



Democratizing the Police Abroad: What to Do and How to Do It

David H. Bayley

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EXECUTIVE SUMMARY

This report sets forth the lessons that observers and participants have learned about the process of changing police organizations so as to support democracy. It is based on the study of three bodies of literature: studies of efforts to change police practices in the developed democracies, especially in the United States; accounts of the experience with foreign assistance to police abroad under both bilateral and multilateral auspices; and accounts of the actions of nongovernmental human rights organizations to rectify police abuses. More than 500 books, articles, reports, and documents were reviewed in this study. The bibliography attached to this report probably encompasses the largest number of materials on efforts to change police organizations ever collected.

Observations about the process of democratic police reform were deemed to be “lessons” if they were generally agreed on, were based on real-world experience, and pertained to the goal of democratic development. The reforms considered most important in developing a police force that supports democracy are creation of a responsive public-service orientation, adherence to the rule of law, protection of human rights, and transparency with respect to the activities of the agency and the people within it. The lessons are discussed in chapters 3 to 6, which are organized as follows:

- Generic reform in any police organization.
- Police reform abroad.
- Police reform in peacekeeping.
- Managing police reform abroad.

In each chapter the lessons are listed, along with corollaries implied by the lessons. Altogether there are 87 lessons and corollaries. Because the report is itself a roster of lessons, they are not summarized here. The report concludes with a discussion of the prospects for furthering the cause of democracy through police assistance and reform.

CHAPTER *1*

Introduction



The purpose of this report is to create a roster of what is known about how to reform police forces abroad so as to support the development of democracy. It is intended as a guide for people who are responsible for developing and implementing programs of democratic police reform. It distills the knowledge of other professionals in the field—people who, like themselves, arrive in a foreign county on a cold, foggy morning among people whose language they may not speak with instructions to create a democratic police force.

Determining when observations about the process of democratic reform become “lessons” is a matter of judgment in two ways: One must decide whether they are generally accepted by people in the field and whether they are based on substantive experience rather than speculation. I have tried to be conservative in my judgments about what is known about democratic reform, in particular by not putting forth my own ideas about smart reform unless they are shared by others. Readers should recognize, then, that the lessons presented here may be neither exhaustive nor beyond challenge. They are, I hope, a reasonable first cut at summarizing what is known about the process of police reform in aid of democracy.

It is also important to underscore that the lessons do not deal with reforms that are unrelated to the qualitative goal of making police more democratic. Developing the capacity of the police to reduce crime, control illegal drugs, or maintain public order are all worthwhile objectives, but they are not the focus of this report. As we shall see, however, they are not unrelated to democratic reform.

The need to provide practical advice to American reformers arises because assistance to foreign police has increased dramatically since the end of the Cold War. The United States had been badly burned by involvement with foreign police forces during the Cold War, so much so that section 660 of the Foreign Assistance Act of 1961 was amended in 1974 to prohibit U.S. agencies, including the military, from training or assisting foreign police. Exceptions were made for the Federal Bureau of Investigation (FBI) and Drug Enforcement Agency (DEA), when training and assistance was related to their law enforcement missions.¹ As a result of the amending of section 660, the Office of Public Safety of the U.S. Agency for International Development (AID), which had been responsible for training police overseas, was abolished. In the 1990s, however, reform of foreign police forces was widely recognized as necessary to support the expansion of democracy and to ensure a safe environment abroad for market economies. Accordingly, the United States progressively exempted more and more countries from the section 660 prohibition and expanded aid to criminal justice agencies abroad under the rubric of rule of law. It also

amended section 660 in 1996 to permit assistance to civilian police forces in countries emerging from armed conflict. The United States also joined with other countries and the United Nations (U.N.) in reforming and rebuilding foreign police forces in countries viewed as “transitional democracies” (Poland, El Salvador) or “failed states” (Bosnia, Haiti).

From 1994 to 1998, the United States spent almost \$1 billion on rule-of-law programs in 184 countries.² Half the assistance went to 15 countries, most of them in Latin America. Thirty-five U.S. Government agencies were involved, the largest being AID, which spent 48.2 percent of the total. In 1986, the U.S. Government created a new organization to provide specialized training to foreign police—the International Criminal Investigative Training and Assistance Program (ICITAP). ICITAP is a jerry-built agency—organizationally located in the U.S. Department of Justice (DOJ), funded by AID, and supervised by the U.S. Department of State—whose program has expanded beyond a small number of Caribbean and Central American countries to 63 countries worldwide, with an annual budget of about \$50 million.³ The United States is also sending police abroad to assist in training and monitoring foreign security operations, as in Haiti, Bosnia, Kosovo, and, most recently, East Timor. In 1996, an average of 154 police officers were deployed overseas each month. By 1997, the number had grown to 275; by the end of 1999, it had grown to more than 600. In fiscal year 2000, the U.S. Government spent \$75 million on international police deployments, with \$20 million more for direct support of the affected criminal justice systems.⁴

There has been a parallel growth in the number and nature of multinational interventions in policing as well, again reflecting the transformation of the international balance of power. Before the late 1980s, U.N. peacekeeping efforts focused almost entirely on interstate conflicts, such as those between Israel and Egypt or between Greece and Turkey. In 1988, for example, four of the U.N.’s five peacekeeping operations involved conflict between states. Since 1992, however, 9 of its 11 peacekeeping operations have been intrastate “complex humanitarian emergencies,” as in Angola, Bosnia, Cambodia, and Somalia.⁵ By February 2000, the U.N. had deployed 9,000 civilian police (CIVPOL) around the world.⁶ The mission of these police is no longer exclusively monitoring and training. In Kosovo and East Timor, they are now authorized to carry arms and enforce the law.

The recruitment and training of CIVPOL personnel has become a worldwide undertaking, with 34 nations currently participating in U.N. missions. By the summer of 1999, the International Association of Peacekeeping Training Centers had members

from 77 countries. The U.N.'s Institute for Training and Research gives a correspondence course for U.S. college credit called "U.N. Civilian Police: Restoring Order Following Hostilities" as part of its 11-course syllabus. Students from 93 countries are enrolled in this program.⁷

Recognizing that the genie of direct police assistance, especially in support of peace-keeping, was out of the bottle and would likely remain so, President Bill Clinton issued Presidential Decision Directive 71 (PDD-71) on February 24, 2000, to provide structure and focus to American participation. Specifically, he directed the Department of State to "take the lead" in forming interagency working groups to improve American capacity to deploy civilian police; improve American ability to train foreign police forces, emphasizing especially the protection of human rights; and "build partnerships with Justice and USAID so that the USG can establish judicial and penal systems during peace operations."⁸ PDD-71 specifically mentioned the need to coordinate the work of ICITAP, DOJ's Office of Prosecutorial Defense Assistance and Training (OPDAT), and AID's Center for Democracy and Governance and Office of Transition Initiatives.

In sum, during the 1990s, the U.S. Government gradually learned a major policy lesson: that security is important to the development of democracy and police are important to the character of that security. Assisting in the democratic reform of foreign police systems has become a front-burner issue in American foreign policy.

But there was a second precipitator of American involvement in policing abroad during the 1990s. The government became increasingly concerned about the rise in transnational crime, especially crime organized by international criminal groups. The main threats were trade in illegal drugs, terrorism, money laundering, and illegal immigration.⁹ In order to counter these external criminal threats, the U.S. Government expanded its efforts to enhance law enforcement capacity in foreign countries, creating an International Law Enforcement Academy (ILEA) in Budapest, run by the FBI, and another in Bangkok, run by the DEA. It also increased funding for the specialized training of foreign police personnel both in the United States and abroad.

Because the United States is now deeply involved in police training and assistance abroad with two explicit agendas—support for democracy and protection against international criminal activity—it is critically important to reflect on the tactics that have proven successful in creating and reforming police agencies. Unfortunately, "getting smart" is not easy. By and large, Americans sent abroad to help democratic

police learn on the job.¹⁰ They have nothing remotely resembling a manual about what works in reforming police organizations in aid of democracy. Although there are long lists of obstacles to police reform abroad, such as corruption, alienated publics, and enduring habits of repression, there is little shared knowledge about what to do about these problems.¹¹

In order to remedy, or begin to remedy, this situation, the National Institute of Justice gave me a grant to canvass systematically three bodies of literature about the process of reforming the police:

- Literature on police reform in developed English-speaking countries over the past 30 years.
- Accounts of the experience with foreign police assistance by agencies of the U.S. Government as well as the U.N.
- Accounts of the attempts by nongovernmental human rights organizations to moderate arbitrary and abusive police behavior abroad.

A team of graduate research assistants and I compiled a bibliography of more than 500 books, articles, reports, and documents dealing with the process of changing police behavior and policy, which we then culled for insights about managing “democratic” reform.¹² The bibliography is found at the end of this report. During the research, it became very clear that people working in each of the three domains—indigenous reform, foreign-assistance reform, and human rights protection—were largely unaware of the activities of the others. People engaged in reform abroad knew little about experience at home; people involved in organizational change at home knew little about the adaptations required to succeed abroad; and human rights activists knew a great deal about exposing police abuses but little about how to stop them.

The lessons in reforming police organizations are presented in four groups:

- (1) Generic lessons for changing any police organization (chapter 3).
- (2) Lessons for police reform abroad (chapter 4).
- (3) Special lessons for police reform in peacekeeping (chapter 5).
- (4) Lessons for American management of police reform abroad (chapter 6).

Generic lessons refer to what is known about changing any police organization regardless of the context. Lessons abroad pertain to reform efforts designed to change the character of an existing police force. Lessons for policing in peacekeeping apply to situations where the goal is to rebuild and reconstitute a police force that has ceased to exist. Lessons for management draw out the implications of what has been learned in the varied contexts for organizing, planning, and implementing foreign police assistance by the U.S. Government. The lessons are cumulative in the sense that each chapter's lessons apply in succeeding chapters. Within each chapter, lessons are presented in order of increasing specificity.

Because the purpose of this report is to summarize all that is known about democratic police reform, the lessons are presented very concisely; explanations are added only if required to facilitate understanding what is meant. Each of these lessons could be discussed at great length, for behind each lies a substantial body of literature reflecting extensive experience with police reform.

I have also been selective in citing references. Long lists of references would have been distracting to the reader and take up a great deal of space. More importantly, I did not want to create the impression that this roster of lessons represents a scientifically documented consensus in the field. The responsibility for designating the points on this list as "lessons" belongs entirely to me. Other people could read the same works and find different lessons or challenge those I have found. Some lessons are well documented; others, only slightly. The citations given should therefore be considered illustrative, not exhaustive. They are designed to help the reader explore the topic more fully, rather than as evidence that the "lesson" is unimpeachable.

Assuming that the list of lessons presented in this report represents a fair distillation of what has been learned, it bears out my expectation that there is a great deal of knowledge that can and should be used in framing an American foreign policy of democratic police reform. The report enumerates a total of 91 lessons, including corollaries. For purposes of this report, a corollary is a lesson implied by a more general point. There are 26 lessons about generic police reform, 27 about reform assistance abroad outside of peacekeeping, 20 about reform in peacekeeping, and 18 about the management of a foreign policy of police reform. In sum, there is more learning available to be used in making and implementing American efforts to democratize foreign police forces than people working either at home or abroad know about.

Notes

1. The President was authorized to allow assistance if it was “important to the national security interests of the United States” (section 614) and was given \$50 million to be used for classified reasons, presumably for intelligence activities that involved police.
2. General Accounting Office, *Foreign Assistance: Rule of Law Funding Worldwide for Fiscal Years 1993–98*, June 1999, Washington, DC: GAO/NSIAD–99–158. This figure seems too high, considering that there were only 184 country members of the U.N. during those years. As of August 2000, there are 188 members with the recent admission of Kiribati, Nauru, and Tonga. I shouldn’t think that the U.S. had rule-of-law programs in places like Cuba, Iran, Iraq, and North Korea.
3. ICITAP interview, May 2000.
4. U.S. Department of State, *White Paper: The Clinton Administration’s Policy on Strengthening Criminal Justice Agencies in Support of Peace Operations*, February 24, 2000.
5. Mayall, J., ed., *The New Interventionism: 1991–1994*, Cambridge: Cambridge University Press, 1996.
6. Miyet, B. (Manager, U.N. Department of Peacekeeping), “Opening Statement to the Special Committee on Peacekeeping Operations,” New York: United Nations, February 11, 2000.
7. United Nations Institute for Training and Research (UNITAR), “Self-Paced Correspondence Courses on Peacekeeping and Humanitarian Operations from UNITAR POCL,” New York: Dag Hammarskjold Centre, n.d.
8. U.S. Department of State, “Presidential Decision Directive 71, Strengthening Criminal Justice Systems in Support of Peace Operations and Other Complex Contingencies Sub-Interagency Working Groups,” February 24, 2000.
9. Carothers, T., *Aiding Democracy Abroad: The Learning Curve*, Washington, DC: Carnegie Endowment for International Peace, 1999; McFarlane J., “Transnational Crime as a Security Issue,” paper for the third meeting of the Working Group on Transnational Crime, Manila, Philippines, May 1998.

10. Barkan, J.D., "Can Established Democracies Nurture Democracy Abroad? Lessons from Africa," in *Democracy's Victory and Crisis*, ed. A. Hadenius, Cambridge: Cambridge University Press, 1997: 371–403.
11. Carothers, T., *Aiding Democracy Abroad: The Learning Curve*, (see note 9).
12. I am deeply grateful to Johnna Christian and Eamonn Cunningham, doctoral students at the School of Criminal Justice, State University of New York at Albany, for their painstaking assistance in collecting material for this research and for helping to cull from it the lessons reported here.

CHAPTER 2

The Norms of Democratic Policing



To undertake democratic reform through the police, it is essential to understand what police can do that might accomplish that end. What does a “democratic” police force look like? This chapter will answer that question by presenting four normative prescriptions for what the police can do to support democratic development.¹ These prescriptions do not define democracy. Rather, they are means to that end.

It should not be presumed that enacting these reforms will lead inevitably to political democracy. Police actions, however “democratic,” are not determinative of democratic growth. Indeed, the causal connection runs strongly in the other direction: Democratic government is more important for police reform than police reform is for democratic government. Police reform is a necessary, but not a sufficient, condition for democratic government. The police tail cannot wag the government dog.

Although the police cannot bring about political democracy through their own unaided efforts, they can contribute to democratic political development most directly by acting in accord with the following four norms. This is where the United States should begin in developing democratic police forces abroad.

1. Police must give top operational priority to servicing the needs of individual citizens and private groups.

Police are the most public manifestation of governmental authority. When they use that authority primarily to serve the interests of government, they belie the democratic promise of government for the people. The most dramatic contribution police can make to democracy is to become responsive to the needs of individual citizens. This is what the various emergency telephone systems, such as 911, have achieved in the developed democracies. Research shows that in Australia, Britain, Canada, Japan, and the United States, most of the work done by the police is instigated by individual members of the public rather than by orders issued by government. In the United States, any citizen with access to a telephone can summon a uniformed representative of the state who is imbued with the authority of law and equipped with instruments of force to attend to his or her particular need. Although chiefs of police in the United States complain about the burden of reacting to calls for service, especially those that do not involve serious criminal matters, the 911 system should be viewed as a major contribution to civilized government. It represents a transformation in the orientation of police that is still very rare among the world's police forces and that has occurred comparatively recently in the developed democracies.

A police force whose primary business is serving the disaggregate public supports democracy in two ways. First, it becomes accountable to the most diverse set of interests possible. Second, it enhances the legitimacy of government by demonstrating daily and practically that the authority of the state will be used in the interests of the people. In most countries today, this sort of responsive, service-oriented policing would be a radical—indeed, revolutionary—departure from traditional behavior. Creating such a force would do more for the legitimacy of government than any other social program, and its effects would be immediate.²

2. Police must be accountable to the law rather than to the government.

In a democracy, the actions of government are constrained by law, that is, by decisions made and publicized after due representative deliberation. Police actions in a democracy must therefore be governed by the rule of law rather than by directions given arbitrarily by particular regimes and their members. Democratic police do not make law; they apply it, and even then their judgments need to be validated by courts.

3. Police must protect human rights, especially those that are required for the sort of unfettered political activity that is the hallmark of democracy.

Democracy requires not only that the police, part of the executive arm of the state, be constrained by law but also that they make a special effort to safeguard activities that are essential to the exercise of democracy. These activities are freedom of speech, association, and movement; freedom from arbitrary arrest, detention, and exile; and impartiality in the administration of law.³ In other words, democracy requires not only the rule of law but law with a particular content. The problem is that the police are not responsible for the content of law; government is. Paradoxically, then, the obligations on the police to be accountable to the rule of law and to protect human rights may conflict, as, for example, when if the law requires them to act in an arbitrary and repressive way. On their own, the best that the police can do with respect to human rights is to “push the envelope” of normative behavior, to be better than government requires, so as to show what democracy means in practice and to encourage the public to press for it.

4. Police should be transparent in their activities.

Police activity must be open to observation and regularly reported to outsiders. This requirement applies to information about the behavior of individual officers as well

as to the operations of the institution as a whole, especially whether the police are achieving the results expected in a cost-efficient manner.

Police forces cannot achieve democracy on their own, but if they act according to these four norms, the chances that democracy will grow will substantially increase. These are the levers for bringing about democracy through police reform.

Notes

1. Marenin, O., "The Goal of Democracy in International Police Assistance Programs," *Policing* 21 (1) (1998): 159–77; United Nations High Commissioner for Human Rights, Centre for Human Rights, *International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police*, New York: United Nations, 1996; United Nations International Police Task Force (Bosnia-Herzegovina), *Commissioner's Guidance*, Sarajevo: United Nations International Police Task Force (Bosnia-Herzegovina), 1996.
2. Bayley, D.H., "Who are We Kidding? or Developing Democracy Through Police Reform," in *Policing in Emerging Democracies: Workshop Papers and Highlights*, Research Report, Washington, DC: U.S. Department of Justice, National Institute of Justice, 1997, NCJ 167024: 59–64; Goldsmith, A., "Democratization and Criminal Justice: Human Rights and Police Reform in Colombia," unpublished draft, March 1995.
3. Annan, K., "Stop Blaming Colonialism, U.N. Chief Tells Africa," *New York Times*, April 17, 1998: A3; Bayley, D.H., *Public Liberties in the New States*, Chicago: Rand McNally, 1963.

CHAPTER 3

Generic Lessons
for Changing
Police Organizations



The publication in 1967 of the report of the President's Commission on Law Enforcement and the Administration of Justice ushered in what has sometimes been called the "scientific age" of American policing. Since then, the effectiveness of the standard strategies of policing and the tactical behavior of police officers have been carefully evaluated.¹ The findings of this research and the development of a more ambitious, intellectual, and open-minded cadre of senior police executives have led to intense efforts to change the policies and practices of American policing. Undoubtedly the best known example of this has been the development of community-oriented policing. Similar reappraisals have taken place in Australia, Britain, Canada, the Netherlands, and a handful of other established democracies. As a result, there is now a wealth of experience with respect to the management of change in police forces. Unfortunately, the lessons from it have never been carefully collected and enumerated.² Police executives rarely write about their managerial techniques, and drawing lessons out of them face to face is like pulling teeth. They are much better talking about their goals and accomplishments than their managerial strategies. For this reason, most of the insights into the planned change of policing come from academic observers and are scattered through many studies.

Following are what I believe to be the 17 core lessons that have been learned about changing the standard operating practices of police forces in developed democratic countries.

1. Any reform program must be based on a clearly articulated understanding of the connections between the objectives to be achieved and the actions proposed.

Too often, reform programs are justified exclusively in terms of the desirability of their goals rather than their feasibility. Programs and money are thrown at problems without any specification as to how they will produce the desired result. To be successful, however, reform programs must be constructed on the basis of strong theories supported by real-world experience, and describe how they will achieve their intended goals. Such explanations need not be abstruse academic theories; they could be simply stories that plausibly link reform inputs to desired changes.³ But they must connect proposed changes with the particular objectives of reform. Policing is complex, and not all objectives can be achieved through the same programs.

2. Sustained and committed leadership by top management, especially the most senior executive, is required to produce any important organizational change.

This is probably the most frequently repeated lesson of reform management.⁴ It applies to any sort of reform effort, from administrative processes to operational strategies and tactical behavior. Significant reform cannot be brought about by stealth from below against the indifference or hostility of senior managers.

3. The key to changing any aspect of policing is management, that is, the way in which the members of a police organization are brought to do what policies call for.

Significant change does not occur through issuing orders or stating goals. Managers at all levels must create the conditions that encourage, facilitate, and oblige people to do what is desired. This commonly involves developing appropriate programs of recruitment, training, promotion, resource allocation, supervision, research and evaluation, reporting, and work routines. The grain of the organization must be made to work with reform rather than against it.⁵

Corollary: Organizational change does not occur through changing personnel; it requires changing the system and culture of an organization.

Police executives tend to manage by personality. When a problem arises, they assign a particular person to solve it. This may work well for crisis management, but not for bringing about institutional change.⁶

Corollary: Recruitment and training of new personnel are not sufficient to bring about reform. The benefits of both are lost if they are not reinforced by management systems.⁷

This lesson, too, is a staple of writing about change in police and other complex organizations.⁸ Police officers are notoriously skeptical about new programs, especially when each change in leadership brings a new “flavor of the month.” This skepticism reflects in part their experience with training as recruits, which is regarded almost universally as irrelevant to what they encounter on the job.

Corollary: Police are more likely to be convinced of the value of a new program by word-of-mouth from other police than by statistical evaluation of results.⁹

This observation has been made over and over again by people who have been involved in training police officers.

Corollary: Training designed to change behavior must be regularly reinforced through tangible rewards or costs.¹⁰

Personnel must be evaluated in terms of their performance with respect to the reform program, and performance should then be reflected in promotions, assignments, and pay increases.

4. Police behavior cannot be changed by formal reorganization within the police or by restructuring on a national basis.

Although this lesson is widely recognized, it is just as often ignored by reformers. Indeed, shuffling the boxes in the organizational chart is often the first, and sometimes the only, thing that managers do.¹¹ Yet changing the structure of organizations rarely affects operational behavior because it does not touch the “culture” of an organization, that is, what the workers themselves think is expected of them. Reform in policing must be managed, not structured, into existence.

The same is true with respect to efforts to restructure the police nationally throughout a country. Americans frequently recommend to foreigners that they decentralize their police operations, as the United States has done in a radical way.¹² But the structure of national police systems is very difficult to change.¹³ Furthermore, democracy is compatible with both centralized and decentralized police systems.¹⁴ Centralized systems may be service oriented, accountable to law, protective of human rights, and transparent, whereas decentralized systems may be none of these.

Organizational changes may be useful if they are used to signal the importance of new programs. By themselves, however, not only are they unlikely to produce democratic reform, but they will divert attention from the more important job of changing operational practices. As Petronius, the emperor Nero’s “arbiter elegantiae,” is credited with saying:

We trained very hard—but it seems that every time we were beginning to form up into teams we would be reorganized. I was to learn later in life that we tend to meet any new situation by reorganizing; and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency and demoralization.¹⁵

If democratic change is the objective of police reform, more attention should be given to the management of personnel than to the formal structure of either the police force or the police system of the country as a whole.

5. Material resources may support desired changes, but they are rarely essential and never sufficient to bring them about.

Democratic reform cannot be achieved by investing in the material basis of policing, whether in personnel or in equipment. Institutionalizing the four norms of democratic policing described in chapter 2 requires changing police behavior on the job. Infusions of resources may facilitate this process but will not bring it about. Stories abound about equipment being provided or salaries raised without producing any meaningful improvement in service responsiveness, accountability, human rights, or transparency.¹⁶ The best that can be said is that providing additional resources may improve the morale of police and thereby increase their willingness to accept changes. The theory implied by this statement is that resources do not increase democratic behavior unless morale rises and resistance to change diminishes. Obviously, many other things must also change for increased resources to produce these results.

It is important to distinguish the role of resources with respect to the goal of enhancing police capacity as opposed to the goal of changing police character. Additional resources may contribute directly to the former, but only in a roundabout way to the latter. In other words, resources are important to democratic reform only to the extent that they enhance law enforcement effectiveness. In particular, many people have observed, as we shall see in chapter 4, that democratic reform is unlikely to occur if it comes at the expense of effectiveness. If this is so, then resources may be more important to democratic reform than I have suggested.

6. Significant reform requires widespread acceptance across ranks and assignments in a police department.

Along with the importance of committed leadership, this is the most often repeated lesson of successful reform.¹⁷ To obtain this necessary “buy-in” by all members of a police force, successful reform generally involves the following sequential activities: “brainstorming” by senior managers and carefully chosen colleagues about operational problems, creation of task forces from all ranks to devise concrete plans, discussion of proposed plans in seminars in all units and among all managerial ranks, development of pilot projects to test feasibility in the field on the clear understanding

that the objective is to determine how to carry out the program and not whether to undertake it, and implementation of the new program throughout the department.¹⁸

The clear implication of this process is that achieving reform in police forces is time consuming and labor intensive. It is a cumulative activity that requires intelligence, commitment, and, ultimately, the involvement of everyone.

Corollary: Extensive and genuine consultation is the best way to obtain acceptance of new programs.

Police respond best when they believe that new programs incorporate their own insights and on-the-job knowledge. Programs of change should begin, therefore, by asking workers how they would solve a particular problem.¹⁹ Reform requires a bottom-up management style.

Corollary: In developing new programs, managers must enlist support even from officers not directly involved so that an “us versus them” mentality does not arise.

Corollary: Because the quality of supervision is critical to reform, people at each supervisory level must be retrained with respect to the substance of the new program and its implications for them.²⁰

Reform requires the acceptance of new responsibilities by all managers and supervisors. These new responsibilities are rarely welcomed. Most police managers prefer to audit and monitor rather than manage and facilitate.²¹ This is understandable, as following orders is less risky than taking responsibility for facilitative supervision and problem solving.

7. When pilot projects are undertaken, they must have committed leadership and personnel who are not continually pulled away for other purposes.

The importance of leadership in innovation, whether of a police force as a whole or of a pilot project, is a lesson repeatedly stressed by observers. What is less obvious is that because innovation represents a change in operational habits of an organization, there is a tendency to subordinate its needs to customary operations.²² People assigned to new programs are viewed as a reservoir to be drawn on when traditional activities become hard pressed. But innovation needs consistent implementation, more so than routine operations, precisely because its activities have not become institutionalized.

8. Police officers will not change their behavior unless they perceive it to be in their personal interest to do so.

Changes that increase work or are perceived to be troublesome will not be adopted. Change must work for the workers.²³

Corollary: Reform will not occur unless the criteria for evaluating individual performance encourage the sort of behavior that reform requires.²⁴

9. Reformers both inside and outside police organizations should be careful not to denigrate the motivation, knowledge, or skill of the people whose behavior they are trying to change.

Denigration can occur unintentionally if proponents of change imply that the people whose behavior they want to change are personally at fault. Sometimes this is true, as in the case of willful misuse of force. More often, however, they have been doing the best they can with what they have been given, both materially and organizationally.²⁵ Sensitivity in advocacy is the solution to this problem in the short run. In the long run, the problem can be minimized if police agencies develop an experimental mindset that allows for regular evaluation of the effectiveness of what is being done and a willingness to admit failure without blame.²⁶

10. Program evaluations that emphasize outputs rather than outcomes as a measure of success inhibit organizational creativity.

A distinction is made in writing about organizations between “output” (what is done) and “outcomes” (what is achieved). Patrolling, for example, is an output of the police, and it may or may not reduce crime, which is its desired outcome. In recent years, a great deal of attention has been given to developing “performance indicators” for the police. This movement has been especially strong in Britain.²⁷ Most performance indicators focus, unfortunately, on outputs rather than outcomes, with the result that police officers give more attention to reporting what they do rather than what they achieve. This causes them to become preoccupied with meeting norms of activity rather than adapting their activity to produce desired results, which in turn discourages innovation and reduces operational flexibility.

11. Reform requires that new programs be monitored so that midcourse changes can be made. At the same time, burdensome evaluation can discourage reform.²⁸

12. Change is more likely to occur when new resources are made available rather than when existing ones are redistributed.

Providing new resources reduces resistance to change by allowing new activities to be undertaken without penalizing existing ones.²⁹ In the case of community policing, for example—arguably the most important strategic reorientation of policing in the last generation—only Edmonton, Canada, and Singapore, among large police departments, implemented it, to my knowledge, without an infusion of new funds. Without new money, the odds are very long against reform that requires widespread accommodation to new practices.

13. If the incidence of crime and disorder is thought to be unacceptable or increasing, police reform will be inhibited.

When public security is at risk, reform is likely to be seen by both the public and the police as a distraction from the main purpose.³⁰ The tragic implication is that police reform is least likely to occur when it is most needed. Insecurity might, of course, breed desperation and thereby encourage reform, but the instability inherent in such situations makes reform problematic.

Corollary: To make changes in current strategies and tactics, police officers need to be shown that the new programs will achieve the goals of the institution as well as or better than the old programs.

Because police officers identify with the institution's goals—usually controlling crime and disorder—they will not change their behavior without evidence that doing so will improve, or at least not reduce, organizational effectiveness.³¹ This means that reformers need to convince rank-and-file members that change will not come at the expense of public order and crime control.

14. Increasing contacts between police personnel and respectable, noncriminal members of the public is an important way of encouraging the development of an accountable, service-oriented police organization.

Police tend to believe that the public regards them less well than it does. The primary reason for this belief is that the contacts police have with the public are skewed toward those who are disorderly, criminal, needy, or incompetent.³² In almost every neighborhood and in every society, there is a suppressed demand for responsive, sympathetic

policing.³³ One important way to convince police of this demand is to expand their contacts with the vast noncriminal, nontroublesome public. This can be done a variety of ways: by allowing civilians to use police facilities for meetings, civilianizing staff positions, rewarding officers for taking an active part in community activities, inviting civilians to observe police work, organizing joint training between police and civilians, and holding regular meetings with citizens at all jurisdictional levels.

15. Issuing clear statements of organizational policy accompanied by appropriate positive and negative sanctions is a powerful way to change the behavior of police officers, even in situations of high stress and urgency.³⁴

Police executives often argue that they have limited control over the behavior of their officers, such as the use of force, when officers are in situations of high stress and possible danger. Research has shown, however, that police executives are not as helpless as they think. Determined leadership coupled with skilled management can substantially reduce the shooting of civilians, the abuse of nondeadly force, and corruption. Police management can also standardize the handling of domestic violence and regulate the incidence of high-speed vehicle chases.³⁵ Police culture can act as a brake on change, but it is not the irresistible force often portrayed.

16. Reform is more likely to occur if police officials are connected to professional networks of progressive police leaders (regional, national, and international).

Police managers want to appear modern and progressive. Their desire to be well regarded by their peers can be used to encourage democratic reform.³⁶ Regular contact with professional networks, inviting comparison and providing opportunities for learning, is one way to do this. International professional associations, such as the International Association of Chiefs of Police and the International Association for Civilian Oversight of Law Enforcement, are especially important because their leaders are likely to come from more progressive police forces and more democratic countries.

17. Labor organizations within the police must be included in the development and planning of any reform program.

In the United States, police unions can make or break reform. Police executives complain continually that the unions have become so powerful that managers have lost control of their departments.³⁷ Frustrating though it may be to reformers, their

efforts are more likely to be successful if unions are included in planning from the beginning rather than being ignored. Unions are part of modern policing and their help must be solicited if reform is to succeed.

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CHAPTER 4

Lessons for Police Reform Abroad



This chapter deals with the knowledge people have gleaned from efforts to reform police systems abroad. The assumption behind these lessons is that the assistance is intended to create police forces that function more democratically. Enhancing the capability of the local police for crime control and law enforcement, which is often also an American objective, is not the concern here. The context of these efforts is countries with functioning governments but with police forces whose character is not supportive of democracy. The next chapter will examine a more restrictive arena of foreign police reform, namely, the rebuilding of police forces in countries where government has ceased to exist altogether due to political strife, ethnic violence, and economic collapse.

1. Foreign assistance cannot produce democratic reform against the opposition of the host government.

The success of foreign assistance in promoting democratic policing is directly proportional to the country's enthusiasm for it. It is not that government approval of reform is a sufficient condition for success. Reform is tricky even with wholehearted political support, as we have seen in the United States. But if government is opposed to reform, reform has no chance of success at all. Any institutional changes, whether of policy, training, or supervision, can be undermined by a determined regime.¹ As the Carnegie Commission on the Prevention of Deadly Conflict has said, "Foreign donors must look for, or find, ways to use leverage to generate this political commitment, or assistance may be consumed eagerly, but with little impact."² It therefore follows that foreign assistance programs designed to achieve reform must be built on foreign "demand" rather than on donor "supply." Demand is the best guarantor of the sustainability of any assistance initiative.³

Some have concluded from this axiom that the United States should never assist foreign police forces in countries that do not have committed democratic governments, especially if the objective of assistance is democratic reform.⁴ Margaret Popkin, for example, suggests a triage approach: substantial support to democratic countries, none at all to nondemocratic countries, and selective assistance to countries where it might reinforce democratic development.⁵ The United States has only occasionally followed this stricture. ICITAP withdrew from Liberia for several months in 1997 when President Charles Taylor appointed his cousin, a man known for horrendous human rights abuses, as chief of the country's police. It also held off training the police in Panama for several months in 1990 when the military refused to relinquish control. On the other hand, Thomas Carothers argues that there may be a role for assistance even when the political climate is oppressive. Specifically, he suggests that

in addition to facilitating willing change, foreign assistance can discourage backsliding when reform is stalled and give voice to reform in the face of repression.⁶

Although observers disagree about the precise application of this lesson, they accept the premise that programs must be crafted to fit different political circumstances. Institutional policies and practices are not interchangeable parts.⁷ At the same time, the United States must be very cautious about assisting countries with undemocratic governments, not only because it may be investing unrealistically but also because assistance of any sort may enhance the capacity for repression as well as connoting approval for the regime.⁸

2. All police reform is political in the sense that it affects the position and interests of different groups of people both inside and outside the police.

In giving assistance to foreign police, the United States must be alert to the effects of such assistance on the distribution of power and influence. Assistance serves some interests more than others, strengthens the ability to do one thing rather than another, and encourages some people and discourages others. All foreign assistance to police must be examined for these effects, especially for its impact on democratic possibilities.⁹ It follows that reform should not be soft-pedaled simply because it may be “political,” (i.e., controversial). The question is not whether assistance is political—it all is—but what its likely consequences are for American objectives.

3. The norms of democratic policing may be achieved by different institutional mechanisms in different countries.

Democratic reform abroad cannot be achieved through the mechanistic importation of practices that work in the United States. As Carothers says:

Unconsciously or consciously, many Americans confuse the forms of democracy with the concept of democracy. There is an unfortunate combination of hubristic belief that America’s political ways are the most democratic in the world and lack of knowledge about political life in other democratic countries.¹⁰

Institutions and practices that support democracy in one country may not do so in another. For example, community policing may produce a constructive partnership between police and the public in the United States, but in authoritarian countries it can be used for co-optation and top-down regimentation. Similarly, mobilizing neighborhoods to share policing responsibilities with the police, which has become

popular in established democracies, can be very dangerous in countries polarized by race, language, religion, and ethnicity.¹¹

Corollary: Foreign experts tend to recommend what they are familiar with at home regardless of its local applicability.

Americans often assume that whatever police do in the United States is democratic.¹² For example, American occupation authorities in Germany and Japan after World War II decentralized the police, authorizing cities and major towns to create their own police forces. As soon as the occupations ended, both countries undid the decentralization—Germans making the police accountable to the states (Länder); Japanese, to the national government.¹³

4. To produce democratic reform abroad, programs of police foreign assistance must be adapted to local conditions. This requires the collection and analysis of information about the traditions and practices of the police as well as about society in general.

Whatever the context of reform—domestic, foreign, peacekeeping—reform interventions need to be based on careful analysis of the appropriateness of desired objectives and the feasibility of implementation.¹⁴ In the views of many, American efforts have relied too heavily on “drop in” courses, “turnkey” programs, and “cookie cutter” projects designed without sufficient knowledge of local conditions. Strong foreign assistance requires investing in knowledge of local circumstances and in expert discussions about how those circumstances may affect implementation. This is not a simple requirement that can be met in a perfunctory way. When I asked a Bosnian chief of police what a foreigner ought to know to provide sensible advice about democratic reform, he replied succinctly, “Everything.”¹⁵

Corollary: Police reform cannot be left to police experts, but must involve area specialists, social scientists, and historians.¹⁶

Corollary: The most “developed” police are not necessarily the best models from which reforming police should learn. Foreign advisors must learn that sophisticated technologies, especially equipment, may not be the most appropriate technologies.

Corollary: Foreign police assistance programs need as much advance planning as military operations, clearly specifying objectives, implementation actions, resource requirements, and timetables.¹⁷

The implication for policymakers is that assistance should not be provided if analysis shows that the amount provided for reform is inadequate, the capacity to use it undeveloped, the institutional culture uncongenial, and the political climate hostile. If the analysis of possibilities does not have consequences for policy, it is an empty exercise.

5. No amount of external inducement or pressure can produce democratic reform against the hostility or indifference of the indigenous police. Unless a foreign police force is seriously committed to reform, it will not occur.

This lesson follows from the proposition in the preceding chapter that leadership from the top is essential for meaningful reform in any police force. It is important to remember as well that resistance to change is the rule rather than the exception in any organization.

Corollary: Foreign assistance programs are unlikely to contribute to reform unless they reinforce plans already developed abroad or are part of larger American efforts to change the institutional culture of the foreign organization.

So foreign assistance programs must invest time and money in persuading indigenous police leaders that reform is in their interest. The programs must obtain “buy-in,” which means active commitment, not just passive acquiescence.¹⁸

6. Foreign assistance personnel operating abroad must guard against condescension in their relations with local police. The fact that a country might profit from assistance does not mean that its practitioners are unsophisticated.

This point is similar to the lesson from American reform that proponents of new programs should not denigrate the contribution of people working under the old programs. In the case of foreign assistance, neediness is often mistakenly perceived as inferiority. The United States should not treat a foreign country “like a kid,” as one Ukrainian official complained at a Washington conference.

7. Democratic police reform requires the separation of police from the military.

The reasoning behind this principle is that the military’s mission is so different from that of the police that each contaminates the other. Democratic policing especially is

undermined by military involvement, because soldiers take orders from above rather than responding to the appeals of individual citizens; their use of force is much less restrained, and secrecy is a more ingrained mindset. Conversely, military officers in developed democracies recognized long ago that police duties were antithetical to their war-fighting mission. Policing requires mediation skills, the exercise of discretion in the use of authority, and a facilitative style of supervision. For these reasons, the U.S. Department of Defense strongly supports the creation of an American civilian police force that can be deployed overseas precisely because it will prevent the military services from performing law enforcement duties.¹⁹

8. The growth of violence, crime, and civil strife will subordinate police reform to the enhancement of police capacity.

This lesson has been demonstrated repeatedly throughout the world. Failure to provide public security undermines the legitimacy of government and encourages further social disorder.²⁰ Unfortunately, countries negotiating transitions to democracy are likely to face the very conditions that make internal security uncertain: poverty, unemployment, civil unrest, ineffective institutions of criminal justice, vigilantism, and acute distrust between the public and the police. Therefore, the achievement of effective but humane public order is a priority condition for democratic development.

Yet order is not a sufficient guarantee for democracy. Police reformers face the dilemma that although enhancing the crime-control effectiveness of the police may be necessary to achieve democracy, it may also endanger it by reinforcing the power of repressive institutions. The development of law enforcement capacity is not a substitute for reform.

Corollary: Civil unrest, including high levels of crime, causes police and military functions to become intermingled, thereby retarding the separation of the military from the police.²¹

Especially when governments are threatened by insurrection or prolonged group violence, the functions of the police and military degrade toward one another. The military begin to operate domestically, and the police take on the characteristics of armies, such as patrolling in groups and employing heavy weapons. The police become more centralized, more closed, more suspicious of the public, less protective of human rights, and less willing to disband discredited units.²²

9. *The impulse to democratic reform may be weakened by the public's belief that reform will make it more vulnerable to crime and disorder.*

As with the police, so with the public: The desire for safety may trump the putative value of democratic reforms such as responsiveness, accountability, protection of human rights, and transparency. It is a mistake to think the public is more enlightened than the police. Being “tough on crime” is often exactly what the public wants, especially in the unsettled conditions of countries undergoing transitions from autocracy to democracy.²³ “Civil society,” which so much American assistance attempts to strengthen, may not be so civil.²⁴

Corollary: Programs of democratic reform should try to produce tangible results in terms of security and justice as soon as possible.

The public needs to be reassured that democratic policing is not weak policing.²⁵

10. *Nongovernmental organizations dedicated to protecting human rights must learn to work with, as well as against, the police.*

Human rights organizations are already learning that they have “an emerging dual role—in encouraging reform and condemning continued abuse.”²⁶ Unremitting criticism of the police can be counterproductive—distancing police from dissenting voices, making the police less willing to admit abuses, tainting reformers within the police as turncoats, and undermining the willingness of police officers to bring other officers to account.²⁷ The exposure of abuses does not automatically lead to reform. Police must be helped to assume responsibility for their own behavior. This requires outsiders to show police that adhering to democratic standards will make their lives easier, not more difficult.

11. *Creating effective disciplinary systems within the police should be a first-order priority in democratic reform.*

Preventing unlawful actions and the infringement of human rights is a core goal of democratic reform. People in democratizing countries desperately long for justice in the sense of humane, impartial enforcement of law.²⁸ But there is another reason for setting up effective internal disciplinary mechanisms. Research has shown that when the public cooperates with the police by reporting crime, identifying suspects, and mitigating the social conditions that lead to crime, the police become more effective in their public safety role.²⁹ The police themselves have a great deal to gain

by overcoming public hostility, which is so often the legacy of former repression. Instilling effective discipline within the police is a powerful means for improving their crime-control ability.³⁰

12. The concern of foreign advisors and donors with their own problems of international crime and law enforcement decreases their enthusiasm for democratic reform abroad.

The United States has two foreign police agendas: reform and security. Policymakers often think that they must choose between them. Crafting a police-development policy abroad involves facing the very same tension between the goals of controlling crime or protecting human rights encountered in domestic criminal justice policy.³¹ As a result, American programs sometimes pull in different directions, not necessarily in conflict but not always supporting one another. For example, programs of police assistance from the international community to South Africa shifted between 1994 and 1998 from encouraging greater involvement with the community to raising its law enforcement capability by creating street-crime enforcement units and improving their ability to gather intelligence.³²

Corollary: In general, foreign donors are more likely to support capacity building than democratic reform.

Not only does security tend to trump democracy, but capacity building promises tangible gains in the short run, as opposed to the more remote and hard-to-measure achievements of democratic reform. Capacity building is also easier to manage bureaucratically, which is not the same as saying that it is easier to accomplish.

Corollary: Established patterns of law enforcement cooperation between countries may impede democratic reform.

This occurs because American, and other, law enforcement agencies share crime-control objectives with their foreign counterparts. Over time they build working relationships with foreign colleagues, exchanging information, hunting and extraditing fugitives, protecting each other's citizens, and seizing and returning stolen property. An explicit purpose in creating the International Law Enforcement Academies in Budapest and Bangkok was to develop networks of friendly colleagues that will assist American law enforcement agencies in curtailing international crime. American law enforcement agents working abroad, even though they accept the importance of democratic reform, worry that pushing hard for unpopular changes may jeopardize their working relationships.

13. In order for police reform to be effective, whether for capacity building or democracy, it must be accompanied by reform throughout the criminal justice system.

This is probably the most frequently repeated lesson derived from the assistance experience in the 1990s.³³ As the President's Commission on Law Enforcement and the Administration of Justice underscored more than a generation ago, providing public safety with justice requires a system of interlocking agencies: police, prosecutors, defense lawyers, judges, prison guards, and parole officers.³⁴ Whether the purpose is democratic reform or increased crime-control effectiveness, reform cannot take place one subunit at a time. It requires coordinated effort across the board.

14. Technical assistance should not be the centerpiece of foreign assistance if democratic reform of policing is the objective.

None of the four attributes of democratic policing described in chapter 2—responsiveness, accountability, defense of human rights, and transparency—depend on technology. They require changes in attitudes, orientation, and behavior. This is not to say that each cannot be assisted by technology, but simply that technology is not a substitute for deeper cultural change within the police.

A lack of equipment may be a direct handicap to democratic reform when it contributes to a feeling of neglect on the part of police personnel, thereby making them less enthusiastic for unsettling changes.³⁵ Similarly, if providing effective security to the public is important for the fortunes of democratic reform, then a lack of equipment can be a handicap. Police in places like El Salvador, Haiti, and Bosnia lacked equipment as rudimentary as uniforms, radios, handcuffs, and even belts for trousers.

But investment in technology does not guarantee either an increase in law enforcement effectiveness or a willingness to embrace democratic reforms. Although it is easier to increase the technical capacity of police than to change their behavior, doing so makes little, if any, contribution to democratic policing.³⁶ It turns out that what is easiest to change—namely, technical capacity—is the least important; what is hardest to change—namely, institutional behavior—is the most important.

15. Foreigners assigned to produce change abroad must reside in country for substantial periods of time to provide programmatic continuity, expeditious advice, and informed midcourse corrections.

A “Marriott Brigade,” as short-term experts became known in Poland, will lack both local knowledge, which is essential to effective program planning, and local legitimacy, which is essential to enlisting local support.³⁷ Reliance on short-termers also raises the costs of assistance.

16. Institutional reform cannot be produced simply by increasing knowledge about policies and practices elsewhere.

The key to institutional reform is not cognitive knowledge but practice in new behavior within the home organization. Many reform programs begin, and often end, with courses that describe desired practices and their benefit. Sometimes foreign officers are brought to donor countries to see these practices for themselves. Both sorts of training are wasted if what is learned is not immediately incorporated into the home agency’s work routines.³⁸ Reform occurs only when knowledge is supported by facilitative management in every aspect of policing.

17. People engaged in police reform abroad, both public and private, should construct ways to share lessons learned and to coordinate activities.

Many institutions, public and private, foreign and domestic, provide training and assistance to foreign police. The U.S. General Accounting Office (GAO) reported that 34 federal agencies provided rule-of-law assistance between 1994 and 1998.³⁹ Larry Diamond constructed a “selected” list of 33 private U.S. institutions that were administering National Endowment for Democracy grants in the early 1990s, some of which targeted criminal justice and human rights.⁴⁰ So many foreign groups were trying to help South Africa develop and reform its criminal justice system that in 1997, the United Nations commissioned the University of Capetown’s Department of Criminology to compile a roster of them, along with the substance of their programs and the local agencies they were interacting with. The roster included more than 200 groups.⁴¹

Without coordination, programs work at cross-purposes, duplication occurs, priorities become confused, and local officials are distracted from their primary responsibilities. Furthermore, an opportunity is being missed to share insights into ways to improve the management of foreign assistance.

18. Crime control is as complex abroad as it is at home, and just as subject to oversimplification.

Assistance programs designed to help foreign countries prevent crime must incorporate the well-researched lessons collected over the past 30 years in the United States and other developed countries. Unfortunately, the usual nostrums show up abroad as at home: more police officers, SWAT teams, heavier patrolling, undercover street-crime units, stiffer prison sentences, capital punishment, asset forfeiture, liberal wiretapping, RICO (racketeer-influenced corrupt organization) statutes, mandatory drug testing, universal fingerprinting and DNA profiling, and so forth. Some of these will be useful in some places, none of them will be useful everywhere, and some of them will not be useful anywhere. Just as American law enforcement experts working abroad need to draw on the knowledge of foreign policy specialists, so people who have spent their lives in foreign policy need to draw on the expertise of the American criminal justice community when they design police assistance programs.

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CHAPTER 5

Special Lessons for
Police Reform
in Peacekeeping



This chapter deals with lessons that have been learned about providing effective, humane policing in association with international peacekeeping. Peacekeeping refers to intervention by the international community to stop conflict within countries and then to reestablish comity and basic government. A distinction can be made between peacemaking and peacekeeping: the former is intervention to stop conflict; the latter, intervention to preserve an existing but fragile cessation of conflict. Here, however, “peacekeeping” will refer to both: interventions in strife-torn countries where foreign agencies, national or international, both stop conflict and help to create conditions for a durable peace. In these conditions, the development of democratic policing faces special problems not found when reform is instigated locally (chapter 3) or when it is encouraged abroad through foreign assistance (chapter 4). At the same time, it should not be assumed that police development in peacekeeping is *sui generis*. Many of the lessons learned in other contexts apply here as well, especially those dealing with changing traditional patterns of organization and activity.

The lessons for democratic police development in peacekeeping are based on a smaller set of experiences than in either of the two previous chapters and should, accordingly, be considered more tentative than the others. In fact, as we have moved from generic police reform to foreign-assisted police reform and now to peacekeeping police reform, the range of experience that supports the enumerated lessons has contracted progressively.

1. In countries where effective government has ceased to exist, the division between military and police operations during peacekeeping will be blurred.

Peacekeepers may have to protect refugees, arrest war criminals, protect broadcasting facilities, support electoral processes, gather criminal intelligence, break up criminal gangs, and prevent interethnic intimidation. In such situations, a “security gap” will inevitably emerge unless the military is willing to serve as police until the international community provides a civilian alternative or competent local police are created.¹ This can be done through the military itself or through a strong international constabulary. U.S. Army Special Forces and Military Police provided this in Haiti in 1995.² The U.N.’s CIVPOL was authorized to do the same in Kosovo and East Timor in 1999 and was armed for the purpose.

The sort of peacekeeping that occurs in “complex emergencies,” where intervention begins with military action, has three stages—pacification, stabilization, and institutionalization.³ During the first phase, public security is provided by the international

military; in the second, it is provided either by an international police force or by an interim local police; and in the third, it is provided by a reconstituted local police.

Corollary: Because the military will have to act as police during transitions from military to civilian policing, it must organize and train accordingly.

This requires the development and standardization of policing doctrine for military contingents both among international donors and within the branches of each country's military. Observers of KFOR, the NATO force in Kosovo, for example, report major differences between the British and French armies and between the U.S. Army and the Marines.⁴

2. Peacekeeping missions must foresee the need for interim civilian policing and a new, durable, effective, and democratic indigenous police force.⁵

The operative word here is “foresee” rather than “provide.” Everyone agrees that peacekeeping interventions require a “theory of engagement” that specifies what the international community will and will not do.⁶ Decisions about the extent and form of intervention by the international community—from pacification through stabilization to normalization—need to be made explicitly before operations are begun.⁷ Some commentators go further and say that peacekeepers must also be prepared to provide an interim police presence, either by its military force or by an international civilian force. They argue that it is irresponsible, even immoral, to intervene militarily to stop conflict and then not to use that presence to protect the public after initial pacification.⁸ The failure of IFOR (the multinational Implementation Force charged with enforcing the 1995 Dayton Accords) and CIVPOL to prevent the forced evacuation of the Serb suburbs of Sarajevo in March 1996 is a case often cited.

But must military peacekeeping always assume responsibility for providing short- and long-run police protection? That is certainly preferable on moral grounds, but if the international community won't provide it, should peacekeeping not be undertaken at all? Is peacekeeping an all-or-nothing proposition? Perhaps it is better to do some good than to do none at all. The answers to these questions depend on circumstances—the presence or absence of a negotiated cease-fire, the capabilities of local police, the capacity of the international military, the presence of regional support for postconflict peacekeeping, the difficulties of providing logistical support to an international force, and the developmental potential of the country.⁹

Corollary: The major cause of military “mission creep” is failure to provide effective civilian policing after peacemaking.

If peacekeepers do not provide for policing, military commanders face the dilemma of either exceeding their rules of engagement or standing by as horrors are perpetrated. Furthermore, if their mandate is limited by both military rules of engagement and the announcement of an exit date, combatants will be encouraged to preserve their fighting capacity and continue clandestine violence.

Corollary: International civilian police forces must be authorized to carry arms and enforce the law at the discretion of country commanders.¹⁰

This lesson has been accepted by the United Nations for Kosovo and East Timor and by the United States for its own civilian police contingents under PDD-71.

Corollary: Military peacekeepers must provide logistical support to international CIVPOL units when they are unable to do so themselves.¹¹

3. For peacekeeping operations to create the conditions for a stable peace and effective institutions of local government, there should be unity of command between military and civil components.

There is universal agreement about this, even though the principle is far from consistently applied. It was learned in Haiti but forgotten in Bosnia. It appears to have been overlooked again in Kosovo, where NATO directs the military component (KFOR), the U.N. has authority for policing, and the Organization for Security and Cooperation in Europe (OSCE) is responsible for police training.

Corollary: Peacekeeping requires joint planning by military and civilian specialists, including the sharing of intelligence about conditions in the field pertaining to public security.¹²

To implement this, the U.N. and the United States need to create combined operational planning teams as well as combined field commands.¹³ This means appointing senior police officers to the U.N.’s Department of Peacekeeping Operations and to any U.S. Department of Defense peacekeeping operation.

4. Though the temptation will be great, it should not be assumed without analysis that democratic reform must be traded off against law enforcement effectiveness when rebuilding local police capacity.

When the military phase of peacekeeping ends, crime and disorder are likely to increase. The sources of lawlessness are many: returning refugees, demobilized soldiers, the prevalence of weapons, acute unemployment, social divisions aggravated by past conflict, inadequate communications, clandestine paramilitaries, corrupted agencies of criminal justice, and the lingering psychological effects of prolonged violence.¹⁴ In these circumstances, peacekeepers may feel compelled to use remnants of the discredited old police or demobilized soldiers untrained in policing, turn a blind eye to righteous but overzealous enforcement of law, encourage militant self-defense, and accede to arguments that reform will demoralize the existing police service.

Although this sort of compromise is understandable and occurs throughout the world whenever insecurity rises to unacceptable levels, research has shown that reform and effectiveness are not incompatible.¹⁵ Insistence on community responsiveness and adherence to the rule of law can be powerful crime-prevention strategies.¹⁶ International reformers must calculate carefully whether putative short-run gains in crime-control efficiency will outweigh the losses from continued alienation of local populations.

5. Despite pressing problems of crime and disorder, people with records of human rights abuses must be excluded from newly formed local police forces.

Not only may a new police force quickly become tainted by association with discredited personnel, but old behavior patterns may also be passed on to new and impressionable recruits. It is especially dangerous to “roll over” whole units into the new police, even if they possess unusual skills, such as intelligence gathering or criminal investigation.¹⁷ They bring with them a cohesiveness that hampers change.

There will be other pressures on recruiters besides the threat of crime. Discipline in any police forces requires skilled supervisors, especially in the middle ranks, but these are precisely the sort of people who will be in shortest supply. At the same time, government will be pressured to employ a host of demobilized combatants who will claim to have relevant organizational skills.

6. The United Nations Department of Peacekeeping (UNDPKO) should coordinate its work more closely with that of the nonmilitary U.N. agencies who are active in the field, such as the U.N. Development Program, the U.N. High Commissioner for Refugees, and the U.N. High Commissioner for Human Rights.¹⁸

7. United Nations member-states need to recruit and train CIVPOL personnel who will be available on a standby basis for rapid deployment in peacekeeping missions.¹⁹

8. If the function of international CIVPOL is, among others, to create effective, local, democratic police, its personnel must be recruited from countries experienced in democratic practices.

The plain fact is that not all countries that are willing to donate personnel to U.N.-sponsored peacekeeping missions are democratic.²⁰ Their police are not models of responsive, humane policing. This problem is acknowledged widely, but solving it is politically difficult. The U.N.'s desire for broad-based representation conflicts with the need for both competence and appropriate normative attitudes.²¹

Corollary: Except for selected specialists, the bulk of personnel deployed in any CIVPOL operation should be generalist police officers experienced in providing a full range of police services in response to public demands.²²

Corollary: Countries participating in multinational civilian police forces should harmonize their policing doctrine and training for such missions.²³

This raises a related issue: whether peacekeeping police should be deployed in country-units or in integrated contingents. The U.N. prefers the latter in order to demonstrate a coherent international presence, promote loyalty to the mission, and prevent special relationships developing between particular country-units and the local police. On the other hand, some experienced CIVPOL commanders, such as Ray Kelly, who directed the international police monitors in Haiti, prefer the former, arguing that country-units are more effective and that the skills of each country's police can be better matched to local needs.

9. Although the bulk of international CIVPOL forces should be generalists, some specialists will be needed with skills in such areas as criminal investigation, crowd control, information systems, forensic analysis, and election fraud.

In order to do this, the U.N. and the United States need to draft clear and detailed job descriptions for the required skills. Because foreign as well as American police forces vary considerably in the skill levels of their personnel, great care must be taken to ensure that people with exactly the right capabilities are recruited.

10. The behavior of international police personnel must be monitored closely, and misbehaving officers should be immediately relieved of duty and sent home.²⁴

The International Association of Police Training Centers recommends that all U.N. CIVPOL missions have an internal affairs investigation unit from the beginning, that the standard of evidence for wrongdoing be “preponderance of the evidence” rather than “beyond a reasonable doubt,” and that a record of misbehavior by participating countries be kept so that donors can be held responsible and, if necessary, dropped from the recruiting list.

11. The training of CIVPOL personnel should feature exploration of the legal and ethical choices that may be faced in the field, such as when laws should be enforced, weapons displayed, force used, human rights violations reported, fraternization allowed, and hospitality accepted.²⁵

Current training in law and ethics relies very much on the lecture method of instruction, with emphasis on written standards. Greater effort must be made to relate international standards to the ambiguous situations that CIVPOL personnel will encounter in the field. Role-playing, for example, would help to draw out the operational problems in applying standards to the real world. Trainers should also be sensitive to the cultural and professional differences between themselves and the people they train. Their audiences may be unprepared to recognize why particular practices are not acceptable.

12. The creation of effective, democratic local police forces under international auspices requires the collection of information about local criminal justice traditions, practices, and capabilities. International CIVPOL operations need to develop the sort of intelligence capacity considered standard in military operations.

This point is fundamental and has arisen in previous chapters.²⁶ Successful reform requires thinking through the connections between what is done and what is to be achieved, which, in turn, requires a profound understanding of local conditions.

13. A reformed local police force cannot be created by command. It requires the consent of politicians, the public, and the police.

This, too, is a lesson learned in other contexts, but it takes on additional urgency in peacekeeping. Peacekeeping involves the deployment of deterrent power. Because peacekeepers are the biggest gorilla on the block, they may confuse power with authority and be insensitive to local feelings of cultural pride and national autonomy.²⁷ But power will be unavailing if local participants, the ones who do the work on the ground, do not “buy in.” CIVPOL personnel must make a particular point of taking the time to listen, persuade, and demonstrate rather than insisting, ordering, and directing.

Conversely, CIVPOL personnel often understand very well that they are outsiders and that they are resented because they are needed. Not wanting to be perceived as neocolonialists, CIVPOL personnel may become too deferential and not press hard enough for important reforms.²⁸

Judgments about when to insist and when to defer cannot be made in the abstract. They require careful, informed discussion by CIVPOL administrators on the ground.

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CHAPTER 6

**Lessons for
American Management of
Police Reform Abroad**



Knowing what might be done to improve the likelihood of democratic reform is not the same as doing it. Knowledge must be incorporated into action, which requires changes in the way the United States manages its programs of foreign assistance and reform. This chapter describes the lessons that observers generally agree should be incorporated into the administration of the Government's programs of police reform abroad. Many of these lessons will need little explanation because they are implied by the discussion that has gone before.

1. As with any program of planned change, American foreign assistance to police development and reform abroad should be guided by clearly articulated and factually informed theory connecting it and desired outcomes.

It has become commonplace in writing about foreign assistance to say that the United States frequently undertakes programs because they are laudable rather than sensible. Desirability overshadows feasibility. Moreover, the United States relies on a few overworked reform tactics, such as drop-in courses and short visits by foreign nationals to the United States, without any evidence that they make a difference.

Corollary: The U.S. Government should develop the capacity to plan and implement institutional change in police policy and practice abroad.

The key word here is “institutional.” Programs that might contribute to the democratic reform of foreign police are scattered across many agencies. None of them has impressive in-house capability to do this job. The U.S. Department of State's expertise in this area is concentrated in International Narcotics and Law Enforcement (INL), whose mission is international crime-control and crime-prevention capacity-building, not reform. The U.S. Agency for International Development (AID), haunted by memories of the discredited Office of Public Safety, is beginning to explore the connections between democracy assistance and criminal justice, but cautiously. The U.S. Department of Justice's (DOJ's) assistance to police is led by law enforcement agencies—the FBI and the DEA. They have substantial foreign experience, but their mission is not democratic reform. ICITAP has the right mission, but it is an orphan dangling between State, AID, and DOJ, without the staff to do the planning required. The U.S. Department of Defense would rather not be involved, but is beginning to recognize that it will be.

Altogether, the U.S. Government administers programs for democratic police reform by sleight-of-hand. The fault is not the intelligence or motivation of the people

involved. The people in these agencies are smart and knowledgeable. The problem is the system—in particular, the bureaucratic assignment of missions.

2. Programs designed to contribute to the reform of foreign police forces must be based on a thorough understanding of host-country history and practices in policing.

Information about foreign police systems, and criminal justice more largely, is not readily available across agencies in Washington. Planning for assistance programs often lacks relevant intelligence.

Corollary: Because the design and implementation of reform programs requires hands-on knowledge of operational practices and traditions, the U.S. government should rely less on consultants sent abroad for short periods and more on people assigned to live in country for periods of a year or more.

Not only does this lower the costs of administration, but resident managers have greater standing with locals and can make more informed midcourse corrections.

3. Because police reform anywhere is a long-term proposition, American assistance programs should be planned and funded for multiyear periods.

Corollary: Assistance to foreign police undertaken during peacekeeping operations should not be tied to military exit timetables.

A compelling moral argument can also be made, as we saw in chapter 5, that the military should not withdraw at all until an effective police force has been built. This would suggest that military time schedules should be tied to civilian ones rather than vice versa.

4. In providing assistance to police forces abroad, a mechanism needs to be created within the U.S. government to assess the programmatic balance between law enforcement capacity building and democratic reform in particular countries.

PDD-71 suggested this sort of collaborative assessment in directing the U.S. Department of State to “build partnerships between Justice and USAID that enables the USG to help establish judicial and penal systems during peace operations that then become sustainable institutions.”¹ Such partnership is needed for programs of foreign police assistance generally, not just those associated with peace operations.

Corollary: All programs of assistance to foreign police should be reviewed for their likely effects on the trajectory of local political development.

Some mechanisms to this purpose are already in place: for example, the Law Enforcement Working Groups that meet monthly at the Department of State, country teams in embassies abroad that draft yearly mission performance plans, and the Interagency Working Group on Democracy under the leadership of the Assistant Secretary for Democracy, Human Rights, and Labor. Given the generality of concern about the ad hoc nature of U.S. planning for police assistance, however, something more would appear to be necessary.

5. The implementation of reform assistance to foreign police needs to be more carefully coordinated among agencies within the U.S. Government, not only to avoid working at cross-purposes, but to avoid duplication, simplify contact between host governments and the U.S. Government, and enhance oversight.²

Although there is universal agreement among observers about the importance of interagency coordination, there is sharp disagreement about how to do it, in particular, about whether responsibility should be located in a single agency or remain shared among several agencies.

6. The United States should coordinate its programs of democratic reform in particular countries with other donors, both public and private, during the planning as well as the implementation stage.

Designing programs in isolation from other international actors guarantees wasted effort and resources. It also confuses host governments about what should be done.

7. Programs of democratic police assistance must include measures for building support for reform among political leaders as well as society at large.

8. The U.S. military should not assume police responsibilities as part of peace-keeping operations except for short periods of time in transitional situations.

Corollary: Because the U.S. military will occasionally participate in civilian policing, it should standardize its training in this regard across the services.

9. The design and implementation of democratic police development programs should be done largely by police and civilians experienced with State and local policing in the United States.

The Federal Government is responsible for foreign policy and therefore for America's police assistance abroad, but it has limited police resources and expertise of its own to deploy in support of that policy. Federal agencies such as the FBI and the DEA are not full-service police forces responsive to calls for assistance from the public. They specialize in criminal investigation and selective law enforcement at the direction of Congress and the administration of the day. Although Federal personnel are as democratic in their normative orientation as State and local police officers, their mission equips them more for assisting the development of overseas law enforcement capacity than in the design and reform of civilian public-service policing. The challenge for the Federal Government, then, is to find ways to mobilize the immense fund of knowledge and experience residing in State and local police forces.

10. Programs of assistance to foreign police should be conducted in full public view and subject to systematic congressional oversight.

At the moment, assistance to foreign police is provided through a series of exemptions to section 660 of the Foreign Assistance Act. There is no "positive institutional mandate" with respect to police assistance.³ As a result, there is no coordinated congressional supervision.

Corollary: Foreign assistance to police should rarely be provided clandestinely, and then only under carefully monitored conditions.

11. The United States should develop a CIVPOL reserve that can be mobilized quickly for deployment abroad.

This has been called for by PDD-71, although the statutory basis for doing so has not been developed.⁴

12. Agencies involved in providing foreign assistance to police should develop the capacity to evaluate the success of every mission and draw from them lessons about improving performance. In particular, they should debrief participants returning from overseas assignments, including service in peacekeeping operations, for their insights.

The U.S. Department of Defense does this routinely. It is no less important for civilian police assistance programs designed to expand the possibilities for democracy around the world and to protect the United States from transnational crime.

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CHAPTER 7

Conclusion



This report has collected and summarized what has been learned about how police can be changed so as to support democracy, particularly through programs of assistance to police in other countries. Changing the police abroad to promote democracy is a four-step process: design of assistance programs, implementation overseas, incorporation by the foreign police, and impact on political democracy. This is a long row to hoe, and the chances of making a major contribution to the fortunes of democracy abroad through such programs are not great. Moreover, experience has repeatedly shown that assistance programs do not make foreign governmental institutions more democratic unless those countries are already engaged in democratic transitions. This is true for costly military interventions as well, even when they are followed by multilateral attempts to create new police institutions.¹

In his masterful account of American efforts to promote democracy in the 1990s, Thomas Carothers says that America's rule-of-law programs have been "difficult and disappointing."² Philip Heymann, a former Deputy U.S. Attorney General who has been instrumental in American criminal justice reform efforts abroad, thinks that the best that can be achieved is a "fairly robust dialogue" about the advantages of democratic practices.³ Rather than dramatic shifts to democracy, the United States may have to be content with creating "fragments of democracy" and reinforcing democratic "trajectories and increments."⁴

Overshadowing even these slender prospects is the proven possibility that assistance programs to foreign police can have negative effects on democratic development by strengthening the capacity for repression.⁵ In sum, the ability of the United States to assist democratic development through programs of police reform and assistance is very limited.

Prospects are brighter but by no means certain for programs designed to enhance the law enforcement effectiveness of foreign police. After reviewing many studies in the 1990s, Mary Hildebrand and Merilee Grindle conclude that "investments in capacity-building initiatives have not paid off in terms of improved effectiveness overall or higher levels of organizational performance."⁶ Although the introduction of equipment and managerial technologies often seems sensible, indeed fundamental, its contribution to the enhancement of local law enforcement effectiveness is not assured.

If the U.S. Government is going to achieve even modest success at either democratic reform or law enforcement capacity building, policymakers need to make the right

choices with respect to program objectives, the substance of assistance programs, and the way they are administered. Fortunately, there is a growing body of experience about these elements, most of it derived from programs of change within established democracies.

During the 1990s, a consensus developed internationally about the norms of democratic policing. Few people would disagree with accountability, protection of human rights, and transparency, and most would accept the importance of developing a service orientation. The elements of democratic police reform are no longer problematic. Uncertainty and confusion arise, however, with respect to the content and conduct of foreign police assistance. Despite a wealth of experience that grows daily, the insights of people involved in these processes have not been collected or analyzed.

What is needed is a new sort of evaluation to accompany programs of police assistance. It must go beyond auditing accounts or counting activities undertaken—such as the number of courses given, computers installed, fax machines connected, forensic kits distributed, or visitors invited to the United States—to explore whether what is done and how it is done produces the effects intended. To do this informatively, evaluation must not be done prematurely, before assistance programs have had time enough to make an impact. Institutional change takes time, which often frustrates the desire of donors for quick and demonstrable results. Furthermore, the requirements of evaluation must be foreseen from the beginning, so that baseline information can be collected along with a rich description of the implementation process.

Although informative evaluation cannot be quick, it need not be complex and costly. Assessments of the effects of assistance programs on police practices—their “outcomes”—can be made through qualitative observations by independent experts.⁷ It doesn't take long for experienced people to determine whether community policing programs are real, abuses of authority minimal, patrol officers responsive, the public cooperative, management open, operational decisions based on adequate information, and police activities open to public inspection. Appraisals of the process of implementation of assistance programs—their “outputs”—need to draw on the observations of both independent observers and involved practitioners. At the moment, the most underused of these are the practitioners themselves, both outside change-agents and the police officials with whom they have worked. The people who do assistance work, both at home and abroad, know a great deal about what works and what doesn't, but this knowledge isn't being captured. Their insights and observations can be collected through interviews designed to encourage participants to

reflect on what they did, what went right and wrong, and why. These interviews should be structured but open-ended. And they should be conducted orally; written surveys will not be responsive enough to situational variations.

The most important lesson for police reform anywhere is that human nature—meaning the interests of the people through whom reform will occur—must be taken into account. For reform efforts to succeed, human interests, which reflect particularistic attitudes and traditions, must be understood and then explicitly accommodated, utilized, redirected, or overridden. Reform cannot be done by remote control, by people who are not intimately familiar with the local human context. Reform is fundamentally a political undertaking.

This is also true with respect to improving the process whereby American police assistance is designed and implemented. Incorporating the lessons enumerated in this report will require changing the way American institutions provide foreign assistance. Raising the prospects of success in assisting foreign police forces to become more democratic requires clever management at home as well as abroad. Reform is a messy human business for both donors and recipients.

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