



The Window of Opportunity

Organisational Challenges in the Development of Competence in the Police Patrol's Investigation of Domestic Violence against Children.

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Abstract

Research into the police's investigation in cases where there is a suspicion of domestic violence against children, has mostly examined what happens to the child during interrogation by specialists. By applying an interpretive understanding of the concept of competence, the present study examines the competence the police patrol needs with respect to taking care of the children's rights in such cases. Through in-depth interviews with 15 police officers, the analysis generates two main findings. First, an essential competence, in encounters with children, is to be able to strike a balance between human aspects and the requirements of the criminal law. This comprises an interpretive-relational attitude to securing the encounter in the 'window of opportunity'. Second, development of this competence is limited by contextual and organisational aspects. The article discusses the organisation's attempt to develop the officers' competence in such cases, and the challenges involved.

Keywords

Police patrol, investigation, domestic violence, children, competence, organisation learning

1. Introduction

The ongoing process of societal reform, both nationally and internationally, shows that questions of competence development have been, and are still, seen as central to those professions and organisations dealing with issues of democracy (Ellström & Kock, 2008; Håland & Tjora, 2006). Like other professions, the police need to adjust to change in society, not least ongoing changes in the forms that crime takes. The complexity of crime is ever increasing, challenging the police's competency. Håland and Tjora (2006) write that organisations favour competence development as their strategy for meeting these new demands. This is reflected in one of the aims of the latest police reform in Norway (Prop. 61 2014-2015), which sought to develop the police organisation with better competence and capacity, sharing knowledge and learning from experience (Filstad, 2020).

The concept of a ‘police generalist’ has been a fundamental tenet of Norwegian policing since 1981 (NOU, 1981:35), playing a significant role in the development and organisation of the police’s competence (Birkeland, 2007; Myhrer, 2007; 2018; Aas, 2014; Aas, 2019). Patrolling police make manifest, through their various tasks and roles as keeper of law and order, the full range of the generalist’s competence. The generalist is to handle all forms of criminality, switching between the different types of police services such as traffic management, criminal investigation, law enforcement and prevention and administration (NOU, 1981: 35). For instance, the police reform of 2014–15 (Prop. 61, 2014–2015, p. 27) emphasises that it is the police generalist who initiates investigation at the crime scene.¹

In 2017, in order to ensure and improve the quality of frontline investigation by police patrols, the concept of ‘on-site police work’ was developed into, and implemented as, a measure (Sørli & Larsson, 2018). This meant that many of the tasks previously undertaken by specialist investigators were transferred to the generalists on patrol. One of these on-site tasks is to facilitate children in telling the police what has happened. If this conversation then touches on criminal matters, the generalist must be able to formally secure the child’s story as evidence (RA 3/2008; 10/2015). On-site police work is considered necessary to achieve efficiency and reliability in criminal proceedings. In this, one prioritised area of *occupational* competence development is the police’s investigation – on-site – in cases of domestic violence in which children are victims.

The Higher Prosecuting Authorities (henceforward abbreviated to HPA) (RA 3/2008; 10/2015) have set out standards and tasks concerning the police patrols’ basic competence in investigation (the standards and tasks are presented later in the paper). Aas (2014) claims that despite these sharpened demands on police patrols’ on-site investigation, few police assignments of this kind lead to a criminal report or any action being taken. Aas (2014) relates this to the complexity of these cases, and to police lacking crucial competence in investigation. This generates an argument that specialist competency should be given to the police patrols with the aim of uncovering and prosecuting more cases where children are involved (Aas 2014). In line with this, the recent police reform (Prop. 61 2014–2015) and the white paper (Meld. St. 29 2019–2020) call for the strengthening of generalist competence.

The context of the present paper is the Norwegian police patrol’s encounter with children in cases where domestic violence is suspected. The study touches on essential legal aspects of the on-site investigation where the approach to children involves criminal issues. There are a number of definitions and concepts relating to the subject of ‘domestic violence against children’, applied to various scientific contributions and purposes and expressing differing views and understandings as to what domestic violence against children is about, and how it affects the child (Lillevik, 2016). In examining the police, we use the definition of violence found in paragraph 282² of the Norwegian Penal Code, which defines what is meant in Norway by criminal domestic violence. The provisions of the United Nations Convention on the Rights of the Child (CRC) are incorporated into Norwegian law. The Convention makes clear that

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1. There are various approaches to what the concepts of *generalist* and *specialist* entail in the police (NOU, 1981; Birkeland, 2007; Myhrer, 2007; Aas 2014; 2019). In the present paper, we distinguish between police officers in the *police patrol* and the police officers at the *unit of investigation*. The police patrol is referred to as ‘the generalists’ and the investigators at the investigative unit, including those who conduct juridical interviews of children at the Childrens’ House, are referred to as “specialists”. This is not to oppose studies that show that most investigators of violence in close relationships are generalists (Aas, 2020). We refer to the investigators as specialists because of their functions in the line management model (see Hoel & Mehus, 2021), withheld due to anonymity, in review) – where they have to take care of specialist tasks.
 2. Strpl § 282. https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-10#%C2%A7283

‘violence’ means all forms of physical or psychological violence, harm or abuse, neglect or negligent treatment, abuse or exploitation, including sexual abuse. The compound picture of what the concept of violence implies is described in Stang (2011) who emphasises that all forms of violence against children are forbidden and unlawful.

Research and literature into these encounters has mostly examined what happens to the child during interrogation performed by specialists (Davik & Langballe, 2013; Edvardsen & Mevik, 2014; Gamst & Langballe, 2004; Gamst, 2017; Myklebust, 2009; Rønneberg & Poulsen, 2000). Only to a lesser extent, has research looked at the skills police patrols need, in accord with the criminal law, in respect of their caretaking of these children’s rights and, consequently, there are few studies setting out what is required to promote and sustain competency in this area. This study sets out to fill this gap in a highly prioritised field touched on by HPA (RA 3/2008;10/2015) and other authorities.

Grounded in data from in-depth interviews with 15 experienced police officers, the paper analyses the competence which police patrols experience as essential in their encounters with children. The paper examines two questions: (1) what competence do police patrols experience as appropriate to meeting the requirements of the situation? (2) How does the police organisation facilitate and develop competence among police patrols? The paper examines and discusses the issue of competence within the context of the police patrol’s initial phase of investigation.

2. Background

The police’s mandate and role represent democratic ideals but reflect different views of reality constructed at different times and by different institutions. Work on domestic violence in general arose from the demands of the feminist movement during the 1970s. Domestic violence became a matter for the police (Aas, 2014; Grøvdal, 2012). The law, and consequently the police’s tasks in this matter, have changed rapidly over the years. In Norway, a significant development was the change in the legal status of children who were granted the status of offended against when witnessing partner violence rather than, as earlier, only being subject to an offence when the violence was directed at them. In 2010, the Supreme Court passed the judgement that a child is a victim of crime by having to witness their carer being subjected to violence (HR-2010-01426-A).

As a result, to act in accordance with the new law, police practice in on-site investigations had to change with respect to protecting children’s criminal rights. Children are victims, both by witnessing their carer being exposed and by being directly exposed to the violence. The patrol’s investigation ought to find out about both aspects. This legal provision applies uniquely to Norwegian children – and it frames and shapes the police’s practice on-site.³ Despite the best intentions of the HPA and the police reform’s call for ‘better competence’ in the police patrols (see Introduction), the question remains: What does it mean to give police patrols better competence with which to investigate domestic violence against children?

An evaluation (Filstad, 2020) of the police reform brings the issue of competence to the table. Filstad (2020) makes the point that what ‘better competence’ for generalists should consist of is not specified, the matter being veiled and not discussed: ‘The local police reform

3. The Swedish authorities are now also considering changes to the criminal law in respect of children who witness violence: <https://www.regeringen.se/493133/contentassets/f2680707347f428697bc6920d86dd2fd/barn-som-bevittnar-brott.pdf>

[provides] a greater degree of specialisation without there necessarily being a discussion about what it means for the generalists in the police' (Filstad, 2020, p. 7). This discussion is highly relevant to police patrols' work in cases where children are exposed to domestic violence, as these raise the question of police patrols' competence. However, the argument for imparting specialist competence to the generalist is not unproblematic. According to Filstad (2020), adding specialist competence to the generalist without awareness of what this entails, can lead to unintended negative consequences for the police generalist's competence, such as being alienated because generalists are not valued or allowed to use their competence in carrying out practical police work (Filstad, 2020). Moreover, neither Aas (2014) nor Filstad (2020) explain what 'adding specialist competence to the generalist' would mean in a learning context.

The following paper presents theoretical considerations on the concept of 'competence' before presenting earlier research on police patrols' handling of children exposed to domestic violence. Next, the essential requirements of various steering documents, with respect to police patrols (generalists) and specialist officers working in the investigative unit are presented. The method is described and, finally, the results of the data analysis are presented, leading to a discussion of the paper's research questions.

3. Theoretical considerations on the concept of 'competence'

Despite the concept of 'competence' being widely and frequently used, it is perceived as being 'fuzzy' and confusing (Delamare & Winterton, 2005, p. 29; Ellström, 1997, p. 266), hard to define and understand clearly (Ellström & Kock, 2008). The purpose of giving it theoretical consideration here is twofold: first, to present the study's viewpoint as to the meaning of 'competence' and, second, to demonstrate the complexity of the concept, making it difficult to confine within one single meaning.

There are, however, two literature reviews seeking to explore the complexity of the concept and relevant to the present paper. The first review (Håland and Tjora, 2006) shows that competence can be studied from two main perspectives: 'the rationalistic and positivistic perspective and the phenomenological, humanistic- and social constructivist perspective' (Håland and Tjora, 2006, p. 998). Put simply, the first perspective is characterised by a utilitarian and instrumental understanding, lacking contextualisation, governed by individual characteristics, and worker-oriented (Håland & Tjora, 2006). The phenomenological, humanistic and social constructivist perspective, which is the theoretical frame for the present research, defines competence as liberating and empowering, contextual, meaningful, relational and, hence, more than individual characteristics. This constitutes a work-oriented view.

The second literature review, by Ellström and Kock (2008), found that the concept of competence is used in three ways: first, it is viewed as an attribute of the employee and perceived as a human resource converted into performance at a certain level. This implies that competence is the 'capacity of an individual (or a collective) to successfully (according to certain formal and informal criteria, set by oneself or by somebody else) handle the situation or complete a certain task or job' (Ellström, 1997). Second, competence is viewed as the 'requirements of the tasks that constitute a certain job' and refers to formal and informal requirements, for instance educational level or other credentials. This view is in accordance with a rationalistic and positivistic perspective (Håland & Tjora, 2006), and Norris (1991, p. 294) refers to this view as behaviouristic. Third, competence is viewed as an "interaction between the individual and the job, and (...) the competence that is

actually used by the individual in performing the job” (Ellström & Kock, 2008, p. 7). This understanding reflects what Håland and Tjora (2006, p. 996) claim to be work-oriented and grounded in the phenomenological, humanistic- and social constructivist perspective. This last implies that competence is defined and developed from workplace- and life-long learning (see Lave & Wenger, 2011; Gherardi & Nicolini, 2002; Hoel & Christensen, 2020). Competence is developed through participation both within and outside of (e.g. experience from encounters) the organisation’s communities. Hence, competence is developed from experience derived from the workplace through participation with colleagues and others, and in relation to ‘current tasks, future tasks and the common life in organization’ (Håland & Tjora, 2006, p. 1004). Work-oriented competence is emphasised as an individual’s potential to act in accordance with the demands of the situation. The person’s skills and the situation’s demands are closely intertwined, and the potential to perform in accordance with the demands of the situation is reinforced by attitudes and values (Håland & Tjora, 2006). This reflects the ‘competence-in-use’, which Ellström (1997, p. 269) explains as

a dynamic factor mediating between the potential capacity of the individual and the requirements of the job. This means (...), that both factors related to the individual and the factors related to the job may facilitate or limit the extent to which the individual uses his or her actual competence.

Competence and knowledge are related (Håland & Tjora, 2006). Though studies on police’s perceptions of the *concept* of competence are few, there is a growing body of literature (Chan et al., 2003; Fielding, 1984; Finstad, 2000; Gundhus, 2012; Holgersson, 2005; Hoel, 2011; Hove, 2012; Edvardsen, 2019; Schwartz & Lappalainen, 2020) describing and discussing the characteristics of the professional knowledge needed in the police. The abovementioned studies view knowledge or competence, as an interplay between the capacity of the individual/collective and the tasks and mandate of the police. A shared characteristic of these studies (Chan et al., 2003; Finstad, 2000; Hoel, 2011; Edvardsen, 2019) is how the police officers’ experiences and actions express ‘competence-in-use’. Although competence derived from experience and mediated as a process (the phenomenological, humanistic- and social constructivist perspective) can ensure sound ethical practice (see Hoel, 2011; Hoel & Christensen, 2020; Martin & Staines, 1994 cited in Garavan & McGuire, 2001), this perspective is not valued in the bulk of literature discussing competence (Ellström & Kock, 2008; Lindberg & Rantalao, 2014).

The studies mentioned above examine those aspects of police work bearing on their operational duties in which the aim is to maintain law and order. Police officers’ competence in cases involving the criminal law has been less studied. By building on the above-mentioned studies, the present paper looks at what constitutes the competence that police regard as appropriate to dealing with cases of violence toward, and abuse of, children where both operational factors and the criminal law come into play.

4. Previous research into the police patrol’s investigation of domestic violence against children

Police patrols’ investigation of suspected violence in the home involving children is described in the literature as chaotic, demanding and difficult. Several researchers stress the importance of the police being able to see the suffering involved and understand how this affects the victims of violence and the importance of the police officers being sensitive to

the situation (Edvardsen, 2019; Øverlien 2012; Øverlien & Aas, 2016; Randa, 2016). Studies have shown that children's need for concealment makes it difficult for the police to uncover violence and abuse. Their entry into the children's home is a meeting that neither the adults nor the children necessarily want. This contributes to making the police's work extra difficult and therefore the way in which the patrol meets the children and families becomes important for the investigation of these cases (Edvardsen, 2019; Øverlien, 2012; Øverlien & Aas, 2016; Randa, 2016).

Øverlien (2012) shows that few of the children exposed to domestic violence experienced that the police patrol took the time to talk to them. This can be explained through Randa's (2016) and Øverlien & Aas' (2016) studies, which show that police officers on patrol may find it difficult to talk to children, and that they are afraid of making mistakes, especially in gathering evidence. Another factor in this context is that patrols do not sufficiently distinguish between serious and less serious cases, which can have severe consequences for the most vulnerable children (Stanley, 2011). Given this, Stanley (2011) calls for better tools for data recording and evaluation to help police in assessing the level of seriousness of the situation. This difficulty with assessment may be one of the reasons that very few of the cases of domestic violence the police become aware of result in a conviction (Aas, 2014; 2019).

The importance of the generalist's on-site investigation is grounded in scientific knowledge about what happens to the child's motivation as well as their ability to talk when they have been exposed to domestic violence. When the police patrol is called out to such a situation, investigators refer to their meeting with the child and the family as 'the golden hour' because the evidence is still fresh and those subjected to violence may be motivated to say what has happened (Edvardsen, 2019). In children, the memory of the original event can be negatively affected after only a short time (Magnussen, 2017). Stability within the family is often re-established only a short time after the incident (Walker, 2017). If the patrol does not quickly secure evidence from the victims, the likelihood that they will talk about the violence is much reduced. This is why it is essential that the police patrol undertake an initial investigation as soon as they come to the home of the child and family.

5. The Norwegian police context

This scientific knowledge is reflected in HPA's guidelines (RA 3/2008; 10/2015), and in the National Police Directorate's (POD 2008; 2016) and Government's (Prop. 12S 2017–2021) action plans addressing violence and abuse. These official documents are anchored on children's human rights (the CRC) which grants children the right to live their lives without violence, to be heard and informed, and to have opportunities to express themselves. HPA emphasises that on-site work done by generalists is to be supported and furthered by specialised functions at the investigative unit: the generalist can, for example, call on in-house specialists / lawyers to support the on-site investigation. The main body of the investigation is conducted by officers with specialist competence at the investigative unit, where these officers take the lead and put in place an investigation plan. Police officers with specialist training in the questioning of children work in the network of Children's Houses.⁴ However, the generalists' on-site investigation is seen as decisive in enabling specialists to conduct further enquiries concerning possible prosecution. HPA presumes (RA 3/2008; 10/2015) that the generalist on-site investigates in order to find out what has happened, which implies

4. <https://www.statensbarnehus.no/>

securing forensic traces and conducting interrogations of the affected persons. If children are present, the police patrol ought to address the children, informing them about why the police are present and what is to happen. The police ought to facilitate for the child to tell the police what has happened to them. If a child speaks of things suggesting illegality, the generalist is expected to know how to secure this as evidence (RA, 10/2015).⁵ If these tasks are not taken care of on-site, the investigators will lack the crucial information needed, risking the case being dismissed. How the generalists should be able to secure the child's story legally is a blurry topic leading to confusion and different practice among the patrols.

HPA's instructions require that the generalist has a level of scientific knowledge covering basic investigation, children exposed to domestic violence, and how to communicate with children in a way that protects their rights. Although these requirements are the product of a phenomenological, humanistic and social constructivist perspective, the HPA's instruction itself reflects a utilitarian approach and 'worker-oriented' understanding of competence (see Håland & Tjora, 2006). Because instructions and guidelines are formal structures lacking contextualisation, HPA's requirements are expressed in terms of standards or explicit performance criteria suggesting that pre-determination of good practice is possible (Norris, 1991).

6. Method

The police patrol's *competence* in cases involving children exposed to domestic violence has been little studied. Additionally, the topic concerns practice implying tacit knowledge (Polanyi, 1966). These two things make an explorative and qualitative research approach relevant, as we want to explore the topic in depth.

The paper is based on the first author's (Edvardsen, 2019) doctoral study of police patrols experiences from assignments concerning children exposed to violence undertaken in 2014–2015. The doctoral thesis is based on semi-structured interviews with 15 Norwegian police officers working at three various police stations in Norway. The present paper has conducted a re-analysis of the data material to shed light on the question of 'competence' in assignments where the police patrols meet children exposed to domestic violence.

6.1 Selection and informants

The informants were recruited by means of a strategic selection as the research question presupposed police officers with experience of patrol activities and who, in that context, met children exposed to violence and abuse. Senior officers at police stations in three Norwegian cities were asked by email if they had such officers willing to be interviewed. Most of the informants had been in the police between 10 and 20 years. Several of them had specialist training and now were working in various investigative units, two of them, at the time of the interview, with questioning adapted to the needs of children. Common to all, was a broad experience of being called out on patrol to calls involving the suspicion of violence and abuse involving children.

5. The formal nature of this conversation is that the child, on an equal footing with adults, in cases involving serious criminal matters, in a meeting with the police, must be exhorted to speak the truth (Vitneansvaret cf. Strpl. §221). In Norway, children under the age of 15 have a duty to testify in such cases (cf. Strpl § 239a, para. 2). Adults and children over the age of 15 should be informed of exemptions from the duty to testify (cf. strpl.§ 122, para 1). Police in Norway have somewhat more scope in respect of duty to testify for children than they have with regard to the responsibilities of the witness, because explaining the duty to testify is seen as difficult to do so that children fully understand what it entails (Edvardsen & Ryen Berg, 2016).

6.2 In-depth interviews and data analysis

The in-depth interviews were conducted at the officer's place of work and were based on a short, semi-structured interview guide where the police officers' experience of assignments where children were exposed to domestic violence was the main focus. The informants were encouraged to use stories and examples illustrative of their experiences. The interviews can be characterised as open and exploratory conversations lasting between 60 and 90 minutes.

Analysis of the data used a phenomenological approach and was conducted in three steps in accordance with Malterud, Siersma and Guassora's (2016) phenomenological-hermeneutic method. First, the data material was read through with an open mind and in its entirety to form a first impression of the officers' experience. Then, the data were re-read to form meaning units, which were then condensed and coded. In the third and final step, sub-themes and themes were produced in relation to relevant theory in the field (Vaismoradi et al., 2016, p. 106). The present paper has conducted a re-analysis of the data to shed light on the question of *competence* in assignments where the police patrols meet children exposed to domestic violence.

6.3 Strengths and limitations

One of the strengths of the study is the high information power of the sample (Malterud et al., 2016). The study's aim is more narrow than broad, as we seek to understand the concept of competence in the concrete and limited context of police work. Although the data are not derived from field observations of actual situated practices, the strength of the study is the focus on narrative interviews encouraging the officers to elaborate on their experiences. The unique data can generate scientific knowledge, concepts and views to improve the police practice on-site with respect to the paper's topic.

A story can differ from what actually happened (Frank, 2010) as interpretation is a matter of subjectivity. Research has also suggested that there can be a discrepancy between what people say they do and what they actually do (Waddington, 1999). Notwithstanding these considerations, the present study is able to achieve a deeper understanding of the topic, as field observations in private homes, especially in cases of domestic violence, are strictly governed by ethical norms.

The sample holds high specificity as the informants are police officers with long experience, but, more importantly, they had, although assignments involving children are relatively rare in the police, actual concrete and unique experience of meeting children exposed to violence. The analysis adds to the study's information power as it builds on officers' narratives, which, due to their genuine engagement in such cases, contain 'thick description' (Geertz, 1973). Most likely, the sample does not represent the police generalist in general due to the informants' engagement with, and concern for, vulnerable children. As research (Heivoll, 2018) has argued, the police in general do not value investigation on-site, especially not assignments concerning children exposed to domestic violence. This makes the aim of the present study even more important, as it puts in play the crucial role of, and need for, additional research knowledge on the meaning of 'competence' in these cases. Hence, the study has strong information power with which to adequately answer the study's research question regarding competence in cases where children are exposed to domestic violence.

7. Results

The analysis is twofold. The first finding, generated from the officers' narratives, *competence as balancing between human aspects and criminal law requirements*, indicates what comprises

the competence in police encounters with children contributing to the protection of their rights. Two further findings suggest that this competence is being neglected in the police force's wider attempt to enhance and develop police patrols' competence.

7.1 Competence as balancing between human aspects and the requirements of the criminal law

7.1.1. Interpretive-relational attitude

The officers' stories show, first and foremost, that they are sensitive to the children's situation, and that the police patrols are aware both that the situation is acute and that the children are vulnerable and suffering. The analysis shows that these cases demand that officers are sensitive in their conversation with the children. This sensitivity makes possible an interpretive and relational approach, made evident in the officers' awareness of how suffering affects the children. Their experiences show that they strive to maintain the attentive and caring gaze crucial for creating the security they experience a child as needing in such a situation: security can help children to say what has happened.

The patrol's communication with all those involved, including the children, during this first phase of the investigation is important in starting to build trust between police and children:

We have to explain, we have to let them [the children] talk. If the children want to talk, we listen and make it so that they feel like talking to us. It is about showing empathy and showing confidence so that children feel like talking. Building a good relationship makes the experience as positive as possible.

The analysis shows that making the child feel safe involves seeing his or her own situation in the light of the family's situation. In meeting with the children, the officers act on the basis of a relational understanding (see Bateson, 1973). An example, illustrating this approach, is the story of the police's encounter with a girl whose life was dominated by her father's substance misuse. The officer recounted that he had spent a great deal of time talking to her, who was concerned that her father might be imprisoned:

The girl loves her dad and is worried that we, the police, will do something with him. She cries and is very afraid that we will take him with us. After talking a lot with both the girl and the father and after he was able to pack a bag of clothes in peace and quiet, the father was taken into custody without any problems. In fact, the father was very pleasant once we'd calmed things down and, by the time we left, the girl wanted to become a policewoman.

The police officer describes an understanding in which the child's relationships with the family are emphasised. This suggests that the way the officer addresses the child's caregivers is very important for the matter to be resolved in a way that cares for the child. This illustrates that the interpretive-relational approach is both vital and meaningful, forming an important part of the police patrols' competence-in-use.

7.1.2. Securing the conversation in the window of opportunity

The analysis shows that the on-site conversation with the child, often in an unsafe and vulnerable situation, is essential for the successful realisation of the police's mandate. In addition to making the child feel safe, the conversation has to protect their rights (see 5.0). The officers want to engage the child in conversation as quickly as possible, as this is the time

when the child is most motivated to tell them what has happened to them. We can call this the *window of opportunity*. An example of this can be found in an officer's account of an assignment concerning a very violent father in which more general conversation turned to an interrogation of the children:

And these kids, it was crazy because they were SO glad to see us. The children were in the cellar – three siblings in one room in one bed. They told us immediately, unbidden, what had been done to them. There was, in particular, one episode where they had been whipped with a rope. We questioned them then and there, and a sound recording was made of this. We arrested the father, and took him in. When we questioned the children again later, there was nothing but babble. They said nothing, everything had gone.

As this shows, the officer is concerned that children should have the opportunity to say what has happened as soon as the patrol arrives, because this may well be the only time the child is willing to tell. Without the patrol's investigation the case is at risk of being lost to further investigation later. Traces of a fight can be washed away, broken glass cleared, torn clothing be disposed of and children's accounts and their willingness to tell altered or fade away. To underline this point, one of the investigators in the investigative unit says that: 'It is those who are out on the job who are the most important investigators.'

Implicit in the officers' understanding of the importance of seizing the 'window of opportunity' is an appreciation of the psychology of being a witness (exposed to violence), and this is in line with HPA's guidelines on the competencies the patrol should have (see 5.0). The officers demonstrate that they can set their own practice and their assessment of the scene, in a wider professional perspective. Seeing the totality of the task in such cases is necessary to secure the fulfilment of their duties and mandate. Acknowledgement that one is part of a larger context can be thought of as an ethical dimension of an officer's practice (Hoel, 2011). This applies to consideration of both the child, and of the other tasks the situation demands of the officer. From a competence perspective, an example is found in Ellström and Kock's (2008) account of 'competence-in-use' in which the officer and the task influence each other. To act in accordance with HPAs' requirements turns out to be a mediating process between the capacity of the police generalist and the requirement of the particular job on-site.

7.2. Factors limiting competence-in-use

Going into the chaotic, complicated and unpredictable situations typical of these cases (Edvarsen, 2019; Randa, 2016; Øverlien & Aas, 2016) challenges the officer's interpretive-relational competence as well as the ethical dimension which creates the 'window of opportunity'. Exercising this competence in these situations is demanding. The limitations lie either in the situation itself, or in the officer. Even though the officers' accounts speak clearly of 'competence-in-use' (Ellström & Kock, 2008), assignments concerning family violence involving children are particularly difficult. It is, therefore, not necessarily the case that the patrol initiates a conversation with the child on-site. As one of the investigators claims: "There should have been greater focus on the fact that the patrol needs to dare to do more, such as talk to the children." The investigator is suggesting that where the patrol fails to protect the child's rights, it is due to a lack of courage.

Being brave enough to talk to the children in such circumstances represents an ethical dimension of the officer's competence. One interpretation of this may be that due to an earlier experience of a lack of competence, officers do not subsequently dare to talk to the children because the children's story can go from being just that to being evidence in the

case (RA 3/2008;10/2015). In such cases, the officer on patrol should be taking care of the formal and legal aspects of the conversation with the child. Investigators agree that it can be a difficult balance for generalists to maintain. By way of example, an investigator told how she, together with the investigative unit, went to an address:

In this case, it was good that we were there first and not the police patrol because this is about what we can do. We investigators are used to questioning people, and we know what is required to take the case forward. We are very well aware that if we don't do it right now, it will be too late.

The quote makes clear that to meet a child in these situations calls for both knowledge of and experience in the field. It illustrates the need for the patrol to maintain a balance between the conversational and the formal aspects of talking to the child, without the conversation being weakened evidentially. This draws on the holistic professional perspective officers should have, but with which they can struggle. There are many officers who find maintaining this balance difficult. One, for instance, asked: "How to take care of the formalities when meeting children on-site, is my question?" Another said: "I have no idea what I'll do if I get a case and it involves [securing evidence] speaking with children."

The analysis more than suggests that officers on patrol find it difficult to talk to children and, at the same time, defend their rights, simply because they have insufficient skills and experience.

The data also point to the *consequences* of officers lacking skills and, as a result, feeling unsafe. One of the consequences is failure to make the necessary investigations: investigators find that cases are transferred directly to the investigative unit without a conversation with the child having been conducted or other important steps in the investigation (see Introduction) have been taken. A police officer said:

In many uniformed assignments I see that the officers think that the child will be able to speak to someone later. During the day, this is clearly not a problem but so often these things happen in the evening or at night. A month ago, we had such an incident where the adults quarrelled, there was drunkenness and noise and talk of slapping and the uniformed patrol were called out. They created a case out of nothing at all. They hadn't talked to the children, and they didn't call child protection. They solved it by letting the man go to sleep. Nonetheless, they had created a case, and that was the funny thing here, they gave it to us in the investigative unit so we could find out about it.

The analysis indicates that it is not uncommon for the patrol to leave the basic investigation of domestic violence against children to the investigative unit. When it is sent on in this way without basic evidence having first been collected, there is a risk of the case being dropped.

7.3. Competence development: instrumental learning and lack of interplay between specialists and generalists

Despite HPA's clear requirements in respect of the skills needed for the patrol to handle such cases, the analysis points to a lack of equity in the organisation's competence development, with the investigator's competence being put before that of the generalists.

The investigators say that they are regularly granted good opportunities for skills development. One of them says: 'We [the investigators] have been invited to competence-enhancing measures and we receive ongoing professional development all the time.' Investigators in-house experience that they gain new skills from training days and seminars contributing

to knowledge relevant to forming good judgements. The quote also shows that competence development is often based on the initiative of others in that they are *invited* to various training days. The analysis indicates that the generalists are not prioritised to the same extent. For example, an officer said: ‘I don’t think the change is as big as some people make it sound. It [skills development] is probably more visible elsewhere than among those who work on the streets [the police patrol].’ The officer’s experience might suggest that when the police districts invest in competence development in this area, they prioritise the investigators / specialists while the generalists, whose job it is to provide the best possibility for those specialists to pursue the matter in the criminal law, are not similarly prioritised.

7.3.1. Barriers to learning – generalists are already overloaded

The analysis shows that organisational factors can create barriers to learning for police patrols. Officers say that a lack of time, incident-driven tasks, a large number of cases and separation between the units, hinder professional development; that their working day is driven by incidents as they ‘pop up’ and that their shift patterns do not accommodate skills acquisition.

Another factor hindering learning is, as several informants indicated, that the patrol should already have knowledge of very many matters. They find that there is a limit to the number of things they can take in. One remarked that: “The patrol must be able to solve all types of tasks under time pressure. While they [the investigators] have one type of case, we have 20 in a day.” Another officer said that while there has been some training in these cases, a large portfolio of tasks means they are not able to deploy the knowledge:

We have got more protocols and better awareness about how to proceed in such settings and how to focus on these things, and we are very dependent on those higher up in the system to give us the information and tools we can use out there. But I’m not good at putting it all to use in everyday life, because there’s so much we need to keep in mind, so much we need to know, so much to focus on. It’s a busy day.

One explanation for why new knowledge is not put to use by the patrols is that officers choose tasks they already know: the ‘new’ is ignored. An officer said: ‘We like to do the things we’re good at. If I’m not good at something, I try to let it be and hope that someone else can take it.’

7.3.2. One-way and haphazard learning at the individual level

Another finding emerging from the analysis, was that the organisation’s attempts at competence development could be characterised as one-way (instrumental) learning measures. The patrol officers say that what is offered to them by way of professional development is material on the police’s professional digital portal KO:DE⁶ where information, proposals for conducting various assignments, instructions and legislation can all be found. The organisation’s expectation is that the individual police officer assumes responsibility for searching there and familiarising him/herself with the necessary professional knowledge found on the website. An officer says:

6. KO:DE is the police web portal where information needed to conduct an assignment is available to police officers.

I think there are many who don't know what to do, so I think it's important with training and getting the patrol to understand that they need to be able to do a bit of everything. Making sure that checklists are available, for example, is important – what I should do when I encounter a child. They [the checklists] exist, but they must be made available. I have to go in [to KO:DE] and search for them and if I don't, then they aren't used.

Here, the officer makes the point that if one is to enhance their skill set it has to be on their own initiative by means of searching in KO:DE. Another point which emerges from the analysis, and which is supported by the quote above, is that the police try to assure the police patrol's work by means of various checklists setting out how things should be done. This supports the finding of the analysis that competence development for generalists is one-way and one's own responsibility. At the same time, the use of checklists can be characterised as an instrumental approach not supporting an interpretive-relational approach to the child. To point out that knowledge lies in KO: DE is also to believe that competence can be simply transferred from, in this case, the digital to the individual police officer.

7.3.3. The specialists' relational learning focus

The data also yield examples of competence development for the police patrols taking place relationally at the organisational level and, when this is the case, of investigators finding that the generalists' work is improved. An investigator tells the following about the importance of relational cooperation between the investigative unit and the police patrols:

We [investigators] must sell to others what we think is important. This has to do with raising awareness of our own attitudes, with how we meet people. As of now, this isn't a topic [in the organisation]. (...) We [investigators] have been focused on managing the situation correctly right from the start. How do we talk to the child first? And how do we make a report? The lawyers have had their say on how best to do this (...) How do you manage the formal aspects of a meeting with a child on-site? Our experience is that after we have presented this, the formalities, to the police officers, the quality of their reports goes up and there is a better focus on the children.

This quotation shows two things: that cooperation between the units can be important for the generalist's work and competence development in such cases. And, that when the specialists take responsibility for skills development among the patrols, they highlight the importance of the police officer's attitude – the ethical and relational – as important for the development of their practice. However, the analysis shows that this way of cooperating between the divisions on competence development is rare. The investigators' expertise in investigating these cases isn't necessarily shared with the patrols:

We are very bad at sharing knowledge. We go to seminars at Kripas (National Criminal Investigation Service) and are updated, but we do not share it internally at the station. Only those who are particularly interested receive training. In the jungle of all this information, only what one is interested in gets captured.

This quote supports the finding that competence development is an individual responsibility and an initiative that the individual must take for themselves, and that separation of the units hinders professional development. There is reason to believe that if the investigators and officers on patrol do not talk together about how children can best be taken care of in respect of the criminal law, the patrol will not receive the necessary training.

7.3.4. Genuine desire to learn through interaction and experiential learning

Police patrol officers say that they lack knowledge about how to talk to children in the context of the criminal law, and that they have a genuine desire to learn and get feedback on their own practice. They find that the organisation's attempt to convey this knowledge by means of KO:DE is inadequate in developing their skills. The analysis makes clear that training is necessary. For example, one officer says: 'I believe there are many who don't know what they are supposed to do, this is why training is so important'. The officers look for other forms of skills development than those offered them today. They want training that makes a difference for them when they are out on patrol. One officer stressed the need for learning through exercises in order to gain experience helpful in actual incidents:

If we could just learn some techniques on how to talk to children, and get some pegs to hang them on, I think we would be much better equipped. Some police officers have no experience (...). Many in the service could benefit from practicing talking to children.

Many of the officers on patrol would like to have training and feedback on their practice that can make them more confident in talking to and taking care of children. They experience a lack of satisfactory experiential learning and feedback on their work.

In summary, the analysis shows a disjunction between the importance placed on on-site investigation by the central authorities, and the patrol's possibility of undertaking it professionally, which involves both the human aspect of, and the criminal law in, assignments where there is a suspicion of violence against children.

8. Discussion

8.1 Contextual competence – holistic competence

The present study shows that the police patrols' encounters with children require a 'competence-in-use' (Ellström & Kock, 2008) characterised by an ethical, relational-interpretive approach which grasps and balances the 'window of opportunity'. This is a core competence implying the social ability to be engaged relationally, making it possible to safeguard the police's professional role and mandate. Securing the child is a precondition for taking care of the children's rights. An aspect of this core competence is having the courage to engage oneself in conversation with a child so that violence and abuse can be exposed.

This ethical aspect of the police patrol's competence in these cases reflects Aristotle's (2008) knowledge distinction *phronesis*.⁷ *Phronesis* is a social virtue or capacity developed by people through life-experience and which constitutes 'knowing how' to act (Schwartz & Lappalainen, 2020). Hoel's (2011) study shows that *phronesis* is derived through both the life and the professional experiences of police officers.

Traditionally, in an academic context, the police's experiential knowledge has been described as 'gut feeling', 'sudden impulses' and 'intuition' (see Gundhus, 2012; Birkeland, 2007). This way of understanding experiential knowledge is often presented as a counterpoint to an epistemic form of knowledge (see Schwartz & Lappalainen, 2020). In the paradigm of police knowledge, epistemic knowledge is referred to as knowledge based on standardised knowledge: 'Formal competence, standards, use of technology, loyalty to truth and science, principles of due process' (Gundhus, 2012, p. 183).

7. See Schwartz and Lappalainen (2020) for further elaboration of Aristotle's distinctions of knowledge.

This study, however, demonstrates that experiential knowledge can amount to a competence which makes possible and facilitates the human, relational *and* formal, standardised demands which the situation places on the officer. These two perspectives are inherently integrated. This concurs with Schwartz and Lappalainen (2020, p. 25), who write:

When talking about phronesis, Aristotle has in mind something that is much wider than epistemic judgement. It is not only the very capacity to judge in a particular situation, it also involves handling and coping with the situation as a whole.

Our study shows that competence-in-use in the patrol's encounter with the child, expresses a holistic approach to the situation. If the patrol's competence is to make a difference, without being based on 'gut feeling, sudden impulses and intuition' (Gundhus, 2012), both the relational and criminal law aspects of the assignment must be fully attended to.

8.2. Empathy versus objectivity?

The relational and the humane concern empathy. The balance between the relational and humane and the criminal law appears somewhat differently in earlier studies than in our study. For example, Aas problematises (2019, p. 107) that in conversation with someone subjected to violence, the relational in the conversation can threaten the demand for objectivity in the legal case, without him specifying what these relational and threatening aspects of the conversation might be:

The police should distinguish between formal interviews and conversations that are motivated by a desire to help the victim and make her able to understand her situation better. Such a conversation should occur after the formal hearing, so as not to affect the hearing improperly.

It is important, as Aas also points out, that the police do not influence the victim's account. However, our study shows that the ability to display understanding and empathy is a prerequisite for securing the child as a legal entity. In the context of the patrol's conversation with a child, an absence of empathy for the sake of 'objectivity' might be problematic, and artificial. This includes also justice for children as enshrined in CRC, where children have the right to be informed about what is happening to them, to speak out and be taken care of. From a paediatric perspective, there is reason to believe that if empathy and understanding of the children's situation are lacking in making the conversation conform to the requirements of the criminal law, the child will not be able to say what has happened. An associated consequence of this approach may then be that the window of opportunity is missed, and the case closed due to lack of evidence.

Aas' (2019) view of empathy needs to be met with reflections on what 'understanding for' and 'empathy' do and do not mean. Showing empathy doesn't have to mean that the police officer will get the child to talk about their feelings. Nor is empathy the same as therapy. Empathy and understanding can be about the professional needing to understand what the child *needs* in an acute crisis, and how to ensure the child be taken care of in a safe and supportive way. Our study shows that a conversation grounded in a relational-interpretative attitude can foster security in the child. Only when the child is taken care of and safeguarded, can measures be put in place, including those concerning the criminal law if the child says something implying criminal offences. This is in accordance with Ellström and Kock's (2008) understanding of 'competence-in-use'. Though Aas (2019) is studying neither children nor the concept of competence, an interpretation of his understanding is a line

with the view of competence as *worker-oriented* (Håland & Tjora, 2006). Here, the ability to undertake an interrogation properly is perceived as a human resource converted into performance at a certain level. This implies competence as an attribute of the police officer which is transformed into a capacity to complete a certain task. In this case, the task, if successful, is to secure the conversation *legally speaking*. This understanding defines competence as a qualification that is explicitly prescribed by, in our case, HPA. Nonetheless, according to Ellström and Kock (2008), a job or task may require actual competence not prescribed by the employee. As our study has shown, HPA's instruction about what epistemic knowledge is required to conduct on-site police work, does not alone constitute the actual competence that the task requires.

8.3. Competence development and contextual conditions

The study shows that there are significant differences in the terms for competence development between the police patrols, and the investigators and specialists in the investigative unit. These in-house specialists find that they get to share in all the available knowledge. They are invited to seminars and meet others in the field there with whom they can exchange expertise. And, at the same time, they have a different framework within which to conduct investigations than do the patrols. They can plan, take time, reflect with others on what they are facing, look up the law and regulations, and consult, face to face, with a readily available lawyer if they are uncertain about anything. Our findings point to the preconditions for conducting an investigation being different for the police patrols, despite them being presented as 'the most important investigators' in such cases. They operate under different conditions. Conversations and questioning take place in a kitchen, in the living room or bedroom of whichever house it happens to be, with distressed people and in unpredictable circumstances where all those present are under considerable pressure. The lawyer or specialist is not necessarily as easily available if clarification is needed. Conversations with children can be difficult to plan in advance.

In addition to the *context* and, consequently, the conditions for conducting investigations being different between the units, the patrol officers find that they do not have the same opportunities for competence development as their colleagues in the investigative units. They get the web portal, scripts, directives and guidelines which amount to instrumental learning in which their experience is not taken into account.

One of the most recently implemented learning measures related to the patrol's on-site work is regular 'feedback meetings' held in the police station (Ekeberg, 2018; Myhrer, 2018). The measure comes from the top down in the organisation. Ekeberg (2018, p. 370) describes how these meetings steered from on high for the frontline officers are experienced. She writes:

During the PPS-course [Policework on-site course] which all operative officers have to attend, a video is shown of the 'optimal feedback meeting'. Twelve managers participate, together with the patrol who are to be given feedback on the outcome of a few minutes' work in the course of an entire shift. At the end of the table sits a nervous patrol, receiving perhaps its first feedback in several years, in front of this top-heavy assembly.

This description of the way this competence developing meeting is conducted is confirmed by other studies (Hoel & Bjørkelo, 2017; Hoel & Barland, 2020; Wathne, 2012) of learning in the police, showing that it is based on instrumental measures. This study shows that instrumental measures do not lead to sufficient learning, so that the officer develops their skills

and makes changes to their practice. Wathne, (2012) and Hoel and Bjørkelo (2017) studied learning in respect of cases where police personnel had been referred to the Bureau for the Investigation of Police Affairs under suspicion of wrongdoing and had been cleared of any offence, but where the investigation nonetheless found things that the police should learn from. These studies showed that the resulting training measures excluded any ethical or normative questions about the case, which implies about the underlying values, assumptions and attitudes of the police patrols. One of the main findings was that the training resulting from these cases involved ‘tightening up’ practice (Hoel & Bjørkelo, 2017). The experiential learning was therefore not related to the case itself but was rather disengaged from it by focusing purely on the legalistic aspects of the matter. Such an approach to learning reflects a rationalist, positivist understanding of competence (Håland & Tjora, 2006). Within organisational learning, this is known as ‘single loop learning’ (Argyris & Schön, 1996) which means examining what has happened, what went wrong and what measures or strategies must be changed to prevent it from happening again. Conversely, placing those needing to learn in a situation that draws on and looks at their previous experience creates a setting from out of which the ‘working values’ of the culture can change, and contributes to what is called ‘double loop learning’ (Argyris & Schön, 1996) where the learning is a process that should leave officers able to meet new, complicated challenges through a changed attitude and understanding of the matter. According to Hoel and Barland (2020, p. 11), organisational learning should seek to make sense of what appears to be a problem, which cannot be reduced to instrumental learning, reading guidelines, work descriptions or gaining more knowledge of the law.

8.4. Concluding remarks

The study shows that the police patrols experience ‘competence-in-use’ as appropriate competence in these assignments. This implies relation competence and how to talk with children in a criminal law context. Further, the attempts of the police organisation to facilitate and develop competence among the police patrols are instrumental, random and not organized in a collective manner.

The literature which calls for ‘better competence’ (Aas, 2014; Birkeland 2007) has not proposed solutions which are feasible in the police. First, as we have mentioned, that understanding earlier thought of as specialist competence, is today required of the generalist. Second, because knowledge is not transferred mechanically (Gherardi & Nicolini 2002), competence-in-use is derived from practical experience combined with epistemic knowledge, further supported by a reflexive approach. The informants in the present study demonstrate this point of view. As the study shows, competent generalists are crucial for the police’s work of exposing violence against children. This makes developing competence in a dynamic and mutual process in cooperation with the specialists in-house absolutely necessary.

Drawing on the experience of both generalists and specialists, we argue that the training process should take as its point of departure insights into the importance of the ‘window of opportunity’. Developing interpretive-relational competence requires a holistic approach to learning, as this study demonstrates.

This point of view is supported by organisational learning theories. Garavan and McCarthy (2008, p. 452) call for organisational learning organised as collective learning. This implies a dynamic and cumulative process which: ‘Involves social interaction, the leveraging of relational synergies, and the development of shared understanding and meaning’ within the various organisational units. Collective learning from the experience of others,

is needed to increase the productivity of an organisation (Argote, Ingram, Levine & Moreland, 2000). But most importantly, it is needed to balance the competence which ensures the child's rights, empowers the 'window of opportunity' and encourages sound ethical practice.

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