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Public Order: Challenges of Inter-Institutional and Regional Cooperation in the Context of the Knowledge Society. A Question of Economic and Social Efficiency

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Abstract: The context of public policies undergoes a process of rapid change due to the emergence of the dynamic knowledge-based economy and society. Public administration institutions need to adapt their material and human resources to the dynamic developments of the knowledge and information society in order to maintain efficiency and effectiveness of their scopes. One of the most fragile fields is public order and the need for improved inter-institutional cooperation at national, regional, and EU-level for achieving the objectives of ensuring citizens' safety while safeguarding rights and liberties. The social and economic efficiency of public order policies and measures need to be reassessed and improved based on overhauled and updated inter-institutional and organisational concepts, on diversified methods of cooperation at national, regional, EU- and international level. A recent project developed in the field of public order with respect to juvenile delinquency has shown that major questions still need to be approached with respect to efficiency and effectiveness of inter-institutional cooperation with both public and private bodies, and with representatives of the non-governmental organizations. The outcomes of the project have shown that juvenile delinquency must be approached as phenomenon in the wider framework of public order, of urban and rural safety, of crime prevention and combating. One major conclusion of the project is that a new integrated model is required with respect to the intra-, and inter-institutional cooperation and dialogue, but also with respect to the skills required to work efficiently considering the challenges posed by the overall developments of a society changing towards increased knowledge and information awareness. This would allow also for improved quality assessment and effectiveness measurements based on composite process and outcome indicators for public order, and public administration, in general, as well.

Keywords: inter-institutional cooperation; the knowledge society; human resource; social efficiency

1 European Union and Romania: Reform, Transition and New Challenges for Public Order and Security

The past two-decades of Romania's history are representative for undergoing in-depth reforms, restructuring processes, and extended transition in most fields of political, economic, social and cultural life. Romania's "desert crossing" from a deeply controlled, centralised and oppressive system to a democratic, liberal and decentralised one has been difficult, with many successes but also drawbacks, particularly related to the country's most relevant institutions and organisations which had to adjust to specific requirements related to NATO-membership and European accession, the expected entry into the Schengen Area for which necessary preparations and efforts have been made and still need to be made.

One of the most fragile and sensitive fields requiring rethinking and in-depth overhaul in the new democratic context was the field of public order, safety and security, particularly in relationship with the changes triggered by the dynamic development induced by globalisation and the emergence of the knowledge-based society/economy.

The changes brought about by these two phenomena, influence economy, society, culture and individuals in various forms and impact on all aspects of life having considerable implications for institutional and organisational strategies, policies and measures. Particularly, public administration institutions/organisations need to adapt their material and human resources in order to meet the challenges of the knowledge- and information-society so as to maintain efficiency and effectiveness of their scopes. Empirical researches indicated that public order, safety and security are one of the most fragile fields that require improvements and in-depth adjustments for ensuring citizens' safety while safeguarding rights and liberties due to the changes induced by the emergence of new technologies which impact not only on economy, but also on the overall welfare and safety of the society and individual alike. The economic and social developments of the last couple of decades have increased and sometimes even changed the content of jobs and challenges related to urban and rural safety, to regional, European and even global security. In this context, ITC has a particular influence on many public administration fields of activity providing the required tools for increased efficiency and effectiveness.

Nevertheless, there is also the reverse face of the coin: Terrorism, drugs, human trafficking, new, and even now-emerging types of crimes, and delinquent attitudes have become areas of international concern, and pose new challenges with respect to prevention and intervention, requiring re-defining and improving the approach regarding these phenomena by public institutions/organisations if they are to maintain a satisfying rate of success in achieving their scopes. Public administration institutions and organisations in Romania, but also at EU-level need to adjust in order to meet the challenges of the present and future in the context of dynamic changes induced by the knowledge-based society/economy. In this context, the social and economic efficiency of public order policies and measures need to be reassessed and improved based on overhauled and updated inter-institutional and organisational concepts, on diversified methods of cooperation at national, regional, EU- and international level. More and more questions relate to effectively being able to better measure the institutional/organisational efficiency from policies', measures', action plans' viewpoint, in relationship to investments', costs' made while implementing/ carrying out the respective initiatives and benefits' gained not only at the level of a single community but at national, regional and even EU-level.

In order to achieve the objectives of the *Stockholm Programme-An open and secure Europe serving and protecting the citizen*¹ different tools are required, many of them closely interlinked between the national, regional and European level. This multi-annual programme for the years 2010-2014 includes several tools that impact directly on the public administration authorities, institutions and organisations, respectively:

- **Mutual trust:** one of the most decisive tools as it implies high levels of commitment and confidence not only between the representatives at the various national levels in the Member States, and decision-makers, but also between authorities' and services provided by Member State within the respective state and based on cooperation between the Member states. Issues here are difficult to tackle and new means of cooperation need to be established as differences are apparent between legal systems, approaches in dealing with the various types of crime, in dealing with the most concern increasing manifestations of juvenile delinquency, in attempting to harmonise ways and means of action in prevention and intervention, so that the joint answer is univocal at European Community level.
- **Implementation:** the instruments provided by empirical and scientific research for improving the activity meant to safeguard freedoms and liberties while increasing the security level within each of the Member States and in the EU as a whole need to be not only properly enforced according to the particularities of each of the member countries from the legal point of view, but also require constant review, planning, and evaluation on an ongoing, repeatable basis. Particularly evaluation of provided tools and instruments is difficult as we deal, on one hand with institutional change induced by ITC, and the knowledge-based society/economy and globalisation with respect

¹ Stockholm Programme-An open and secure Europe serving and protecting the citizen, European Council, 17024/09, Brussels, December 2009.

to capacity building and enhancement, and on the other hand with increased awareness of the society and concern in how public institutions/organisations answer to the new challenges of the 21st century. In this respect we should mention that if we refer to the clear-cut distinction between “institutions” and “organisations”, then whereas organisations can be evaluated based on their overall performance, on their capacity to learn and change while trying to maintain pace with external influences, “institutions” in their strict meaning of “arrangement between two or more individuals with respect to norms, procedures and roles played” are much harder to assess (T.Christian, 2005).

- **Legislation:** this domain is one of the most difficult ones requiring further tackling, particularly as at EU-level the initiatives in the field must meet the principles of proportionality and subsidiarity, and enforcement should be done only after ex-ante impact assessment, here including also required assessments of costs’ both with respect to material and human resources, all the while also ensuring improved *quality* with respect to contents, coherence and even language of some of the documents.
- **Coherence:** EU-level, regional and even national cooperation and coordination require future enhancement of the approaches as it applies to all EU agencies dealing with the fields of justice and security, including public order (Europol, Eurojust, Frontex, CEPOL, the Lisbon Drugs Observatory, the future European Asylum Support Office and the Fundamental Rights Agency).
- **Evaluation:** one of the most critical issues is the objective, comprehensive and clear assessment of policies’, action plans’ and measure quantitative and qualitative measurement. We believe that particularly with respect to cooperation at inter-institutional/inter-organisational level in the field of public administration, and more specifically in the field of public order and security new process, output and performance indicators need to be developed for estimating performance, better identifying weaknesses and potential risks and threats to the effectiveness of aforementioned policies, measures and action plans. More specifically, for public order and security, same indicators would need to be considered and analysed as for all public administration institutions in general, based on a common set of assessment tools for overall and specific performance, and the evaluation mechanisms of all member countries should be harmonised in order to provide a basis for comparisons, for avoiding duplications and for encompassing all policies of the respective area of intervention. Evaluation is also the sound basis for ensuring proper follow-up and improvement, assuring thus continuity of the process.
- **Training:** overall training in the field of public administration, but also specific training for the representatives of the public order and security field is necessary with respect to judicial and law enforcement culture and practices, in order to develop better and improved shared understanding of scopes, objectives and tasks, and to increase the efficiency of efforts’ dedicated to ensuring the climate of security at EU-level and at the level of each of the member country, a common reply in cooperating at global level, and at the same time safeguarding the freedoms and liberties in an EU Area of freedom, security and justice.

Considering the objectives of the *Stockholm Programme*, in particular with respect to the key issue of cooperation at inter-institutional/organisational level within public administration, and more specifically regarding public order and security, there is already in place a set of assessment tools regarding financial and human resources, management, government policy making, service delivery and initiative/leadership capacity that can be used and further tested for robustness. For instance, with respect to policy-making the consultation process, including here degree/level of participation and/or involvement could be used by interpreting it based on relevance of proposals, initiatives made, of whether inter-institutional/organisational consultations take place about these proposals/initiatives, and actual delivered outcomes of the consultation process; if and how the impact assessment before actual implementation was performed; delivered outcomes of consultation process and impact assessment; outcomes relevance; number and relevance of agreements reached and measurable outcomes thereof translated into status and process indicators, along a new set of composite qualitative indicators that may be developed in this respect. At the same time, we believe that frequency of inter-institutional cooperation meetings, or indeed number of inter-institutional cooperation bodies should not be regarded

as indicative or possible measurable indicator as not quantity but quality and delivered outcomes are relevant.

In the field of human resources management, recruitment policies, well-defined, specific job contents and specific responsibilities, judicious tasks assignment and balancing, overall and individual evaluation sheets, and development of human resources 'hard' and 'soft' skills should prove most relevant, while with respect to financial management involvement/participation to budget determination, compliance with the yearly and quarterly budgetary levels and constraints, efficiency of budgetary allocations, particularly with respect to investments, from the ones with impact on society to those relevant to institutional improvement and training of human resources could and should contribute to enhance also openness and flexibility of inter-institutional cooperation. However, in Romania public administration institutions still need to reach a better level of agreement on a common set of rules, procedures and assessment means, that would contribute not only to the good functioning of each of the institutions, but also to better and improved cooperation between institutions, not only of the public authorities, but also in cooperating with institutions of the private and non-governmental sectors. This is particularly relevant for the challenges facing public order and security at national level, as the institutions within the system need to develop better ways of cooperation and communication with other relevant institutions and bodies, organisations and the private and NGO sector. But, rather the rather 'conservative' perspective in Romania, which still exists after two decades of reform and transition still determines a rather slow pace of institutional change and inter-institutional/organisational cooperation remains very often formal triggering dysfunctions in practice.

Nevertheless, the economic and financial crisis currently still manifesting effects all over the world, represents a serious challenge also for public order and security, as along with it threats' and risks' thresholds increase, and in the new context of the knowledge-based society/economy and globalisation new types of crimes and typologies develop along the old, usual ones. Therefore, public order institutions should 'learn' to develop better communication and cooperation mechanisms and tools with their partners from labour, health, employers' and trade unions' representatives, and with other relevant partners of the private and non-governmental sector in order to improve efficiency of prevention and intervention. The overall EU scope of an Europe of the citizens' can be achieved only if inter-institutional cooperation and communication are functional first at the level of each of the member states, and at regional level. It requires improved cooperation culture, better and harmonised joint procedures and integrated, operational networks.

2 Public Order Challenges in the Field of Inter-Institutional Cooperation in Romania

The former oppressive regime left its mark on the Romanian society, and public order faces new challenges with respect to public opinion's attitude towards proposed measures and policies. Yet, Romania as EU-member must comply with the overall political goals and harmonise policies in the field of justice, public order and security. Difficulties are perceived from strategies and policies, to measures and actions plans for rendering them operational, particularly if other institutions and/or organisations need and are required to be involved. A relevant example in this respect, and also a 'case-study' highlighting both success and failures of inter-institutional cooperation in Romania, was a MATRA-Project developed in the period 2008-2010 with the assistance of the Dutch Government. The scope of the intervention covered three main objectives: a. a national joint action plan based on inter-institutional cooperation for school safety; b. a network support system around school and c. improved skills in dealing with juvenile delinquency for both teaching staff and police.

The project was important especially because the school nowadays and in the current context must be regarded as one of the essential sub-components of the society, the micro-level at which we can notice the behaviours, attitudes, beliefs and perceptions of an entire society and community, whether in urban or rural context. The school is the place where education takes first place and where benefits of quality education or lack thereof, as well as social issues and success or failure in approaching and solving them can be noticed first. From a pragmatic viewpoint, the school is the first 'enterprise', where students and

parents meet the other 'shareholders': teachers, other students and parents, central and local authorities. Obviously, the school is no longer an 'ivory tower' and it shall have to open more and more to society and to the external influences, in order to keep pace with technological progress, to the demands of the knowledge-society. These external influences are both positive and negative in nature, and therefore, it requires networked, integrated cooperation for preserving a climate of school safety. The reason is apparent: many of the daily concerns and challenges have direct or indirect effects on school, from alcohol and drugs, to erroneous understanding of the meaning of emancipation, and the entire range of showing this lack in understanding its meaning (precocious begin of sexual life, sexual aggression, etc.) to juvenile violence and delinquency, discrimination, racism, radical attitudes, etc. Daily society as a whole, including the most vulnerable and fragile segment, children and teenagers face increased level of stress, and media news more often than not are illustrative for the levels of violence and delinquency in society, while the 'models' presented in mass-media are very often, at least, unfortunate: news, movies and even entertainment shows with increasing levels of tolerance for verbal and physical abuse, where physical abuse is only the tip of the iceberg built on verbal violence, threats, and offences. These increased levels of violence within the society are also transferred to the school climate, and from this it takes only a step to a considerable diminishment of the school safety climate.

Therefore, cooperation should become a key-word for the education system, whether it refers to cooperation and communication with parents or, in our case, particularly to inter-institutional cooperation between relevant institutions, public and private organisations, NGOs and other interested stakeholders. The background consists in the pillar of cooperation which is based, as a rule, on the paradigm 'to learn what's best, more efficient from one another'. Meeting the conditions in order to satisfy this paradigm is a sure resource for obtaining new knowledge, ideas, information, resources, experiences and also acting in an innovative manner that may assist not only in speeding-up institutional change according to the demands of the knowledge-based society, but also could support institutions in acquiring better cooperation skills and keeping pace with the changing external environment in the field. The transfer of good practices provided for by the Dutch members of the expert team, aimed to showcase how cooperation works at the community and national level, and the potential of a good practice example that can be adjusted according to the specifics of each community/region/country to answer the challenges for safety in schools. As a component of public order at national level, school safety is – at micro-level – the future guarantee for healthy, integrated European citizens, and at the same time a 'snapshot' of the public perception about order, security, compliance with laws, rules and regulations, while also underpinning which enhancements and improvements are required in the approach, where does police fit in this picture, and what are the attributions and responsibilities of the two most involved institutions in the process: police and school.

School violence, as such, is not a new phenomenon, however, due to the current crisis the climate threatens to worsen not only in the society, but also in schools and the most known categories of motivations for school violence and displays thereof, leading in last instance to juvenile delinquency, are:

- *Individual factors*: low levels of tolerance against frustration, adjustment difficulties to school discipline, negative self-perception, emotional instability, absence or underdeveloped self-control/censure mechanisms, low emphatic capacity, etc.
- *Precarious living conditions within the family*: the socio-affective climate (lack of parents' affection, and affection between parents, violence attitudes of the parents0 lacking the emotional safety required by the child; the family-type (disorganised families, children from divorced families); the economic and social situation of the family (insufficient incomes in the family, lack of or unsatisfying jobs.); low education level of the parents implicitly their lack of good understanding of the vital role they play; and last, but not least, a rather recent phenomenon in our country, the absence of one or both parents as result of labour migration, as the child/teenager is left in the care of the extended family, or friends (very often, in these instances, supervision is either superficial or none at all).
- *School triggered*: communication difficulties between teachers and students; the sometimes excessively authoritarian attitudes of some of the teaching staff, with the reverse, complete lack

of capacity to impose a climate of understanding, calm, cooperation and mutual respect during classes and outside classes.

- *The group of friends ('the clique') / the social environment*: on leaving the school, in the free and leisure time, juveniles are most exposed to the influence of the so-called street-, street-corner gangs which play an important role in the hierarchy of reasons for which violence display occur in the proximity of schools.

To these categories, new challenges for maintaining school-safety are added by ITC: children and teenagers' access to PCs and laptops has benefits, but also the disadvantage of exposing them to video games, which very often have aggressive content, which trigger also new forms of online violence such as online harassment, dangers of falling victim to pornography and human trafficking networks, while use of mobile phones and other modern gadget provide to students' new, rapid and efficient ways of making public what happens in the school; advertising negative aspects on one hand, and use of the same incidents for "bragging" and/or showing the situations to which they are exposed due to the weaknesses displayed by the teaching staff. In this context, it becomes more and more necessary to ensure integrated, networked systems for ensuring support for schools and students in maintaining safety inside school and in the immediate neighbourhood. It is obvious that such a support safety network cannot be achieved without the coherent, convergent and concerted cooperation between several involved stakeholders: central and local authorities, school, police, health and social care system. For building up such an integrated system, inter-institutional cooperation and clear definition and attribution of roles and responsibilities are decisive and the processes involved in ensuring school safety, the roles and responsibilities of school and police should be clearly defined, assumed and carried out.

The required framework implies: national legislation that clearly provides for explicit safety policies in schools, regional/local safety policies that have as required sub-component school-safety, and schools assuming the task of providing for school safety based the school's policy and the incident registration. The police, in this context, has the responsibility of concluding some "basic agreements" with schools in which it should be specifically stipulated that it takes action on incidents and gets more involved when and only when schools no longer cannot handle occurred safety issues on their own. Again, here the school and the national/local public administration and institutions play a role, that is, their policies should provide for a network support system for the school consisting of other major stakeholders of the society, such as: social workers, health care professionals, mental health care experts (psychiatrists and psychologists), even trading companies placed in the proximity of the school and other representatives of employers' and trade unions' organisations, representatives of the labour agencies, etc. Restricting the image of providing for school safety from the police and school perspective, their roles and attributions should be formulated based on the school policy with respect to safety, and the provisions contained in the internal order regulation of the school, which should contain a compulsory chapter on safety and sanctions for the infringements against it.

The school should be the only and exclusively responsible for the safety inside the school and in the immediate neighbourhood based on the support and assisted by the means provided by the local public administration authorities. Public administration authorities are the ones responsible with ensuring proper lighting, fencing, access routes to and from the school, in brief, they are responsible for facilitating, monitoring, evaluating and stimulating the creation of and maintenance of functional support networks for schools. The police are responsible for putting into practice the policies and measures related to overall public safety within the community and for ensuring that agreements are concluded with schools about prevention and intervention, if necessary. It results that the core tasks of police in the context are: managing usual tasks of public order, providing assistance in case of necessity, emergency intervention, supervision/monitoring of the public domain, signaling and counseling with respect to safety and security issues, and (early) signaling of possible threats and risks and counseling about possible ways and means of assistance.

The tools available to the two main stakeholders (school and police) are: a basic cooperation agreement in which attributions, roles and responsibilities are clearly defined, a checklist and an inventory based

on the contents of the agreement, which can be used both by police and the schools to see the effectiveness of policies and measures implemented. On these premises the project intervention pursued a joint action plan of education and public order representatives meant to send a univocal message also to the other necessary stakeholders/partners within the system about the increased possibilities of intervention in a new, integrated system but also regarding the increased levels of threat posed by drugs, alcohol, human trafficking and prostitution, induced by the current unfavourable economic and social circumstances, even for the schools. Next, it aimed to ensure the background for creating a viable, operational support system for the schools, according to the new, integrated networked 'modus operandi' which can ensure better and on time cooperation and communication between the partners. However, the project during its duration and thereafter, also managed to display the failures and lacks with respect to cooperation, and more specifically to inter-institutional cooperation in the field of public order in the interaction with representatives of other institutions and organizations.

3 Instead of Conclusions: Future Challenges Of Public Order in an Inter-Institutional Cooperation Setting

The difficulties encountered in achieving all goals of the project had a lot to do with the openness and flexibility towards cooperation of the main stakeholders, i.e. public order and education system representatives, and with the other stakeholders in the consultation process with respect to local policies based on the national policy with respect to safety in schools. After relevant data and information was collected and relevant partners selected the institutions identified as relevant for safety in schools and the networked support-system were covering a wide range from proximity police to health and labour institutions' and town-hall representatives. Although all partners shared the common goal stated by the initiative of the project, they failed to achieve full-success due to own agendas and interests, translated in less openness and flexibility towards cooperation, and fine-tuning the process of developing actions, measures and measurable outcomes was extended over the period of the project, while partners failed to develop a 'common language' to be translated in formal protocols and common regulations and procedures in dealing with absenteeism and early school-leaving. While the inter-institutional consultation process identified the clear roles and attributions of each institution involved, and managed a proper impact assessment of the potential joint action plan, protocols, conventions and agreements, the implementation is still hesitant due to the institutional setting and reasons of both objective and subjective nature. The objective reasons covered the specific legal framework and the rather slow decision-making process, the rules, regulations and procedures of each institution which all were time consuming and lacking actual finality; very long periods of time necessary for the conclusion of corresponding legal protocols, joint-orders, etc. For instance, at least one document is still in the process of revision by the legal department of one of the institution even though the project was concluded in winter 2011! Also, the lack of financial support and not only due to the strained circumstances due to the economic restrictions triggered by the economic crisis, translated into the absence of governmental and local authorities' allocated budgets, even if the other half was already covered by other stakeholders. However, the subjective aspects were even more daunting as they related to institutional and organisational culture, to the perception of the roles and their changed content in the present and future societal development, the absence of motivation due to lack of incentives or items that could be perceived as such by the main actors. The debates between the main actors/stakeholders revealed that assuming responsibilities, making decisions, taking action and overcoming formal, informal and non-formal barriers in cooperating with other institutions would require sustained and ongoing training at management and executive levels. The presented case-study was intended to highlight the way in which inter-institutional cooperation can improve not only the situation in particular cases, if successful, but also provide information, valuable data and insights for policies, measures and actions in other correlative or related fields. This type of cooperation generates positive externalities, opportunities for the creation of new jobs, increases institutional skills, efficiency and effectiveness, and creates premises for better and improved institutional dynamics and enable innovation inclusion in their approach.

Nevertheless, it should be emphasised that the key stakeholders are the students, the parents and the school, and that concerns of students' and teachers' in close communication and cooperation with the parents should be related first and foremost in preventing and combating attitudes and displays of behaviours encouraging violence under all its forms, as all 'faces' it takes and all other manifestations such as: alcoholism, drug use and traffic, prostitution, theft, larceny, are found not only in justice statistics about adult population but also in those related to juvenile delinquency. With respect to public order and security, the general conclusion of the project, ascertained by the responsible institutions after analysing the general developments and trends with respect to risks and threats is that school safety, climate and environment inside and around the school are indicative for society developments, in general, and that the phenomenon of juvenile delinquency is a precursor of future delinquency and disturbance of public order, which also increases the threats to security. It also emphasised that future strategies, policies, action plans and measures are required for improving the response capacity and cooperation skills not only between national/local institutions, but also between the national/regional and EU-level. The school-safety and local safety agreements and action plans involving relevant stakeholders are the first and necessary step in ensuring at the next levels public order within the community, in general for the entire society, and the climate aimed by the Stockholm Programme of serving and protecting the citizens. Also, this micro-level approach (school safety) could assist in defining new indicators for evaluation and self-evaluation in order to ensure efficiency and effectiveness of obtained outcomes, particularly when activities are developed within extended inter-institutional cooperation between institutions and organisations with different traditional cultures and mentalities. At the same time, objective evaluation and self-evaluation and the opportunity for extended dialogue both according to hierarchy levels but also at horizontal levels would provide for the legal and operational required framework to initiate new policies, measures and actions, and to act innovatively with respect to improvement of material conditions and human resources training that are available to partners in the process of ensuring an optimum social climate.

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