administration of justice or the maintenance of order based on poorly defined *modus operandi* or, when they are, impracticable in the current context of the organisations concerned, and at the same time, to define, in accordance with conventions that apply to their position within these organisations, in the absence of a clear and unquestionable framework.

What seems to us to appear behind these elements is the passage of a sequential justice system based on the separation of powers and functions, to a justice system that is co-constructed by an indefinite set of actors.

From the beginning, we can consider that the justice system and the police are inhabited by the ideal of a strict division. It is thus necessary to distinguish clearly what falls within the jurisdiction of the

¹²⁷ It should be noted in this respect that the principle of legality is, in the strict sense, a heteronomy.

executive (police and prosecution) from that of the judiciary (sitting magistrate), and the administrative bodies that serve them. This partitioning is not limited to the establishment of boundaries that are external to the constituted powers, but extends to the interior, into a sequential organisation to the procedure. Therefore, it is within organisations that grades and functions are required to be clearly defined and watertight: it is no longer a question of confusing prosecutors with instructing judges and court clerks with trial judges. Certainly, the ideal is never so present as in an institution, but it constitutes, as long as it conserves its legitimacy, a horizon for action and a safeguard. In this way it creates the idea of a procedure based on a succession of links between institutions and interveners, each one bringing his own precise stone to the edifice while being constrained by the precise nature of his contribution.

And yet, during the last decades, we have witnessed a succession of decompartmentalizations. The operational actors, police, prosecutors and sitting magistrates have seen their functions become undifferentiated through, for example, the development of systems of autonomous police ranking (as such, or via simplified PVs), recognition of the role of the first judge of the bench (Mincke, 2003) or the establishment of courts for the application of sentences, responsible for the execution of sentences. More and more, penal procedure has been presented, not as a sequential process, but as a flexible cooperation, based on competences and interpenetration. In the same way, magistrates have been increasingly solicited to participate in defining the priorities of the system and penal policies. Certainly, it involved officially inviting them to participate in a *beleid*, but the question of the concrete difference with a *politiek* needs to be addressed (Mincke, 1999). The movement continues with the autonomy of management of districts which leads the department heads to transform into administration managers.

It is obvious that the research highlights such developments in terms of the shadow actors, under the pressure of managerialism, but also of the conditions under which apparatuses function. This is how, given the vagueness of functions, it seems to have become absolutely normal that everyone should do what he can to participate in the working of apparatuses without any attention being given to the question of knowing “who does what”, a question which is nonetheless historically essential.

If the notion of participation has been used several times in relation to justice and policing (Tulkens and Van De Kerchove, 1996; Mincke, 2015), to indicate the implementation of systems involving the intervention of citizens and litigants in the accomplishment of state tasks, it seems today relevant to speak of makeshift participative justice and policing.

And yet, participation is one of the afore-mentioned mobility imperatives: in an environment where each individual has to maintain a continuous activity and take initiatives, the expectation is that temporary, concomitant and successive projects should be completed at the same time, which gathers around a collective objective, a set of intervenors who are considered useful.

In this respect, the succession of managerial reforms could be questioned from the perspective of this succession of projects, which cannot be interrupted, under pain of delegitimization. The reform projects were therefore bound to succeed each other unceasingly, the finishing of one marked the beginning of the following one, so unthinkable was it to abandon any project... or to prudently manage justice and policing apparatuses that were designed to last. We will recall however, that this was the case for a long time, the institutions of state were thought up by a legislator who designed them for decades – or even centuries to come and then confided them to state bodies expected to “turn them around”.

THE MUTAGENICITY OF ORGANISATIONS

What the research also shows, is an intense mutagenetic activity within the observed organisations. From the confession of actors, the process of modification is permanent. It is, therefore, both a race after the real and the vector of a constant evolution of the duties of the actors. It is, on this basis, a process of adaptation and adaptation requirement.

It is a process of adaptation because the reforms seem to stem from an adaptive race on the part of the justice system after social evolutions, those of the legal framework and those of managerial definitions of its profile and its missions. The justice system which formerly involved the work of reconciling the real with somewhat intangible principles of justice and social organisation, has increasingly become a tool piloted by managers attempting to respond to the priorities of the moment, the developments of the situation on the ground or financial and organisational constraints.

This justice and policing system in constant movement is like any moving biped, constantly unbalanced: should a foot stumble on an irregularity on the ground or a foot does not advance forward, a fall is inevitable. In this regard, we can be concerned about these institutions that are limping along which threaten at any moment to stumble and fall.

But these changing organisations are also the working environment for thousands of individuals. As they are changing, they demand at every moment that their workers adapt under pain of no longer being able to function. It is a recurrent complaint: that of the permanence of change and the inability to predict it. It is not enough to know how to walk in order to know where to go and the wandering institutions which have been shown in the research cause a lot of suffering and energy expenditure on the part of their actors.

This is how one can rightly question the cost of reforms, or rather their recurrence. The imperative of adaptation is the fourth mobilizing imperative, that which imposes on hyperactive and self-activated actors (individuals or organizations), stakeholders in a thousand projects of all kinds, to constantly adapt: to the context, to the project in which they are participating, the partners of the afore-mentioned projects, etc.

Is it necessary to recall how this permanent adaptability might seem incongruous to the designers of our legal and judicial systems, whose thought of law and order as vectors of stability and rigidity?

THE SPACE-TIME OF JUSTICE AND POLICING

The ideal of mobility, given that it proceeds from a validation of mobility in itself, is necessarily linked to space-time. Is movement not a displacement in space over a period of time?

Both the space and the time of the institutions observed in this research have undergone significant changes.

Space, once structured by clear (or so-called) boundaries between institutions and functions, is today much less readable. The conditions of collaboration, the undefined functions, the permanent reorganizations, the requirements of communication of information and the efficient circulation of files have partly eroded the boundaries. Fluidity, networking, efficiency and co-construction of the outputs do not fit well with a fussy compartmentalization. Even the distinction between public and private tends to fade, since it is increasingly the case that certain police or judicial functions are outsourced to the private sector.

The courthouses themselves are decompartmentalizing, in favour of settlements such as inloop centrums, in which private actors will work to improve access to justice.

In the same way, the geographical mobility of the magistrates causes upheavals and further decompartmentalizes justice.

As for temporality, it will have been understood what effect that constant changes have made to policing and justice which are no longer irremovable pillars of order and justice, but tools for the real-time management of problems that their "clients" will (or should) entrust to them. In short, a temporality made of stability, punctuated by ruptures on the occasion of legislative changes and of rare and fundamental reforms, we have imperceptibly moved towards a continuous erosion and permanent movement, not only of the actors, but of the institutions themselves.

This spatio-temporality dominated by the figures of the flow and the network - called "flow-form" - is far from being peculiar to justice and the police, of course. On the contrary, it has spread widely in countless sectors of society. Its omnipresence and the fundamental nature of the categories of space and time indicate in what way the mutations observed in this research are rooted in the depths of social representations and normativities (Mincke and Montulet, 2019). Far from being epiphenomena, they are, on the contrary, avatars of changes that affect our societies in depth.

"That's good", we could say, "justice and policing are in sync with society". Admittedly, it is logical for these two institutions to reflect the image of the society that houses them, but we can rightly ask questions about the consequences of these changes, about the very meaning of notions such as the maintenance of order or justice. This is, of course, not the focus of this research, but it raises fundamental questions, the answers to which may be crucial for our democratic societies.

What can supposedly intangible fundamental rights be defined as, in a mobile society that makes change a cardinal value? How can actors survive in a constantly changing environment? Is managerialism the only version of the mobility ideal that could influence justice? Why is this managerialism, as a way of managing the scarcity and objectives of state action, precisely the current that seems to prevail today? How can less stable boundaries and temporalities promote the maintenance of order and the rule of justice? These are some of the questions with which we wish to end our research.

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COMMENTS AND RECOMMENDATIONS FROM THE EXPERTS OF THE FOLLOW-UP

COMMITTEE

This part of the report gives finally the floor to the experts involved in the Follow-Up Committee of the JAM Project. The last meeting of the monitoring committee was not organized in face to face. We decided to send the global report, in digital format, to each expert. We created a template to allow everyone to express their opinion about the made work. Three sections composed the form: General Opinion on the project, specific recommendations and others comments. The request for feedback was, however, below expectations, because only three experts out of the six counted (one of the experts engaged in the first moments of the project was, in fact, withdrawn during the process) sent their remarks and comments, notwithstanding the granting of additional time for the submission of notes. In the following lines, you will find a summary of the feedback received for each Work-Package and for the Project.

A remark concerned the entire report. Although each work-package taken individually has a great interest, presenting itself as facets of the judicial world, the development of a cross-section offering a global vision of the JAM project, integrating the common reflections and any remaining shadow areas could have been rich and promising. A response to the request made here has been made through section 'Transversal reflections'.

WP1. TOWARDS GREATER ACCESS TO JUSTICE TO THE PUBLIC AS AN AIM FOR REFORM

Aude Lejeune (Université de Lille - Université de Liège) refers to academics as Warin (for the broader concept of access to justice and the non-take-up of rights) and to the theory of the streetlevel bureaucrat of Lipsky (probably ment for the study of the houses of justice).

Sybille Smeets (Université Libre de Bruxelles) reveals that the state of the art (and the related bibliography) is rich and well documented, and the problematization of the research object is undoubtedly a highlight of the report. She regrets a few absences in the bibliography like Jonckheere

in the houses of justices, Vigor on the access to justice and the reference to the report of 2000 the ancestor research on access to justice of Belspo.

She recognizes that the methodology and theoretical framework are well exposed, as is the need for triangulation of approaches. Given the necessary diversification (in terms of the research purpose) of the methods that were mobilized (interviews, surveys, analysis of report contents, etc.) and the areas surveyed / stakeholders interviewed, a presentation on the growth of data, from very different in nature, and the articulation of the analyzes of these would have enriched this part, although it is sometimes difficult to distinguish the source of the various data, especially when they come from the interviews and are integrated with the results of other research.

She ends by saying that the results presented are particularly enlightening on the issues of front-line access to justice and the impact of certain reforms on it. The report appropriately portrays the general difficulties that arise and why they arise, which is well advertised as the goal of the WP. Issues and obstacles are clearly synthesized in the conclusions and recommendations.

WP2. CHALLENGES INVOLVED IN THE TRANSFORMATION OF THE ROLE, POSITION AND STATUS OF THE “MANAGERS” OF REFORMS IN THE JUSTICE SYSTEM AND THE POLICE

The experts agree to recognize the interest of the empirical comparative study, carried out in a longitudinal perspective in two stages, within two regal institutions currently undergoing a managerial evolution, with a wide and varied range of managers disseminated on Belgian territory. In this context, it was opportune to grasp the operationalization of reform projects, not only by understanding the day-to-day practices of top local managers, but also their representations, perceptions, expectations and fears about the ongoing changes. Thus, in an organisational context always marked by strong bureaucratic constraints notwithstanding the transformational ambitions, the highlighting of the multiplicity and the diversity of the appropriations, revealing so many strategies deployed by the top local managers to implement the change or to resist the projects that impose themselves on them, appears rich and instructive.

For the research, it would have been interesting to develop further the analysis of the diversity of the actors' points of view, while paying more attention to the origins of this heterogeneity, to the explanatory variables of the divergences observed, in the light of the observation of the preponderance of localism.

Given the in-depth empirical study carried out, it would also have been appropriate to mobilize more, through extracts from interviews, the words of our interlocutors illustrating the highlighted diversity. Some tips were finally provided to enrich further the bibliography of this second work-package on the one hand, at the level of recent police managerial references with authors such as De Kimpe, Bottamedi and Ocqueteau and on the other hand, around the notion of local action and the discretionary power of the actors with the concept of street-level bureaucracy.

WP3. THE ADMINISTRATIVE ACTORS OF THE POLICE AND JUDICIARY, CAUGHT BETWEEN BUREAUCRATIC STABILITY AND MANAGEMENT AGITATION

Aude Lejeune (Université de Lille - Université de Liège) considers that the attention to actors who are not usually studied is very innovative. She recommends to develop further the argument about the significance different administrative actors give to their work and the variations among them. She asks the following question: how do these significance influence the implementation of public policy?

Jean Van Houtte (Emeritus Universiteit Antwerpen) emphasizes that the WP3 reveals the important role played by the administrative actors – often invisible – in the administration of the police and the justice. He focuses on three principal issues about these actors: the lack of professional autonomy, the transfer of knowledge and the age pyramid.

Sybille Smeets (Université Libre de Bruxelles) insists on the importance of highlighting invisible and unknown actors in order to increase knowledge about justice and police organizations and about the role played by each one of them. Moreover, she considers that this knowledge is essential to a better understanding of institutional mechanisms, that is, how justice and police systems work.

5. DISSEMINATION AND VALORISATION - COMMUNICATIONS

In this section, we present a list of the project 'development' information which is also the 'results' of the research itself. During the project, a whole series of intermediary results have already been subject to communications, publications and development. Several internal seminars were organized by the consortium with experts, for example, on the New Public Management. We would like to recall that two conferences were organised specifically by the consortium teams: members of the UA organised the 23 October 2015 a conference on access to justice – 'What are the Expectations from the Public towards the Justice System?' – and members of the NICC and ULiège, in collaboration with GERN, organized the 2 December 2016 a conference on judicial management – 'Le travail invisible dans la chaîne pénale' –. The consortium has also organized a final conference in March 2018 to close the project and present its results to the end-users.

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- Active participation in a round table, 'Waarheen met de juridische eerstelijnsbijstand?' (Where next with frontline legal aid?). University of Antwerp, 26 February 2016 (GIBENS, S.).
- Active participation in the China-EU Access to Justice Programme (GIBENS, S.).
 - *Workshop on Legal Aid Education and Research*, 28-29 August, 2016, Venue: Faculty of Law, Renmin University, Beijing.
 - *China-EU Legal Aid Policy Dialogue*, 1-2 September, 2016, Beijing: 'Ensuring Access to Justice for people with special needs'. Keynote speech: Access to Justice for the Most Marginalized and Vulnerable: Experiences from Belgium.
 - *Workshop on Legal Aid*, 28 February-2 March, 2017, Guangzhou : "Early Intervention Legal aid Workshop" : paper presented in two workshops :
 - 1) Early interventions approaches in the Low Countries (Belgium and the Netherlands)
 - 2) Collaboration between State and non-State provides – experiences from Belgium-*China-EU Legal Aid Policy Dialogue*, 28-30 June, 2017, "Legal Aid : Facing the future". Keynote speech: What future for access to justice for the most vulnerable people? Early intervention and prevention: a social-legal approach.
- Organizational diagnosis in a Court of First Instance on the request of the President (DUPONT, E.).
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As reminder, at the beginning of the project, the three teams making up the consortium chose to recruit researchers would follow a doctoral process. In this way, each researcher paid from the budget allocated by BELSPO performed their own work in order to produce a doctoral thesis at the end of the project or in the months following the end of the project. It therefore goes without saying that what is presented in this report, the scientific production and knowledge related to the question defined within each WP will go far beyond the pages of this report. Each thesis will of course explicitly mention the fact that it has been carried out as part of the BRAIN / JAM project and that it has been financed within this framework. Steven Gibens's (UA) and Valentine Mahieu's theses (NICC-ULB) have been defended in June 2018. The thesis of Emilie Dupont (ULiège) is being finalized.

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⇒ Our experts: EASTON Marleen (Universiteit Gent), LEJEUNE Aude (Université de Lille - Université de Liège), MERCELIS Stien (Universiteit Antwerpen), RUTTEN Stefan (Universiteit Antwerpen), SMEETS Sybille (Université Libre de Bruxelles), VAN DOOREN Wouter (Universiteit Antwerpen) and VAN HOUTTE Jean (Emeritus Universiteit Antwerpen)

WP1. TOWARDS GREATER ACCESS TO JUSTICE TO THE PUBLIC AS AN AIM FOR REFORM

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WP2. CHALLENGES INVOLVED IN THE TRANSFORMATION OF THE ROLE, POSITION AND STATUS OF THE "MANAGERS" OF REFORMS IN THE JUSTICE SYSTEM AND THE POLICE

First of all, the Project Manager, responsible of the second work-package, Professor Schoenaers and I would like to warmly thank all the field actors who shared with us their daily lives, their personal experience of the Reforms and the changes taking place within their institution. More specifically, we think about the fifteen Corps chiefs from the judicial sphere and the ten strategic leaders of the police world who welcomed us on several occasions during our interviews, about the seven judicial and police managers who opened to us the doors of their entity, presented their structure and introduced their staff, during our observations or about the twenty-eight entity managers or their representatives who joined us in Brussels on the occasion of our focus groups. We are grateful to them for the richness of their sharing and their availability, in this turbulent and very busy period.

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WP3. THE ADMINISTRATIVE ACTORS OF THE POLICE AND JUDICIARY, CAUGHT BETWEEN BUREAUCRATIC STABILITY AND MANAGEMENT AGITATION

The WP3 researchers extend our heartfelt thanks to all the administrative actors who took part in the study and welcomed the researcher into their stressful work lives. Even if they were not always able to agree to this participation individually and explicitly, they nevertheless often participated generously in this project that would have been impossible without them.

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ANNEXES

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