A FIELD GUIDE FOR USAID DEMOCRACY AND GOVERNANCE OFFICERS:

ASSISTANCE TO CIVILIAN LAW ENFORCEMENT IN DEVELOPING COUNTRIES

January 2011

A Field Guide for USAID Democracy and Governance Officers: Assistance to Civilian Law Enforcement in Developing Countries

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Table of Contents

Resource Note: The following materials are available for USG employees only:

On the State Department intranet at *http://diplopedia.state.gov/images/Vetting.pdf*:

Annex 14:   **Department of State Vetting Guidance**

And on the USAID intranet by accessing http://inside.usaid.gov/DCHA/DG/Pub/index.cfm and searching for "*Assistance to Civilian Law Enforcement in Developing Countries* Annexes".

Annex 15:   **Key Elements - Congressional Notification**

Annex 16:   **Key Elements - Civilian Police Assistance Letter of Agreement**

Annex 17:   **Key Elements - Civilian Police MOU - USAID/INL/Host Country**

Annex 18:   **Key Elements - Civilian Police Assistance Waiver - USAID**

List of Figures

Acronyms

ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives, DOJ
AUSA	Assistant United States Attorney
CBP	Community-based Policing
CEO	Chief Executive Officer
CJ	Criminal Justice
CJSART	Criminal Justice Sector Assessment Rating Tool, DOS/INL
COPS	Office of Community Oriented Policing Services, DOJ
DEA	Drug Enforcement Administration, DOJ
DG	Democracy and Governance
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
DOS	Department of State
EC	European Commission
FAA	Foreign Assistance Act
FBI	Federal Bureau of Investigation, DOJ
HRT	Hostage Rescue Team
ICD	Independent Complaints Directorate
ICE	Immigration and Customs Enforcement, DHS
ICITAP	International Criminal Investigative Training Assistance Program, DOJ
ICS	Incident Command System
INL	Bureau of International Narcotics and Law Enforcement Affairs, DOS
MCC	Millennium Challenge Corporation, USG
NGO	Non-governmental Organization
NIJ	National Institute of Justice, DOJ
OAS	Organization of American States
OPDAT	Office of Overseas Prosecutorial Development Assistance and Training, DOJ
UN	United Nations
USAID	United States Agency for International Development
USG	United States Government

Abstract

This Field Guide is intended to support USAID Democracy and Governance Officers as they consider police assistance programs in developing countries. The guide establishes the importance of public safety as a cornerstone of successful development. The Inter-agency environment and identification of risk and risk management is presented. A short background section traces the development of various policing styles including community-based and information-driven. The link between pervasive operational problems in developing world policing such as corruption, excessive use of force and poor criminal investigations and back office or "substructure" dysfunction is clearly identified.

The importance of connecting leadership to change management as part of police reform is discussed as a logical means to achieve long-term, successful police reform. Multi-disciplinary methods to address crime and security problems including prevention/intervention/enforcement framework are recommended. "Program checkpoints" are included as a guide to project development. "Important Characteristics, Typical Findings and Programming Notes" are presented for all of the major functions in a modern police agency. Sample project approval documents, resource materials and electronic links provide access to additional information.

Foreword

Providing assistance to law enforcement in developing nations by the United States Government is a fragmented and contested enterprise. The Government Accounting Office has estimated that in Afghanistan, alone, between 2002 and 2008 the US Government provided $6.2 billion to train and equip the Afghanistan National Police.1 Even before the wars in Iraq and Afghanistan, the government was spending, an estimated, three-quarters of a billion dollars annually on police training and assistance in well over 100 countries.2 Moreover, the US Government is training thousands of police each year in the United States, in host countries abroad, and in the International Law Enforcement Academies on four continents. For its part, USAID currently provides police assistance in over 20 countries.

Many may remember that Section 660 of the Foreign Assistance Act, enacted in 1974, barred assistance provided under the Act to police abroad except under very restrictive conditions. Through successive waivers amending Section 660 and new authorizations provided outside the Foreign Assistance Act, civilian agencies can now provide training and assistance to nearly all aid-recipient countries. Moreover, police assistance is no longer exclusively a civilian responsibility. The Department of Defense was authorized to coordinate police training and assistance in Iraq in 2004 and Afghanistan in 2005 as part of US stabilization and reconstruction efforts.

Despite its size and reach, US law-enforcement assistance can be a source of controversy within the US Government. Responsibility for the delivery of assistance is fragmented among a host of departments and agencies, notably State, Justice, Defense, Treasury, Homeland Security, and USAID. There is no consolidated assistance budget or sharing of lessons learned. Indeed, US Government agencies do not systematically collect descriptions of the substance and implementation of their law-enforcement assistance programs so their own people may learn from prior experience. Moreover, legislative oversight, too, is fragmented. Over 60 committees and sub-committees of the Congress exercise some oversight responsibility over portions of this activity. At the moment, reliable estimates of the amount of money being spent annually on police assistance or the nature of the programs being supported are difficult to come by.

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[1] U.S. Government Accountability Office, 2008. "Afghanistan Security: U.S. Efforts to Develop Capable Afghan Police Forces Face Challenges and Need a Coordinated, Detailed Plan to Help Ensure Accountability." Washington, DC: GAO-08-883T, June 18, 2008.

[2] Bayley, David H. 2006. Changing the Guard: Developing Democratic Police Abroad. New York, NY: Oxford University Press.

USAID understands that the development of stable democratic institutions abroad that are respectful of the rule of law requires the organization and delivery of public safety. Accordingly, USAID produced this field guide for law-enforcement assistance. It is designed to provide practical advice for planners, administrators and field staff involved in the development of institutions of public safety. The guide goes beyond the familiar stipulations of goals for law-enforcement assistance. For example, it provides detailed analysis of management problems in the field, with particular attention to the obstacles that must be overcome in host police agencies. It discusses risks to donors and host countries in collaborating in law-enforcement development and suggests how the risks can be minimized.

The guide reflects a solid knowledge of contemporary police strategies and management, as well as the particular problems of utilizing this knowledge in development missions. It highlights the importance of assessing conditions prior to formulating assistance plans, of being nimble in management so implementation can be adjusted as conditions change, and of obtaining buy-in among political elites, key bureaucratic stake-holders and civil society. It forthrightly discusses the kinds of police dysfunction that donors are likely to confront, such as ineffective criminal investigations, endemic corruption and misuse of force. It explores what donors can do about them. The presentation throughout the guide is always practical, interspersed with short asides, called "reality checks," about the complications that are likely to arise in practice.

The field-guide pays particular attention to the critical importance of creating positive "feedback loops" between host police and population. Drawing on research in developed countries, it argues persuasively that our assistance efforts must develop police who will serve the security needs of individuals rather than just regimes. It goes behind the mantra of community policing, discussing how meaningful engagement can be constructed with local populations. It observes wisely that "Policing is an expensive government function. Personal, vehicles and stations all cost a great deal of money. A respectful attitude, on the other hand, doesn't cost a thing."

The field-guide provides the sort of practical, well informed advice planners and implementers of law-enforcement assistance need in order to improve the likelihood that our investments will achieve the goals of nurturing the development of stable democratic institutions operating under the rule of law.

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Executive Summary

This guide supports the efforts of USAID Democracy and Governance Officers who are engaged in the difficult, but important, work of improving public safety and rule of law in developing countries.

"Security is a pre-condition for sustainable development." [3] Critical sectors outside criminal justice, such as agriculture, often require assistance. Although development aid can increase crop yield, a series of robberies along a market route can dissuade farmers from transporting their product. The effect of this crime problem can ripple through the community. Farm income may be reduced. The product will not reach the consumer. Fundamental economic activity can be stifled. A competent civilian police agency should be able to identify, analyze and act on this problem to ensure reasonably secure transit and facilitate commerce. The strategic importance of creating the police capacity to do this has been clearly identified.

> *"Proactively investing in stronger societies and human welfare is far more effective and efficient than responding after state collapse. The United States must improve its capability to strengthen the security of states at risk of conflict and violence. We will undertake long-term, sustained efforts to strengthen the capacity of security forces to guarantee internal security, defend against external threats, and promote regional security and respect for human rights and the rule of law. We will also continue to strengthen the administrative and oversight capability of civilian security sector institutions, and the effectiveness of criminal justice."*
>
> *National Security Strategy, President Barack Obama, May 2010*

In most countries, for better or worse, the civilian police are a lynchpin organization for a broad range of governance functions. The primary "keep the peace" mission places them squarely in a key social and criminal justice role. As part of "keeping the peace," civilian police should overlap on a daily basis with civil society, social services, schools, faith-based institutions and other community cornerstones to address issues ranging from street crime to human rights and neighborhood safety. These community cornerstones constitute a major portion of USAID's routine contacts and partners in many countries, providing an entrée into the critical police-community relationship.

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[3] Sean McFate Special Report, *Securing the Future*, United States Institute of Peace, p 1, Sept 2008

The civilian police cannot do much about poverty, but they can make it safer for people to conduct business in poor neighborhoods and put predators on notice that criminal acts will not be tolerated. The civilian police cannot do much about the quality of education but they can help make it safe for students to go to and from school and be safe while they are there. The civilian police cannot do much about the number of single parent families but they can intervene when violence occurs in the home. But this is not just about the civilian police. Their tools are limited and their workload is often unmanageable. If, along with the civilian police, other community cornerstones contribute to an environment in which law abiding citizens feel reasonably safe, neighborhoods and communities can begin to transform themselves.

Providing effective police service in any modern environment is a complicated task. This guide draws on experience in the developed and developing world to provide analysis and understanding.

This guide is presented in five main sections and supplemented with a series of annexes. Section one clarifies the importance of police assistance, addresses risk management and provides background information on other USG agencies engaged in assistance to law enforcement overseas.

Section two briefly covers the various styles of policing and defines the community-based policing philosophy. The basic requirements for a modern, effective police organization are identified in section three. Elements such as the law, values, policy/procedure, rules and regulations, organizational culture and public expectations are presented as a system of controls and boundaries for the police. The major functions of a police agency and the concept of line, staff and information management are outlined.

In section four the direct relationship between pervasive police incompetence and misconduct and dysfunction in the back office or "substructure" is established. This model forms the basis for section five. Principles of organizational change are linked to programming and host country police leadership as components of reform. Multi-disciplinary approaches to crime and examples of performance indicators are also included.

The annexes begin with an outline of recommended steps for those programming assistance to police. Preparation, assessment, planning, implementation and recommendations about USAID program management are included.

Annex two addresses all of the functions outlined in section three by identifying important characteristics, typical findings and programming notes for each. This annex provides USAID managers with a guide as to what should exist in a particular police function, what reality for that function will probably be in many developing countries and how to begin designing reform measures.

The remaining annexes provide resource material on and links to a variety of police-related information. International professional organizations, sample police agency policies, police core values, organizational structures, sample USAID assessment and program approval documents, DOJ and DOS documents and other resources are included.

This guide encourages new thinking about police development. Longer term, more comprehensive approaches are supported. The use of a multi-disciplinary prevention/intervention/ enforcement framework is detailed as a way to address crime in developing countries. Training for police is identified as a means to an end, not a goal. The importance of fixing dysfunctional substructure such as management, supervision, professional standards and organizational development is highlighted. Combining support for effective internal police leadership with change management is presented as a potential path to reform.

This guide is based on the premise that better results in law enforcement assistance are possible. Perseverance, innovation, teamwork and mission focus will be necessary to achieve them.

A Field Guide for USAID Democracy and Governance Officers: Assistance to Civilian Law Enforcement in Developing Countries

Section I: Introduction

Civilian Police, Criminal Justice Development and USG Foreign Assistance Strategy

It has been said that the first duty of government is to protect its citizens. Throughout the world, on street corners and country roads, in schools and offices, from the market vendor to the banker, the desire for personal safety and security transcends national identity.

People everywhere seek the peace of mind that only comes when there is good reason to believe that they, their families and their possessions are reasonably safe. In too many places, though, safety and security are not the norm. Sometimes, people fear the police as much as they do the criminals. In the absence of a secure environment, the people in the neighborhoods will not prosper and neither will democracy. The parent who hesitates to send a child to school because the neighborhood is not safe and the entrepreneur forced to close a small business by street gang extortion affirm the strong link between public safety and development. When security is in doubt, so is the foundation upon which democracy and prosperity are built.

The U.S. Government Foreign Assistance Framework, established in October 2006, and the FY 2007-2012 Department of State/USAID Strategic Plan recognize the key role that civilian police can play in support of democracy around the world. As the primary access point for victims of crime and first responders to reports of criminal activity, civilian police are a central security sector institution for democratic, well-governed and prosperous states.

This guide is intended to provide direction for civilian police assistance programming in developing countries, including post-conflict situations. Developing countries usually have an existing, but poorly functioning and corrupt, law enforcement entity. In the absence of professional knowledge, skill and conduct, civilian police will fall back to the only tools they do have. Often, those tools, including excessive force, only make matters worse. Crime and criminals are so pervasive in certain environments that the

economic and social development of the country is severely constrained. In a post-conflict environment, the immediate need to establish and keep the peace can be more pressing than in a more typical developmental context in which there is at least some host country civilian police presence.[4]

Why Engage Civilian Police?

For the average citizen, civilian police is the most visible symbol of government and an indicator of quality of governance. The relationship between civilian police and the community almost always mirrors the overall relationship between the citizenry and its government. Civilian police action, conduct and reputation tend to reflect on the ability of the entire justice system and, indeed, of the entire government, to carry out its functions effectively.

Opinions about governmental legitimacy are also heavily influenced by either civilian police action or inaction. Where the civilian police prey on the citizenry, engage in illicit or criminal activity, or abuse their authority, citizens lose confidence not only in the civilian police but also in the government that is supposed to protect them. This problem is particularly acute in post-conflict societies where corrupt or criminal civilian police behavior erodes citizens' support for fledgling democratic institutions.

> ### Reality Check
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> *By itself, civilian police assistance is complicated enough. However, it is important to remember that even if the civilian police are thoroughly competent and honest; their positive impact can be limited by the capabilities of the rest of the justice system. Prosecutors charge defendants and represent the people, judges control the adjudication process, defense attorneys represent defendants before the court and corrections agencies carry out sentences. The "system" is only as good as its weakest link. Reforming and raising the standards of any one element of this system will not have the desired impact on public safety unless the other elements are also capable of operating at the new standard.*

Access to justice for crime victims generally starts with the civilian police. Improving access is just one commonality between rule of law, governance, civil society assistance and civilian police development. *The USAID Rule of Law Strategic Framework* outlines five essential elements of the rule of law as a basis for democratic legal authority: order and security, legitimacy, checks and balances, fairness and effective application of the law.

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[4] *Resource Note:* Please see USAID Guidance for Democracy and Governance Programming in Post-Conflict Countries for further information on project development and implementation in such situations.

RULE OF LAW
1 Order and Security
2 Legitimacy
3 Checks and Balances
4 Fairness
5 Effective Application

The role of civilian police underpins each rule of law element. USAID's considerable body of justice sector experience, including working with courts, public defenders, prosecutors, judges, professional legal associations and citizen groups can be applied in the law enforcement arena to create a more comprehensive rule of law approach that addresses crime and civilian police assistance in a prevention/intervention/ enforcement context.

Figure 1   USAID Rule of Law Essentials

Since "security is a pre-condition for sustainable development,"[5] other sectors, such as agriculture or health, can also benefit from improved law enforcement. If farmers cannot sell their crops because of robberies along the market route, a competent civilian police organization should be able to identify, analyze and act on the problem to open up the area for less risky transit. Likewise, populations in high crime areas are typically commercially underserved. Businesses are reluctant to invest in areas that have a reputation for serious crime. Civilian police should be able to reduce the risk of victimization and encourage business to expand. A somewhat less obvious but important example can be found in the nexus between gender-based violence prevention, prosecution and sexually transmitted diseases. As part of their enforcement role, the civilian police can ensure victims of sexual and gender-based violence are transported to appropriate facilities for timely forensic examination and post-exposure treatment. Civilian police also have a role in identifying families that would benefit from social service prevention/intervention services and securing the environment so services can be delivered to reduce the likelihood of gender-based and family violence.

In most countries, for better or worse, the civilian police are a lynchpin organization for a broad range of development and governance functions. The primary "keep the peace" mission places them squarely in a key social and criminal justice role. As part of "keeping the peace" civilian police should overlap on a daily basis with civil society, social services, schools, faith-based institutions and other community cornerstones to address issues ranging from street crime to human rights to neighborhood safety. In fact, one of the ultimate objectives of civilian police reform should be to create an agency capable of preventing crime and disorder. This requires civilian police to play the role of an objective third party, capable of credible intervention or prevention of ethnic or religious violence. Developing this capacity will require change, sometimes on a grand scale.

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[5]   Sean McFate Special Report, *Securing the Future,* United States Institute of Peace, p 1, Sept 2008

If legitimate, objective and credible law enforcement service is provided, the likelihood of establishing a safe, successful community is dramatically improved. On the other hand, corrupt, incompetent civilian police are, at a minimum, the cause of substantial injustice and disorder. In the worst cases, they enforce political tyranny.

The Risks

Civilian police programming carries with it certain risks. Whether considered from the perspective of senior civilian police leaders, line level civilian police officers, politicians, or donor nations, policing is an unpredictable, high profile enterprise. Corrupt or abusive practices by a law enforcement agency receiving assistance can significantly impede the effectiveness of the agency and reflect adversely upon the organization providing assistance. Even civilian police action that appears on the surface to be illegitimate, but in fact is reasonable, can be damaging to all concerned. For example, a video of an officer pointing a weapon at an apparently cooperative and non-threatening person can look heavy-handed. It may be, however, that the officer knows the person recently escaped from prison, is known to resist arrest and is a suspect in a recent shooting. With that knowledge, which only the civilian police have at the time, the impression of the officer's actions changes dramatically.

It is in the interest of USAID to take measures to mitigate all types of risks associated with assisting civilian police in developing countries. Risk can be categorized. Financial, accounting and internal theft or misappropriation, for example, can be concerns for many types of assistance programming. For policing programs, however, the potential for difficulties is greater just because of the nature of civilian police work. Sometimes force is used lawfully by civilian police with the unfortunate result that a suspected criminal and/or innocent people are injured or killed. Powerful forces in a country can use the civilian police improperly for political purposes. Unlawful arrests may be made. Violence for corrupt or political purposes may occur. The risk of USAID funding being connected to acts such as these is a concern, but alert and responsive USAID project management can lessen the risk.[6]

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[6] *Resource Note: S*tart with a review of *Assistance for Civilian Policing – USAID Policy Guidance*, December 2005, which discusses the relationship between community-based police assistance and fostering civilian police roles that support democratic governance. This document provides valuable information including *statutory restrictions,* e.g., section 660(a) of the 1961 FAA, as amended, prohibiting any financial support for foreign law enforcement forces or any program of internal intelligence or surveillance, as well as information on statutory exceptions to those restrictions. The document also considers policy restrictions on the following types of civilian police assistance: Commodity support for lethal technology and weapons as well as supplies or training for their use; commodity support for, or assistance in the carrying out of, internal intelligence or surveillance operations and involvement in specific investigations; civilian police actions; and prosecutions" (p 3). Consult with the Rule of Law Division, Regional Legal Advisor and/or the General Counsel regarding policy guidance (Annex 9). Since there can be changes in statutes affecting prior policy, consultation

Of course, following policy does not guarantee ease of implementation. It is prudent to assess the types of problems that are most likely to be encountered as part of good project management. Based on that assessment, mitigation strategies should be included within the project. Choice of subject matter and methods for training are examples of mitigation practice. For example, does the host country's law enforcement agency have proper policy in place for patrol officers? Does that policy establish a standard of conduct and performance that is acceptable in the eyes of the public, the elected authority, the media, etc.? Can agency management enforce the policy? Are lesson plans used in civilian police training? Are these plans job-related so as to convey knowledge, skills and abilities required for critical task performance? Are they approved based on rigorous oversight, review and feedback from field experience? Even an unforeseen event can be contained and corrected early through appropriate supervision. Steps to mitigate risk when designing and implementing USAID civilian police assistance programming are categorized below.

Clarify expectations and select the right team

- In cooperation with other involved USG entities and other donors as applicable, establish a written program plan. This document will be useful in achieving unity of effort and must define the desired end state, strategy and methodology, necessary resources, a timeline for critical activities and milestones and criteria for evaluating success or failure. This plan must be seen as a dynamic document subject to change as events require. But knowing the plan may change is not a reason to defer its preparation at the outset of every civilian police development program.

- Require written commitment to the plan from host country officials that includes expectations, timelines, assurances regarding assignment of key personnel and methods for addressing conflict and dissatisfaction between participants.

- Ensure capabilities of external advisors match programmatic requirements.

- Verify suitability of advisors, through vigorous background and reference checks and in-person interviews. Motivated, experienced advisors should work every day in the same offices of the civilian police unit most involved in the project.

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with the Regional Legal Advisor or the Office of the General Counsel is strongly recommended. *Note regarding statutory authority:* Please be aware that revision of the policy cited above is under consideration. In addition, statutory citations change over time. Specific statutes cited herein may have been amended or moved since publication. Agency personnel should also be aware that some countries are subject to special restrictions that may add additional steps or notifications to the project approval process. Agency legal counsel can provide relevant assistance in these areas.

Throughout the design process, consider the following criteria

- Personal Risk to Advisors – this varies by the type of program, location and exposure each advisor incurs.

- Project Success – likelihood that the project will meet its stated objectives on time and on budget.

- Scalability – the degree to which the project could be expanded or contracted in response to changes in the environment.

- Reversibility – the degree to which thresholds or trigger points can be built into the project to provide opportunities to either terminate or modify due to unexpected difficulties, e.g., once training is delivered you cannot take it back. The students will always carry the label, "trained by the USG." Conversely, if we fund a fingerprint system and find that it is being used to identify political opponents in addition to criminals, we can take it back and stop the abuse. Is USAID willing to terminate the program under certain conditions? Has the host country been informed of that possibility and how to avoid it?

- Sustainability – what is the likelihood that the elements of the project will be carried forward by the host country after the project is over? Have host-country counterparts made commitments to do so? Are those commitments in writing? Is the project designed with sustainability as an objective?

- Performance Measurement – to what degree does the project lend itself to simple, replicable evaluation?

Utilize proactive and dynamic management and oversight

- Ensure all USG requirements are met, in particular, Leahy vetting, a background clearance process *mandated by law.*[7] (Please see Annex 14.) The amendment cited below manages risk by requiring background checks of security or civilian police personnel and units that will benefit from USG assistance.[8]

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[7] Section 620J of the FAA reads: "No assistance shall be furnished under this Act or the Arms Export Control Act to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights. The prohibition [above] shall not apply if the Secretary determines and reports to [USAID's four oversight committees] that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice." Please see Annex 14 for complete details.

[8] *Resource Note:* Following the direction provided in the U.S. Department of State Publication, *A Guide to the Vetting Process (SBU)* (Annex 9), will reduce the likelihood of USAID assistance supporting those associated with gross human rights violations, encourage professionalism among developing nation security and civilian police personnel and minimize chances for embarrassment to the USG. It is

- Include a mechanism in project documents for resolving disputes between the host country and USG representatives.

> ### *Reality Check*
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> *Misunderstandings and differences of opinion can create a counterproductive atmosphere between the host country and the USG. For example, planning documents may refer to "technical assistance" or "support" without specifically defining those terms. This is understandable in many environments and leaves flexibility to deliver assistance that makes the most sense at the time of implementation. However, that flexibility also leaves room for misinterpretation. To the host country, "support" may mean the purchase of vehicles, for example. To USAID, vehicles may not be in the plan. Each and every possible misunderstanding cannot be covered in planning and design documents, so a mechanism to address differences is an appropriate addition.*

- Assert ongoing management control over the project. A multi-disciplinary project should be overseen by a multi-disciplinary management team led by an acknowledged leader (preferably USG) vested with the authority to implement the plan described above. The team must include mission and embassy representation. Frequent, open communication is vital. The team must have the capability to absorb and effectively react to bad news. Use inspection, audit and other management tools including on-site visits.

- Find, fix and report problems.

- Through provisions and processes "designed in" to the project, reserve the right to change course in mid-stream, re-direct or terminate a struggling program or shift priorities based on changes in the environment. Termination of a project may seem radical; however, when it becomes apparent that the host country does not intend to abide by its commitments, strong consideration should be given to this option.

Emphasize smart, opportunistic design, monitoring and evaluation

- Other donors or USG entities may have valuable experience and may provide an opportunity for partnership in a variety of ways, including law enforcement and other justice sector projects .

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strongly recommended that the agency's Office of the General Counsel or the Regional Legal Advisor be contacted with any questions regarding the Leahy Amendment.

- Use contract language that provides for frequent verbal and written reporting while acknowledging the full spectrum of USAID's management role including direction and oversight. This should include in-depth, on-site observation and quality control checks.

- Consider pilot and demonstration projects that can be focused narrowly and overseen directly.

- Look for entry points with relatively low levels of risk, i.e., policy development or professional standards assistance.

- Establish output and outcome measures that indicate program direction as early as possible. Survey data can be especially useful in measuring impact.

- Do not rely solely on numbers to evaluate a project. Sound professional judgment has an important place in both design and evaluation.

Engage ordinary citizens, civil society and outreach to the public

- Ensure citizens and civil society groups are represented, considered and involved to the greatest extent possible.

- Develop a relationship with the media to enhance public information and interest regarding the program.

- Help generate and sustain public understanding and support for civilian police reform.

USAID, the Interagency Environment and Civilian Police Assistance

USAID has broad experience in supporting the reform of democratic institutions through a comprehensive approach. This experience combined with the ability to build relationships with key governance institutions, including legislatures, local governments, judiciaries, civil society and the media, facilitate assistance to law enforcement. In 2009, USAID engaged in development work that involved civilian police in over 20 countries. Many other USG agencies are currently involved in international civilian police development and reform. It is important to develop and maintain strong collaborative relationships with those USG agencies engaged in civilian police assistance. Much can be learned from their experience. Opportunities to integrate projects will often present themselves. Sometimes, all that is needed is a bit of creative thinking to coordinate or even integrate financial and programming resources to achieve a country team coordinated approach that can save money and improve results.

The Department of State's Bureau for International Narcotics and Law Enforcement Affairs has extensive experience in developing and operating international criminal

justice programs in failed states, emerging democracies and post-conflict environments. This includes a large number of civilian law enforcement programs that address a wide range of objectives, from comprehensive organizational development to focused, civilian police capability enhancement. DOS/INL provides operating funds for five international law enforcement academies (ILEAs) in Budapest, Hungary; Bangkok, Thailand; Roswell, New Mexico; San Salvador, El Salvador and Gaborone, Botswana. US federal law enforcement agencies provide staff and trainers for each facility and host countries also contribute support. These academies offer a wide variety of training courses addressing managerial, operational and technical subjects for civilian police officers from many countries.

The Department of Justice's International Criminal Investigative Training Assistance Program and Office of Overseas Prosecutorial Development Assistance and Training promote sustainable institutional development in the justice sector in more than 50 countries. ICITAP works with foreign governments to develop professional and transparent law enforcement institutions that protect human rights, combat corruption and reduce the threat of transnational crime and terrorism. OPDAT carries out justice sector institution building, including technical assistance and skills development support, to enhance foreign justice sector cooperation. Both ICITAP and OPDAT generate and administer development programs designed to enhance the capabilities of foreign justice sector institutions and their law enforcement personnel so they can effectively partner with the Department of Justice in combating terrorism, trafficking in persons, organized crime, corruption and financial crimes. ICITAP and OPDAT integrate the expertise of officials from DOJ and DHS operational law enforcement agencies into their training and technical assistance. They are funded by and work in partnership with the Department of State, USAID, the Department of Defense and the Millennium Challenge Corporation.

The Department of Defense regional and functional combatant commands invest in foreign military, paramilitary units and civilian police agencies to assist in counter-insurgency efforts, reform and support for internal and external peace keeping. In addition, in post-conflict situations involving the USG, the "security gap" that often exists between the end of combat and the deployment of international civilian police units must often be filled by the US Military, typically the only entity capable of "keeping the peace" in that unstable and critical time. The sooner credible authority can be re-established, the less time criminal elements have to entrench themselves in communities and governments.[9]

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[9] *Resource Note:* Please see link to: The *Joint Forces Command Rule of Law/SSR Handbook* (Annex 12) and *The Rule of Law Handbook A Practitioner's Guide for Judge Advocates*, 2009 (Annex 12), for detailed descriptions of the DOD approach to rule of law, especially in post-conflict situations. In particular, chapter three of the guide for judge advocates has detailed descriptions of on-going Department of State and Department of Justice Rule of Law and Civilian police Assistance activities in Iraq and Afghanistan.

With this number of USG agencies involved in overseas civilian police assistance, it is not surprising that different approaches and philosophies are brought to bear. While unique perspectives and roles can foster innovation and creativity, differences of opinion about assistance strategy and tactics will arise, both inside and between agencies. Of course, field personnel must operate according to standard procedures for their particular agency. However, the lack of an overall USG national, regional or country strategy or set of principles for development for civilian police can hinder coordination. Reduced utility of lessons learned and a higher probability that strategy and methodology must be invented from scratch for each USG civilian police assistance project are also likely side effects. In this environment, the ability of managers to build relationships and local processes that utilize existing expertise in each USG agency while focusing on the mission at hand will provide the best assistance and bring the highest return on tax dollar investment.

For example, foreign policy, national security objectives and developmental objectives should be very closely aligned. From the national security perspective, the FBI or DEA may intend to improve host-country investigative skill in narcotics or human trafficking cases. Often, high quality training and other support are provided. From the developmental perspective, those newly acquired skills can become part of an integrated program that reforms civilian police supervision, management, policy/procedure and other institutional elements. Only through this coordinated country approach way can host country civilian police absorb new skills and build capability to, not just investigate but, effectively manage the investigative function as part of a comprehensive reform plan. Improved management increases the likelihood that sustained change, new knowledge and new skills will be disseminated throughout the agency.

Section II: Established Policing Styles

Some material from this section has been drawn from the ground breaking: *Perspectives on Policing*, November 1988, USDOJ/NIJ by George L. Kelling and Mark H. Moore

How Policing Has Been Done

Many cite the London Metropolitan Civilian police, founded in 1829, as one of the first "modern" law enforcement organizations. The mission of this new organization was crime prevention and it ushered in a new era of organized, governmental attention to crime.[10] Since that time, many styles and strategies, described below, have been used by civilian police around the globe in the context of different legal systems. Some styles of policing evolved without significant legitimate management control; some were introduced through strategic thinking and analysis. For the purposes of this document, the most relevant styles are described below.

Political Style

This style is present in many of the places USAID operates. Generally characterized by a lack of basic operational competence and management practice, the exercise of civilian police authority is not necessarily motivated by a public service ethic. The institution lacks consistent internal governance; corruption and excessive use-of-force are "the way business is done;" and organizational linkages to non-governmental power structures, often illegitimate, will likely be strong and deep but not transparent or oriented toward serving the public.

Many decisions taken at levels throughout the organization are influenced by politics and power, not by management concerns or public interest. Civilian police may act decisively when public interest and the interests of the powerful intersect but the resulting benefit to the public may be coincidental. Officially, centralized command is the mode of control. However, power can be exerted by the "neighborhood boss" involved in small time extortion, gun sales and prostitution or by those involved in grander criminal schemes such as skimming government funds and using violence (perhaps carried out by the civilian police) or the threat of violence to ensure favorable outcomes.

The more authoritarian the environment, the more likely civilian police are to receive direction from outside the official civilian police chain of command to engage in actions

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[10] C*ivilian police in America*, p 26-7 Samuel Walker and Charles M. Katz 2005)

counter to democratic principles and professional ethics. This may include using civilian police power to protect the interests of the "state" and its official representatives (and their associates).

Crime rates may be quite high and the relationship between the civilian police and the citizenry is characterized by intimidation and a lack of trust. Funding support from the government is usually insufficient but lack of transparency makes serious financial analysis difficult. Poor personnel practices typify this style in which management skills and good leadership are lacking.

> **A note about Leadership and Management**
>
> *Throughout this guide, the terms leadership and management appear many times. Much has been written about the similarities and differences of these two concepts. Some may say they are interchangeable. However, for the purposes of this guide, the following is presented to clarify these terms. "Managers tend to be more practical, reasonable, and decisive, while leaders tend to be more visionary, empathetic and flexible." Sometimes an "adversarial perspective" between these two approaches develops. "Managers seek stability, while leaders thrive in crisis; managers exercise authority, while leaders leverage their influence; managers instruct while leaders inspire." So, the two concepts are different."[11] Sometimes these characteristics can be found in the same person, sometimes across a staff of people. Artfully balancing the tension between these leadership and management points of view is one hallmark of successful organizations and individuals. President Ronald Reagan illustrated this balance when he popularized the now-famous phrase; "trust but verify." Every parent of a teenager understands it, and so do those who run successful organizations.*

Reform or Professional Style

Created as a reaction to the political style, this approach builds mechanisms to address the many shortcomings of that style. To reduce the potential for corruption, relationships with individuals or groups may be restricted and more "professional" in nature. An "arms length" connection to the public is preferred which may reduce effective civilian police-citizen interaction and communication. Ethical conduct is emphasized and enforced through strong internal governance. To a great degree, political influence is channeled through the elected or appointed authority and takes on a more measured, legitimate tone.

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[11] *Mind of a Manager Soul of a Leader,* Craig R. Hickman, John Wiley and Sons, Inc. Publishers, 1990, p 3-18.

Command and control structures are put in place; classic bureaucratic work practices and procedures are standardized and written policies become the framework for all operations. Decision making is routine and discretion is restrained.

Relationships with the community are seen as the responsibility of a specific "community relations" unit. New urban development tends to be horizontal rather than vertical. Patrolling is primarily done in cars and beats become bigger. There are few strong relationships between the civilian police and the community.

Professionalized support functions including fair and objective personnel systems, management by objective processes, appropriate training and financial management are emphasized.

The end result is a general improvement in conduct and performance of the civilian police. However, there is a cost. For example, while radio-car patrol (a significant technical innovation) improved response to calls from the public, it also created a barrier that limited informal contact and relationship building between citizens and civilian police.

The lack of strong ties between citizens and civilian police was exposed as a significant weakness in the United States during the 1960s and 70s. Civil disorder highlighted the need for new approaches to law enforcement. Over time, many changes were made. One of the most significant was the development of a new style: Community-based policing.

Community-based Policing

Community-based policing has evolved over the last three decades in Australia, Canada, France, Germany, Sweden, the United Kingdom and the U.S. Based on earlier policing styles and experiences, each of these reforms began with the idea that positive agency-wide relationships with the community are essential to effective policing and require restructuring. The CBP philosophy assumes civilian police cannot succeed by employing an aloof, detached perspective. Rather, law enforcement must seek out, engage and establish positive relationships with the people it is supposed to protect.

COMMUNITY BASED POLICING

In order to

Reduce Crime and the Fear of Crime and Facilitate Community Transformation

Civilian police must

Develop and Maintain Partnerships and Identify/Address Problems

By

Innovating, Building Trust and Transforming the Organization

Figure 2   Imperatives of Community-based Policing

Even under the rubric of CBP, each country has taken its own path, with varying results. This fact reinforces a fundamental principle of community policing, i.e., within certain parameters, civilian police service must be "customized" to respond to problems peculiar to a community. This approach can take many forms but simply adopting the title and assigning some officers to "community policing" does not make the agency a community policing organization. In fact, it probably means just the opposite.

CBP is not a single, easily defined program or project. It is a comprehensive way of thinking about policing. CBP is a collection of practices, behaviors and tactics that bring civilian police together with the citizens they serve. A commitment to public service by the civilian police is a keystone of this policing style.

Successful implementation of CBP requires an organization-wide commitment to this philosophy and involves a profound transformation from traditional civilian police values, organizations, attitudes, policies and approaches to a new style/culture of law enforcement management and operations. Due to its inherent complexity, in some instances, CBP is better implemented in an incremental fashion after basic policing techniques are fully mastered.
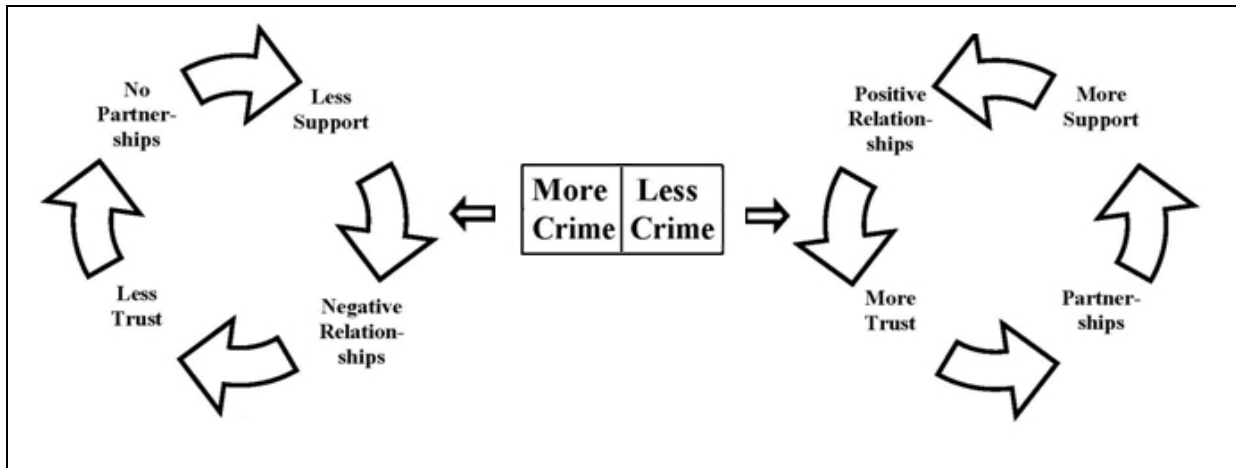
Figure 3 Trust, Relationships and Policing

The philosophy recognizes that crime in a community is a multi-dimensional problem. Outreach to the community is not sufficient on its own. Community-based policing *"promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime."*[12]

The United States Department of Justice, Office of Community Oriented Policing Services identifies three distinct elements of CBP:

1   Partnerships

2   Problem solving

3   Civilian police organizational transformation

This philosophy rests on the concept that trust among citizens, and between citizens and the civilian police, is critical. Trust is the foundation for partnerships; citizens and the civilian police can form a powerful anti-crime team when working together for public safety. Trusting relationships also generate information that is the bread and butter of civilian police investigative work. (Of course, civilian police must know how to use the information.) In order to develop trust and partnerships, the civilian police must open up to the community. Civilian police attitude and respectful treatment of the public are powerful tools to improve relationships and can be effective "first steps." The diagram on this page illustrates how this trust building process can work. The process of "opening up to the community" is part of the organizational transformation required. Some civilian police agencies have found it necessary to rebuild not just relationships but also values, goals, methodologies, structures and expectations.

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[12] USDOJ: Office of Community Oriented Policing Services: Website: What is Community Policing? 2009

Implementation of the community-policing style does not mean that the citizenry manages the civilian police agency. It does mean that both the civilian police and the community realize the importance of using partnerships to address neighborhood problems. *Prevention, intervention and enforcement* are all important dimensions of this effort. Families, civilian police, other government entities, schools, businesses, civil society and faith-based institutions must all contribute.

Community-based policing is not "soft on crime or criminals." It is neither a public relations offensive nor "talking to the community." Civilian police officers working in community-based law enforcement organizations arrest suspects and use appropriate force when it is called for. They do not shy away from lawful enforcement tactics. They scan their environment for crime related problems, analyze the situation to identify and implement the appropriate response and then assess and adjust the response as needed to address the situation, a process generally referred to as "SARA."[13]

The CBP philosophy will not "transform" communities. It can, however, help improve safety and perception of safety in a neighborhood thus setting the stage for provision of other service improvements such as trash collection, street repair or sewer services. A community that achieves improved public safety through partnerships with civilian police will soon begin to ask why other government services cannot improve too.

There are varying opinions regarding the additional costs of community policing relative to the professional style. In developed nations, additional costs linked to this style are identified as primarily personnel related. For example, under the CBP philosophy, some patrol officers should probably be assigned to focus on specific neighborhood relationship and problem solving functions. This takes them away from other patrol duties. However, it is difficult to generalize this effect to civilian police agencies in the developing world. Deployment styles, workloads and public expectations vary greatly. CBP does provide an enhanced level of service but determining whether it is more costly than an existing style in a developing country can only be done on a case by case basis.[14]

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[13] *The Civilian Police in America: An Introduction*, by Samuel Walker and Charles M. Katz, The McGraw-Hill Companies, 2005, p 333-337

[14] *Resource Note:* For additional information: Community Policing Explained – A Guide for Local Governments, USDOJ, 2006. http://www.cops.usdoj.gov/files/RIC/Publications/cp_explained.pdf

Information Driven Policing

This concept has emerged over the last 10 or so years and has its roots in the technical advancement of crime analysis and the need to deploy civilian police personnel more effectively on both a routine and specialized basis. In some ways, this style can be seen as the most recent step in the evolution of police practice. The information driven method may be most effective when built on a well-established community policing foundation. The recognition that a relatively small number of criminals are usually responsible for a surprisingly large percentage of crime has helped focus the gathering, analysis and use of information by law enforcement. Sophisticated geographic mapping and crime analysis can quickly provide a wide variety of valuable information to operational and administrative staff. Use of civilian police resources can be more effective and precise than ever before.

This approach to policing shows great promise and is complementary to CBP. It objectively informs civilian police and citizens about details relevant to both prevention and detection including exactly where, when, how and sometimes even why and by whom crimes are being committed (assuming crimes are correctly reported and tracked). Of course, the more detailed the data, the better focused operations and social interventions can be, particularly in relation to deployment. But minutiae are not necessary for information to be useful. It also does not have to be automated. As an organization matures, its analytical capacity should naturally advance along with its ability to take advantage of improving technology or advancing states of the art. An evolutionary process is generally necessary for an agency to reach the point at which it is capable of knowing what its crime analysis needs are and how best to meet them.

A Note About Order Maintenance

In a 1982 ground breaking article, James Q. Wilson and George Kelling identified new ideas that became known as the "broken windows theory." The article argued that civilian police should focus on "disorder problems" that lower the quality of life (Walker and Katz, The Civilian Police in America). For example, graffiti, junk, trash and menacing youth hanging out on the corner all send signals that no one cares about what happens in the neighborhood. Always alert for opportunities, criminals are drawn to these signals and, either individually or in groups (street gangs), they take control of the area. It becomes their private exploitation arena. With its expanded focus on disorder, organizing a block watch, establishing credible presence, building partnership, and working on problems, community-based policing provides a mechanism to assert legitimate control over public spaces. Soon, other local government entities will be drawn into the group of partners; after all, civilian police cannot and should not try to handle trash collection, patch a hole in the street or paint out graffiti, though the urgency of the task often involves them to a significant degree. The eventual destination of this approach has been described as Community-based Government.

Section III: Building Blocks of the Modern Civilian Police Service Capability

Every successful law enforcement agency is built on a solid foundation. The basic components of that foundation are listed below.

A Core Ideology

Core values

- Essential and enduring tenets
- A small set of general guiding principles
- Not cultural or operating practices
- Not to be compromised

Core Purpose (sometimes referred to as mission):

- Fundamental reasons for existence
- Guiding star on the horizon
- Not specific goals or strategies[15]

Legal Authority

- Extends state power to the individual civilian police officer

Civilian Police Line

- Non-sworn and sworn personnel of all ranks
- Engage in or supervise operational functions
- Focus on delivery of service directly to the citizen

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[15] *Built to Last*, James C. Collins and Jerry I. Porras, Harper Business, 1994, p 73

Civilian Police Staff

- Non-sworn and sworn personnel of all ranks

- Engage in or supervise support or information management functions

- Ensure that honest, competent, well equipped personnel are in the right place at the right time to deliver appropriate civilian police service

- Sometimes referred to as administrative or "back office" functions

Democratic Policing Principles – The Basis for a System of Core Values

There are several of ways that democratic policing principles have been defined over the last 10-15 years. This list (Figure 4) was developed as part of the Dayton Accords which emerged from the Bosnia/Herzegovina post-conflict talks in Dayton, Ohio, in 1995. Establishing basic, minimum standards of institutional and individual conduct for civilian police service, these values could also be used as an outline for law and policy pertaining to policing or as the core of a civilian police agency values statement. Ultimately, that values statement should become the basis of the dominant agency culture, outlining the boundaries of acceptable conduct and describing the characteristics of its personnel. Violations of these standards occur in all countries; civilian police officers are human beings and, for a variety of reasons, may not always conduct themselves in accordance with these principles. The most critical factor, however, is what the institution does to prevent such incidents and how it responds when violations are either observed or alleged.

1	Civilian police must be oriented and operate in accord with principles of democracy.
2	Civilian police, as recipients of high public trust, are professionals whose conduct must be governed by a professional code of conduct.
3	Civilian police must have as their highest priority the protection of life.
4	Civilian police must serve the public and be accountable to the public they serve.
5	Protection of life and property is the primary function of civilian police operations.
6	Civilian police must conduct their activities with respect for human dignity and basic human rights of all persons.
7	Civilian police must discharge their duties in a non-discriminatory manner.

Figure 4   Office of the High Representative - European Union Special Representative Principles of Policing, April 25, 1996

Regarding principles six and seven, the makeup of the law enforcement agency should reflect the community as much as possible. Tensions between labor, ethnic, racial, political or religious groups can be exacerbated when the law enforcement agency charged with keeping those tensions under control acts or appears to act in favor of one group. Regardless of the nature of the dispute, when groups oppose one another or do not respect one another's rights, the proper role for civilian police is to be the objective third party. Whether involved in keeping the peace on a picket line, investigating a crime in which the victim is female or intervening in a confrontation between two people of different races, the professional civilian police officer will not allow personal feelings or sympathies to influence decisions or actions. The agency philosophy supporting this conduct should be clearly stated and consistently supported.[16]

Reality Check

A note about victims and values and the civilian police: Victims of crimes are not just cogs in the criminal justice machinery. They are people to whom the criminal justice system owes a special understanding. Whether or not a society chooses to codify victims' rights, the civilian police values system must recognize that victims regardless of gender, race or other characteristic are deserving of their time, attention and service.

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[16] *Resource Note*: Please see: *Principles of Policing in a Free Society,* by Richard Mayer, Annex 5, for a more detailed set of guide lines.

Legal Systems and Civilian Police Authority – From the Constitution to the Street

Common Law vs. Civil Law Systems

Codified through statute and/or rules of criminal procedure, legal and criminal justice systems vary from country to country. The way each operates affects civilian police authority and conduct and the nature and design of civilian police assistance. Most countries follow an "inquisitorial" legal system. This system is characterized by an active role for judicial magistrates or prosecutors in undertaking investigations and questioning witnesses. Civilian police in these systems are sometimes relegated to securing crime scenes rather than performing extensive and complex criminal investigations, interviewing suspected criminal perpetrators and conducting sophisticated forensic scientific examinations of physical evidence. Written rather than oral testimony is the basis for proceedings. Accordingly, in most civil law systems, civilian police do not testify in criminal court.

Common law countries, such as the U.K. and the U.S., use an "adversarial" system where the judge (or jury) is the fact-finder and sorts through the evidence presented by the prosecution, on one hand, and the defense, on the other. Oral testimony and cross-examination of civilian police and witnesses and introduction of physical evidence are key elements of the process. In common law countries, judicial precedent is binding. In civil law countries statutory language is predominant, with judges free to accept or ignore prior judicial interpretations.

With the advent of the European Union, which includes both civil and common law countries, the two systems have begun to converge in various parts of the world. For example, Japan, a civil law country, recently adopted new procedural codes allowing for direct and cross-examination of witnesses. Many Latin American countries have recently converted from a written, inquisitorial system to an oral, adversarial approach, a hybrid of common and civil law traditions. Hybrid systems also vary from country to country.

The Legal System, Criminal Investigation and Civilian Police Structure

The legal system and criminal procedures affect the criminal investigative, charging and adjudication process. The role of the civilian police and their relationship to the prosecutor, particularly with respect to powers of arrest, investigative responsibilities and the presentation of evidence to the court are all also affected by host country structures. For example, in some countries, the law requires that the prosecutor supervise serious criminal investigations. Issues related to relationships, case management, investigative decision making, procedure, etc. will take on a dimension that differs from a system in which civilian police conduct investigations independently.

"Judicial civilian police" may also be part of the host-country law enforcement landscape. Judicial civilian police generally are responsible for criminal investigations, often under the direction of a magistrate or prosecutor. The agency may be separate and distinct and attached to the civilian police, prosecutor's office, gendarmerie or perhaps to the judiciary. Often, jurisdiction and authority is not clear. Civilian police and prosecutors may not agree on who presides at crime scenes or makes investigative decisions.

The combinations and permutations of international criminal justice systems make the already difficult job of civilian police organizational reform and development even more challenging. Knowing "what has worked elsewhere" is important. But those engaged in these efforts must have full familiarity with the unique conditions in every host country to avoid providing erroneous or irrelevant information or guidance. Understanding the reality is critical.

Statutes in many countries in the developing and developed world have created national civilian police services with wide jurisdiction for arrest, investigation and search and seizure. National civilian police may have authority over serious crime investigations and provide typical patrol and response services. A gendarmerie-type organization may be attached to the national civilian police or stand alone. When these entities are in different organizations, they will probably be managed and operate differently. Gendarmeries typically provide general civilian police services in rural areas and/or respond to civil disorder incidents anywhere in the country, in addition to supplementing national or local civilian police in more routine situations when necessary. Gendarmeries typically have military and a civilian police mission and a more military orientation than national or local civilian police. In places where they exist, local civilian

police may be focused on minor offenses and traffic/parking enforcement. Just as roles and authorities vary, policy and practice regarding the carrying and use of firearms is not consistent.

Legal Authority and Civilian Police Leadership

Civilian police authority in many countries is created by an organic statute (a "civilian police law," sometimes called organic law) that is derived from the constitution and passed by the national legislature. As seen in figure 5 on the next page, there is a sequential linkage from the constitution through statutory law to policy/procedure and training that should operationalize the concepts set out in the constitution. However, other factors such as public expectations, the political authority and democratic policing principles should also play an important role. Together, these elements establish a set of parameters within which the civilian police should operate.

It is the responsibility of civilian police leadership to ensure that agency purpose and values, in line with the law, define the culture and form the basis for all controlling mechanisms the organization uses to pursue its mandate on behalf of the public. Rules and regulations provide strict boundaries. For example, a rule forbids the acceptance of a bribe or use of excessive force. Policies and procedures are generally less rigid and provide guidance on countless daily duties and actions. A policy will clearly outline the criteria to use for making an arrest. A procedure (and sometimes the law) will inform what to do with the arrested person, i.e., when and how to handcuff, where to transport, what paperwork to fill out, how to handle the prisoner's property, when the suspect must be seen by a judge, deadlines for the filing of formal charges, etc. Civilian police must be trained and supervised to ensure that the rules, policies and procedures are followed. Exceptions to policy and procedure can and will occur, but the involved personnel must be required to justify their actions.

Finally, there is oversight at the operations end of the process. Public and agency review along with government checks and balances complete the picture. Agency review involves all of the typical mechanisms such as audits, inspections and internal investigations. Public oversight could include regular publication of the facts and statistics surrounding civilian police conduct in individual cases and in aggregate. Eventually, public participation in internal conduct review processes may be appropriate.

Reality Check

Sometimes, especially in post-conflict situations, the need to fill the "security gap" can cause early deployment of civilian police. The pressure to show results quickly can force the creation of a "civilian police training" program without first addressing mission critical basics. For example, initiation of locally appropriate organizational development including identification of legal authorities, designation of leadership and first-line supervision, preparation of preliminary policies and procedures, etc .should all precede the training phase. Civilian police training that does not rest on a solid, legal, policy/procedure, training and supervisory platform will not yield satisfactory results.
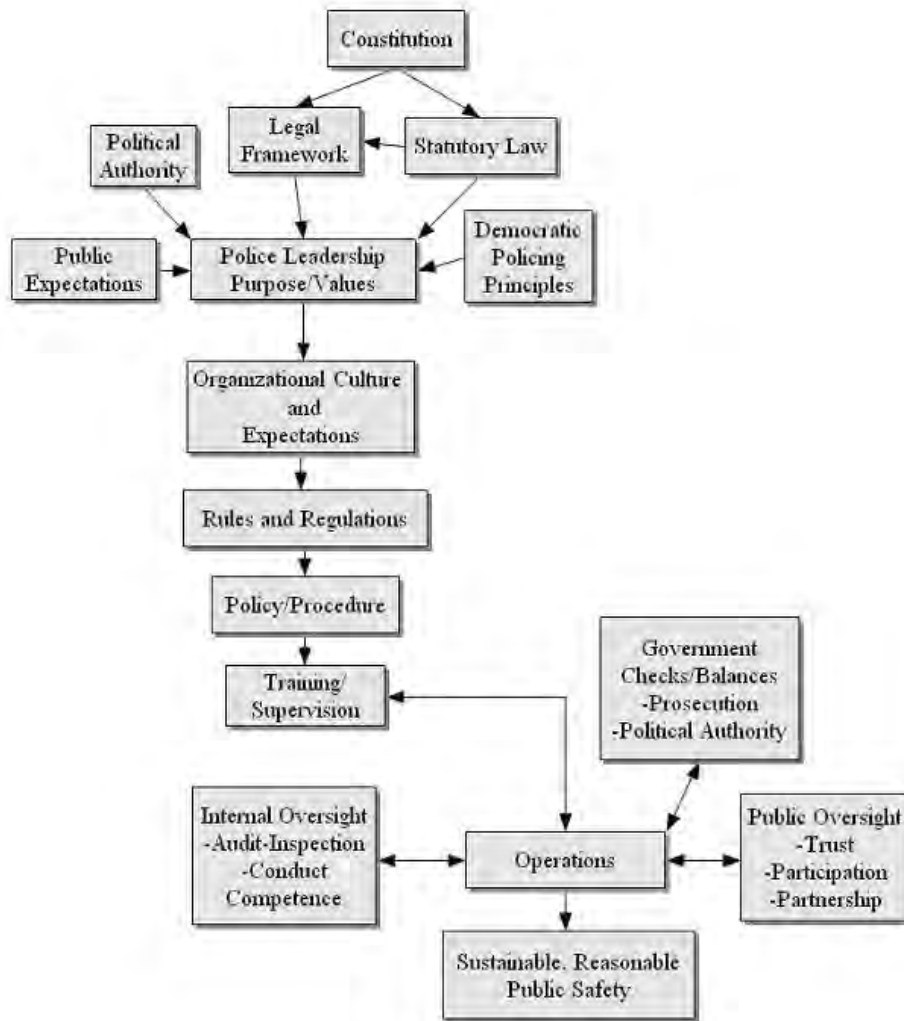
Figure 5   Civilian Police Boundaries & Expectations: Where Should They Come From?

Limiting Civilian Police Authority

The application of mechanisms intended to limit civilian police authority vary by country. Sometimes, in reaction to history, the constitution and/or the civilian police law contain significant constraints. Laws restricting arrest powers, search and seizure, stop and frisk and surveillance are just some examples of how civilian police operations are affected by statutory law or case law (in countries in which it is utilized).

While it may be possible to curtail civilian police abuse in developing countries by statutory restriction, experience indicates that severe civilian police law restrictions have little impact on serious civilian police misconduct. For example, in many countries, the civilian police do not generally have the authority to make an arrest based on probable cause, a concept used in common law systems. In these same countries, arrests by civilian police are often made only if the officer observed the offense, has a judicial order for arrest or special authority from the prosecutor. And yet allegations of both petty and serious civilian police abuse continue. Civilian police misconduct and corruption seem little affected by relatively broad restrictions on arrest powers.

In countries that use a civil law or hybrid system, it is common for the prosecutor to have most or all of the investigative control. In well-functioning systems, this approach has been satisfactory over long periods of time. Complications can arise, however, especially in a developing country facing a dramatic increase in serious crime. For example, the office of the prosecutor is probably not staffed sufficiently to personally attend every serious crime scene as is required in some countries. This can create another point of contention in a relationship already prone to miscommunication and delay. In some places, civilian police have been empowered by the prosecutor to conduct preliminary inquiries without direct prosecutorial supervision. While a strong argument can be made that civilian police need oversight to enhance professionalism and reduce corruption, history shows that strong prosecutorial control has had no such result. In any case, the prosecutor or investigative magistrate generally has the ultimate quality control mechanism--the decision to charge or not.

Adapting Civilian Police Authority to Changing Conditions

Civilian police laws can serve to restrain civilian police power and insulate them from political pressure, but, on the other hand, may offer little flexibility for adapting to changing conditions. Law enforcement is a dynamic endeavor because the environment is ever changing. Too much detail in the civilian police law can be detrimental. When problems are discovered or different circumstances require an adaptive response, changes in policy alone may not be sufficient. To enable the civilian police to adjust, it may be necessary to change the law. In some countries, this can be a long, laborious and unpredictable process.

> ***Reality Check***
>
> *Former British colonies often empower the civilian police to prosecute criminal cases, such as Ghana, Nigeria, Zambia, Kenya, Tanzania, Trinidad and Tobago, Guyana, Belize, Bahamas and Barbados. Although these civilian police prosecutors typically only receive a few months of legal training, they are responsible for prosecuting most crimes, with the exception of murder and treason. There is often poor coordination between civilian police investigators and civilian police prosecutors, as prosecutors sometimes meet witnesses for the first time on the day of trial. England and Wales used the civilian police prosecutor system until 1986 when the Crown Prosecution Service began operations. The Crown Prosecution Service was created after it was determined that civilian police should not have the responsibility for conducting investigations, determining whether cases goes forward to trial and ultimately prosecuting the cases. This change instituted an effective check on civilian police authority by removing them from the charging decision.*

In theory, the constitution and derivative statutory law combine to give the civilian police reasonable legal authority that comports with democratic policing principles. Every criminal justice system must find a balance between civilian police power and individual rights. Well functioning democracies are equipped to create this balance and adjust it as circumstances change. Criminal conduct statutes sometimes need to change, on occasion, very quickly. The nature of democratically based criminal justice systems is to react to changes in the environment after the trend has been identified. Whether it is the creation of drug courts, a new anti-gang law or improved traffic safety procedures, democracies can react although the processes may be cumbersome.

The Civilian Police as a Bureaucracy

A well-functioning, professional civilian police agency is a bureaucracy that relies on many of the same institutional components that undergird every successful organization. Basic management, leadership, internal governance, budgeting, personnel functions and other "substructure" components have many similarities to other government agencies and even to private entities. It is not necessary to suspend expectations or experience in these areas simply because the agency is in the law enforcement field. In fact, the standardization of administrative procedures across all government structures, so that like functions such as budgeting or planning, for example, are carried out in a similar fashion can increase transparency and lower the risk of corrupt conduct.

Bureaucracies can obstruct rather than facilitate public service. Decentralization, a frequent reform goal, is an excellent tool to address this problem. In policing, decentralization should focus on providing appropriate discretion and accountability at

mid and lower-management levels while ensuring decisions and conduct comport with law and national civilian police policy and management practice.

It is also possible for a decentralization effort to be "high jacked" by corrupt police management. Instead of applying new or re-allocated resources to support decentralization some or all may be siphoned off for illegitimate purposes.

Civilian police officers are typically endowed with broad authority over their fellow citizens, including the power to take away freedom and even life. The officer can be perceived and treated as both beloved protector and cold-hearted government lackey all during the same shift as he/she exercises legal authority under different and challenging circumstances. However, with properly designed checks and balances within the civilian police organization, the criminal justice system and the government bureaucracy, in combination with citizen involvement, can create a proper equilibrium between civilian police authority and restraint.

The relationship between civilian police and the elected authority may be through a ministry or appointed commission. This association with the ministry and the elected entity that appropriates the civilian police budget is dynamic and delicate. These connections require constant attention and sensitive handling by agency leaders to balance relationships with independence. Inappropriate political influence over law enforcement is a constant concern that varies in accordance with the culture, structure and personalities involved. Of course, there are situations in which the political process works to improve the system. When pressure builds in the electorate, legislators often attempt to respond and improvements can be made.

Civilian police leaders in strong positions can sometimes work with the legislative and executive authority to make changes while building understanding of policing. Understanding can build support for the mission and the budget of the agency. In any case, decisions by civilian police leadership should be based on community, organization and employee priorities (in that order). When political concerns take precedence, the public and the police will suffer.

Reality Check

During the same time community policing was evolving, victims' rights became an issue for all parts of the U.S. criminal justice system. Encouraged by victims' rights groups, new laws addressed practices that were identified as unfair and hostile to crime victims. Changes have been mandated that affect civilian police procedure, prosecutor policy and court process. In many states, victims must be notified about, and sometimes even included in, their case as it is processed through the system. While costs have been incurred to accommodate these changes, it is generally agreed that victims now play a more appropriate role and are treated more fairly.

Line, Staff and Information Management – An Organizing Concept for Civilian Police

The chart shown in figure 6 (page 43), presents the major task areas of a modern civilian police agency. There are three primary elements--*line*, *staff* and *information management* (detailed descriptions on next page). *Line* and *staff* refer to function, not rank or sworn/non-sworn status. As defined earlier, the civilian police *line* is the direct, operational function focused on delivery of service to citizens. Civilian police *staff* encompasses the critical back office tasks that ensure the institution utilizes people, resources, information and standards to maximize the effectiveness of the *line*. Both rely on the third function, *information management*, for important support across all functions. The Police Organization Function Guide (figure 6) provides the reference point for much of the material presented below and in Annex 2. It identifies many, but not all, of the components of a civilian police organization. It is not an organization chart but rather can be used as a guide to identify planning targets, key positions, and potential entry points to address specific problems. The chart also illustrates the relationships between all major components of a civilian police agency and how they rely upon one another.

> ### *Reality Check*
>
> *For a moment, put yourself in the position of a civilian police chief in a major city. Budgets are tight and reductions loom. Pressure builds to make the "easy cuts" in staff functions that are less obvious to the public. You propose to "spread the burn" paring line and staff but gain no traction. After all, how much harm can the loss of the policy analyst, a risk management supervisor or an auditor really cause? Eighteen months later, one of your officers is involved in an accident during a pursuit. There are serious injuries. Investigation reveals that the risks inherent in your outdated pursuit policy were never identified; an improved policy was never written. No new policy means no updated training. People have suffered irreparable harm. Lawsuits will land on your desk within the week. Maybe the staff cuts were too "easy."*

The *line* conducts the bulk of core service delivery through employees and their daily contact with the public, victims, witnesses, suspects, etc. *Line* support facilitates this work providing the tools and systems that enable effective action. *Line* and, to some extent, *line* support functions, constitute the "public face" of the civilian police and rely on effective *staff* functions to establish and maintain the agency's capacity to act correctly. For example, a civilian police officer who responds to a domestic violence call is part of the *line*. The civilian police employee that answers the telephone call from the person reporting the incident also has direct public contact. That *line* support employee gathers correct, useful information and passes it to the *line* officer. The inspector, as part of a random inspection regarding compliance with policy, evaluates the overall

civilian police response to the domestic violence report is part of the *staff* function. The people that design civilian police planning documents and establish domestic violence as a priority and see to it that there are sufficient resources to respond appropriately are *staff* support.

Virtually all *staff* functions are characterized as "back office" or substructure responsibilities. Each contributes to the task of putting a well-supervised, honest and competent civilian police officer in the right place at the right time to serve the public effectively and efficiently. Throughout this guide are references to the complexity of delivering good civilian police service. In any "professional, community-based or information driven" agency, this capability rests on the multi-part substructure. All civilian police functions must operate from this platform and in tune with one another to achieve the overall goal of delivering effective, efficient public safety services. Sometimes described as "unnecessary bureaucracy," the value of substructure functions is not always recognized. However, this integrated set of functions must operate effectively if the agency is to contribute to public safety.

> *Substructure is defined as all of the enabling administrative machinery that transforms a legitimate directive from leadership into appropriate action at the line.*

The information management function is placed in the center of the chart because *line* and *staff* decisions of all types depend on the critical information it provides. As civilian police information systems become more automated, the importance and utility of the analysis provided increases.

Information systems provide insight for important *line* and *staff* decisions. From the number of citizen calls received and the average miles driven by a patrol officer to the cost of an arrest and the type of misconduct allegations made against officers, managers can apply data to guide strategic and tactical decisions. What is the workload for patrol? How many investigators are required to maintain acceptable clearance rates? Should we buy five new motorbikes or will three suffice?

Crime analysis completes the information picture by assisting in the investigation of crimes that have already occurred and by identifying trends and patterns to support crime prevention. It can also help identify the most prolific criminals, often responsible for large numbers of crimes across several jurisdictions, so targeted cases can be made. Analysis will allow assets to be placed where they will do the most good.

With proper leadership, *line*, *staff* and *information management* can be woven into a system that supports rational decisions and facilitates ethical, efficient and effective public safety service. As always, dedicated, competent people are critical. But operating a large, effective civilian police agency is a very complicated business. All the pieces must fit together.

POLICE ORGANIZATIONAL FUNCTION GUIDE

USAID
FROM THE AMERICAN PEOPLE

I STAFF FUNCTIONS

IA STAFF

Leadership
  Culture/Values/Expectations
  Internal/External Relationships (media)
  Management/Supervision
Professional Standards
  Risk Management
  Audit/Inspection
  Internal Investigations
  Policy/Procedure/Training
    Pre-service
    In-service
    Specialty

Personnel
  Recruiting
  Hiring
  Discipline/Commendations
  Policy/Evaluation/Records
  Promotions/Transfers
  Employee Welfare

III-Information Management
Functions

III A-Crime Analysis

III-B Records
Management System

IB STAFF SUPPORT

Organizational Development

Performance/   Planning   Process
Workload   Budgeting   Structure
Measurements

[Shaded functions constitute substructure]

II LINE FUNCTIONS

IIA OPERATIONS

Patrol
  Emergency Response
  Crime Prevention
  Neighborhood Safety
Investigations
  Violent
  Special Victims
  Property
  Proactive
  Liaison Functions
Special Operations
  Civil Disorder Mgt.
  Hostage Rescue/Negotiations
  Intel
  Traffic
  Etc.

IIB OPERATIONS SUPPORT

Evidence Management/Forensics
Communications
Logistics
Transportation
Facilities

John Buchanan, USAID
Senior Police Advisor
August 2009

Figure 6   Organization and Function Guide

Section IV: Three Common Civilian Police Problems, One Common Cause: Substructure Dysfunction

External or donor conducted assessments only sometimes capture deficiencies of parts of the substructure. How does a dysfunctional substructure manifest itself to those outside the agency? Here are three examples.

Ineffective Investigations

Justice for victims usually means that the perpetrator is held to answer in a judicial forum for his/her misdeeds. A civilian police investigation is the means for that to happen. Victims pay close attention to the outcome of the investigative process. But often, even in developed countries, the guilty party is never found.

Crime investigation is a "core function" of law enforcement. The capability to bring guilty parties to justice is one of the basic criteria upon which the reputation of a civilian police agency is built. When the civilian police consistently fail at this task, criticism of the government and the civilian police will follow and citizens will lose confidence. Criminals will be emboldened.

> **Reality Check**
>
> *Developing-world elected officials sometimes respond to public pressure to address crime by high profile hiring of large numbers of civilian police. Substandard recruiting, training and leadership virtually assure the result is to simply increase the number of corrupt and incompetent personnel in the ranks, deepening the intractability of the agency's dysfunction.*

Victims, assessors, evaluators and donors will easily determine that too many crimes are unsolved, even when anecdotal information is the basis for that conclusion. Lack of training is usually identified as one of the most important obstacles to improved investigative performance. Training is an important civilian police reform tool. However, experience shows that training alone rarely constitutes reform. It is but one piece of a properly sequenced, comprehensive reform project that must target leadership, culture and every element of substructure and line function.

Corruption

One of the most frequent dysfunctions in developing world law enforcement is corruption. Individual and institutional integrity is the key for successful policing. Strategy and tactics matter little when citizens cannot trust the civilian police. Civilian police corruption is not the only type of public sector dishonesty but it is the most visible. The table below breaks down the broad term "civilian police corruption" into categories and presents examples of each.[17]

The array of civilian police corruption is more easily understood in terms of the motives, ends and the scale of corruption. The table below provides examples of types of corrupt behaviors (petty individual, bureaucratic, criminal, and political), each of which includes behaviors that are both operational and bureaucratic.

Petty Individual Corruption	Bureaucratic Corruption	Criminal Corruption	Political Corruption
Minor bribes from ordinary civilians (traffic civilian police in particular)	Contracting and purchasing kickbacks, sweetheart deals, etc.	Bribes or kickbacks from known criminals	Manipulating criminal investigations
Gifts and free services	Theft of assets and civilian police resources including	Extorting regular pay-offs from criminal groups/gangs, etc.	Initiating false investigations
Selling information such as criminal files	salaries, benefits systems, lower ranks pay, etc.	Providing support for criminal activities with	Providing confidential information to politicians
Losing court dockets, evidence, etc.	Selling information such as criminal files	equipment, information, cover- ups, etc.	Suppressing freedom of speech and association (public demonstrations, strikes and other union activities, etc.)
Theft while searching	Losing court dockets, criminal records, evidence, etc.	Direct participation in crime and organized crime (drug trafficking, kidnapping rings, arrest-for-ransom, social cleansing.	
Keeping seized contraband			Carrying out or covering up political killings
Helping prisoners escape	Irregular and unlawful issuing of gun licenses and other permits	Theft of seized contraband Protection of illegal economic activities (resource extraction)	Suppressing political dissent/ freedom of information/ legitimate political party activities
Use of civilian police resources for personal matters (civilian police vehicles used to run family errands; hiring out civilian police weapons to criminals, etc.)	Undermining internal investigations and discipline		Leaking information to guerrillas and other illegal armed groups
	Bribes and kickbacks required for recruitment, graduation from training, assignments and promotions		

Figure 7   Types and Examples of Corrupt Behaviors

The descriptions in Figure 7 cover a broad range of corrupt civilian police behavior most of which is also criminal conduct. The most debilitating effect of such conduct is the

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[17] USAID *Program Brief: Anticorruption and Civilian Police Integrity* – Security Sector Reform Program, by Rachel Neild, for ARD, Inc,. p 3, 2007. See Annex 11 for excerpts.

cumulative loss of trust and respect for the civilian police and, therefore, the legitimacy of government. In some countries, when a citizen needs help, civilian police may demand a direct payment to take any action. The party to a dispute willing and able to pay the most money is likely to be the one who benefits from civilian police "service."

Civilian police who work in league with traffickers, other organized criminals and even insurgent forces constitute another, more strategic, host country security threat. The process by which the interests of criminal enterprises and insurgent movements merge may not be thoroughly understood. However, it is clear that corrupt civilian police who pocket payoffs to look the other way or hire themselves out as security to protect illegal activity facilitate not just the commission of serious crimes, but support those who may threaten the stability of their country.

Preventing and stopping corrupt practices is the business of every citizen and civilian police employee. In particular, however, success revolves around leadership, values, supervision and other internal governance functions. Prosecuting a few minor offenders will not have much impact, especially when those singled out are prosecuted because of a failure to make appropriate distributions of illicit receipts. The culture of the organization must be transformed. The same flaws and attitudes that accept poor investigative service tolerate or even facilitate political interference and corrupt practices. Public support for reform can be an important step in beginning a culture change. (See page 54 and 57 for further discussion.)

Some people, however, may insist civilian police "bend the rules" to benefit themselves or others. Citizens who benefit from civilian police corruption are often as big a part of the problem as the civilian police. Whether it means handing money to a traffic officer in lieu of a citation or making a payoff to prevent official interference in illegal activity, corruption often benefits people inside and outside of the civilian police agency. In some places, the creation of an objective, outside entity (e.g., ICD of the Republic of South Africa) to investigate civilian police corruption, misconduct and criminal acts can be an effective means of reducing corrupt behavior by both citizens and civilian police officers. In a traffic bribery case, for example, a civilian police officer should be charged with a crime for accepting a bribe but, in many cases, the citizen who paid it should also be charged.

Excessive Use-of-force

Use-of-deadly-force situations often require split second decisions made without sufficient information. Any significant use-of-force by civilian police tests the policy, training, leadership, supervision and culture of the law enforcement agency and the law of the land. If any part of the system fails, the results cannot only damage many lives but can also tarnish the organization in ways that may take years to correct.

Standards for civilian police use-of-force vary around the world and application of those standards will vary depending on the circumstances surrounding each incident. Some of

the most difficult, dangerous, visible and sensitive tasks civilian police undertake involve overcoming attacks or violent resistance to arrest or re-establishing the peace when confronting civil disorder. It is not often well-understood that legitimate civilian police use-of-force may not appear, at first glance, to be legitimate. For example, a video taken from a particular angle may provide seemingly clear evidence that an officer overreacted by firing his/her weapon at an unarmed suspect.

Reality Check

In too many places, civilian police ineffectiveness and abuse become the norm, the expectation, both inside and outside the agency. Dysfunction dominates civilian police culture and casts a shadow over, not just the agency involved, but also over the justice system and the rest of the government. The civilian police are not seen as a public service agency in any real sense. Generating and protecting illicit income becomes the organization's primary focus. Victims and other citizens realize that they are powerless to change the norm and avoid contact with the civilian police out of fear.

However, another angle may show that the suspect is reaching for a weapon that was not visible to the camera but was to the officer. Likewise, improper application of force may take a substantial investigative effort to prove. If an officer who shoots an unarmed suspect without any justification, he/she may plant a weapon on the suspect to justify the shooting. Unless those investigating the incident scrutinize details, such as the origin of the weapon found at the scene and the officer's version of events, the planted evidence may never be discovered.

When civilian police routinely use unreasonable force and intimidation to assert authority, they may appear to have control. But in reality, they will just be feared and then hated. The amount of useful information that comes to the civilian police from the community will come to a virtual halt. As hatred grows, it may manifest itself through ambushes or increased resistance to routine civilian police activity. The civilian police will retreat from the community, the criminals will step into the gap and the public will be left with little protection, perhaps even identifying more with the gangs, insurgents or anti-government forces that keep some order in the neighborhood than with the absentee authorities.

Just as in the examples of ineffective investigations and corruption, comprehensive reform will require changes to the substructure of the organization. When the values system, the culture, the leadership and other substructure components are all broken, excessive use-of-force will be tolerated. There will be no real change until all of these components are reformed. Only then will a clear use-of-force policy be accepted and enforced across the agency.

The Direct Relationship between Substructure and Poor Civilian Police Service

Each of the common problems discussed above is relatively easy to identify in developing world civilian police agencies. It is also easy to identify a lack of training as a significant contributing factor to these problems. But it is important to note that over the last several decades, many developing world law enforcement personnel have received quality training in professional conduct and ethics, democratic policing principles, human rights, appropriate use-of-force, criminal investigation and crime scene processing and yet, corruption and incompetence persist.

Other factors are involved and must be considered. The list below provides some examples of substructure dysfunction. Each directly contributes to ineffective investigations, corruption or excessive use-of-force, and many are involved in all three. Comparing the list with the substructure shown on page 43, one can see the functions fit together to create an effective agency. This is critical in achieving sustainable civilian police reform.

Note: This list is not exhaustive, but provides a sample of substructure gaps.

Leadership

- Leaders *do not set the example*, motivate, supervise or establish uniform standards for effective civilian police service.

- Leaders *do not recognize the importance of attitude* in policing. Leaders must set the tone and the standard by creating and supporting a positive, confident, service-oriented attitude among all employees.

- There are *poor relationships* with prosecutors or judges and few cases alleging criminal conduct by civilian police or others are prosecuted.

- There is *no expectation* from the political structure, the public, civilian police labor organizations, the agency or its employees that civilian police personnel conduct themselves professionally and honestly.

- Leadership does not work in concert with the organization's other substructure elements to create a *culture of integrity*. Corrupt personnel obstruct and threaten honest employees.

- Managers are neither aware of proper law enforcement techniques nor knowledgeable about how to oversee those who should be using them. There is no expectation that *appropriate management and supervision practices* be applied. Managers are not trained in basic leadership and supervision.

Professional Standards

- Clear *policy and procedures* do not communicate acceptable conduct and performance norms to all employees.

- Routine *audits and inspections* are not conducted and the "trust but verify" environment does not exist. Performance and conduct problems are not identified either for individuals or the entire agency.

- There is no *complaint-incident management/investigative policy and procedure* to ensure honest and thorough internal investigations. The importance of identifying exemplary behavior and misconduct is not recognized.

- *Chain of command and board review of internal investigative findings* to recommend appropriate action does not occur (citizen and officer representatives on the board).

- There is no effective *personnel evaluation* system.

- There is no transparency or citizen involvement in the disciplinary process which undermines the values system.

  - Citizen involvement in internal civilian police processes should rarely be an initial step in the reform process. The civilian police themselves must gain experience in designing and operating transparent incident review and disciplinary systems and, to some extent at least, mature in that role before being capable of managing the processes that include participants from outside the agency.

  - There are many issues associated with internal and external incident review and a number of ways to administer review processes. The ultimate goal is fairness and accountability for all parties and the agency.

Organizational Development

- The capability to develop plans, integrate them with the budget and to implement them is very limited.

- The *processes and structures* that support staff and line functions do not exist.

- There is no ability to properly *manage all types of information* or *measure agency performance* against indicators of success.

Operations Support

- *Facilities and logistics* are not even remotely sufficient. Basic supplies such as report forms and pens are not available. There is insufficient transport for investigators to get to crime scenes, the prosecutor's office, court, or prison.

- *Physical evidence* is not identified, processed, documented or safeguarded. The chain of custody is neither reliable nor documented. Scientific analysis is not available at all or is subject to inordinate delays.

Section V: Approaching Assessment and Programming

Assessment

The *USAID Rule of Law Strategic Framework* (August 2008) devotes an entire section to the details of conducting Rule of Law Assessments. *The Interagency Security Sector Assessment Framework* (USAID, October 1, 2010) identifies specific assessment steps and establishes an interagency foundation for carrying them out. These frameworks are valuable guides to assessing the state of the justice and security sectors, including the civilian police, in a developing country. This field guide can be used in parallel with or as a supplement to these frameworks to inform assessment and design of programs addressing the entire sector or the civilian police component of the sector. Another valuable instrument has been developed by DOS/INL. The *Criminal Justice Sector Assessment Rating Tool* (Annex 8) can provide detailed insight into gaps in police and other justice sector operations.

Regardless of the specific processes used, consistent attention must be paid to the early identification of obstacles to and support for police reform. Solid understanding of these environmental elements can facilitate decision making in planning and implementation and light the way to valuable relationships.

Reality Check

Since 1961, USAID has been the principal U.S. agency providing assistance to countries recovering from disaster, trying to escape poverty and engaging in democratic reforms. USAID focuses on five core goals: Supporting Transformational Development, Strengthening Fragile States, Supporting U.S. Geostrategic Interests, Addressing Transnational Problems and Providing Humanitarian Relief. (USAID Primer: What We Do and How We Do It, January 2006 - PD-ACG-100) See also: USAID Guidance for Democracy and Governance Programming in Post-Conflict Countries, May 2009. USAID experience in all of these areas can inform civilian police assistance and provide a strong platform for integrated USG programming.

USAID personnel may find themselves as members of a multi-agency assessment team. Other agency representatives may not be aware of USAID's capability to play the institutional development role. A comprehensive pre-assessment in-brief that addresses issues likely to arise from different agency perspectives and capabilities can set the stage for a more effective assessment and planning process. During assessments and subsequent planning discussions, important opportunities to collaborate with other USG entities such as INL, DOJ/ICITAP, etc., may become evident. The earlier these consultations take place, the better.

SOURCES OF INFORMATION

USG/Embassy/Mission

    USAID Host Country Staff
    USAID Democracy and Governance Office, Rule of Law Division, Washington DC
    Regional Security Officer
    Regional Legal Advisor
    Political Officer
    INL Representative
    Legal Attachés (FBI/AUSA)
    USG Law Enforcement Agencies (ATF, DEA, ICE, etc.)
    Department of Defense Attaché

Community Sources

    Faith Community Representatives
    Media Outlets
    Schools
    Business Community
    Academic Community (those with knowledge of the CJ system)
    Social Services/NGO's
    Minority Communities
    Civil Society Groups
    Everyday Citizens (focus groups)
    Everyday Citizens (surveys)

Previous or Ongoing Development/Assistance Projects

    USG-INL/ICITAP, UN, EC, etc.
    Lessons learned from this and other donors/missions/USG agencies
    Personnel Involved
    Reports/Assessments

Criminal Justice Actors

    Prosecutors – Legal Framework
    Judges
    Ministry Officials
    Defense Counsel

Civilian police

    Senior Leadership
    Professional Standards Functions
    Line Commanders (stations, units, etc.)
    Mid-Managers and Supervisors
    Line and Staff Support Units
    Line personnel – Patrol, Investigations

Figure 8   Sources for information about civilian policing in a developing country

First Steps

Assuming that there is some USG interest in local civilian police development, initial steps should include review of studies, assessments and program reports written by USG or other donor agencies. Interviews with knowledgeable people (Figure 8), especially regarding critical factors, should further illuminate the prospects for effective assistance. Civilian control of the police, the level of corruption and the civilian police human rights record as indicated in *Assistance for Civilian Policing: USAID Policy Guidance*, 2005 (Annex 9),and any future revisions, are all critical initial lines of inquiry. Information about critical strategic factors such as: the legal framework, political will, centers of influence and control (legitimate and otherwise), promising entry points, supporting actors and likely obstructions are also among the questions to be addressed. Consultation with the USAID Regional Legal Advisor regarding prohibitions and parameters is an important initial step.

Another important aspect of this informal review is the potential for collaborating with other development programs, either planned or ongoing. For example, if another donor country is considering an anti-corruption project in the national civilian police agency or another arm of government, USG efforts should be designed and implemented to be complementary. This type of collaboration will require investment of time and effort. However, it can result in leveraging development resources for a greater positive effect than would otherwise be possible.

Be careful about assuming anything. For example, the average civilian police station may not have a supply of paper or even be staffed by literate employees, civilian police may not ever present evidence in court and the concept of civilian police having an obligation to protect the public rather than the state may be unknown.

Once there is general understanding of the circumstances, additional internal USG inquiries should be made to determine if further evaluation is justified. Decisions can then follow about if, when and to what depth formal assessments should occur.

Reality Check

At some point when interviewing or meeting with host country civilian police managers, the subject of insufficient staff will come up. While there is no standard staffing model for civilian police, the United Nations has recently begun using a civilian police officer to citizen ratio of 1:400. Before trying to assess the appropriate number of civilian police in a particular country, some basic question should be answered. Are existing personnel used appropriately now? How many civilian police officers have been placed in positions such as drivers, clerks or even cooks? Although USAID will not typically provide funding to hire new staff, host country police budget allocations must help sustain assistance projects. Rather than add staff to a troubled organization, it makes more sense to apply funding allocated for new positions to pay raises for existing personnel to address low civilian police pay that is an almost universal problem in the developing world.

When Civilian Police Assistance Is Not An Option

In some situations, there will be good reasons for not pursuing civilian police assistance. There may be little or no interest in reform or civilian police corruption might be so pervasive that the risks of assistance far outweigh the potential benefits. Generally, USAID and other USG representatives are a recognized and influential presence in developing countries. Agency contacts cover a wide spectrum from a variety of government officials to members of civil society, the business community and influential individuals. If the need for civilian police reform is not a public issue or if there is no momentum to support reform, it may be possible for USAID and other donors to leverage their influence and open the subject for public discussion. This could be the first step to creating impetus for reform of the civilian police and improvement of public safety.

Do members of the public have any expectations of the civilian police? If so, what are those expectations? Does civil society go beyond criticism and make well considered suggestions for change? Is there a university or private crime observatory that measures crime and spotlights the issue for public discussion? USG representatives and other donors can highlight public safety concerns and expectations in an effort to generate momentum for change. This momentum could reach the point at which the risk calculation shifts in favor of assistance.

Principles of Change

Most developing country law enforcement agencies utilize the political style of policing. The inefficiencies and corruption of this approach are exacerbated by lack of resources and poor relationships between civilian police and the communities they serve.

Regardless of the specific nature of the reform, implementing change in a civilian police agency is a daunting task. The transformation required to move away from existing practices and behaviors to a more professional approach requires strong, consistent leadership. Not surprisingly, obstacles internal to the agency will range from fear of the unknown, reluctance to challenge the status quo and the need to rearrange roles and relationships, to altered expectations, new job duties and impact on individuals. Challenging the corrupt status quo that supports illegitimate income and power carries major implications across political and social structures. Those who benefit from corrupt arrangements will oppose reform.

This reality must be recognized at the outset and clearly indicates the need for remedies and options, including project termination, to be included in the reform project design.

> ### *Reality Check*
>
> *"The key to changing any aspect of policing is management; this is the way in which the members of a civilian police organization are brought to do what policies call for."[18]*

The importance of civilian police policy and procedure as part of the change/reform process is referenced throughout this guide. It may be that in the organization in question, very little "policy" exists and there is no real capability to create it. In other cases, the goal may be to alter existing policies. USAID has considerable experience in policy development as part of governance programming. USAID's *Policy Implementation, What USAID Has Learned* [PN-ACH-306] provides valuable details about this process.

Additionally, the question of how to redirect line level units and individuals away from current practice in order that changes directed by policy become part of routine practices, operations and expectations is a vital one. The art of "change management" developed initially for use in the private sector may be instructive. Changes in the economic or competitive environment often cause businesses to radically depart from tradition and past practice in order to survive. Although rarely faced with competitive pressures, public safety organizations must also respond effectively to changing conditions in order to maintain good external relationships and sufficient support for all the organization's needs.

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[18] Democratizing the Civilian Police Abroad: What to Do and How to Do It, David H. Bayley, 2001, p 20

In his 1996 book, *Leading Change* (Harvard Business School Press), John Kotter identifies eight principles to be applied when a corporation or other bureaucracy pursues significant change. These principles do not correlate directly to civilian police development work. But bureaucracies everywhere are staffed by people and changing the agency will require a significant number of them to believe and to persevere. Although created for use in another environment, Kotter's principles highlight the work that leaders must carry out to tap the potential of people within the organization to realize positive change. It is clear that, if lasting change is to be achieved, more than the application of these or similar principles will be needed. But the likelihood of sustained success seems greatly diminished if actions such as Kotter describes are not taken.

CHANGE PRINCIPLES

1 Establishing a sense of urgency

2 Creating the guiding coalition

3 Developing a vision and strategy

4 Communicating the change vision

5 Empowering employees for broad-based action

6 Generating short-term wins

7 Consolidating gains and producing more change

8 Anchoring new approaches in the culture
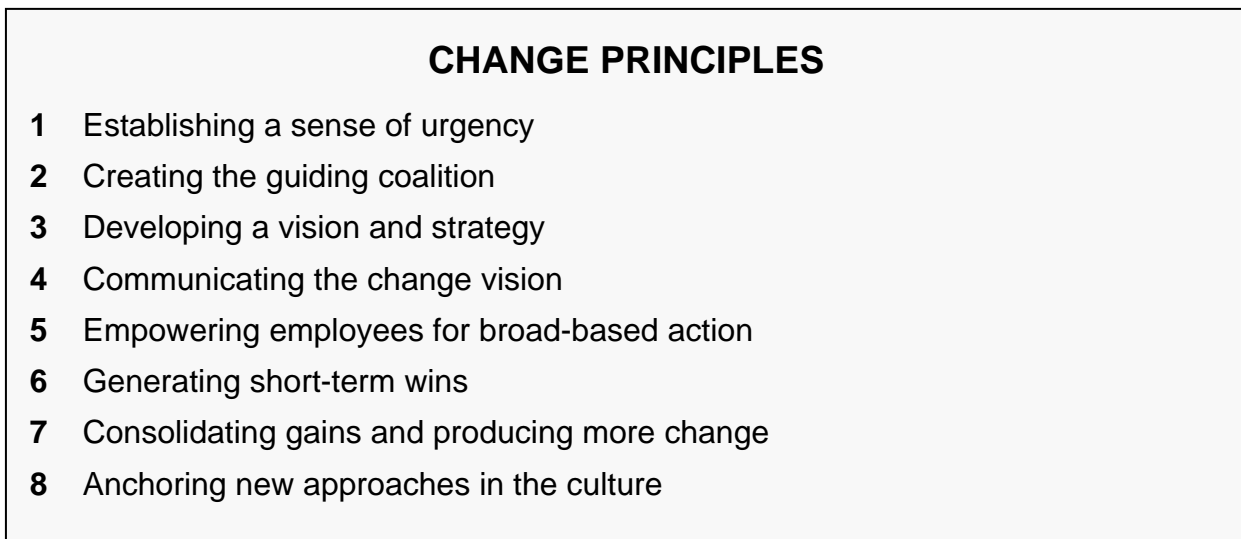
Figure 9   Kotter's Change Principles

Changing a bureaucracy from the inside is a difficult task requiring the coordination of good leadership, perseverance, and a strong, shared vision. The vision should not just include what "should be" but also why change is needed and how it will benefit the institution and its members. Donors who provide civilian police assistance are not on the inside. USAID programming is designed and paid for by those from outside the police agency, hopefully with full cooperation and support of "insiders." Those who are inside are the only ones who can truly "carry the flag of change." They can also provide necessary insight and background regarding an array of internal civilian police factors that will affect reform.

The design and implementation process must also be based on an understanding of other complications such as armed conflict, polarization and history of civilian police-citizen mistrust. Just as critical is a clear understanding of the type of services the public wants the civilian police to provide.

Without this knowledge, detailed planning for and development of host country capabilities to administer and deliver those services may be significantly hampered. Understanding this "soft side" of the environment is vitally important. It completes the "picture of the environment" and is essential to the success of any USG police reform project

Support for Change

There are at least three critical, interrelated support elements that should be present for substantive, sustainable change to occur in a developing world law enforcement agency. First public support for the effort must be evident. Although not universally true, some governments will attempt to respond to public pressure for civilian police reform.

Second, the elected authority must, hopefully in response to public interest, support improvement.

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[19] *The Seven Habits of Highly Effective People*, by Stephen Covey, Simon and Schuster, 2004, p 43

Reality Check

Often policy reform is presented as a key factor in development assistance. Policy is an important component. However, it is only one of the substructure elements that must function together. In the developing world, improved policy alone is not sufficient to alter the course of an entire civilian police agency. Policies provide guidance and may include detailed procedures but if the elements that ensure policy is followed (training, supervision, audits, complaint reception/investigation, performance evaluation, etc.) are not in control day in and day out, operations and results will not change.

Finally, and most critically, civilian police management or at least influential parts of it must, through the inherent power of position and enlightened self-interest, support change. Civilian police leaders can make or break the change engineering that must be part of any reform program.

If there are not "champions who are willing and able to be effective leaders for change, sustainable reform is not possible."[20] Outside influence, even when well financed and well intentioned, is not a match for internal obstruction. Barriers will usually also involve criminal interests that have a variety of direct or indirect connections to the civilian police, the rest of the justice system and the government.

Creating an atmosphere in which the obstacles to reform can be overcome is critical. Coordinated USG diplomatic and defense representation can help convey US positions and priorities while focusing attention on and support for needed change.

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[20] *Managing Policy Reform*, by David W. Brinkerhoff and Benjamin L. Crosby, Kumarian Press, 2002, p 6

PLANNING and DESIGN PRINCIPLES

1 Developing an honest, competent civilian police institution in a developing country is a complex, multi-year, change management project.

2 Civilian police training is NOT the first activity to be undertaken and should only be initiated after basic organizational development steps have been completed. Training is an implementation methodology, not a goal.

3 How the public defines the role of the civilian police is a very important planning element.

4 Goals should include improving public safety in a neighborhood, community or country by transforming expectations, practices, behaviors and work routines of the host country civilian police agency.

5 Success requires support from the public, civil society, the elected authority and, most critically, participation from within the civilian police. Support includes measurable contributions from the host country. Donors have a responsibility to use their influence to help build and maintain support from each sector.

6 Broad, sustained improvements in honesty and competency will not be achieved unless the substructure of the agency is reformed.

7 Regardless of the scale of the project, senior and mid-level civilian police "change leaders" must participate (and will require support) in the design and implementation of the reform plan, to include individual work plans. They must own the results. Their role is critical for success.

8 Planning is a tool, it is not a goal. Be prepared to adjust the plan as conditions change. Implementation is the weak point in the reform process. Relentless follow up is the key.

9 Strong project management and oversight is essential. A Memorandum of Agreement with the host country clarifying expectations and responsibilities, ongoing audits and inspections and an active mission management team are all vital implementation and risk management tactics. Dispute resolution mechanisms and remedies for non-compliance, including termination of the project, should be included in any agreement.

10 Fragmented and random work yields fragmented and random results. Crime is a multi-dimensional problem. Build on previous knowledge/lessons and integrate with other entities to improve public safety. Track and record products developed and lessons learned from your project for use by others.

11 Build a reasonable evaluation component into the project design that mirrors the host country plan. Goals must be measurable.

12 Effective public safety relies on prevention/education, intervention/treatment and enforcement.

Figure 10 Civilian Police Reform Programming – Planning and Design Principles

Change Leaders – An Institutional Approach

Looking at civilian police reform through the lens of change management helps clarify the nature of the work to be done. The connection between substructure dysfunction and operational dysfunction is clear. What needs to be done? What are the priorities? Where does the process of changing the organization begin? Who is responsible? How are those responsibilities divided? How will changes be funded and staffed? How can work in one plan be integrated with another? How can reform work in one unit be connected to another? One way to answer these questions is to consider the potential of combining leadership with change management.

Even top leaders face constraints but the reality is that the burden of instigating change falls directly on those in agency leadership. Donors should identify and support those who are willing and able to make positive changes. If host country civilian police leaders are to become "change leaders" they will need training, mentoring, advising, planning, material and implementation assistance. They will also require political, public, technical and moral support. Statements and actions by USG diplomatic, development and defense representatives should convey the importance and priority of police reform at every opportunity.

Combining a focus on change management with leadership development should create an environment that supports reform. In this process "change leaders" are identified, trained and placed in appropriate positions to implement work plans they helped develop with other leaders as illustrated in the Change Leader Cycle chart.

Follow this chart from left to right and down the page. After the host country civilian police leadership agrees to participate, the criteria for change leaders are established and a "class" is chosen. Middle managers with a bright future are a good place to start. This class is thoroughly trained in leadership skills with an emphasis on change. Next, a facilitated planning event takes place. Existing plans, assessments and studies are considered along with input from senior staff. Decisions about which position each change leader will take upon graduation have already been made. A work plan is developed for each change leader, customized for the position they will occupy. *(A local university may be an excellent partner for this part of the process.)* The work plan for each change leader and that of their respective unit is one and the same.

CHANGE-LEADER CYCLE
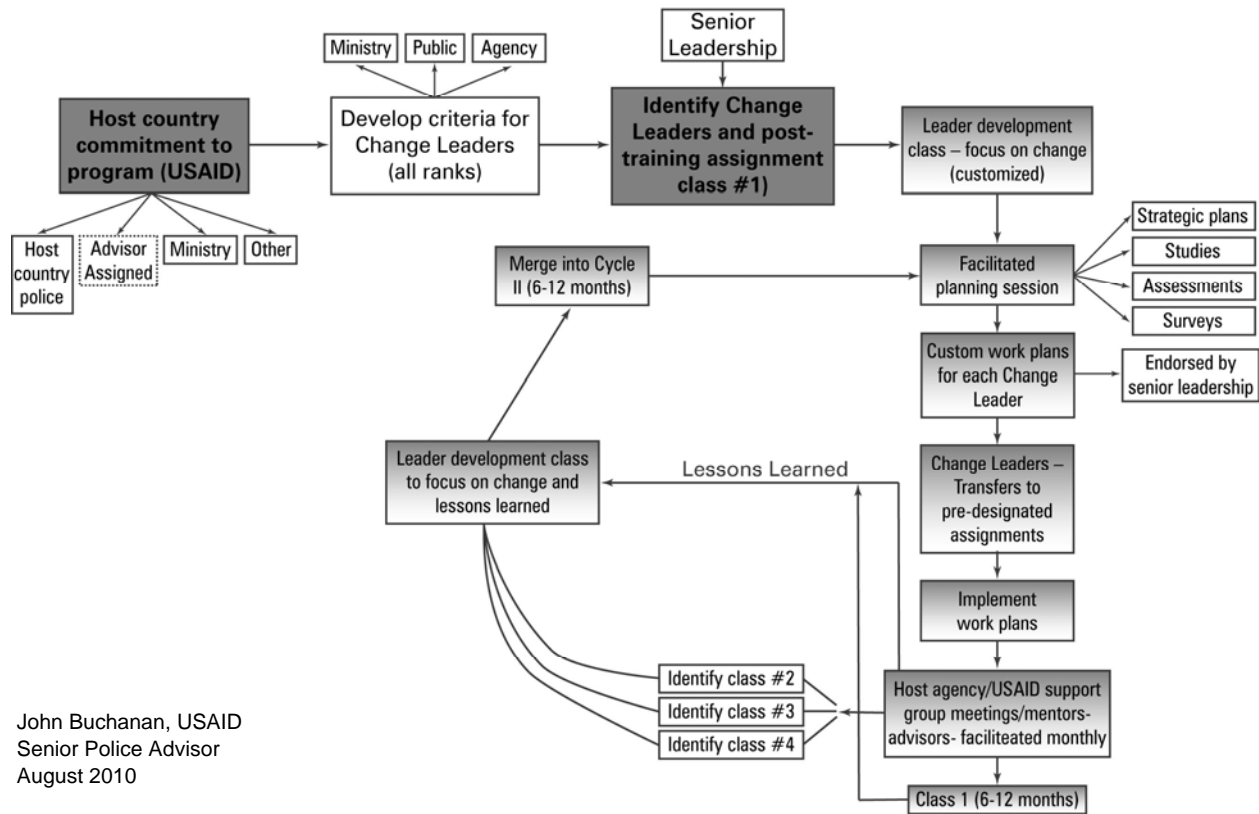
John Buchanan, USAID
Senior Police Advisor
August 2010

Figure 11 Change Leader Cycle

Reality Check

Sustained and committed leadership by top management, especially the most senior executive, is required to produce any important organizational change.[21] It is also important to realize that middle managers often play a very important implementation role and some will probably occupy senior leader positions in the years to come. Under the right conditions, development of this organizational level can be a worthwhile investment.

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[21] *Democratizing the Civilian Police Abroad: What to Do and How to Do It*, by David H. Bayley, National Institute of Justice, USDOJ, 2001, p 20

Each plan and its goals fit into the strategy of the agency. Change leaders are evaluated based on their ability to effectively achieve plan goals. This will require frequent facilitated leader meetings to learn from others, receive moral support and advice while devising methods that will integrate their efforts. After a reasonable period of time, a second class of change leaders will be identified and merged into the same process. Over a few years, the number of change leaders implementing coordinated work plans that address obstacles, standards and substructure can be sufficient to tip the organization into a reform state. Internal and external expectations will rise and can build and shape the intangible but critical organizational culture. This is a time-consuming, advisor-intensive methodology and it is but one idea about how to effect broad, institutional change in a developing world civilian police agency.

A More Focused Approach

Often, institution-wide reform projects are just not feasible. Circumstances may dictate a more narrow approach. The function guide on page 43 can help identify parts of the organization to evaluate as potential entry points for assistance. For example, the host country and USG may share a mutual concern about civilian police performance and conduct but have not identified a way forward. The professional standards function is a "reform target" that can influence both conduct and competence. Approaches could include assistance in developing an Office of the Inspector General, an Internal Affairs Unit or supporting the creation of an independent Citizen Complaints Directorate outside of the civilian police agency.

Designing an effort to reform the professional standards function relies on an understanding of its current state and developing a project to create or improve its capabilities. The design of the reform should include developing the leadership, policy, process, structure, authority and skill necessary to build and maintain the appropriate elements within the professional standards function. The same would be true if the goal was to create a model patrol station.

Early on in discussions with the host country, the dimensions of potential changes must be identified. In the professional standards example above, this might include the need to develop a complaint form for citizens to use when they are dissatisfied with civilian police service. In order for this form to have value, it will have to be available in public places and civilian police stations. If a form is turned in to the civilian police, employees must send it to the correct place for action to be taken. The ripple effect of reforms initiated as part of the project will undoubtedly require cooperation from other parts of the agency. These ripple effects must be identified and discussed with the host country as early in the planning process as possible.

Just like any other part of the organization, the professional standards unit functions as one part of the whole. The project may not involve direct reform of other parts of the agency upon which professional standards rely; it might be limited by the capabilities of

patrol supervisors who receive complaints about civilian police personnel or internal affairs investigators' transportation needs. Adjustments will probably be necessary. Perhaps motor bikes must be purchased for the investigators or additional policy, training and oversight for patrol supervisors will overcome the obstacles encountered. Just as in the example above, it is important to identify potential obstacles and engineer adaptations that lead to solutions in cooperation with host country officials.

The Crime Reduction Goal

Is your project intended to build civilian police capacity, reduce crime, or *both*? Certainly, improving civilian police effectiveness can have an impact but crime is a multi-dimensional problem. Social, economic, geographic and many other factors affect where, when, by and against whom crimes are committed. A one-dimensional project that focuses only on civilian police institutional problems may have some impact on crime but multi-dimensional programs that have prevention/education, intervention/treatment and enforcement components seem to offer the highest potential for success. Entities which normally identify with one of the three components should broaden their perspective and consider ways to integrate toward the ultimate goal – improved public safety. This is true not just for the organizations and agencies involved but for project design and management mechanisms as well.

Prevention (which may overlap with some intervention work) may include stay-in-school projects, perhaps in cooperation with local media or the faith community. Improving parenting skills, establishing child care or a recreational co-op for family support through a local NGO or providing office space in a school for a local social worker are just examples of prevention ideas. Educational initiatives, sometimes in cooperation with the media, are often part of prevention projects.

Intervention refers to identifying and steering at-risk youth, especially those with family ties to street gangs or other criminals, away from a life of crime. The civilian police can play a role by referring youngsters and families they encounter with obvious needs to school, faith based or NGO services. Parents who are having difficulty controlling their children can access counseling/support/parenting classes, etc. through services offered at the neighborhood level, perhaps at the local place of worship. For those in need, treatment for addiction or other disorders may be appropriate.[22]

In addition to seeing themselves in terms of enforcement, making strong cases against those guilty of crimes, the civilian police should play a role in prevention and intervention. For example, civilian police can participate in after-school prevention

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[22] *Resource Note:* For a brief but informative review of "Preventing Gang Membership and Activity," please see Annex 7 for a presentation by Phelan Wyrick, USDOJ.

programs, sports leagues and intervene by referring children headed in the wrong direction to community centers for help. Civil society can work with civilian police to identify problem situations in communities and counsel parents of children who are truant or associating with local gang members. At the same time, those who run the local school or anti-gang project (once trust has been established) can work with civilian police to head off trouble in the neighborhood. The civilian police must see themselves as an important part of a community anti-crime network that relies on a supportive community to succeed.

Reality Check

When talking to a civilian police officer, it is not difficult to tell how much experience he/she has investigating gang crimes. The longer the tenure, the sooner you will hear them say, "We can't arrest our way out of this [gang] problem."

Figure 12 Community Assets – Prevention, Intervention and Enforcement

Figure 11 represents methods of reducing crime (in the pie-shaped area across the top) and assets that could be brought to bear on the front. *Enforcement, Intervention and Prevention* cut through all eight horizontal asset "segments" that make up the "crime control column." Pretend for a moment that the vertical and horizontal segment slices can be extracted intact. If you remove the civil society asset, for example, you will see that it is made up of all three methods. While the emphasis will vary depending on the asset chosen, it is not difficult to imagine each of the eight has a role in the three methods. The column will only stand strong if each of the supporting segments is doing its part. The number of segments one may include is limited only by imagination.

Families, for example, are the primary control mechanism for young people. They see to it that children learn right from wrong (prevention), attend school (prevention) and provide correction when they stray (intervention). Families can also look out for neighbors' property and report suspicious activity to the police (enforcement).

The media can publicize ways and means to keep your property safe and perhaps promote a block-watch type project or solicit high-profile celebrity support for anti-gang and educational projects (prevention). Likewise, attention can be drawn to resources for parents seeking help with children who are out of control or getting involved in minor criminal activity (intervention). The media can also assist the civilian police by publishing photos of wanted criminals (enforcement).

Addressing the gang situation is a good example of why this type of approach should be tried. Recent attempts at heavy-handed policing seen in Central America have not resulted in better crime control. Intervention and prevention were not addressed to a significant degree and it shows. When considering programming in this arena, the right balance between prevention, intervention and enforcement methods would seem to offer a more rational approach.

The civilian police cannot do much about poverty, but they can make it safer for people to conduct business in poor neighborhoods and put predators on notice that criminal acts will not be tolerated. The civilian police cannot do much about the quality of education but they can help make it safe for students to go to and from school and be safe while they are there. The civilian police cannot do much about the number of single parent families but they can intervene when violence occurs in the home. But this is not just about the civilian police. Their tools are limited and their workload is often unmanageable. If, along with the civilian police, other segments in the crime control column contribute to an environment in which law abiding citizens feel reasonably safe, neighborhoods and communities can begin to transform themselves.

It may be that your project involves only one of the three primary methods. Or the program may be intended to create relationships between the civilian police and other community assets, say, civil society. The illustration reminds us that civil society and civilian police contribute to public safety, so their roles in prevention, intervention and enforcement should

be integrated. Similarly the civilian police must learn how to integrate their efforts with all the other "community assets" as they work to make the community safer.

Community-based Police Programming

In the late 1980s and early 1990s (as detailed in Section II), many large civilian police agencies in the US began the evolutionary process of altering their operational philosophy from the reform/professional style to CBP. Even for sophisticated, progressive organizations, these changes took years to accomplish. The move to CBP was complicated by the abstract nature of the CBP philosophy. Fragmented steps did not succeed. Support was needed from inside and outside the agency.

COMMUNITY BASED POLICING
Critical Strategic Components
A Professional/Accountable Organization
Committed, Effective Leadership
Sufficient Resources
Focus on Reducing Fear and Crime
Organizational Transformation
Critical Tactical Components
Build Trust and Partnerships
Solve Problems
Enforcement-Order Maintenance
Customized, Public Service Approach

For most civilian police assistance projects that involve CBP, an orderly evolution from the political style through professional training and development to CBP does not match reality. Sometimes, while host country civilian police agency plans reflect a CBP style, actual policing methods are quite different. In other places, CBP is not endorsed at all. Often, there is a desire to introduce CBP in an organization whose substructure is dysfunctional and cannot absorb or sustain any significant change. While it may be possible to introduce the new style and facilitate institutional change at the same time, this two-track developmental approach will be more complicated and require a substantial, well-coordinated, long term project.

Figure 13 Community-Based Policing

For example, civilian police leadership, the community and the individual officer must change the way they think about policing and adapt civilian police service to that new idea and to conditions existing in the neighborhoods. To accomplish this, a determined effort from an organization built on a solid foundation is vital. The level of competence needed may be beyond some developing country law enforcement agencies.

Therefore, a *committed host country and skillful donor* may be able to engineer organizational capacity building and mainstream a new operating philosophy in parallel.

Transformation on this scale requires time, perseverance and a clear understanding of the change process.

Developing Indicators

A number of measurement indicators can be used to determine if a civilian police assistance project is working as intended. Typically, the crime rate is one of the first measuring tools to be considered. However, in most developing countries, crime statistics are not reliable.

Public surveys can be used as a source of information relative to crime and related issues. "Before, during and after" surveys can be an effective way of measuring progress. Determining levels of fear (either of the civilian police or of crime), victimization and trust (of the criminal justice system, the civilian police, etc.) can be useful appraisal tools.

While evaluating program impact is important, it should also be noted that social science research is not capable of answering all the pertinent questions posed by a program manager. Good judgment and experience are also critical factors in program design and implementation.

Local universities can be good evaluation partners. Host country background knowledge and reliable public survey capability are very important local university attributes for planning, implementation and evaluation. The DOJ/National Institute of Justice has extensive experience in public safety evaluation and may provide another important source of evaluation expertise.

There are other approaches, too. In a program intended to strengthen internal governance, for example, the number of complaints about civilian police misconduct would be important, especially when compared to the same area before the project began. The number of corrective actions taken by supervisors can measure the impact of a management improvement project, the number of investigations closed for good reason can indicate the success of a case management program and an increase in the number of calls for assistance to civilian police can mean more confidence in their ability.

PUBLIC SAFETY PROJECT SURVEYS

If your child was lost, would you call the civilian police for help?

If you were the victim of a crime, would you call the civilian police?

What do you tell your children about the civilian police when they see a civilian police officer on the street?

Are you afraid of the civilian police?

Generally, would you rate the civilian police agency as an honest organization?

Do the civilian police make decisions based on whether or not they receive money directly from citizens involved in an incident?

Do the civilian police respect citizens?

If you were mistreated by a civilian police officer, what would you do?

Are you too afraid to walk in your neighborhood during the day, night?

Are you too afraid for your children to walk in your neighborhood during the day, night?

Are you too afraid to allow your children to walk to and from school?

Are you too afraid to open a business in your neighborhood?

Has anyone in your family been a crime victim in the last six months?

Questions such as the ones above should be modified to fit host country conditions. The use of Likert Scale style answers can show incremental progress but yes/no answers can be valuable as well.

Measuring changes in economic activity, use of public spaces such as parks, school attendance and use of public transport can also shed light on the state of fear, victimization and public safety in a community.

Figure 14 Example questions for public safety project surveys

ANNEXES

The annexes that follow are intended to be
supplemental information to highlighted points within the Field Guide.

Annex 1: Program Checkpoints

Many of the steps described by this list cannot and should not be carried out by those outside the host country police organization. Donors cannot impose sustainable, institutional development, only promote it. Development assistance should involve "facilitation of change" from the outside that supports reform on the inside. The points below are intended to outline steps or checkpoints that support this process. *The process will not be a linear one.* False starts, detours and adaptations are to be expected. For example, initial plans may be overtaken by events. Re-working the original approach may be required. Teamwork is mandatory.

Preparation, Planning and Assessment

- Realize that substantial, comprehensive change in a dysfunctional, developing world police agency will take years. Even when the need for and benefit of police reform is obvious, individuals and groups whose interests will not be advanced by improved public safety are likely to obstruct change. This can occur in ways that are both obvious and obscure.

- Providing assistance within the prevention/intervention/enforcement framework will help ensure a more comprehensive approach to the multi-dimensional problems of neighborhood safety and crime.

- Political will to change must be present.
  - Take advantage of the persuasive power and leverage of the donor community to generate public momentum for change; acting in concert can have more impact.
    - This includes a prominent role for USG diplomatic, development and defense representatives whose public and private words and actions are vital in the effort to build support for change.
  - The public, the elected authority and police leadership must be included.
  - Develop a support network of community groups and individuals.
  - A better informed public can pressure the government to perform better and be more accountable to citizens.
  - The active support of ambassadors, mission directors and local USG staff is critical. In addition, cooperation with the UN, EU, OAS representatives, etc. is very important.
  - Create a "constituency for change" that will persevere.

- Who will benefit? Can the obstructionists be persuaded that change is in their interest? To what and to whom does the government or those with influence over government respond?

  • Business groups, large employers, foreign investors, academics, educators, faith representatives, attorneys, medical professionals, sports teams, civil society, media--anyone with legitimate influence in the country/community.

- Identify the approach – Utilize previous assessments from USAID, other USG agencies or other donors, studies, embassy knowledge and technical expertise. For example: Is this an anti-crime project, a police improvement project, a judicial reform program or all three? What is the scale of the reform to be undertaken? What specific gaps appear to offer the best opportunities? What do knowledgeable people inside the police agency say? What do citizens say?

  • Broad, institution-wide approach?

  • Single-issue focus that could provide leverage for future change?

  • What will generate support/momentum?

  • Is it possible to partner with another USG agency (INL, DOJ, etc.) or another donor?

- Conduct assessments as needed--develop concept and design the program.

  • Key concepts:

    • Police assistance as part of rule of law and national socio-economic development.

    • Prevention/Intervention/Enforcement.

    • Set goals and objectives.

    • Development of police leadership.

    • Change management as a tool.

    • Risk management.

    • Institutional (substructure) development for police and other justice system agencies.

    • Integration of USG, governmental and non-governmental host country entities and assets.

    • Sequencing regarding policing and criminal procedure: What does the constitution say? What does statutory law say? Have written standard operating policies and procedures for conduct and

performance based on this legislation been developed? Are leadership, supervision, inspection, audit and evaluation in place to ensure the standards are achieved? Training must be based on written policy and procedure and should not be delivered without it.

- Monitoring, evaluating and management elements must be included.

- Applicable host country plans.

  - It is recognized that the USG may or may not have influence over existing or future host country planning. However, such plans may influence program design and implementation.

    - The more formal recognition (in planning documents, for example) of the host country as a full partner in and ultimate owner of police reform, the better.

  - Strategic plans identify direction and gaps and prioritize goals, within budgetary limits and constraints.

    - The longer the time frame for the plan/goal, the more likely unpredictable out-year budgets/other complications will slow implementation. That does not necessarily mean that the goal should be changed, perhaps adjusting the timeline is appropriate.

    - Host country strategy is the steering wheel, the budget is the accelerator.

    - Budgets must be realistic. For example, providing a living wage for line level police and allocating funds to repair and maintain existing facilities and equipment are higher priorities than adding personnel or making capital purchases.

    - Many no- and low-cost changes can contribute to strategic change, i.e., attitude.

    - Most strategic plans are too complex, too ambitious and sit on the shelf. Strategic plans must be broken down into integrated unit/commander work plans. (NOTE: It is simpler and preferred if the unit's work plan and goals and those of the commander are one and the same.)

    - Plans and programs must be monitored monthly and evaluated against indicators developed to monitor progress on a regular and timely basis. Progress, or lack thereof, will improve understanding of host nation commitment to reform.

- When applicable, focus on creating applicable host country plans and USG/other donor reform plans in parallel.

- The appropriate host country leadership must approve and commit to ownership of the project. USG and other donor diplomatic, development and defense representatives can assist in obtaining this commitment.

  - This should be done in writing – eventually resulting in a formal document (Letter of Agreement, Memorandum of Understanding, etc.) In addition, the program should be reflected in the bi-lateral country assistance strategy signed by the USG and host government.

  - "This is what we will do and this is what you will do."

  - Agreement should require cooperation in monitoring and evaluation and a commitment to sustainability, e.g., host country commits to keeping its instructors in place for three years after training is provided and instructors must train their replacements before they are reassigned.

  - Dispute resolution mechanisms, remedies for non-compliance or performance and contingency provisions for early termination of the project should also be part of the agreement.

Implementation

- Find the motivators/core leaders inside the host country agency.

  - Bring them into the process as early as possible, facilitate their empowerment.

  - Recognize the risks they are taking.

- Is there potential for tangible rewards for successful change?[23]

  - Example: Some countries seek to expand dysfunctional, ineffective police agencies to give the appearance of action. Take the money set aside for new positions and provide those already employed in the agency, whose performance warrants it, significant pay raises or benefits such as insurance or retirement. Some of these ideas may have civil

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[23] For further information on Civil Service Reform, please see The World Bank Website on Administrative and Civil Service Reform at:
*http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,
contentMDK:20127422~menuPK:286310~pagePK:148956~piPK:216618~theSitePK:286305,00.html*

service reform implications but are worth the investment of time and effort if changes such as merit promotion can be achieved.

- Facilitate the work of the host country police leaders.

  - Provide full-time advisors with management and leadership experience; market the reform concept to build a supportive constituency; evaluate, adjust and follow through.

  - Advisors both inside and outside the police agency support/mentor/ advise the leaders as they:

    - Create a sense of what should be and make the compelling case.

    - Identify and develop additional support.

    - Facilitate new or improved expectations for police service.

    - Seek legitimate private sector support, e.g., "Annual Top Cop Awards."

    - Work on attitude first: appeal to pride, self-respect, and loyalty to the agency, to country, to family; better performance can lead to better pay, etc.

    - Pay attention, report and fix problems immediately.

    - Create policy and procedure and ensure compliance throughout the line and staff.

    - Find the change heroes, catch someone doing it right, tell their stories, make them the pace setters, spread their influence to re-build culture, expectations and image.

    - Consolidate change and celebrate achievement at every opportunity.

    - Promote the pace setters, isolate the obstructionists.

USG Program Management

- Support a broad based, *multi-disciplinary implementation/management team* with clear chain of command in both the host country agency and the embassy/mission. Those involved with any public safety or criminal justice project should be included.

- Look for opportunities to integrate disparate USG and other donor programs. For example, USG agencies sometimes create vetted units within host country police in an effort to improve capabilities in immigration or trafficking enforcement. All such projects should be

coordinated with ongoing reform programs through the implementation/management team/country working group.

- The ambassador and mission director have control over the structure and style of this team. The role of the team and its membership will vary with the scope of the projects involved.

- Utilizing local knowledge, input from subject matter experts, implementing partners and other team members, the chair of the implementation/management team should use a 'hands on" approach and exercise decision making authority to maximize USG results. Innovating and integrating USG efforts are encouraged.

  - Audit, inspect and evaluate.

  - Apply lessons learned in real-time.

    - Adapt, adjust and respond.

  - Regularly report to the host country's elected and ministerial authority and the public about the progress and problems; be open and seek support.

  - Understanding the reporting and supervisory relationships between the police, the ministry, the legislature and other parts of the government will take time but is important.

- As the program begins, be alert for signs of host country disinterest, lack of cooperation and failure to meet written commitments.

  - If these signs appear, bring concerns to the attention of host country partners as soon as possible and work with them to improve.

  - If problems continue, evaluate other options to improve compliance within the written agreement and establish or re-establish levels of cooperation necessary to achieve program goals.

  - Enlist assistance from influential USG diplomatic, development and defense officials, host country representatives, citizens and media who support reform.

  - If the lack of cooperation reaches levels that interfere with attaining program goals, advise the host country that termination of the project is a possibility.

  - Continued non-cooperation should cause an incremental, formal process that includes serious consideration of premature project termination by appropriate USG officials.

Annex 2: Important Characteristics, Typical Findings and Programming Notes

The material in this annex follows the function guide on page 43 of the Field Guide.

Along with staff and line support, staff functions and capabilities make up the substructure of the modern police organization. The capacity of the substructure to lead, manage and develop the organization is the major determining factor for sustained agency success. Individuals and units can be successful in a limited way at the line level. But the ability of the institution to provide effective public service over a sustained period and adjust to changes in the environment depends on the capable staff and support functions.

It is difficult to identify why a car won't start if you have never looked under the hood. So, *Important Characteristics* provide a peek under the hood of a well functioning police agency for most of its primary functions. *Typical Findings* identify some of the symptoms of dysfunction found in those same areas in developing-world law enforcement agencies. *Programming Notes* provide some background points to facilitate planning for assistance. These points are made with the understanding that actions must always comport with law and policy.

LEADERSHIP/CULTURE/PURPOSE/VALUES

Important Characteristics

Of all the required components of the successful police agency, perhaps the most vital are leadership, culture and values all applied to the purpose for which the organization exists. This combination of a strong, ethical presence at the top with an abiding understanding about the character of the organization manifests itself through personal conduct.[24]

The cornerstone of agency identity is its purpose and values. It must inspire commitment and pride while emphasizing the honor of honest service to the public. Values describe the character of the personnel individually and the agency as a whole. Purpose clarifies "what those personnel and the agency do." Statements that express purpose and values must be developed thoughtfully in clear, uncomplicated language. Each is an external and internal guidepost against which agency and individual actions can be assessed. Values become real only when positive examples are set by the leadership who also must see to it that standards are upheld through critical staff

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[24] Footnote: some of the concepts are drawn from *Built to Last*, James C. Collins and Jerry I, Porras, Harper Business, 1994, p 73-78

functions such as supervision, inspections, internal investigations and disciplinary action, when necessary. The organizational culture must be engineered to provide the stories, the role models, tangible and intangible incentives and the heroes who set the example of honorable conduct and translate the words on paper into real action. Commendable conduct must be recognized and rewarded with even greater vigor than that which characterizes the reaction to misconduct.

> ### *Reality Check*
>
> *Most police organizations have some sort of policy regarding attentiveness to duty. If you routinely see several police officers hanging around on the corner talking for long periods of time to no apparent purpose, there is a breakdown somewhere in the leadership, management and/or supervision.*

In conjunction with the elements listed above, management and supervision ensure that, day-to-day, the right action is taken, at the right time and the right place for the right reason. The elements of leadership, management and supervision must coalesce for the agency to change itself and adapt to new conditions.

Law enforcement agencies exist in dynamic, high profile environments. Change is a constant. If the agency is to attain and hold onto viability and success, leading change and organizational development are skills that must reside at the command and executive levels. Finally, commitment to press for improvement and the ability to appeal to the 'inner motivators" within the personnel of the agency are critical skills for the leader who wants to change the agency for the better.

Typical Findings

Findings that may indicate a need for assistance include:

- Transient leadership that has no police or management background.
- Leaders who do not pursue excellence in public service or enforce high expectations of performance for themselves or others.
- Leaders appointed as part of a political rather than a merit-based process.
- Leaders that do not serve the community, support the organization or set the example for others.
- A culture that supports or tolerates corruption and other misconduct and does not project a public-service orientation.
- An agency values system and purpose or mission statement either does not exist or is not taken seriously.

- Leaders who ignore the importance of internal and external relationships or maintain relationships with questionable individuals.

- Leaders who support or tolerate abuse of authority or substitute their personal preferences for agency values and policy.

- Leaders who encourage isolation from the other criminal justice system actors.

Programming Notes

- Leadership accepts ownership of evolving the police culture, focusing on agency purpose and values, abiding by the law and upholds those values which set the standard for performance and conduct.

- An appropriate number of technical advisors should have a management background and strong interpersonal skills needed to build solid, working relationships.

- Advisors have many roles such as coaching agency leaders through problem recognition and response.

- Police leaders should be schooled in change management and leadership to include the sequence, pace, scope and design of new structures, policies and the processes that build capabilities. Examples include: improved personnel practices, professional standards and performance measurement functions, victimization rates, public trust of the police, service complaint response and adjudication.

- Police leaders that rise through the ranks based on merit are generally, but not always, the most effective. Sometimes good leaders, such as military officials with no background in policing, can provide the influence necessary to effect required changes in police agencies. Providing them with good advice regarding policing is essential.

Management and Supervision

Important Characteristics

Employees that supervise others have more decision making and approval authority, rate their subordinate's performance on a regular basis and, in many organizations, investigate allegations of misconduct regarding those who report to them. They also will refer serious allegations to a central authority pursuant to organizational policy. Figure 15 provides a generalized view of a typical line of police authority.

Similar to the utility of an organizational chart, the rank structure of a police agency is useful when attempting to evaluate efficiency and effectiveness. Active supervisory oversight has many advantages. The span of control for police supervisors indicates the level of the all-important oversight to be expected on the streets and in an investigative or administrative situation. Experience in modern policing indicates that a span of control of six to ten for most ranks is appropriate. In general, the more specialized and higher risk the function is, the smaller the span of control should be. Geographic and distance factors can also affect rank structure and span of control ratios.

Supervision at every level is important; however, the only way to ensure that work at the line level meets the standards set by law, values, policy, procedure, training and public expectation is by fielding a competent and honest cadre of first-line supervisors. For the patrol function, supervision takes on special significance. Typically, patrol officers have the least experience and are more often placed in difficult situations than other personnel. Police supervision requires special skills and knowledge. Supervisors should be chosen based on merit, trained for their new role and paid at a higher rate than those they supervise. In every instance, the supervisor must set the example as the personal representative of the values of the organization and be capable of holding others to those standards.

Position	Rank	Span of Control	Skill Set – In Order of Importance	Area of Responsibility
First-line	Corporal/Sergeant	6-10 line personnel	Interpersonal and Technical	A squad or detail in a staff function, patrol in a designated area, investigations of a particular type of crime or specialty operation
Second –line Bridges from mid-management to the line	Lieutenant-Inspector	4-8 first-line supervisors	Interpersonal/Technical and Programmatic	Patrol shift in a designated area, a staff function, investigation or specialty unit
Third-line Mid-management	Captain/ Commander	4-8 second-line supervisors	Interpersonal/Program matic/ Technical/ Strategic and Political	Responsible for a patrol station that may include investigation, a significant staff function or a specialty branch

Position	Rank	Span of Control	Skill Set – In Order of Importance	Area of Responsibility
Fourth-line Executive level, senior staff	Deputy/Asst. Commissioner, Director, Chief	2-6 third-line supervisors	Interpersonal/Strategic/ Political/ Programmatic and Technical	Covers a large area, a set of staff functions, division, or group of specialties
Fifth-line Executive – covers in absence of CEO	Executive Officer	3-5 fourth-line supervisors	Interpersonal/Strategic/ Political/ Programmatic and Technical	Multiple divisions or specialties i.e., operations, staff, etc.
CEO	Commissioner, Director, Chief, etc.	Executive Officer and nominally all fifth-line	Interpersonal/Political/S trategic/ Programmatic and Technical	Leads the organization and maintains significant outside relationships

Figure 15 Police Line of Authority (Note: Ranks/Titles vary widely but position, i.e., first, second, third line, etc., can provide a common reference point.)

Typical Findings

Findings that indicate a need for assistance may include:

- Supervisors who do not support the agency values system or enforce high standards of public service.

- Supervisors who do not spend time observing, mentoring and evaluating those assigned to them.

- Supervisors who will not investigate or cause investigations of legitimate allegations of misconduct.

- Supervisors who are not promoted based on merit.

  - This finding is probably true throughout the agency not just at the first level of supervision.

- Managers who do not maintain appropriate policy, procedure, controls, processes and systems are in place and observed.

- Managers who support or tolerate poor public service.

- Supervisors and managers who do not follow through or pay attention.

- Poor quality work and an attitude on the part of employees that is uncaring or disrespectful.

Programming Notes

- Active supervisory oversight at all levels is a mission-critical component for success. Police supervisors are not "super cops" but must be trained and developed to meet performance standards for leading, directing, correcting and evaluating based on the values and policies of the agency.

- Just like all other positions, supervisory positions require job descriptions based in reality that serve as the basis for selection and performance evaluation on a regular basis. Technical advisors who can assist in defining supervisory and management responsibility and authority will be required.

- Policies and procedures are developed based on defined roles and agency values. Training follows as new concepts are injected into work routines.

- Programming must accommodate the fact that supervision at the line level is primarily accomplished by personal observation and review of written documents. As often as possible, supervisors should observe contact between subordinates and public, suspects, witnesses, etc. to review decisions, correct and train as necessary. Regular review, evaluation and correction of written reports are also mandatory.

- Colonial- or military-style management constructs are generally NOT the most effective for police agencies. However, with creative thinking and a willingness to change, they can be adapted to a more contemporary police style.

    - For example, effective police work requires the exercise of good judgment and discretion at the line level. Patrol officers and investigators should not have to wait for instructions or permission to initiate an investigation or even (within the bounds of host country law) to make an arrest.

- Line personnel have little authority to make decisions because agency culture and policy have reserved that power for those of higher rank or position. However, crime and criminals will not wait for high ranking officers or prosecutors to make a decision.

    - The trail goes cold quickly. Few perpetrators are held to answer.

    - This style will not change dramatically in the short term but it is important to understand its impact in order to take the first steps to change it.

    - Can the process of initiating an investigation be streamlined?

    - Perhaps the project can facilitate an agreement regarding a new process between police and prosecutors that speeds communications via cell phone to initiate investigations more quickly while leads are fresh.

Relationships and Attitude

Important Characteristics

Two critical elements associated with leadership, culture, purpose and values: relationships and attitude are agency cornerstones, critical for success. Attitude is a direct reflection of the value the agency places on relationships. Attitude is a free commodity that can be an excellent predictor of success for the individual and for the agency. Both rest on how agency personnel see themselves. Are they public servants responding to a noble calling or are they seeking an opportunity to take advantage of others?

Attitudes will not change overnight and some attitudes will never change. Part of the focus on change must be on compliance. Incentives and disincentives to follow values and policy must be clear and credible.

In the end, most individuals will make decisions about their commitment to honest public service based on a combination of self-interest, character and the dominant norms of the agency culture of which they are a part. Leaders, policies and actions all influence these decisions.

External Relationships

Important Characteristics

There is a wide variety of external communications responsibilities for any police agency. Many fall to the public information unit but others require personal attention from the leadership team. There are some basic concepts that can be applied to relationship building both inside and outside the criminal justice community: honesty, openness, responsiveness, excellence, accountability, teamwork and service are among the most important.

The following entities are among those requiring attention from police leadership:

- Agency labor organizations (if applicable)
- Media

> ### *Reality Check*
>
> *The Special Relationship with the Media: The police and the media are often considered to be antagonists but the relationship does not always have to be marked by distrust. The media can play a significant role in supporting worthwhile police initiatives and should be seen as a "partner" whenever possible. This is not to imply the relationship will be trouble free; it will not be. However, police must realize that if they wish to exert any control over their image with the public, they must nurture a positive relationship with the media. If the police are doing their jobs properly, they have a good story to tell. And media outlets are the best and often the only way to tell it. It is critical that the police assign an individual or unit to be responsible for media relations.*

- Other criminal justice actors (law enforcement agencies, prosecutors, the courts, etc.)
- Minority communities/special interest groups
  - This includes customary or traditional authorities that may have a justice or dispute resolution role.
  - It is advisable to assign officers to full-time liaison duties to these groups to ensure open channels for unfiltered communication and conflict prevention.

- Non-governmental organizations
- Budgetary authority
- Elected authority
- Business community
  - On occasion, interested business organizations may create a "Police Foundation" or other non-profit group for the purpose of supporting the police.
  - When properly managed (open and legitimate), these foundations can supplement police budgets or provide special incentives to police personnel such as low-interest housing loans so police may live in the areas in which they work.
  - Conflict of interest concerns can be managed but must be attended to in all such relationships.

- Labor organizations

- Schools

- Donors

- Neighborhood associations

- Faith community

Durable and effective relationships with the community should be supported by the following outreach activities:

- Police speakers' bureau

- Advisory boards at the station, district or national level. Such boards are usually not appropriate in the early stages of police reform. The openness and trust required for advisory boards to succeed will take time and effort to develop.

- Abbreviated "citizen police academies" that introduce the institution to:
  - Teenagers
  - Critics of the police
  - Media
    - The advent of social media can improve the ability of government to manage important information during a crisis or disaster but also makes it much more difficult for government to "control the message."
    - Building ties with journalists can build trust and increase media capacity to responsibly convey the police perspective.
  - Citizens with an interest in making their community safer

- Involvement of police staff in community boards, charities, foundations, school boards, etc.
  - Employees must be careful to avoid ethical conflicts.

- There are also roles for citizen membership in internal police processes such as:
  - Hiring boards
  - Discipline boards
  - High profile incident/use of force review boards

- This type of citizen participation should be phased in over time after the police and public have some experience working together and internal procedures have been designed and tested.

- In addition, unless standard operating procedures are in place there will be no way for citizens and managers to objectively measure and discuss police performance.

- Citizens also participate in crime prevention and provide assistance to a police agency through:
  - Block watch or neighborhood watch
  - Citizens' neighborhood patrols
    - This is not intended to be a vigilante corps or a network of government informants. This is a voluntary, crime prevention effort that focuses on good citizenship. Some in government will attempt to convert these groups to their own improper purposes. These attempts must be successfully resisted.
  - Business watch
  - Safe harbor programs
    - Establishes a network of homes in the community visibly marked so children know that they can go there for assistance and temporary shelter.
  - Tip lines
  - Foundations that provide financial support
  - Volunteer time
    - Working with at-risk youth, coaching a police sponsored soccer team or tutoring kids after school at the station.
    - Using the internet to distribute a neighborhood newsletter that includes information the police want to convey.
    - Engaging with citizens at community events and celebrations.

Internal Relationships

Important Characteristics

Generally, the quality of internal relationships varies in proportion to ability of leadership to communicate effectively and sincerely. Good internal relationships will also generate support for leaders who facilitate change and improve quality. Leadership is responsible for communicating high standards, a sense of direction and pride to the rest of the agency. This can be done in a variety of ways, including: in person, through the line of authority, on paper, via video, brochure, poster, etc.

The most important method of communication, however, is the example set by leadership. Leaders are "on stage" and their actions must reflect high standards. The term "leader" does not only refer to those with "official" rank. It also refers to informal leaders. All employees of any law enforcement organization must realize that their conduct is always being scrutinized. Their conduct on and off duty must comport with agency and community standards. Special attention, i.e., training, personal contacts, recognition for exemplary service, should be paid by "formal leaders" to line employees, first-line supervisors and middle management. Each group plays a critical role in making the right things happen for the right reasons.

Typical Findings

Findings that indicate a need for assistance in this area include:

- Public attitude toward the police is one of distrust and fear.

- Police agency does not invest time or money in opening dialog with citizens and critics or informing about policy or tactics.

- Police hide their mistakes from the public and conceal facts of interest to the community.

- Police do not work to build relationships with those who are critical of them.

- Police do not display a public service mindset or a positive attitude regarding customer service.

- There is little or no relationship between performance and conduct standards that the public would accept and actual, routine police conduct and performance.

  - Police do not explain their standards to the public.

  - Police do not seek input on standards from the public.

  - Change will not occur unless police undertake sincere outreach to begin and follow through on the process of building relationships.

- Employees of the agency are not aware of internal events until after they happen.

- Employees are not generally treated with respect by the organization.

- Police leadership is either unwilling or unable to change.

Programming Notes

- The police do not understand crime-related public problems and frustrations and the public does not understand obstacles the police face.

- Police development programs must address the full scope of relationship requirements as indicated above.

- Every tactic from foot patrols to community meetings and media appearances must be used to begin creating a positive police-community relationship.

  - Foot patrols are a very effective way for police to build positive relationships with the public.

- The existing police culture will probably resist these efforts. The value of becoming a more open, even friendly, organization may not be clear. Police organizations that have used a bit of mystery or even fear to establish their reputation in the community will be wary of these approaches.

- One reason that arrest rates are so low in developing countries is that public distrust and/or fear of the police creates a negative atmosphere for criminal investigations.

  - Generally, information from the public is an invaluable tool in conducting criminal investigations.

  - People will not provide information to police they do not trust or respect. Most cases will remain unsolved.

  - Public safety is a partnership between the police and the community.

- The de-mystification process will require police to honestly answer difficult questions, perhaps for the first time. They will not want to do this but long-term, real benefits will accrue to the agency and the community.

- The goal is to create a proactive, open institution with a public service orientation.

- Technical advisors can play an important role in helping to initially facilitate the use of all these tactics, along with the policy, training and supervision elements, to spread the ideas across the organization.

- Programming considerations should include the development of ongoing channels of communication between line and staff. Internal communication in a large organization is a constant challenge.

- Programming must support communication methods that are simple and effective. Whether the information relates to finding a wanted person or airing complaints about working conditions, the flow must be open and frequent.

Reality Check

Cops and the Media: In Ghana there is a weekly television program, "Good Evening Ghana," where a journalist discusses crime issues with a Ghana Police Service official and citizens can call in with questions. Some police departments in developing countries have regular radio programs to discuss crime issues. Many countries do not use effective public affairs techniques to explain police actions to the media and public.

- Advisors can advocate for the benefits of "managing by walking around" and other techniques to improve this process. This includes taking advantage of all opportunities to celebrate the victories, large and small, and reinforce cultural and institutional change.

PROFESSIONAL STANDARDS

All organizations, including police agencies, should establish policy and procedure *and* rules and regulations. However, the power that law enforcement officers have and the consequences of the actions they take place them in a special category of public servants. The authority to take away freedom and even life requires special attention and oversight. Police internal affairs or professional standards units fulfill a significant part of this accountability mandate. Over time, the portfolio of professional standards units has grown. Some include training and policy functions.

It is critical for a professional standards unit to use an approach that includes audits, inspections, supervisory oversight and corrective measures to identify and address financial, operational and conduct problems at the earliest possible time. A credible, reactive component is also vital. Allegations of misconduct or criminal activity from inside or outside the agency must be acknowledged, investigated and adjudicated as quickly as possible. Law and policy regarding the openness of this process will vary. But, generally, the more open the police are, the better. Trust and credibility with the public cannot be built on a foundation of secrecy. For example, it can often be expected that media will sensationalize misconduct allegations and assume any police officer, so

accused, is guilty. However, as a new, more open process takes hold, it will become clear that some allegations are not true. As the process becomes more credible, the media will see that it is not in their interest to jump to conclusions. If a credible process arrives at a finding which is different from media assumptions, media's image can suffer.

There are a number of different systems used to organize the internal governance function. Inside the agency are a variety of functions and structures that contribute to internal governance: leadership, management, supervision, policy, training, etc. Investigative units external to the police agency, the media, public ombudsman, citizens' oversight committees and citizen participation in internal departmental processes, can also promote police transparency.

Just as law, values, rules, policies, procedures, standards, training, expectations and supervision must provide the appropriate framework for police conduct and performance, so must the professional standards function have the authority and status to oversee compliance. Even though a professional standards unit may exist, it is unreasonable to expect good conduct and performance without the broader framework mentioned previously. The unit should have the responsibility of identifying and addressing major problems in the agency. Most of those problems will revolve around policy, training and personnel. Professional standards components can be constituted so as to place the tools for finding and fixing the problems in one command. When possible, programming for the entire function should be developed in parallel to shape a major part of the agency according to the same vision.

Internal Investigations

Important Characteristics

The very nature of police work increases the probability that officer performance will sometimes not meet acceptable standards. It also ensures that some will not be satisfied despite standards. When there is a dispute about police performance or conduct, processes to adjudicate that dispute must be fair to all involved. Police should accept complaints; assign each a tracking number and respond with findings and an explanation to the complainant within an established time frame. Minor misconduct investigations can be conducted by the employee's supervisor but more serious allegations should be investigated by a centralized unit with exclusive authority over such matters. Standard investigative techniques will apply, though there are likely to be significant differences between internal criminal and administrative investigations.

In some agencies, it may be necessary to conduct undercover or integrity check activities. This approach involves surreptitiously providing opportunities for officers to take improper advantage of a situation and then observing or recording the officer's

response. Officers who conduct themselves honestly are commended, while those who do not are disciplined and sometimes fired.

Internal investigators should treat employees under investigation with respect; however, those being investigated should not have the right to refuse to answer questions in administrative investigations. Depending on the nature of the allegations, investigations may be administrative, criminal or both. Host country law and department rules govern how such investigations are conducted and how evidence is to be obtained and used. Due process for personnel accused of misconduct must be an ingrained agency practice.

Police organizations should establish and make public their internal investigation process. Police labor organizations may have the right to raise questions and concerns about the process or individual cases on behalf of the employees involved. If so, such actions must be carried out pursuant to agreements negotiated between labor and management.

The pursuit of facts must be the mission of all internal investigators. Regardless of rank, all personnel will be subject to the same rules and procedures. Levels of proof should be established to define whether a complaint is sustained, unfounded, exonerated or unresolved.

Typical Findings

Findings that indicate the need for assistance include:

- The police have a reputation for corruption, abuse of power and poor service.
- Citizens are generally afraid to complain to anyone about being treated poorly.
- Citizens are not familiar with appropriate police standards or what to do when mistreated by the police.
- There is no policy or established standards for police conduct or performance.
- There is no policy or standards for conducting internal investigations.

> ### *Reality Check*
>
> *If police employees are not treated fairly and in accordance with written policy by the law enforcement organization, there is no reason to believe they will be interested in treating the citizens they deal with every day in accordance with the law of the land.*

- Internal investigations that are conducted are corrupted by those being investigated, those who employ them or those inside or outside the agency with a corrupt interest in the outcome.

- Personnel conducting internal investigations are threatened and sometimes killed by those who benefit from corrupt practices and abuse of power.

- Police will not release records of internal investigations or employee files.

- Supervisors are not empowered, trained or encouraged to address misconduct.

Programming Notes

- A culture of transparency and accountability must be developed within police institutions through a combination of training, technical assistance and policy/procedures development. Once again, leaders must set the example.

- Internal affairs capability requires programming designed in close collaboration with host country police and, if possible, includes input from outside groups critical of police. Internal governance is about creating and enforcing standards for conduct and competence.

  - All employees must know the standards, understand why each is important and be able to meet them with a reasonable effort.

Reality Check

It must be recognized that, in the developing world, the considerable powers of those in professional standards or inspector general units can also be misdirected to achieving the wrong ends. Police officers whose professional ethics obstruct corrupt police officers can find themselves victimized by illicit groups or individuals inside the police agency. Intimidation, threats, bogus misconduct accusations and even violence are used against honest cops to clear the way for corrupt people inside and outside the agency. Building professional standards/inspector general structures outside the police or insulating them from the rest of the organization can help. But in the end, it comes down to the honesty and courage of those in responsible positions and a commitment by the government to invest sufficient resources, including salaries, in the police to support a reformed, professional agency.

- Programming must help develop a culture that supports proper conduct, instills a sense of belonging and pride, and always encourages openness and values the truth.

  - Willing compliance based on pride and professional ethics is always the preferred motivator for good conduct. However, for those not so inclined, the knowledge that proper conduct is valued, internal and external complaints will be investigated and appropriate action taken is often sufficient to encourage positive behavior.

  - Programming should focus on internal affairs process and policy, sound advice and counsel.

  - Support by technical advisors for the culture whose values overlay professional ethics is also critical for long term success.

- Citizens' trust in the internal governance system must be built. For example, providing a tracking number to a complaining citizen creates an audit trail for fair and timely service.

  - Written responses to the complainant throughout the process should be required.

  - The internal affairs unit does not exist solely to identify misconduct but pursues the facts in every situation.

    - If the facts exonerate the officer, that is a plus for the employee and the organization.

    - Programming must ensure that the mission of the internal investigators is to find the facts. Accomplishing this simply stated but critical goal will create a reputation with which few can find fault.

  - Community policing initiatives can be used to educate the public about the way Internal Affairs Units should operate and what recourse citizens have in terms of filing complaints against police.

- Citizens should be encouraged to commend officers whose performance is worthy.

Audits/Inspections

Important Characteristics

A full-time audit and inspection capability is a necessity for any police organization. Without information generated by these activities, management is "flying blind." Audits and inspections are one of the primary methods for uncovering small problems before

they become large ones. In addition, these tools can be used to "catch" employees doing their jobs well. Including this goal in the mission of the unit reduces the universal suspicions that usually shadow internal compliance operations.

A broad spectrum of elements must be regularly evaluated across the organization. The bigger the agency, the more critical these functions are because the more difficult it is for command officers to locate the bright spots and the problems. Is spending tracked properly? Are employees reporting on time? Do they understand their duties and carry them out in compliance with agency values? Are personnel files in order? Do supervisors keep notes on their subordinates?

There are a number of well established methods for these operations. Everything from proactive compliance checks (setting up circumstances to test officers unknowingly) to snap-shot inspections should be regularly employed to check for integrity, compliance with procedures and policies and supervision. No part of the organization is immune. As a general rule, results of these activities should be used as correctional, training and policy revision tools. Exceptions include failed integrity checks and misconduct or negligence that rises above the level for local commands to handle.

Finally, it is critical that management pay attention to audit and inspection findings. Problems identified are often not related to misconduct but can identify gaps in policy, training, process, etc. Command officers must evaluate findings and act appropriately to correct deficiencies.

Typical Findings

Findings that indicate a need for assistance in this area include:

- Agency management does not know critical facts about agency performance.
- There are significant inconsistencies across the organization regarding performance, style and service.
- Funds allocated often do not result in authorized expenditures.
- Supervisors, managers and executives can control their units based on their own style and goals rather than those of the agency.
- Waste, fraud and abuse – including ghost workers – frequently occur but are not reported or effectively investigated.
- Service to citizens is not a priority.
- Accountability and responsibility are not commonly exhibited by staff or line personnel.
- Organizational and individual performance goals are not developed, pursued or tracked.

Programming Notes

- Programming should start with the basics, helping the leadership understand that oversight tools (audit/inspection, etc.) are required for good management and good results.

- Policy and standard operating procedures will be needed, personnel selected and trained.

- The unit should be able to conduct in depth, snap-shot inspections that focus on efficiency and compliance with policy; in addition to, financial and program audits that assess return on investment and impact.

  - On site, technical advice will be very important in creating this capability.

  - Professional auditors and an advisor experienced in police use of audits and inspections should ensure that recognized auditing standards guide the unit.

  - Programming should include collaboration with ministry or other governmental audit teams to leverage resources with large audits involving significant contracts or budget accounts.

  - Outside government auditors can also provide objectivity when controversial findings are made.

Policy/Procedure

Important Characteristics

Policies and procedures provide critical guidelines for any law enforcement agency. Development of the written guidance is not a simple task and implementation of policy and procedure is a vital element that should be completed before the police take their first call or make their first arrest. Circumstances in the real world will not usually allow this. But the importance of police/procedure and supervisors who know it and insist that it be followed cannot be overestimated. Sometimes, policy books gather dust on the shelf. It is the job of the leadership, trainers and especially supervisors to see to it that policy is real for everyone in the agency. This is not to say that it is inflexible; it does mean that policy guides day-to-day operations and decision-making. In addition to providing information about the letter of the policy, training should cover the rationale for it and give officers sufficient tools to interpret it appropriately. This generally includes the use of adult learning techniques and scenario-based training.

Generally, a discrete unit should be responsible for writing policy and maintaining the most recent version in addition to past versions. This unit manages the policy approval process to ensure that appropriate legal training and command review of policies occur

prior to official adoption and publication of the revision. Each employee should be issued or have quick access to the manuals that affect their position.

Based on the law and purpose and values of the organization, policy and procedure establish the nuts and bolts that ensure work is done properly. As an example, the agency should have a policy stating that only reasonable force will be used to make an arrest. That policy alone does not provide sufficient guidance for officers to make decisions. So, procedural details about specific tactics and techniques and when each can and cannot be used are required. In addition, procedures for reporting, investigating or reviewing and evaluating use of force incidents will be necessary. Significant detail is included, such as when, how and to whom reports are made, required notifications and specific actions to be taken, such as when to request an internal investigations response to the scene.

As the environment changes, new laws may be adopted or prosecution/court policy changes; the police policy and procedure manual and the training that supports it must be revised.

Each unit within the organization may require its own policy as well. Unit manuals cover operations unique to that unit but not critical for inclusion in agency-wide publications. Each must comport with the law and agency values. For example, the minutiae of the procedures for answering an emergency call from the public will cover many pages of a manual for communications operators who work in call reception. This detail does not need to be included in the organization's general policy book. Only relevant parts of the call answering procedures are required such as the procedures for relaying critical information to officers as they respond.

Generally, a manual (sometimes referred to as general orders or "the book") will be divided into sections beginning with the legal authority for the agency, its organization and the responsibilities of each of its units or divisions. Everything from how to make a juvenile arrest for possession of alcohol to filling out a daily worksheet by every patrol officer can be found in the general manual. For large organizations, these books can require several hundred pages. The size may require organizing more than one book for the convenience of users. Typically, patrol officers assigned to vehicles will carry the entire book or, at least, relevant portions of the manual with them. Sets of police orders are maligned and cursed just like any other bureaucratic manual. However, the variety of situations encountered and the importance of proper police action require procedural details that reduce errors. Good police organizations hold themselves and their personnel to high standards. The public will learn to do the same. The "book" sets those standards.

Police policy is considered so important in the United States that the Commission on Accreditation of Law Enforcement Agencies (CALEA) was created in 1979. A law enforcement agency seeking accreditation must pass a rigorous on-sight inspection against over 450 policy standards. This process is repeated every three years.

Progressive law enforcement agencies will publish policy and procedure for public review. Sometimes policy manuals can be found on the organization's web site. Certain tactical information is not available for review but, in general, police policy should be public policy. The standards for service and conduct should never be in question and cannot be considered a "secret."

Training

Important Characteristics

Training should be done at the pre-service, in-service and specialty levels using adult learning techniques that stress active participation in scenario and practical skills exercises. Training must be based on the constitution and law of the land, the values and policy of the agency and always seek to reinforce positive cultural elements within the agency. Classes at every level are based on lesson plans written by experienced instructors and approved through the line of authority to at least the command level. For certain sensitive courses, such as use of force or civil disorder control, approval should come from the executive level.

Current and historical lesson plan files must be available for review in addition to records showing which training was delivered by whom, to whom and when. Lesson plans should be reviewed on a regular basis and revised as necessary with input from operational units and review by the command level.

A mechanism to identify problems in the field related to training must be in place to identify flaws and necessary additions or deletions. A similar mechanism is required to ensure policy changes are included in training curricula. Changes in mission critical subjects must be delivered quickly. An organization cannot afford to have large numbers of its officers using outdated policy and training, especially in events that fit high frequency/high risk criteria.

Instructors must be trained and certified to teach. Their abilities should be routinely observed by training supervisors. Students at all levels should be asked to give anonymous feedback on training quality. The position of instructor should be a respected position within the organization.

Training will be required across three different levels:

1 Basic training for entry level employees/officers.

2 In-service training for experienced personnel.

3 Specialty training for employees requiring knowledge and specialized skills for non-patrol type assignments.

Field training is generally conducted by specially prepared patrol personnel for officers after they graduate from the academy. It can also be required for investigative and specialty assignments. A "Field Training Program" staffed by field training officers is a basic requirement. Daily, weekly and monthly goals are set and the training officer is required to cover every goal and document the trainees' performance. An acceptable level of knowledge and skill must be achieved before competency in that area is "checked off" by the training officer and reviewed by the training supervisor. Field training personnel require extensive instruction, experience and supervision to do well. Processes for evaluating new officers, ensuring hands-on coverage of all relevant policies and procedures and appropriate remedial elements for new and experienced personnel are required. It is just not possible for academy training to fully prepare new personnel to be effective police officers. On the job training is an absolute requirement.

Reality Check

In recognition of the obstacles to reform, it must be noted that personnel at all ranks, especially those with leadership and management responsibility, must understand and support a change-management approach. At the soonest possible time, this approach must also be inserted into the organization's actions and goals. Only when individual and agency momentum merge will sufficient impetus be created to transform the existing culture and open the door to sustained reform.

Personnel promoted into the first two levels should be required to attend specialty training to prepare them for their new responsibilities. On-the-job training with a respected person in the new rank should be included. Supervisors are not "super cops," they are managers and leaders and must develop new knowledge and skills to be effective. Above the first two levels, a broader skill set is needed and aspiring command officers may have to seek training and education outside the organization. It is common, however, for states or countries to create "command colleges" to prepare those selected for command.

Civilian positions should make up a significant part of any police agency. Many positions held by civilians require special skills such as accounting, forensics, photography, procurement, office management, radio communications or vehicle maintenance. While civilian personnel should bring skills such as these to the job, the special nature of policing requires a minimum of training to familiarize the new employee with organizational purpose and values, goals and objective, performance evaluation, chain of command, unit missions, processes, structures, etc. On-the-job training usually supplements this basic introduction to the organization.

The police profession requires a broad range of skills and abilities. Many police officers work alone or with only one other officer most of the time. But they must be capable of being a productive member of a team at any time. Officers must have the capacity to

protect themselves and others from violent attack and they must also be able to communicate effectively to people who do not appreciate their role in the community. They must withstand offensive behavior and threats without losing their professional demeanor and make correct decisions under pressure. Training must address all of this and much more. It cannot be shrugged off or short-changed. Failure to train to a performance standard and see to it that the standard is upheld will inevitably result in failure.

Typical Findings

Findings that indicate a need for assistance in this area include:

- Policy and procedure does not exist or is only known by a very limited number of personnel and is not considered to control conduct or performance.

- Policy, procedure and work review by supervisors who enforce rules are not part of the agency work routine.

- There is no dedicated unit for policy development or a process for originating, revising or approving it.

- Service to the public is not consistent, not focused and of generally poor quality.

- Training is done in an inappropriate environment, without proper supplies or facilities, and is not substantive.

- Training is conducted without policy or procedure manuals available to guide instruction.

- There is no supervisory, management, investigative or in-service training.

- Officers are generally not held to basic job performance standards.

- Training, procedures and supervision are based on norms and standards from another era, i.e., dictatorship, military-controlled police force, etc.

Programming Notes

- Programming for the development of policies and procedures for a police department is an enormous undertaking, but it is a priority.

- Technical advisors must work closely with police leadership to ensure commitment to key policies and procedures.

- Policy and procedure creation is tedious and process-heavy but when combined with internal governance elements and good supervision it can translate into quick, visible results.

- Policies on the use-of-force, general conduct; primary job duties and criminal investigation might be among the first ones on the list for development or revision.

- Experienced police managers should be involved.

● Policy and procedure from police organizations in developed nations can provide useful templates, but host country policy must be carefully tailored to match its environment.

- Special emphasis on using clear and understandable language.

- Many police departments in developing countries face severe resource constraints.

● Providing sufficient copies of the policies and procedures can be a time consuming and logistically difficult task to complete.

● The original manual is just the start. There will be many revisions.

- Without it, police personnel cannot be held accountable for their actions.

- Most training should be undertaken only after a strong foundation of policies and procedures is in place.

● Technical advisors should ensure that training meets the realities of the situation on the ground.

- Off-the-shelf courses from the United States may be useful as a starting point but must be significantly altered to fit the local law and environment.

- Principles-based training covering the basics of supervision or auditing, for example, can be used successfully in some circumstances without a stand-alone country-specific lesson plan.

- Care must be exercised to review each lesson plan in detail before it is presented to ensure that the material fits the country.

● Local police officials must be convinced of the importance of a good instructor corps that takes pride in the job and is capable of effectively training successors.

- Emphasis should be placed on training for basic policing such as patrol, investigations and first-line supervision. Developed country police agencies sometimes have a tendency to over specialize. This can have a negative effect on police assistance efforts in developing countries.

Personnel

Recruiting/Hiring

Policing is personnel intensive. Just like in any other organization, employees want to be treated and compensated fairly. Open and effective relationships between all segments of the organization are critical and can take on special significance in a unionized environment. The existence of a union does not have to be a negative. It is possible and beneficial for both sides to maintain a positive and professional relationship.

The quality of the organization's personnel will directly affect its capability to maintain standards and deliver good service. Minimum standards for personnel hiring must be developed, published and maintained. These standards are created based on the values of the agency and job duty descriptions developed for police officers and other employees. Those duties are determined by an analysis of job tasks and expectations of the agency and the community. Hiring decisions are not just based on basic intelligence, fitness and communication skills. Character is a key element and probably the most difficult judgment to make in the hiring process. Political connections should not be part of the hiring decision. Written policies must be in place to guide the hiring process.

Background investigations must be performed on all potential police employees. Frequently, agencies use a polygraph, which when used by properly trained and vetted personnel is generally considered to be an excellent screening tool. The polygraph can also be used in internal investigations. This should only occur in serious cases and with senior command approval when there is little evidence to establish the facts. The polygraph can also be a valuable tool when making decisions about assignments to sensitive investigations or units.

Background investigations are very expensive. However, police organizations have learned and re-learned that lax background checks cost far more later on than good ones do in the beginning.

Personnel functions can include payroll, leave and benefits administration. Accuracy and fairness must be the hallmarks of these functions. When employees cannot rely on agency accuracy in these areas, all other issues fade into the background. This is particularly true regarding transfers, promotions and disciplinary processes. Once again, written policy and procedure must be created and followed.

Diversity and Policing: The agency must make every effort to recruit, hire and promote in a way that builds a work force demographically reflective of the community it protects. This strategy supports the values of the organization and broadens the talent pool from which personnel can be drawn. Women and minorities must be integrated across the entire organization and throughout the ranks. Efforts in this area may be required by law. However, carrying out this philosophy is not just the "right thing to do." There is a practical payoff as well. At the street level, a female or minority victim might feel more like talking to an officer with whom they can better relate. The information will flow much more quickly and freely. In addition, tense situations can be more easily defused when citizens involved can identify with the officers involved. In policy discussions, perspectives provided by minority employees can be invaluable, thus resulting in a much more thorough and effective agency approach. As in other important elements of police administration, the leadership must set the direction and the example. It is also important to consider the advantages of recruiting city dwellers to police city environments and those from more rural areas to police less-developed areas. The difference in these locales is significant and officers who understand these areas have an immediate advantage.

Discipline and Commendation

Basic due process should be afforded all employees who are accused of misconduct. Employees should be provided with a written statement of allegations indicating exactly which agency policy they are alleged to have violated. They should also receive a notice of rights, including the right to review the investigation, appeal the findings and attach a rebuttal. Disciplinary action should be applied based on a set of standards in a consistent manner and in proportion to the seriousness of the misconduct. Some agencies have found it useful to create standard disciplinary action for categories of misconduct. Sometimes referred to as a disciplinary matrix, this approach helps ensure consistent discipline for similar violations regardless of rank, political connections or other extraneous factors. These systems can become quite sophisticated factoring in mitigation and aggravation for some or all types of violations. In addition, the need for additional training to build skill and clarify expectations should not be overlooked. Progressive discipline, a method that increases punishment over time as misconduct becomes more frequent or serious, is a generally accepted practice. Termination of an employee should not be delayed or deferred when egregious examples of misconduct or criminal conduct are sustained. Examples would include, falsifying official reports, documents or testimony, theft or misappropriation or conviction of a serious crime.

At the other end of the spectrum, commendable actions must be recognized by the organization. The agency can reward excellent performance by official recognition through a letter or commendation, a public ceremony, extra paid time off and a symbol to be worn on the uniform. It is generally accepted that "you will get more of what you reward." Creating heroes within the organization raises morale and provides role models for others. It also provides an opportunity for the organization to improve its public image.

Policy/Evaluation/Records

At a minimum, personnel policy can and will cover the topics listed in this section. Standards for testing, hiring, training, evaluation, transfer, promotion, discipline and commendation will be included. This policy will be accessible to all employees to review and will set expectations for how important decisions in the agency are made. The methodology for employee evaluation is of particular importance because it can provide not only a way to review and improve performance but also an opportunity to link work plans for all the employees in the agency. (See the discussion in the Budget/Planning Section, page 106, for more information.) Evaluation of performance should be factored into decisions regarding special assignments, promotions and in some cases, pay rates. For example, a particularly desirable assignment may be the objective for a number of personnel. Previous performance evaluations can be part of the process that identifies those who will be granted that assignment. This reinforces the values and goals of the organization and provides an incentive for employees to perform in the way that best meets the needs of the agency. Over time, if the evaluation process is reasonably fair, performance will outweigh personnel politics as the best performers will begin to get the best jobs.

A person's career with the agency should be documented in a permanent file kept in a secure location. Criteria for material maintained in the file must be developed and followed. Documents might include a photograph and fingerprints of the employee, family contact information, performance evaluations, time and attendance, training history, assignment history, disciplinary actions, commendations and injuries sustained in the line of duty. There are often legal requirements regarding personnel file contents and retention schedules that must be followed. An employee should be able to view his/her file at any time and rebut, in writing, detrimental material contained therein.

Promotion and Transfer

Few personnel related topics are more controversial than promotion and transfer. Objectivity, fairness, transparency and good judgment are all required if the promotion and transfer systems are to operate effectively. Of course, values, policy and procedure must be established and followed. Promotion and transfer cannot be viewed as tools for

the influential either inside or outside the agency to exert power and control. The "civil service, merit based approach" has served well in many places. Written and oral examinations that test job-related knowledge, skill, and even character, for example, are not perfect, but can level the playing field considerably, improve the quality and professionalism of employees and, in the process, improve the agency's morale and image.

Typical Findings

Findings that indicate a need for assistance include:

- Personnel standards for hiring, promotion, discipline and transfer are not in place or are ignored. Policy establishing those standards does not exist or is not followed.

- Compensation and benefits are not sufficient to support a family.

- Task analysis studies have not been conducted and job descriptions do not exist or are not followed.

- Women and minorities are not sufficiently represented in the agency.

- Some women and minority police are present but are not used effectively, e.g., the juvenile unit is made up of all female officers.

- Transfers, shifts and other working conditions are not compatible with family life, school attendance or good health.

- Payroll is not timely or accurate.

- Discipline and commendation systems either do not exist or are not properly administered.

- There is no performance evaluation system.

- Promotions, transfers and special assignments are not based on merit or a desire to improve service to the public.

- Personnel records do not exist or are poorly maintained. They do not constitute a useful record of performance, problems, attendance, training, assignment history or commendations.

- Fair, merit-based decision-making and high standards are not the hallmarks of the personnel system.

- Significant numbers of police officers are assigned to duties that do not require an employee who has arrest authority. This includes drivers (unless they double as security), mechanics, cooks, facility security and clerical personnel.

Programming Notes

- The personnel function for a law enforcement agency is among the most important in the agency.

- The potential and actual capability of police employees is a critical element for law enforcement success.

- If all personnel functions listed on the Organization and Function Guide (page 43) can be programmed at the same time, the advisor and his/her host country colleague will have the opportunity to build all the major components in a coordinated fashion.

- Some personnel rules may already exist such as pay rates and benefits.

- Other basic and very important policies must be developed. Project advisors must coordinate this process with other staff and line functions.

- Developing a personnel evaluation, personnel records and promotion systems requires collaboration and creativity.

  - Creating job qualifications and duties for various assignments is tedious but necessary.

  - The ultimate objective for this type of programming must be to create a system that contributes to the achievement of agency goals.

  - Facilitates high standards of service, conduct and performance.

  - Recognizes the value of employee contributions and the obligation to treat them with fairness and respect.

- Promotion, transfer and special assignment based on merit.

- Programming will require the assistance of an advisor familiar with personnel rules and records.

- Systems should be developed that are low-maintenance and streamlined.

Reality Check

Perhaps surprisingly, many aspects of personnel management are vulnerable to serious corruption and abuse. Reforms or proposed reforms in personnel practices can result in threats and violence to all those involved. Corrupt self-interest may drive those resisting change to undermine transfers based on merit or other objective criteria. The elimination of payroll manipulation, ghost employees and personnel from prestigious assignments decrease the potential for incompetence and illegitimate income.

STAFF SUPPORT, ORGANIZATIONAL DEVELOPMENT

Process/Structure

Important Characteristics

Successful law enforcement agencies are generally structured in a straightforward, hierarchical, pyramid fashion (Annex 3) where functions and relationships are clearly presented. The number of ranks is kept to a reasonable number, usually in the range of five to eight, even for large organizations. Sometimes the number of ranks may be increased due to the geography or sheer number of personnel. Reporting relationships are clear if the organization chart reflects reality. Sometimes, however, the organization chart does not reflect the real flow of authority. Informal arrangements can be more influential than those recognized officially. It is very important to know if the organization chart is a document that can be relied on. Certain functions will usually report directly to the "CEO" or to an executive officer including internal affairs, legal advisor, media relations or intergovernmental liaison.

Administrative tasks, reporting, budgeting, planning, etc. tend to move up and down in an organization. However, the operational work usually flows horizontally. In addition to rank, the structure and process are critical to the "flow of work" (which in policing is primarily various types of information) through the organization. Often cursed as obstructing the "real work" done at the line level, process and structure components are critical. Process is the mundane business of how the work flows from one part of the organization to the other. It is the circulatory system, affecting the working relationships between agency units that depend on one another as a matter of routine. Investigations and forensics are one of many examples of such a relationship.

The adage about form following function is well-known and very useful. *The intent is for process and structure to facilitate, not obstruct, fulfillment of the agency's purpose according to its values.* Processes and structures tend to parallel one another and grow incrementally as requirements change. The ideal is to build process and sometimes even structure backwards from a clean sheet of paper starting with the mission and function. In reality, this rarely happens. Sometimes agencies will "re-engineer" process and structure. "Process mapping" is often used to help accomplish this. Established institutions sometimes undertake mapping to guide wholesale or specific improvements in processes that have developed ad-hoc and become inefficient or convoluted over time. Re-engineering and process mapping can have real value but the skills and motivation to use them must be developed. The International Organization for

Standardization (ISO) is one source for management and process standards that can be applied to a law enforcement agency.

Typical Findings

Findings that indicate a need for assistance in this area include:

Often, in the context of development, the processes necessary to operate a police organization effectively are just not in place. No standards have been established regarding the type or amount of work flow or, more typically, the paperwork and information that constitutes the work flow. Information for staff and line flows through the circulatory system, the life blood of a successful agency. Often the flow, the forms or the methods of maintaining information, have just never been developed. If some methodology has been developed, it is not followed.

Case files, report forms, written guidelines or protocols, audits and inspections can all be used to indicate the state of the process and structure of an agency. The lack of these elements indicates a significant problem and is likely one of the core factors contributing to poor performance and the inability to improve.

Structure problems are similar and, while not obvious at first, can be serious. Too many ranks, too many units, the difficulty locating an organization chart or uncertainty on the part of staff or line units about to whom they are responsible are all indications of problems. Every agency should have a document that lists the core functions of each unit. If that is not available or not clear, that is a sign that the structure needs attention.

Budget/Planning

Important Characteristics

Budgets are just as important in policing as in any other government service. Generally, well over 80% of the operating budget is devoted to personnel costs. Maintenance, repair, commodities, utilities, rent and contract services are some of the other categories found in the operating budget. The capital budget should be separate but just as carefully managed. It is reserved for purchases of expensive, durable facilities and equipment with an expected life of at least five years. Sometimes overlooked are budget allocations for maintenance and upkeep of equipment, facilities, vehicles and other capital and non-capital items. Maintenance schedules for all equipment and facilities must be established in accordance with the vendors'/manufacturers' recommendations and then funds allocated on an annual basis to fulfill the maintenance requirements. All expenditures should be tracked through the financial system and there must be standard checks and balances applied to all purchases and expenses.

Budgets should be tied closely to organizational work plans that penetrate to at least the middle management level of the agency. It follows, therefore, that mid-level managers should be knowledgeable about their unit's budget, how it is built and how and when adjustments can be made. Field managers should also have input in the budget process, in particular, regarding how to implement their respective work plans. Developing a budget for the coming year usually takes a number of months and should begin with an estimate of need, revenue and expenses. Generally, needs should be prioritized based on the identification of core agency responsibilities first. For example, a core police function could be investigation of crime. Budget decisions regarding personal, contract, commodity and capital expenditures should be prioritized based on the relative importance of the function (investigations) and associated unmet needs. The budget approval process generally involves review and action by an elected body and implementation by a government-wide budget authority.

Assigning resources based on core functions can help explain budgetary needs to elected officials and others. For example, if experience shows that 100 police patrol officers are needed to maintain a certain response time to public calls for emergency assistance, it is a relatively simple process to explain the need to maintain that level of personnel (and budget support) to ensure consistent service.

Below mid-level management, performance plans continue to flow through every level of the organization. Employees' plans should be developed in collaboration with their direct supervisor and rated on an annual basis by their direct supervisor. Plan format will vary; plans for those with high organizational rank will be more strategic, plans for lower ranks are more technical but each plan must cascade to the level below.

Just as individual plans provide a basis for annual performance review for every employee, the department or CEO level plan provides a way to measure progress against goals established for the entire organization. This mechanism supplies one of the major accountability factors to determine how well the agency is performing.

Strategic plans can play an important role in the success of a law enforcement entity. Usually a facilitated process is conducted at regular intervals to evaluate strengths, weaknesses, opportunities and threats to the organization in addition to other factors, such as priorities and performance measurement. Expectations for performance should be compared with actual performance, often through surveys and focus groups with citizens, other government officials and employees. They help answer questions such as: Have our core responsibilities (those that cannot be done by others or constitute the prime reason for the agency to exist) changed? Are we providing the right services? Are we still upholding agency values? Are we pursing the correct goals? Is our progress insufficient? If the environment has changed, how must we adjust? What is our reputation/relationship with the public? What is our relationship with the elected authority? How can we improve those relationships? Where are our performance or conduct gaps and how can we close them? Are we measuring what we do in a way that informs management decisions?

There are many challenges associated with this process. Often a set of gaps or objectives are identified for the organization to focus on for the coming year or longer. It is important to attach authority and responsibility for closing those strategic gaps to organizational and individual work plans that are integrated across the organization. A management-by-objective approach can be effective in accomplishing this. If each manager has a plan that sets goals which support the strategic plan and are measurable and time bound, real progress should be easier to achieve. Progress is even more likely if the manager's work plan is identical to his/her unit's plan.

Plans should be reviewed and updated on a regular basis and published for internal and public review. The process should be driven by reality and resources. The plan must be simple, yet flexible with easily understood and applied measures that are meaningful to all employees in the agency. The ability to measure impact often relies on the records management system discussed below.

Strategic and work plans provide direction for the agency. They are the "steering wheel." The budget is the accelerator. It dictates how rapidly the organization can implement its plan. While planning and budgeting may be initiated along parallel tracks, those tracks should intersect at regular intervals along the path to implementation.

Typical Findings

Findings that indicate a need for assistance include:

- Some police agencies in developing countries do have planning documents that identify future action and may even include cost projections.

  - Closer examination often reveals that, though someone has actually done some thinking and writing about organizational priorities and plans, there has been little follow through.

  - Implementation requires understanding, action, evaluation and follow through, usually based on some pre-conceived idea or plan.

  - The final step is inserting the new method into routine work practices. This is usually a supervisory responsibility.

  - Sometimes the number of action items is so long as to be almost impossible to accomplish or track.

  - The importance attached to plans and budgets can be checked by asking command personnel about unit work plans, goals, gaps and budgets.

- Agency is not conversant with plans or budgets, the documents either do not exist, have little connection to reality or individuals are not motivated to take action in support of these documents.

- Because plans have been made before and never acted upon, the task of introducing new planning and budget processes will be that much more difficult.

- Police at all ranks may believe that these staff functions have little or no value to them or the organization.

- Creating plans in a closed fashion reinforces this. Tacit understanding that these processes are "window dressing" with little relevance to day-to-day practice.

> ### *Reality Check*
>
> *You may visit a developing-world police station that does not have paper or pens in spite of the fact that the headquarters' budget unit insists that there is sufficient money to purchase these basic commodities. The money and or the commodities are going somewhere. But without determined budget/planning follow through and audits to identify and stop the leaks, the police will never have the tools they require. This is a test of willingness to reform.*

Performance Measurement

Important Characteristics

In policing, there are two basic levels of performance measurement: organizational and individual. Goals and objectives should be created to cascade from the organizational level down through each level of the agency so that if the individual's goals are met, those of the organization will be as well, and vice versa. For those who supervise others, this means using the same system for agency and individual measurement which simplifies the process dramatically. It also lessens the possibility that tracking and evaluating the work done takes more time and energy than actually doing the work.

Similarly, measuring top staff performance primarily, but not exclusively, based on the performance of the entire organization can be effective. In other words, the greatest weight of each senior staff evaluation should be placed on the overall achievements of the organization. Those executive "indicators" should be the same across the top of the agency. Lesser weight in executive work plans should be committed to goals unique to the assignment or the person involved.

Every employee in the organization should have a work plan that is evaluated in person, at a minimum, on an annual basis by their direct supervisor. (Probationary personnel are rated monthly.) Agency goals, if not explicitly indicated, should be traceable in some

form from the staff through middle management all the way to the line. For example, if an organization's goal involves 20% fewer citizen complaints of misconduct, each executive plan will contain that goal. Each manager and supervisor will have an indicator that is a derivative of that goal. The training commander may be mandated to conduct training on the topic for a certain number of employees. Supervisors in patrol will be required to discuss methods for defusing potentially volatile situations and provide on-scene oversight and line officers will be evaluated specifically on the number of complaints and commendations received from the public regarding conduct.

Work plans and evaluations can be the major tool for directing agency action. It is critical, however, that all evaluation systems be based on a realistic understanding of the duties of all positions in the organization. How does an agency know what its employees are really doing? How does it know if the right things are being done?

The first step is often an analysis of each position type. Commonly referred to as a job task analysis, questions such as "what are the primary duties and responsibilities" of this position must be asked and answered. Those answers must then be reviewed by agency leadership and compared with organization purpose and values. The resulting job descriptions become the basis for a portion of the work plan for each employee in that position.

For example, in an agency that practices community policing, a line officer's job description may include a reference to establishing a relationship with neighborhood institutions, including schools in the area. He/she may be required to and be rated on the number of "school stops"' in his/her beat made every week. While this is an output not an outcome measurement, it does give the supervisor an indication as to whether the officer is working on this part of the plan. Outcome measurements can be a bit more difficult to devise. In this situation, phone calls to school administrators or a list of incidents that were successfully resolved at the school could give a good indication of whether relationships between officers and school personnel had been established, improved or weakened.

> **Reality Check**
>
> *It is possible for patrol officers and supervisors to create their own weekly personal work plans. The plans should be simple and relate to the officers' daily duties. This can help focus officers' efforts while contributing to personnel evaluations and enhancing the understanding and value of planning.*

Typical Findings

Findings that indicate a need for assistance include:

- Personnel in both line and staff assignments are not able to describe how agency performance is evaluated.

- Personnel in both line and staff assignments are not able to describe how their performance is evaluated consistent with modern management practice.

- Except for anecdotes, command personnel are not conversant regarding the current crime rate and how it has changed.

- Though strategic planning documents may exist, police personnel probably do not know how those documents relate to their everyday work.

- Planning documents will often identify problems and may even propose solutions. Breakdowns generally occur in the link between problem identification and action to mitigate or solve the problem.

- Police supervisors rely primarily on a random style as opposed to a directed-deployment style.

- There are no performance evaluation documents available for review.

Programming Notes

- All five components of organizational development (described above) are closely related.

  - Provide excellent leverage for leaders who want to facilitate short- and long-term success of the agency.

  - Projects intended to develop or improve any one of these organization development areas should be designed to assist in developing them as a package.

- Planning informs both strategic and tactical direction the agency is to pursue.

- The budget dictates how fast the organization is able to pursue those goals and often which are the most important.

- Performance measurement at both the agency and individual levels show whether progress is being made.

- Process and structure should facilitate the work of both the line and the staff.

  - Organizational development projects could address all the components at one time. Doing so will require day-to-day consultation between host country personnel and project advisors.

- If the planning system does not identify measurable goals, the performance measurement function cannot determine if plans are working or the budget is being used as intended.

● Structures and processes that duplicate or obstruct will bog down both staff and line.

- Once identified, obstructions should be eliminated. Existing components may require modification or new ones may be required.

● Advisors will often be required to use their own personal day-to-day observations of actions and documents to assess implementation effectiveness.

- Tools such as process mapping can be useful in this context. A trouble-shooting, analytical methodology can be used to understand how work flows and how work is completed by members of an organization.

- Can identify why and where processes, structures and plans are failing to support the mission.

- Gaps, conflicts, unproductive work and lack of clarity regarding goals may be identified through the use of this technique.

- Simplicity and streamlining should be the primary requirement.

- Experienced advisors can facilitate the design of new approaches for these functions that support agency operations.

LINE FUNCTIONS

Patrol

The patrol function is the largest and most visible segment of the local or regional law enforcement entity and is correctly referred to as the backbone of any police organization. It is here that the public service mind set can be most visible. This mindset is on display (or not) every day. Typically responsible for the most challenging type of police work, it is usually the first stop for new officers who have graduated from pre-service training.

Basic responsibilities for individuals and the agency function include:

● Cover a particular geographic area (a beat); know the people (good and bad), businesses, schools, routines, patterns of life, etc. in that beat.

● Respond quickly to calls or summons from the public and handle the issue lawfully, ethically, efficiently and effectively; develop relationships that

generate information related to crime patterns, trouble spots and other activity; take appropriate action in observed situations.

● Conduct complete criminal investigations in some instances, initial investigations on others and enforce traffic laws.

● Establish a "credible police presence." Because of its size and nature of its duties, the patrol function can do more than any other part of the organization to accomplish this. This will include taking action that may not have an immediate effect on law and order, e.g., take a truant child to school and arrange for a social service or recreational referral to help keep the child out of trouble.

● Understand that every action will be observed by both regular citizens and criminals. Patrol officers' appearance, attitude, demeanor and competence are very important tools in creating trusting relationships with the community.

> ### *Reality Check*
>
> *All police officers, but particularly those in the patrol function, face significant personal risks. The agency should provide appropriate, on-going training, equipping, supervising etc. to develop requisite skills and confidence. If agencies do not provide this support, under-trained and under-confident police will overreact, use excessive force, and create distrust. USAID policy prohibits programming that provides "commodity support for lethal technology and weapons, as well as supplies or training for their use." Similarly, section 660(a) of the FAA prohibits training for police, with certain exceptions. However, it is important to understand that valuable officer tactical training, under these exceptions and that does not include lethal options as part of the instruction, does exist. Always consult the Regional Legal Advisor or General Counsel for clarification.*

Emergency Response

In many population centers there is an expectation that once help is requested, the police will arrive in short order, and competently deal with the reported problem. Standards for the time required for police to respond vary but are generally viewed as a quality measure for the agency involved. Sometimes life and death literally hangs in the balance.

Modern call reception and dispatch systems must be tied to deployment strategies to maximize the capability of the agency to deal with emergency calls that may number in

the hundreds of thousands to over a million per year. Call volumes vary by time and day and seriousness.

Police tend to view emergency response as a "core business." The idea that police "protect and serve" is put to the test every day as citizens who need help, sometimes right away, call and expect fast, high-quality service. The police must be able to receive, process, track, supervise and follow through when required on each of these calls. Modern systems like 911 facilitate this process. Meeting expectations, though, requires not only a collective and individual commitment to public service but also policy, procedure, training, supervision and management of a complex relationship between call takers, dispatchers and police officers on the street

Reality Check

How police gather information: There are many different styles for gathering information and much sensitivity as well. Among other duties, officers manning Japanese neighborhood police posts or Kobans are responsible for maintaining detailed information about every residence and the occupants in their area. This data is updated annually through a personal police visit to every home. Patrol officers in other countries can gather large amounts of information through links to the community, enforcement and informal contacts or checks of police or public records. Investigators and special operations officers have similar contacts but also use confidential sources. The methods used to collect, organize and analyze all this information are constantly evolving and new technologies have expanded the utility of police information. However, automation is not required. Manual systems can be very useful. The introduction of surveillance cameras, especially prevalent in the UK, is a recent innovation that gathers large amounts of information daily. In democracies, methods vary based on the law, police procedure, public records and the amount of intrusion that the public will tolerate versus the benefits of such methods in assuring public security. In non-democratic environments, neither regulatory control nor public sentiment has much impact on police procedure.

Crime Prevention

Whether or not the officer standing at his post on the corner will prevent a crime from occurring in the immediate vicinity is sometimes the subject of debate. Although the presence of police is likely a major deterrent, there will never be enough police officers for them to be present in all the places where they are needed. So, crime prevention that amounts to more than mere physical presence is a key element of any anti-crime strategy.

Police in many countries have embraced prevention and over the last 30 years have developed a number of programs and tactics that help prevent crime. Crime prevention units are commonly used to focus attention and resources on this special area and can take many shapes and roles. Prevention is not just within the purview of special units, it should be included in every officer's job description. Doing so may affect their deployment, tactics, shift hours, beat boundaries or methods of patrolling.

Concentrating police attention in certain areas, focusing on particular individuals and analyzing patterns of behavior or styles of criminality are some of the tactics that are effective. Police have a significant role in prevention and can incorporate it into their daily patrol plan. Examples might include contacting local businesses to advise/inform them of recent crime trends that may affect them or suggesting to citizens that storing their bicycles inside will reduce the chance of theft.

The other half of their responsibility involves using their broad knowledge of criminal methods to educate the public, partner with them and provide the administrative framework for a number of prevention programs. Programs include everything from athletic/activity leagues and crime prevention to environmental design and block watch to providing dead bolt locks and referrals to counseling for troubled children and their parents. The variety of crime prevention partnerships are limited only by the imagination of police officers and their citizen partners. Prevention is a key part of the outreach required for agencies that subscribe to the community policing philosophy. Whether it involves seeing to it that children attend school, referring them to productive activities, or filling the role of a positive role model, police can play a major part in crime prevention.

Neighborhood Safety

Trash, graffiti, junk cars, threatening youngsters hanging out on the corner instead of attending school, etc. are not just an urban annoyance. These conditions send out a message that social norms normally associated with lawful conduct do not apply. Personal and property rights are not respected. Criminals are naturally drawn to such places. Their presence further reinforces the idea that the law does not apply. An increase in fear and crime follows and living conditions will spiral downward. But if the police have junk cars towed away, arrange for trash to be removed and make it a priority to reduce graffiti, a different message is sent. Someone is paying attention and certain standards are lawfully enforced. Depending on host country law, it is possible to use lawful enforcement of relatively minor offenses to curb crime by attacking the conditions that support it. This may include enhanced traffic enforcement, lawful interviewing of suspicious people or constraining street corner drug sales.

As part of their normal duties, patrol officers should become information sources about community routines and cycles. Who lives where, who works where, who has criminal records, with whom they associate, their modes of transport, and hangouts, etc. are

invaluable data for patrol officers and investigators. This type of information is critical for manual or automated criminal information systems. Additionally, if an officer knows a community well, he/she will be more likely to sense what is suspicious and what is not. Taking lawful action regarding reasonable suspicions can be a very effective tool for police pursing neighborhood safety.

The job of referring problems to other appropriate agencies must also be included in the officer's duties. If patrol officers are doing their jobs correctly, they become aware of many of the problems in the neighborhood. They should know who goes to school, who is truant, who looks after their children, who does not and who has a substance abuse problem. This information can be useful in conducting day-to-day criminal investigations but it should also be the impetus for the officer to make referrals to services that may be able to mitigate the problem. This is not only part of the officer's job but it can also reduce the dysfunction in the neighborhood. Perhaps a group of homeless children are congregating and causing minor disturbances. Is it possible to notify a local orphanage, social service agency or place of worship to find shelter and protection for them? In addition, and very importantly, actions such as these give the officer a non-enforcement role in the neighborhood which can be important in developing partnerships and mutual respect.

It must be stressed that simply walking or driving around in a random way probably has little impact on criminal activity. Patrol officers will inevitably operate in a random fashion for some part of every shift. However, it is critical that officers know and understand the many duties for which they are responsible and the opportunities to take positive action will present themselves. Beat maps and beat books that lay out the profile of an area, exceptional-incident reporting, patrol officers following-up on problems in their beat, field interview information systems and assignment of patrol officers to the same area for sufficient time to get to know it, are all examples of standard patrol procedure that should be followed by all patrol officers.

Neighborhood Safety, Schools

The school can be the center of neighborhood life and sometimes signs of trouble can be detected in and around the school before it erupts elsewhere. Gang activity, in particular, often revolves around schools and the surrounding neighborhood. Gangs may assault and intimidate students and teachers on the way to and from school. Over the last 20 years, police attention to schools has generally been focused on the *school resource officer* concept. The idea is to assign an officer, who is assigned to the station that covers the area, to work at the same school every day. The officer can fulfill many roles at the school including truancy officer, security officer, investigator for on-campus criminal incidents, identify children who are being victimized in the home or elsewhere and discover locations in the area associated with youth and crime, gangs, substance abuse, etc. He/she can also gather valuable information – that must be passed to other

patrol officers and investigators – about criminal activities in the neighborhoods around the school by developing relationships with students, parents and staff. The agency must have means and methods for school officers to communicate this information to patrol officers and investigators.

The school can be a place where social services are delivered. For example, an office for a social worker on campus can provide a ready-made partner for the officer. Identifying and assisting children who need assistance or intervention can be part of this arrangement.

In communities where school attendance is low due to gang activity and crime, school officers can help establish the school as a safe place. In summary, patrol officers must be responsible for helping create a sense of order and safety in their beat or school. Presence is only the beginning. What the officers do is the key.

Typical Findings

Findings that indicate a need for assistance in this area include:

Patrol is the most visible function of any police agency. Visibility or "credible presence" is one important contribution patrol makes to the reputation of the agency. In addition, patrol has the most opportunity to build positive relationships with the community. The "patrol concept" is not always well executed in developing countries. The basic operational approach may involve uniformed officers who stay in the station waiting for those who need the police to come to them.

Lack of transport, fear of ambush, poor communication and unfamiliarity with patrol tactics are among the reasons officers may not patrol neighborhoods. Officers may be dropped off at fixed posts and picked up at the end of shifts. Several officers may be seen standing post at a signalized intersection where there is no apparent need. This is a significant misuse of the most expensive resource the agency has at its disposal, its personnel. The concept of fixed posts can be modified to accommodate walking beat tactics. Bicycles are an inexpensive alternative to motor vehicle transport and can be very effective in some environments – particularly where traffic congestion is a major problem.

On occasion, police and the military will be seen patrolling together. This tactic may be in response to violence or threats against the police or it may be in place to take advantage of military transport capabilities. While this does increase police visibility, it does not make the police more approachable and can lead to confusion about "who did what" when controversial incidents such as a disputed shooting occur. In addition, this tactic sets up many questions such as, "who is in charge of the patrol unit," the police or the army? Which use of force policy, assuming there is one, controls the conduct of the members of the unit? What is the military use of force policy? If a citizen alleges misconduct by the unit, who will they complain to?

The list below highlights other findings that may indicate a need for assistance.

- Police do not typically patrol on foot, bicycle or motor vehicle based on a rational geographic or temporal scheme.

- Workload and crime rates are not available or are not factors in deployment decisions.

- There are no administrative oversight mechanisms such as a daily activity log to verify how officers spend their time.

- There is little direct connection or collaboration between patrol officers and investigators.

- Crime reports and other useful information are not gathered in any organized fashion by patrol officers.

- Patrol officers are not assigned to learn a specific area or to actually patrol the same area all the time.

- Patrol officers do not attend meetings with citizens about crime and other problems in the community.

- Patrol supervisors are not routinely tasked with oversight of officer performance.

- Citizens in the neighborhood do not know the officers assigned to their area.

- Patrol personnel are not conversant in crime patterns and trends or tactics to mitigate those problems.

Investigations

Important Characteristics

Much is written about the importance of investigative functions. Investigators build criminal cases by establishing the elements (basic components) of an offense and combining witness information and physical evidence to identify suspects. In some developing countries, the trend is to rely less on confessions and give greater weight to physical and even circumstantial evidence. This evolution is a complicated process and must not be taken for granted in program design.

Investigators may be assigned and supervised geographically, by type of crime or, in some cases, a combination of the two. Typically, investigative personnel should have patrol experience and complete additional training before being assigned to handle follow-up investigations. Relationships with patrol officers and special operations personnel are critical for investigators. Information from other police officers is vital for success. Established systems may exist that allow electronic or manual information

review. This includes a crime analysis function that is usually staffed by specially trained personnel and serves as a clearing house, information routing center and analysis hub. Sometimes regular meetings are held, usually through investigators visiting patrol stations at shift change. During these meetings, trend, patterns, tactics, suspect and lead information, along with photos and reports are exchanged.

The relationship between police investigators and prosecutors is critical and complicated. Although corrupt influences can find their way into the best of structures, checks and balances can strengthen the integrity of the system. For example, if the police are pursuing cases without following the rules of evidence, the prosecutor will not want to take the resulting cases to court. Not only will the necessary evidence be disallowed probably resulting in a dismissal, but the prosecutor may be exposing him/herself to accusations of misconduct for filing cases based on tainted evidence. To be successful, police and prosecutor must rely on one another and communicate effectively. Both hope to develop good cases, obtain convictions, make the community safer and get credit for doing so. However, each is often only as good as the other. Incompetence in either profession hurts the effectiveness and the reputation of both. Clearly, the team approach works best.

In some situations, prosecutors may be directing investigations. The civil system, for example, generally places control of criminal investigations under the control of an investigating magistrate. A team approach can facilitate delegation of investigative authority and streamline the entire process, including management of crime scenes, without sacrificing quality.

Crime scene management and forensic science have always been important to successfully investigating criminal cases. Advances in science have provided opportunities for more effective investigation and prosecution. If the police identify and use physical evidence, the prosecutor and the courts must understand and apply the evidence in the interest of justice. In addition, all the parties involved must understand how to ensure that evidence is tracked and accounted for during recovery, analysis, storage and retrieval for court. This "chain-of-custody" must be carefully documented to show that evidence has not been contaminated or adulterated while in the control of authorities.

Just as critical is the investigator's ability to interview witnesses and pursue investigative leads and suspects. Advanced training is necessary to develop this skill beyond the basic level. Interviewing is considered distinct from interrogating, with the former generally using less coercive tactics but often gaining more reliable information. In developing countries, police personnel may not have been exposed to the concept of an "interview." Interrogation may be the only approach they are familiar with. This can be a sensitive area of police operations. All officers should have a basic knowledge of interviewing techniques. Identification of potential witnesses and effective initial interviews by patrol officers arriving at a crime scene soon after the incident are often the key to a successful investigation.

A caseload is the number of cases that a detective should "carry" or investigate at one time. In general, the more serious the crime, the lower the number of cases assigned and the longer the cases will take to investigate correctly. The documentation for the investigation should be kept in a case file that includes the original offense report, all interviews and follow up information along with reports about physical evidence that has been examined. Case statistics should be maintained and no case should be closed without a supervisor's review. Investigative supervisors are responsible for the quality and timeliness of their subordinates' work. This is partially accomplished by monitoring case management and tracking. Typically, milestone dates for progress, contacting witnesses, requesting fingerprint identification or completing a report about an interview will be part of the tracking system. Suspense dates will be designated for each case based on department policy.

For example, within 24 hours of the commencement of a homicide investigation in which the suspect is outstanding, all crime scene evidence must have been identified, photographed, packaged, tagged and "signed in" to the evidence storage facility. Items requiring scientific analysis must be "signed in" to the crime laboratory. Crime laboratory personnel follow a prioritization protocol depending on the type of case, whether or not a suspect is in custody and any special circumstances which exist. Typically, the initial crime report of the incident must be completed and turned in within 12 hours. Police policy dictates all appropriate deadlines and protocols. Similarly, an agency should track the average amount of time different types of cases require from start to finish and begin to develop its own standards for performance and personnel allocation to the investigative function.

Reality Check

Crime and criminals do not exist in isolation. The crime picture in any community is a spider web of connections, acquaintances and commonalities that is naturally resistant to many standard police techniques. As long as police are not trustworthy or capable enough to conduct proactive investigations, there will be a major gap in their ability to reduce corruption and serious crime.

Proactive Investigations

Most criminal cases are investigated after the fact. A victim reports a crime and law enforcement investigates to determine what really happened and who is responsible. But there are some cases that do not fall into that category. Such cases lend themselves to different, non-traditional investigative techniques. Public corruption, money laundering, human and drug trafficking, smuggling and organized crime tend to fall into the proactive investigation category. The use of informants, undercover

operations, electronic surveillance, ruses, pretexts and other techniques allow law enforcement officers to uncover and prosecute serious crime. The capacity to successfully conduct these investigations is critical and is related to the ability of the agency to put together complex, long-term investigations, of all types, that result in convictions. Success in this arena also is part of the prevention strategy. Some potential offenders take note of convictions and may decide the risks are too high.

Proactive police work should be considered high-risk for the individual and the organization. Substantial management attention must be devoted to oversight, inspections, drug tests of personnel, audits, etc. of all operations and support activity. All funds and evidence must be tracked using systems that can be audited from both outside and inside the unit involved.

Proactive police work is sometimes physically demanding and dangerous. There are risks of political interference, scandal, embarrassment and guilty parties escaping justice unless complex rules of evidence and criminal procedure are followed. Close supervision (and coordination with the prosecuting authority) mitigate these risks and are crucial for success. Modern policing relies heavily on many of these techniques to reach deeply into criminal enterprises and make good cases against those who very often think they are insulated from prosecution. Without these skills, police organizations are incapable of dealing effectively with government corruption or organized sophisticated criminals. Civil law systems can create significant obstacles for proactive investigations. In some countries, authorities must notify citizens if they are under investigation.

Typical Findings

Findings that indicate a need for assistance include:
- Investigative effectiveness is sometimes assessed based on the number of arrests made for serious offenses such as murder.
  - However, crime data in the developing world is usually not reliable.
  - Most crime is not serious and is not measured in any credible way.
  - The ability of the police to investigate less serious offenses is also not measured.
  - Citizens will generally tell you that their experiences are not positive.

- Can the agency explain how and why it prioritizes cases?
  - Do the priorities make sense?
  - Are results reflective of priorities, i.e., if robberies are a high priority, do incidents decline after the investment of time and attention?

- Efficiency can sometimes be gauged by presence of an investigative procedures manual.
  - If there is no manual, the likelihood of serious gaps in effectiveness and efficiency is much higher.
  - Case files, their condition, tracking and management are additional elements that may be found lacking.

- Arrest may be used as an investigative tool rather than a means to have a suspect brought into the justice system for adjudication. If investigators focus on obtaining confessions:
  - The value of physical evidence may be overlooked.
  - The potential of abusive police conduct increases dramatically.
  - The value of witnesses and their ability to testify may be overlooked.
  - The skills needed to identify and interview victims, witnesses, accomplices, suspects, etc. and then assimilate all the pieces provided will probably be absent.

- Connections between investigators and other police units may be sporadic and vital information exchanges are the exception and not the rule.

- There will be a significant lack of trust between the police and the community.
  - The less trust there is, the less information police will develop.
  - The less information developed, the fewer good criminal cases will be made.

- Police investigators and their supervisors do not often seek collaboration with the local prosecutors and vice versa.
  - A sense of team work does not exist.
  - Regular meetings between police and prosecution management do not occur. As a result there is little agreement or understanding regarding:
    - Mutual interests, concerns.
    - Standards of proof and charging.
    - Rules of evidence.
    - Priorities for law enforcement resources and attention.

Programming Notes: Patrol/Investigations

- Police patrol as a basic concept of police service is not always an accepted practice.
  - Often police operate from fixed posts.
  - Police patrols are often composed of many officers when a single officer or two officers working together would be just as or more effective and constitute a better use of resources.
    - Telephone service may not be available.
    - In places where there is no radio or cell phone communication, police argue that if they are walking a foot patrol and a crime emergency occurs, citizens would have no way to contact them.
  - There is both proactive and preventative value in conducting patrols.
    - Police gather valuable information about criminal activity.
    - Better able to anticipate future crime problems.
    - Puts the police within reach of the community and puts them in position to learn the "who, what, when, where and how" of their assigned area of responsibility.
    - Strong relationships with the community will not be built in the station.
  - Being able to reliably summon police to emergencies is an important part of improving trust and service to the community.
  - Develop alternative arrangements for communicating in underdeveloped environments.
    - For example, providing telephone service to a neighborhood gathering place or market so that people who need the police can go there and contact them via phone or, in more rural areas via shortwave radio or cell phone?

- USAID is typically in a unique position to facilitate the relationship building between the police and various segment of the community.
- USAID contacts throughout the community are a valuable starting point.
  - Social services, schools and the business community are examples of potential partners for police.
  - USAID can use its contacts to begin relationship and trust building.

- Programming must not focus just on the operational side.
    - *Managing* the patrol and investigative functions is a critical capacity.
    - Advisors focus on developing the policies and skills required to deliver effective, efficient patrol and investigative service.
    - Strategic/tactical decisions are required in the patrol function on a regular basis.
    - Mentor managers regarding decisions consistent with organization's values and goals.
    - Of particular importance is the development of first line patrol supervision.
    - Significant assistance must be devoted to this component.
    - Without strong supervision, policies will not be followed consistently and poor decision making will be the norm.

- A building block approach is essential when pursuing investigative development.
    - Patrol officers are often the first to arrive at a crime scene.
    - Clear investigative procedures must be created and enforced.
        - Protection of crime scenes, collection of physical evidence, ethical interviewing of witnesses, victims, and suspects are critical skills.
        - Must be mastered by all police officers.
        - A laminated pocket card with basic tips can be an invaluable guide for first police responders.
        - Information exchange between patrol and investigators must be institutionalized.
        - Investigators can attend patrol, pre-shift briefings.
        - Investigators can be assigned to offices in patrol stations.
        - Investigators can be assigned geographic beats that mirror those patrol officers are responsible for.

- Supervisors and investigators must learn and use advanced interviewing and techniques that stress respect for human rights and human dignity.

- First police responders, investigators, and prosecutors must all understand the important role that forensic science can play.

- Basic standards regarding all parts of criminal investigation must be developed and made standard practice across the agency through policy contained in the appropriate manuals.
  - Supervision of the investigative function is a key factor.
    - Quality control, case management, prosecutor relations and basic guidance for investigative personnel.

- Relationships with prosecutors must be cultivated and maintained.
  - Prosecutors should provide training to police investigators on criminal law and specific topics like rules of evidence, chain of custody and arrest criteria.

- Experienced advisors must be in place to mentor and coach to focus on making new methods and procedures part of the daily routine of the agency.

Special Capabilities

This is not an exhaustive list of special police operations functions. Some of the more common requirements are presented.

Public Order Management

Important Characteristics

Creating and maintaining effective communication with formal and informal leaders in the community who might, for whatever reason, be inclined to plan, encourage or participate in legal or illegal demonstrations events or incidents is a critical police function. This includes minority, special interest, political, religious and labor organizations. Dedicated, trained personnel should be responsible for developing impartial relationships with these groups. Some managers will be reluctant to assign permanent officer positions to this task but if properly operated, this liaison unit can, through its contacts in the community, provide early warning signs of building tensions or discontent in a community and will pay for itself many times over in reduced disorder problems.

Whether the disorder situation develops spontaneously or as part of a pre-planned event, the contacts made by this unit can help the agency mitigate and navigate the situation with greater agility. Internal communication, planning and coordinated operations involving the liaison unit and those charged with controlling disorder is mandatory. In some places, authorities require that demonstrators apply for a permit.

When properly used, this process can support public safety, free speech and assembly rights.

Generally, officers who are part of a "crowd control or riot control" unit have other duties but train and operate together to respond to civil disorder situations on an as-needed basis. Some agencies operate specific units whose only responsibility is civil disorder but such arrangements are expensive and these units tend to become difficult to manage and control. Not only do such units tend to be isolated from mainstream organizational control and oversight systems, they may become assets for those seeking support for their political or even criminal goals.

The crowd control unit should be managed in parallel with the liaison unit described above. Constant communication, joint training and shared philosophy are requirements for effective teamwork to help manage large crowd and potential disorder situations as effectively as possible.

Response to demonstrations and riot situations is complicated. Even agencies that field well trained officers under good leadership can experience serious disorder control problems and receive stinging criticism (sometimes justified). Clearly, confronting groups whose objectives include violence poses one of the most demanding tasks any law enforcement organization will face. Once events begin to spin out of control, there is little chance for a positive result for the police or the public.

These grim facts do not mitigate the need for a standardized civil disorder control plan, good training, leadership and equipment. (Note: USAID should not finance such equipment.) Generally, the more response options police have available, the greater the likelihood of an acceptable outcome. Command and control structure, on-scene supervision, training, communication, pre-planning, negotiations with participants before planned demonstrations, contingency planning and flexible response are also critical factors. For example, all members in the unit must be aware that dispersing a disorderly crowd effectively requires sufficient situational awareness to avoid funneling or pushing them into a dead end location. Egress routes that facilitate dispersal are very important.

In the end, the relationships and the reputation that a police agency has developed over the years, the neutral, objective attitude, training and actions of the officers involved and leadership on all sides of the situation are crucial for a reasonable end result. Most importantly, reasonable use of force policies must be the standard against which the officers' actions are compared. The policy must outline force options that are reasonable responses to suspect behavior and actions across a wide range of situations.

> *Reality Check*
>
> *Many successful police organization have instituted an after-action process. This is a candid review by participants of significant incidents, e.g., a major demonstration or other complex incident. Benefits include, identifying and reviewing lessons learned, an opportunity to discuss decisions and a review of policy. These discussions are intended to provide a learning experience for the agency and its personnel. Stress relief and promotion of excellence are associated benefits.*

What the officer knew and did not know at the time often weigh heavily in the review process. Use of force policies must be developed in such a way as to be applicable in almost all situations, including civil disorder. Force options should be clearly outlined and training must be updated on a regular basis. Reasonableness must be the guiding factor in civil disorder situations just as in any other type of police use of force environment.

> *Reality Check*
>
> *Incident Command Systems (ICS): Organizing effective response to large scale disasters, demonstrations or even epidemics, can be greatly simplified by adopting the Incident Command System concept. Developed over 30 years ago by the U.S. Forestry Service to manage wildfires, this system relies on modular structure and process built around the five primary functions required to manage any major incident: Command, Operations, Planning, Logistics and Finance/Administration. ICS is adaptable and is especially useful when personnel from different disciplines and entities are involved. (With the assistance of the US Department of Justice/ICITAP, this system has recently been successfully adopted in Indonesia.) It does require training and practice to be used effectively.[25]*

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[25] There are many sources of information on this system. For further information, please see: http://www.epa.gov/ogwdw000/watersecurity/tools/trainingcd/trainers/ICS.ppt#256,1,Incident Command System

Hostage Rescue/Negotiations and Related Skills

Important Characteristics

Units involved in this type of high risk operation are usually among the best trained and most disciplined officers in any police agency. In this context, discipline refers to the ability to react in a controlled fashion to high stress/high risk situations. While these units are capable of employing the most aggressive tactics, the use of force policy that is in effect for the entire agency applies to them as well. These units are generally responsible for high risk operations including hostage rescue, forced entry, search warrant service, arrest of violent offenders, stake outs and VIP protection. As with all types of police work, the inherent risks in this type of operation are lessened in an organization that supervises, trains and follows policy.

Simply because a unit is well trained does not mean it is granted exceptions to the rules. The tendency for highly skilled tactical units to become tools for illegitimate police action is, by itself, sufficient reason to insist on strict adherence to professional standards at all times, especially regarding use of force. Actions taken by unit personnel must be subject to the same level of scrutiny as any other officer.

Sometimes units responsible for this type of work are also charged with controlling civil disorder. However, a hostage rescue team (HRT) and civil disorder control have different missions and require completely different structures, command and control and support. Some organizations train a cadre of officers and assign them to other units calling them out to work HRT assignments as needed. Other agencies maintain full time HRT capability. Typically, the larger the area of responsibility, the more likely a full-time team will be needed. Elite units do tend to be insular and may be difficult to manage.

A key component of this capability is negotiations. This aligns with the organizational and unit priority regarding the sanctity of human life. It is preferable for negotiators to reside within the HRT. Most of the time, effective negotiations will negate the need for aggressive police action. Regardless of this, the negotiators and other members of the unit must follow the same agency values system, the same policy and work closely together at the scene of any incident.

Intelligence

Important Characteristics

Current (2005) USAID policy prohibits "commodity support for, or assistance in the carrying out of, internal intelligence or surveillance operations." Section 660(a) of the FAA has a similar prohibition. While there are no exceptions to this prohibition, it is important to understand the larger context. For example, there are different applications

in policing for intelligence and surveillance. Some operations may be conducted against political rivals, which depending on the place may be illegal, while others may target criminal organizations as part of a legitimate, even court-ordered investigative technique such as a wiretap.

It is also important to note that information gathered from crime statistics and other sources can be analyzed and used to guide police deployment and other operational decisions. Information used in this way is not generally considered to be "intelligence;" however, this approach has been successful in reducing crime by placing relatively scarce police resources in the places where they will do the most good.

Gang Enforcement

Important Characteristics

Police efforts to reduce the effect of gangs on public safety generally have at least two primary elements. The first is a patrol capability to devote extra police officers to the areas in which gang activity is the most serious. Sometimes this is done through a special unit or it may involve providing extra support, primarily information, to regular patrol officers who are assigned to work in those areas. The second element is an investigative/analytical capability that focuses on crimes committed by members of gangs. These two elements depend on one another and, if possible, should be part of the same police unit. Once again, information is vital. Well trained and supervised patrol officers can gather large quantities of information useful to those investigating gang crimes and vice versa.

> *Reality Check*
>
> *Successful anti-gang efforts do require much more than police work. Police operations in countries that "round up" (sometimes without sufficient evidence) suspected gang members cause more problems than they solve. The prevention, intervention, enforcement approach described in part one of this guide is particularly relevant to gang reduction. All police officers, including those involved in gang enforcement work must understand their role in prevention and intervention. For example, a gang investigator may come across a young man whom he knows is on the way to gang membership. The investigator informs the school resource officer and contacts the local pastor. The pastor may have the ability to intervene with the family, with help from the school, perhaps a coach or other mentor, and begin to guide the young man away from gang connections. This clearly requires teamwork and the willingness of police to step out of their existing role. But it also may prevent a young person from joining a gang.*

The police units tasked with gang investigation will use informants, surveillance and information gathering techniques to build detailed descriptions of gang membership, structure, methods of operation and culture. This information must be gathered, analyzed and disseminated to support comprehensive understanding of the criminal gang community and lawful, successful criminal prosecutions. This analytical function is generally performed by personnel attached to the gang unit or task force.

Often, task forces may be formed to concentrate different law enforcement resources in one structure. The task force can include local, state and national police in addition to prosecutors and corrections personnel. A case will be handled by the unit from the beginning to the conviction and sentencing. Again, information management is very important.

In the end, as in all police investigative work, the focus must be on making solid cases that end in conviction. The normally difficult job of investigating serious crime is more difficult when suspects/victims are gang members. But it is possible to reduce the effect of gang violence by employing strong investigative skill.

Traffic Enforcement

Important Characteristics

Regulating the flow of traffic and maintaining safety on the public roadways is one of the most visible of police tasks. Police traffic units typically are responsible for writing citations for violations of the traffic code (usually focusing on the highest risk violations: DUI, red light running, speeding, etc.), for investigating crashes and special duties that require the maneuverability of a motorcycle (parades, demonstrations and other special operations). In more serious situations, traffic officers and investigators conduct very detailed investigations and are often involved in cases where serious punishment may result from a criminal conviction (vehicular homicide, hit and run with serious injuries, etc.).

Just as the existence of a traffic unit does not relieve patrol officers from the job of enforcing traffic law and investigating accidents when necessary, the existence of a patrol function does not preclude traffic officers from responding to calls from the public, especially emergencies.

Local law and agency policy affect some of the details of this work but in general, traffic officers are specially trained in crash investigation and may ride motorcycles to facilitate their work. Safely riding a motorcycle every day in an urban environment requires special training and skill.

Traffic officers are typically assigned to particular areas or beats which may or may not follow patrol beat boundaries. Just as patrol areas should be designed based on

workload, traffic beats are created based on the number of crashes, hazardous locations and requirements for special enforcement activity.

Organizationally, traffic personnel can be assigned to a central unit or to precincts or stations in various locations. Either approach can be effective as long as performance standards, policy and procedure are maintained at a high level consistently across the jurisdiction. Traffic officers are part of a unit and report to a supervisor in the same way that all police personnel do. In some parts of the world, the traffic police belong to an agency separate from the "criminal or preventive police." This organizational approach is workable but does create administrative and operational barriers that may reduce efficiency and effectiveness.

Traffic enforcement is especially vulnerable to corrupt influences. Officers are in contact with people every day who want to avoid the costs and inconvenience of a citation and may be tempted to offer a bribe. Police, on the other hand, may seek assignment to traffic duty knowing that there will be daily opportunities to solicit bribes. The culture and reputation of the organization, along with vigorous internal controls and supervision are part of the control system for traffic police just like any other police unit.

Traffic enforcement has significant value in addition to encouraging road safety. Like most citizens, criminals spend some time in cars. So, they commit traffic violations and are in accidents just like other people. A citation or accident report contains information that can be valuable for investigative purposes. It establishes the whereabouts of the person cited at a particular date and time. It records the description of the vehicle involved and can include the identity of the passengers. Comments made and responses to questions from the officer can also be useful. The agency must have processes in place that facilitate the recording of this information and, if needed, the capability to send it to those who can use it for investigative purposes.

Trafficking in Persons

Important Characteristics

The expansion of this serious crime has paralleled globalization. Addressing it successfully requires applying the prevention/intervention/enforcement triad that can also be effectively used against many other types of crime. The unique nature of this crime allows exploitation of weakness in governance (lack of border security for example) around the world, especially in developing countries. As discussed in both parts one and two of this guide, police obviously have a role in the enforcement arena but also must be willing participants in prevention and intervention. However, similar to gang crime or drug abuse, other government and private entities must play an important role.

The police can serve to catalyze interest in and action to address trafficking in persons. They can encourage the national government to pass appropriate laws and establish extradition agreements with other countries where trafficking is a problem. Accordingly, police policy, procedure and training must be developed.

Police can enlist the media to engage in educational efforts increasing awareness of the ploys used by traffickers to convince families and young people they are trustworthy. Citizens can be encouraged to report suspicious people who seem overly interested in meeting young people. Partnerships with interested NGOs, faith based organizations and social service agencies can yield valuable information and improve prevention efforts. Police can assist schools in developing strategies to educate students about the dangers human traffickers present.

Extra patrols should be conducted in places where young people congregate because traffickers will be there too. The methods and means traffickers employ must be analyzed and specific tactics developed to counter them. Proactive (undercover) investigations should be considered. Charging standards and evidence requirements should be clarified with prosecutors.

Official relationships and personal contacts must be established with customs, immigration and border control officials in order to develop methods to check the status of children and other potential victims moving back and forth across borders. This will require the collection and entry of names and descriptions of those thought to be missing or exploited into an accessible system.

Finally, the police should focus on the production, sale, transport and use of false passports and other identity documents used to transit borders.

Drug Enforcement

Important Characteristics

The production, transport, sale and use of illegal drugs are substantial crime rate drivers in many parts of the world. As discussed above, the prevention/intervention/ enforcement concept is applicable. The illicit profits generated by transnational cartels along with a willingness to enforce their will through bribery, brutality and terror makes the pursuit of upper tier producers, smugglers and sellers a difficult business. The devastating consequences of drug abuse are seen every day across the spectrum of police activity.

Police in many countries continue to use aggressive tactics to address this problem. Some of the tactics used to combat narcotics trafficking include special task forces staffed by prosecutors and police from different jurisdiction, extra training for patrol officers, drug detection dogs, undercover operations and electronic surveillance.

From a police management perspective, there are significant risks associated with this work that must be mitigated. Officers assigned to drug enforcement units should be required to take polygraph examinations designed to identify integrity failures and should be subjected to periodic, unannounced drug tests and personal financial audits. Informants must always be positively identified and registered with the agency. Department records of funds used to purchase drugs and maintain undercover identity are scrupulously maintained and audited by supervisors from the professional standards unit. Undercover and arrest operations are well-planned and supervised. Stringent accounting and verification procedures are be in place for drugs, money and property seized from suspects.

Just as in other complex criminal environments, information is the key. The finances, people, places, methods, trends and patterns must be identified, analyzed and understood. Failure to understand the dynamics of low or high level drug markets can have profound consequences. For example, under certain conditions, it does not take long for an entire neighborhood to be overrun by street corner drug markets. Prostitution, overdoses and serious crimes associated with drug abuse and transactions will become regular occurrences. Based on solid analysis, decisions about police priorities, presence, targets and tactics for investigation are critical to preventing or responding to neighborhood drug market problems.

At the national and international level, the amount of money and contraband involved causes an increase in the sophistication of the suspects and the risk associated with making cases against them. Criminal activity ripples through cities and rural areas alike along smuggling routes. In some situations, organized criminal groups can purchase the services of local gangs to secure routes or contraband. This significantly complicates the enforcement problem.

Ultimately, enforcement is only one tactic and the police must take advantage of opportunities to be involved with prevention and intervention initiatives as part of a larger strategic approach to drug abuse at the local and national level.

Typical Findings

Findings that indicate a need for assistance include:

Special operations units may be found to:

- Conduct themselves in a "super-secret" fashion with no apparent supervision or accountability.

- Hide the identity of its members and label them as "elite." However, in some high risk situations this tactic, though regrettable, may be necessary.

- Operate under political rather than police management control.

- Conduct operations "in the shadows" apparently not connected with legitimate law enforcement objectives.

- Instigate protest or civil disorder based on their abusive conduct.

- Avoid negotiations with barricaded or hostage holding suspects and resort to use of force in such situations resulting in excessive casualties.

- Be the acknowledged "heavy hand" of government, frightening the local population by their mere presence.

- Be better equipped and housed than other police units.

- Be excused from normal police duties such as patrol or investigations.

- Be under the command of those whose qualifications are more political than law enforcement related.

- Be under severe political pressure to employ tactics that are of questionable legality but give the appearance of delivering results.

- Avoid scrutiny regarding the disposition of money, property and contraband evidence.

Programming Notes

- Programming in the special operations arena may present unique challenges and be subject to special restrictions including:[26]

  • Commodity support for lethal technology and weapons, as well as supplies or training for their use.

  • Commodity support for, or assistance in the carrying out of, internal intelligence or surveillance operations

  • Involvement in specific investigations public actions and prosecutions.

- Generally, officers chosen for special assignments should be well trained and hand-picked for their character, ability to work unsupervised and capacity to exercise good judgment in hazardous situations. This also applies to supervisors and managers.

- "Elite" units, whose loyalties may not be to the law, can sometimes be manipulated for political or other reasons to act against the best interest of the community. Strong values based leadership in the special capabilities arena is a requirement to mitigate this possibility

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[26] *USAID Policy Guidance - Assistance for Civilian Policing*, December 2005, p 3 restrictions, including statutory restrictions, may apply

- The agency value system applies to special units just as to other functions.

  - "Use of force policy" that is in place for the entire agency should not be altered for special units.

  - Other agency policies, such as appearance standards, may be altered for special units in some situations but those situations must be clearly defined in policy and reviewed on a regular basis.

- As with other agency functions, specialty capabilities must be tested, supervised, evaluated and adjusted based on actual experience and oversight.

- Training in some specialties may give the impression that due to a narrow focus, such as gang enforcement, for example, new skills can be absorbed and put into practice without appropriate substructure support. However:

  - Policy, procedure, training, supervision, evaluation, information management, etc. are of critical importance.

  - The margin of error may be quite small in some special operations so the more deliberate the agency is about following procedures, the more successful it will be.

LINE SUPPORT FUNCTIONS

Forensic Science/Evidence Management

Important Characteristics

Forensic science receives a great deal of developmental attention, as well it should. Justice systems all over the world are increasingly relying on scientific analysis to further investigations, eliminate possible suspects or clarify events after the fact. Evidence must be recognized, recorded, recovered, (usually referred to as "processing a scene") analyzed, stored, retrieved and delivered to court according to written policy that observes standard chain of custody procedures throughout the process. Maintaining biological evidence, which is increasingly important, in secure, cold storage is required. This "chain-of-custody" must be carefully documented to show the defendant and the court that evidence has not be contaminated or adulterated while in the control of authorities.

Forensic operations are increasingly important in criminal investigations. The compelling nature of physical evidence requires that strong management and modern science be brought together in a reliable way to support the needs of investigators, prosecutors and ultimately courts and judges (if applicable). Forensic science operations can be part of a

police operation, independent, embedded with another similar service such as the coroner or, in some cases, the national court system. Regardless of the specific laboratory utilized, the police management structure must be committed to the goal of providing reliable analytical findings to the criminal justice system. Laboratory facilities are expensive and require frequent expert maintenance. The staff must be trained and supervised with frequent snap shot inspections and audits to ensure accuracy. Most forensic labs in the United States are certified by a professional forensic organization such as the American Society of Crime Laboratory Directors – Laboratory Accreditation Board.[27]

Short cuts and sloppy record keeping usually translate into lost convictions and criminals escaping justice. Manual systems can be effectively used to track evidence. Automation, such as the use of a bar code system, can be faster and more accurate.

Evidence storage is a high-risk operation for a police agency. Usually, large quantities of illegal drugs, firearms and other valuable items are stored in the police evidence and property warehouse. Audits, inspections, polygraph examinations and close supervision are all appropriate management controls. In any system that relies on physical evidence in criminal proceedings, the evidence storage facility must be secure and well administered.

Typical Findings

Forensic evidence in criminal investigations has affected every facet of the criminal justice system from police procedure to prosecution standards and defense tactics. The complexity of new forensic technology challenges the ability of police all over the world. In developing countries these challenges can be overwhelming. Even basic capabilities such as fingerprint classification and photographic identification require rigorous adherence to standards and rules.

The findings below indicate a need for assistance:

- Police officers, investigators, supervisors and crime scene personnel are not skilled and/or equipped to "process" a crime scene.

- There are insufficient trained personnel and/or space/equipment to analyze evidence retrieved from crime scenes.

- Evidence is not properly secured while in transport and during or after analysis.

- There are no controls, tracking or records associated with the movement of evidence and who possessed it (chain of custody).

- Analysis reports are not provided to the investigator or the prosecutor and/or are not recognized as useful in identifying and convicting a defendant.

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[27] *http://www.ascld-lab.org/*

- Case files do not contain analysis reports and results are not provided to the defendant for review.

- There is no location for orderly and secure storage of physical evidence.

- Physical evidence is not routinely used in criminal cases.

- Requests for analysis are weeks or months behind.

- The value of forensic evidence is not recognized and investments to develop appropriate capabilities are not made.

- Effective equipment may have been purchased but is not maintained and falls into disuse.

Programming Notes

- In most cases, programming should treat forensics and evidence management as part of one "system."

- As civil law systems begin to adopt elements of common law, physical evidence becomes a more important part of the criminal justice process.

- Physical evidence is of little or no value unless:

  - All the details of its handling, testing and storage can be produced and presented to satisfy the rules of evidence as interpreted by the prosecutor and the court.

  - This is not to say that the same part of the organization should be responsible for analyzing and storing evidence. If the functions remain separate, checks and balances can be created which:

    - Encourage honesty among staff.

    - Increase confidence in evidence handling and testing.

    - Are defensible in a court.

- If the police maintain custody before and after testing, streamlined processes should be developed for reliable and credible movement of evidence from police to court or prosecutor custody and back.

- Programming may involve creation of facilities, equipment, administrative and forensic capabilities.

- Procedures and processes should be developed in cooperation with the prosecution and the courts.

  - Decisions regarding forensic programming should be based on an understanding of official commitment to short and long-term reform.

- The most important factor in success is the commitment by the police (and/or other host country officials) to pursue reform through improved policy/procedure, oversight and long-term financial support.

- Considerable expense can be involved in this type of programming.

- Before financial commitment to such a project is made, long-term commitments from the host country should be obtained regarding:
  - Facility and equipment maintenance.
  - Re-certification of criminalists.
  - Use of physical evidence in criminal cases.
    - Train and supervise police, prosecutors, defense counsel and judges in the use of physical evidence.

- There will be difficult decisions to make about how much capability is reasonable at any point in time.
  - Expensive DNA testing capability, for example, should not be a priority. The basics must come first (fingerprinting, forensic photography, imprint evidence, firearms comparison, etc.) .
  - Work backwards from the host country's vision for the future.
  - Assess complexity and cost. Keep it simple. Have reasonable expectations.
  - Build a plan that will start the country on its way to a solid, basic forensic capability.

- In certain situations, developing a regional forensic capability, shared by two or more countries, may be a viable approach.

Communications

Important Characteristics

Police communications involve managing the flow of information from the public to the police, from one police officer or unit to another and from a central point to specific officers or units. Many countries, including those in the developing world, have instituted emergency call reception systems that simplify the process of calling for police, fire or medical service.

These systems have a range of capabilities and provide an effective way for those in need to summon help, especially if there is an effective address system in place. Calls from the public must be received at an answering point, usually centralized for a city or region, before being quickly classified. A significant percentage of calls to police do not require the presence of a police officer and can be diverted to other public or social services. If a response is needed, sufficient information must be obtained by an operator and then broadcast to the appropriate police units for a timely response.

The emergency call from a citizen in a serious situation must be handled quickly and calmly. Sometimes cases are made because of information elicited by communications operators in the first few panicky seconds of an emergency telephone call for help. The importance of relaying all important information to officers responding cannot be overstated.

The size and speed of the response is based on a call classification system controlled by policy. Patrol supervisors ensure that the response matches the incident. Communications procedure, policy and training are essential to the effective operation of any emergency response system.

The communications system also provides a means for officers and investigators to communicate in a timely manner with one another and to obtain some records information. Advancements in data transmission and in-car computer applications have added speed and capacity to information systems but, once again, manual systems can work, too. Most important to officers is the "lifeline" provided by the communications system and the people who operate it. Officers sometimes have only one opportunity to call for help and the ability of the communications personnel to react properly can mean the difference between life and death.

The timeliness of responses to all kinds of calls, especially emergencies, is a common measurement of police competence. Reliable telephone and facsimile service is critical for any police agency. Of course, what police do when they arrive is just as critical.

Transport

Important Characteristics

Police officers have used every type of transport imaginable; foot, bicycle, horse, car, motor bike, motorcycle, boat, snowmobile, helicopter etc., have been used in various situations. As societies have become more mobile, the police have followed suit. The type of transportation an agency will employ is determined by balancing cost with the requirements to respond, cover a patrol area and to see and be seen. Important factors in this equation include terrain, prevailing road conditions and the availability of maintenance. Investigators, crime scene technicians, supervisors and officers all need various types of transport. The need to transport prisoners securely cannot be overlooked.

Logistics

Important Characteristics

Police organizations require the same type of logistics support as other large public service organizations. Commodities and other supplies must be budgeted for, identified, purchased, distributed, accounted for, replaced and repaired. Tires, paper, report forms, pencils, desks, chairs, handcuffs, ammunition, ticket books, fingerprint powder, crime scene tape or rope and rubber gloves are just a few of the consumables that must be available if officers are to have the proper resources to do their job correctly.

Generally, the responsibility for budgeting, storing and accounting for small quantities of supplies resides at the station or unit level. The warehouse for larger quantities is usually co-located with but separated from the evidence storage facility. An inventory control, tracking usage rate system, backed up by audits and inspections are all necessary to ensure that appropriate oversight and controls are in place. The goal of this entire process is to ensure the equipment, supplies and "tools of the trade" are accessible to those who use them in the line of duty. Manual checklists and filing procedures are suitable for this purpose. Individuals, from the warehouse supervisor to the person who is issued the item, must be accountable for the availability and proper use of equipment and commodities. If there are no report forms, bullets or spare tires, critical police functions will be seriously obstructed.

Some items are vital for the protection of personnel and do not fall into the "nice to have category." For example, personal protective equipment such as gloves and masks can limit exposure and the number of officers who will contract serious job-related illnesses. Agency leadership must make every reasonable effort to provide appropriate protective gear for all employees who may be exposed to hazards due to the nature of their work assignments.

Facilities

Important Characteristics

Police facilities can play a key organizational role in a number of important ways. Capacity to provide service to citizens, self respect and morale of employees and the reputation of the agency are all affected by the appearance and functionality of police buildings and equipment.

The location of police stations and sub-stations may or may not reflect the agency's organizational structure or its influence in the budgetary process. Locations chosen for police stations are often a compromise between operational, political and budgetary factors. Budgets must reflect on-going operating and maintenance costs including major

expenses for re-roofing or painting on a pre-determined schedule. Specialty facilities, such as communications tower sights or laboratories, require extraordinary attention and cost. Facility security is a growing concern to police agencies and contributes to rising construction and remodeling costs. Holding cells should be included in most police stations, requiring basic sanitation and supervision.

Reality Check

A police station may be old but that does not mean there should be trash strewn about or poor sanitation. All those who work in, visit, or drive by police grounds should see clean, orderly facilities indicative of an effective public service organization. Anything less reflects a lack of leadership and pride.

Typical Findings

Findings that indicate a need for assistance include:

- Decisions regarding the construction or purchase of communications systems, commodities, facilities and vehicles are dominated by political factors not management ones.

- There is little or no reliable capability for internal fax, telephone or radio communications.

- The public does not have reliable access to emergency services via telephone or, in some rural areas, via radio.

- The basic commodities required to run a police agency are not available, are being stolen, cannot be delivered in a timely manner or are broken. This includes everything from gasoline, tires, uniforms and pens to paper towels, protective rubber gloves and report forms.

- Facilities such as headquarters, regional and neighborhood stations, locations for evidence storage, a forensic facility, etc., are nonexistent or in poor repair.

- There is no planning or budgeting process that evaluates the current infrastructure and determines whether changes are needed. Plans that are made are done without any public input or review.

- Funds for routine re-roofing, painting and other normal maintenance of facilities, vehicles and equipment are not identified, budgeted or spent properly.

- The police are unable to respond to calls from the public in a reliable and timely fashion due to lack of transport.

- Investigators cannot conduct follow-up investigations due to lack of transport.
- Vehicles are not allocated based on operational necessity.
- The condition of the bicycles, motorbikes, cars and other vehicles indicates that maintenance and repair are not attended to properly.

Programming Notes

- The ability to design systems to support operations as a package would be a significant advantage.
- Each of these functions will require policy/procedure related to its particular responsibilities in coordination with agency values.
- Checks and balances regarding equipment and consumables inventory is important.
  - Gasoline, for example must be accounted for in a way that can be cross checked.
  - The more expensive the equipment, the more often inventory checks are needed.

NOTE: The following processes generally proceed along separate but parallel tracks that merge at various points to put trained personnel in the right facility, in the right location, to use the appropriate equipment, to meet operational requirements.

- The sequence for implementing line support assistance should be similar to other programming.
  - Evaluate the requirements.
  - Write the policy/procedure.
  - Train line and supervisory personnel.
  - Implement the policy/procedure.
  - Supervise, audit, inspect and evaluate and learn.
  - Adjust policy/procedure and work plans as needed.
  - Train line and supervisory personnel on the revisions
  - Implement the revisions.
  - Report on progress and problems and adjust as needed.

- Capital costs associated with communications, transport and facilities.
  - Identify the requirements.
    - Requires a thorough process involving end users.
  - Match the funds available to the needs.
    - Identify funding source.
    - Decisions about priorities will inevitably be necessary. Some compromises between funding and functionality are always required.
    - Capital fund accounts
    - Government bond sales
    - Donors
- Engage the appropriate professionals to develop plans and oversee construction and maintenance based on needs and funds available.
  - Identify funding source for maintenance, repair and replacement.
    - This is a major problem in the developing world.
    - Budget lines for the above must be included annually in the host country budget.
    - Budget lines are not just for materials associated with construction and repair but also for the personnel responsible for facilities and equipment.
    - Consider contracting for some or all of this work.
  - Facility and equipment management
    - Facilities should be cited and designed or remodeled with their specific purpose in mind.
    - The location and size of police stations should be determined by population and density, police workload, geographic and transport considerations and crime patterns. Citizen accessibility to police facilities should be balanced with concerns for security.
    - Ensure appropriate personnel are committed by host country to manage facilities and equipment.
    - Develop policy/procedure for maintenance, repair and replacement requirements.
    - Train the appropriate personnel on managing funds and the work associated with these facilities and equipment.

- Supervise, audit, inspect and ensure facilities and equipment are maintained according to policy.

- Adjust as needed.

INFORMATION AND RECORDS MANAGEMENT

A Critical Function

Important Characteristics

Police line and staff functions both rely on information to deliver service to internal and external customers efficiently and effectively. Crime analysis is an evolving capability that is having a major effect on police strategy and tactics. Community-based policing and information-driven policing rely on accurate crime information to inform operational decisions about problem solving. When properly managed, information about the "who, what, when, where, how and even why" regarding crime becomes critical for decisions regarding tactics, workload and impact.

At the micro level, this information can help solve individual crimes already committed and identify trends, patterns and problems. The tactical approaches to these patterns and trends are also informed by analysis of the crime data. At the macro level, solid operations information informs strategic planning and budget decisions.

Information available for staff and line use should include traffic citations, arrest records including pictures, fingerprints, scientific analysis reports, crime and accident reports, field interview and contact reports, calls from the public, response times, call dispositions, daily logs of officer activity and many others. From an operational perspective, all of these databases should be searchable along numerous lines of inquiry such as date, time, location, method, evidence, names, addresses, vehicle descriptions, person's descriptions, associates, work addresses, criminal history, location history, etc. As important as searchable manual and automated databases are, the capability to move important information to the right place or person is also critical.

From a management perspective, some of the same databases can provide very useful background for all types of decision making. For example, knowledge about workload (crime reports taken, for example) is vital in determining whether the organization is staffed to a reasonable level and if that staff is properly deployed. The patrol officer's daily log shows how much time officers spend on different tasks every shift and provides a wide range of important information that can be aggregated to shed light on both staffing and deployment questions.

In addition, there is a legitimate need to keep track of everything from mileage on vehicles to electric bills and station maintenance. This information is also critical for effective planning and budgeting both in the long and short term. Of course, none of this important information will be useful unless it is gathered, recorded, analyzed, stored, retrieved and disseminated in a consistent, organized fashion. This requires a records management system. (NOTE: for the purposes of this discussion most types of police records are included. The major exception is personnel records which are discussed in Section II).

Whether organizational performance and the budget or the crime rate is the issue of the day, managers and the public must have routine access to basic, accurate information. There is no reason to believe that a police agency will be successful without a records management system that meets basic requirements. For example, identifying the criminal terrain or environment by developing a crime threat analysis, will support enlightened strategic and tactical decisions. Is drug use the biggest cause of domestic violence? How many crimes are directly related to gang activities? Objective answers to these and many other questions will inform everything from patrol deployment schemes to the size of the gang investigations unit, and can come only from reliable police records. In addition, interested civil society and non-governmental organizations will use this knowledge to direct their activities and make it more likely that partnerships can develop.

Whether or not police records are open to the public is always a subject of controversy. Sometimes statutes control access to such records. Regardless, the agency should create a policy that controls the release of information. If there is existing law, it must be followed. If there is not, the policy must balance two conflicting governance priorities: the right of the public to know with the need for police to operate effectively. Media and others interested in police transparency may even be invited to help draft the policy.

Generally, detailed information about ongoing investigations and sometimes the identification of victims, witnesses and operational plans should be restricted, at least until the investigation is concluded. This is a special concern in many developing countries where anyone identified as a cooperating witness may be in danger. It is the responsibility of the police to take reasonable steps to protect witnesses who have been threatened or are involved in high-risk situation. As a general principle, however, police secrecy is not in the public interest.

Examples of internal operational records:

- Crime reports
  - Searchable by date, time, place, modus operandi, investigative leads, suspect names, victims, witnesses, vehicles involved, etc.
  - Evidence impound
  - Scientific analysis

- Record of incidents that do not involve criminal activity.
  - Runaway children
  - School truancy
  - Lost property
  - Found property

- Arrest reports that include the disposition of each charge.
  - Should always include photographs and fingerprints.
  - Fingerprints must be classified and maintained in a searchable fashion.

- Traffic accident reports
- Traffic citations
- Contact/Interview information. Sometimes referred to as "contact cards;" these can provide information on suspicious persons or circumstances.

- Calls from the public for police assistance. Includes date, time, location, type of incident, personnel assigned, disposition and report numbers if any

> **Reality Check**
>
> *You may have heard the squad sergeant in a television show tell the officers to "check your pin maps" before hitting the street. Colored pins showing criminal activity on a large map in the briefing room were an effective crime fighting tool long before the first computer was plugged in at the station. Effective information systems do not have to be automated. Of course, there are advantages to computer based systems. Manual systems, however, can be very effective and require little maintenance or special expertise to manage. In addition, after operating a manual system for a period of time, an agency should have a good understanding of how to develop general requirements for an automated system. The design keys should be utility, simplicity and replicability.*

In each of these examples a numbering system is used to link the various sources of information about the same incident. For instance, when a person is arrested, an arrest number is attached to his name and to the crime report for which he is being charged. All other documents relevant to that case should share the same report number. It may even be possible to use that same number for prosecutorial, judicial and corrections files to simplify the flow of information between the various parts of the criminal justice system.

As important as internal police information systems are to police operations, information usually maintained by other public and private entities is also critical for police operations. For example, it is very important that police have the capability to identify with whom they are dealing. Driver's license and vehicle registration information are two common but critical pieces of information that, in some places, are not maintained by the police. Arrests records, convictions, orders of protection or arrest warrants held by a local or non-local courts or prosecutors are other examples. It could be that some data bases are already in place and connecting them may be easier and cheaper than building an entirely new, comprehensive system. The interface of records systems is very important in criminal justice.

Typical Findings

Finding that indicate the need for assistance include:

- Activity logs, contact reports, crime reports, traffic citations and other critical operational data is not collected, analyzed or disseminated.

- Managers may not have knowledge of how much time their officers spend on various tasks such as, attending to calls from the public.

- Tactical level decisions are influenced by political or other non-police management factors.

- Resources are not directed based on objective workload and crime data but on other subjective grounds.

- Personnel are not aware of trends or patterns regarding violent or property crime and there is no capability to identify such.

- The number of people assigned to a particular task or location is at odds with the numbers that actually show up there to work. Supervisors have no routine way to be aware of this either during or after the fact.

- Officers are unable to positively identify people with whom they come into contact and arrest records are not reliable or accessible.

- Crime reports are not available for review and crime statistics are not tracked.

- It is not usually possible to identify the type or volume of misconduct by checking agency records.

- There are no records to review regarding gasoline or tire usage to prevent internal theft.

- There is no system to manage the flow of cases from initial report to investigation to disposition.

  - Victims are not informed about the status of their cases.

  - Suspects spend weeks or sometimes years languishing in jail with no official charge levied against them.

- There is no reliable way to measure the amount of crime that is occurring or any of the related factors that would inform prevention, intervention or enforcement efforts.

  - The impact of particular tactics cannot be measured.

- There is no way to know if the resources being dedicated to law enforcement are sufficient.

● Neither the quality nor the quantity of services provided to citizens can be measured against the amount of tax support provided to the police.

● The public has no way to know the truth about crime

● Most discussions about policing and crime are based on personal experience, guesswork or rumor.

● Without reliable information about crime, donors are at a loss to know where to invest.

- Difficulty in establishing reality.

- Difficulty in measuring results.

● Police personnel sell or leak confidential information reinforcing the public perception that police serve personal or criminal interests instead of the community. This further damages trust and credibility.

● Witnesses are reluctant to come forward because they know that their identity will not be protected.

Programming Notes

As mundane as it is, the development and use of many types of forms may be the first visible order of business in this functional area. Of course, before the forms are designed, decisions have to be made about what type of information is important, who will record it, where it will be stored, who will have access to it and how can it be searched. If the project involves developing an entire system to gather many different types of information, it will be very important to build the components as part of the same package.

For example, if a firearm is seized by patrol officers, it should be impounded in the evidence storage facility. That should trigger a notification of those who investigate assaults, shootings and armed robberies. Investigators may be looking for a weapon that matches the caliber, style, circumstances or location of the seized weapon in connection with several crimes.

Investigators interested in the weapon should be able to check it out of the evidence facility, take it to the laboratory, have it test fired to recover slugs or casings and perhaps checked for fingerprints. Completion of several different forms may be necessary to get all this done. But one simple notification may result in identifying the suspect in a serious crime. This notification can be part of an automated system or a

manual system. If parts of a system are already in place, it may be appropriate to add to the existing capabilities. This process will require experienced technical advisors who can work with the host country police to identify needs and ways to meet those needs.

Crime reports and arrest records are two of the most critical records systems. These systems can take a long time to develop, especially if the concepts and details are created from scratch. None of the records stand alone and the importance of details that make cases, such as license plate numbers, missing property, nicknames and identifying marks, must be stressed repeatedly. Officers must understand the value of "filling in all the boxes." Investigators must know how to search for information and what to do when they find it.

The same type of information can be very valuable for crime analysis to identify crime patterns trends and even help identify possible suspects. The more automated the system, the faster it will be and the more it can do. It is important to remember, however, that crime analysis can be done using manual systems as well.

Crime analysis is a capability that belongs within the law enforcement agency. At a minimum, information that informs both line and staff decision making is vital. Generally, developing countries should avoid acquiring complex, high maintenance equipment before a systems-based approach has been institutionalized. Simpler is better.

Annex 3: Police Agency Values Statements and Organization Charts

Values statements and Organization Charts for three large, urban police organizations are provided below. Further information can be obtained through the website links as indicated. It is important to remember that the ability to translate values statements from a poster on the wall to behavior and performance at the line is a critical component for success.

Phoenix Police Department[28]

The Vision: "Make Phoenix the Safest Major City."

Purpose Statement: "To Ensure the Safety and Security for Each Person in our Community."

Guiding Values "PRIDE"

- Protection and Prevention
- Responsibility and Respect
- Integrity and Ideals
- Dedication to Duty
- Employee Excellence

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[28] *http://phoenix.gov/Police/pride1.html*
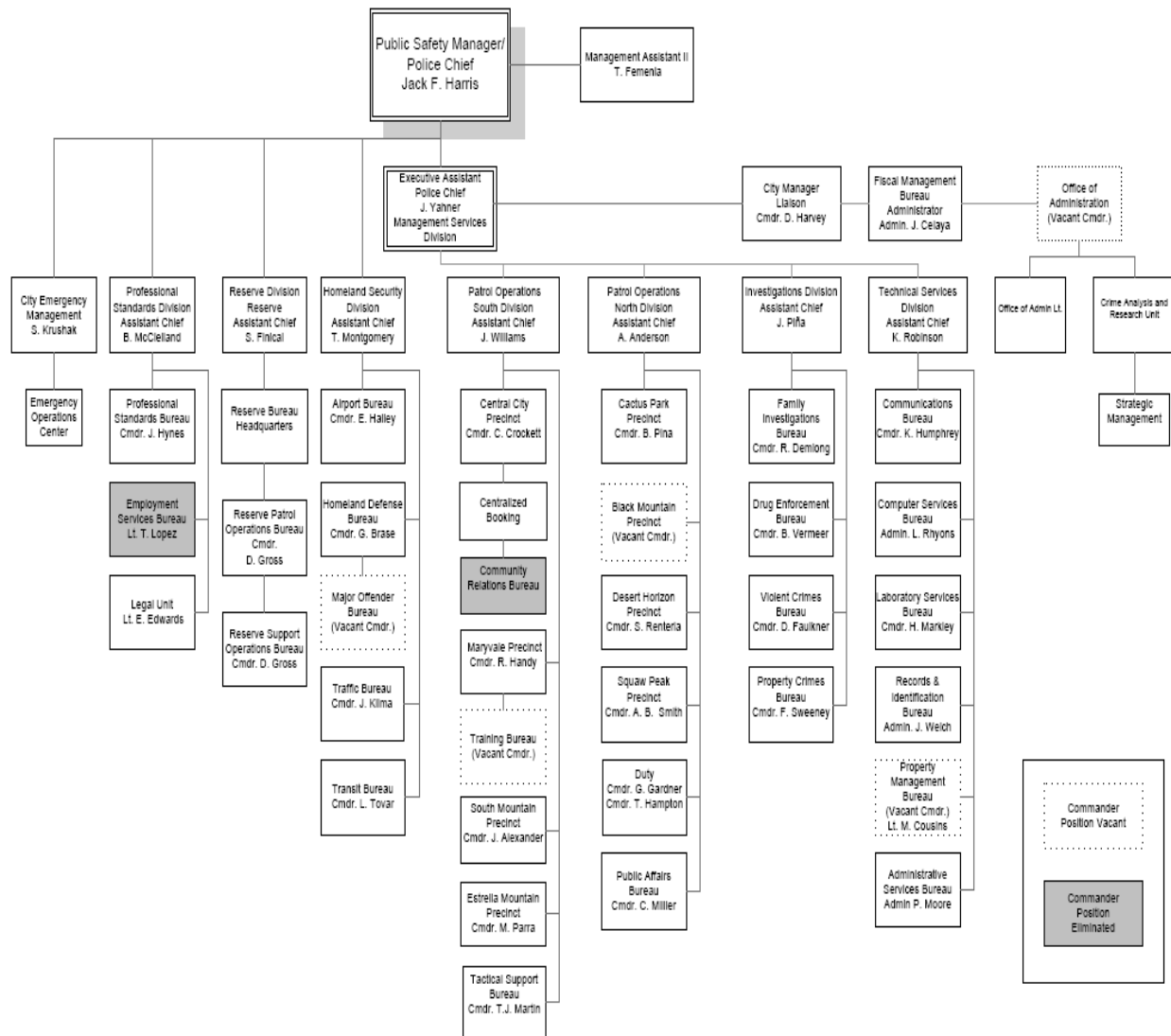
Public Safety/Police Department Organization Chart

Revised 04/26/10

Jack F. Harris Public Safety Manager

Figure 16 Phoenix Police Organization Chart[29]

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[29] *http://phoenix.gov/Police/orgchart1.pdf*

London Metropolitan Police Service[30]

Mission: Working together for a safer London

Our Values:

Working together with all our citizens, all our partners, all our colleagues:

- We will have pride in delivering quality policing
- There is no greater priority
- We will build trust by listening and responding
- We will respect and support each other and work as a team
- We will learn from experience and find ways to be even better
- We are one team - we all have a duty to play our part in making London safer

Organization:

Leadership - MPS Management Board[31]

The Management Board of the Metropolitan Police is made up of:

- The Commissioner for the Metropolitan Police
  - The head of the Met Police traditionally holds the rank of Commissioner. With the exception of the *City of London Police*, which has its own Commissioner, all other UK police forces have a Chief Constable at their head. (A *guide to all UK police forces* is available)
- The Deputy Commissioner
- Assistant Commissioner – responsible for *Territorial Policing*
- Assistant Commissioner – responsible for the *Specialist Crime Directorate*
- Assistant Commissioner – responsible for *Specialist Operations*
- Assistant Commissioner – responsible for *Central Operations*
- Director of Human Resources

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[30] *http://www.met.police.uk/about/mission.htm*

[31] *http://www.met.police.uk/about/leadership.htm*

- Director of Resources

- Director of Public Affairs and Internal Communication

- Director of Information

Management Structure

- Senior police and police staff management

- Territorial Policing

- Specialist Operations

- Specialist Crime Directorate

- Central Operations

Structure of Policing in London[32]

- Organizational structure of The Met

  - The Metropolitan Police Service is a large organization with a complex command structure that reflects the diverse range of tasks it is expected to undertake. This page attempts to give a brief introduction to the main elements of The Met together with links that will take you to more detailed information.

- Territorial Policing: London's local police

  - Following a recent restructuring, most of the day-to-day policing of London is the responsibility of 33 borough operational command units. You can find out more about these units in the section on local policing.

- Specialist Crime Directorate

  - In addition to policing London's streets, the Met has various specialist units dedicated to reducing all aspects of serious and specialist crime.

  - The intention of Specialist Crime Directorate is to place a renewed emphasis on working collaboratively with communities, boroughs and partners to identify effective solutions to serious crime problems. We are dedicated to providing a highly skilled and professional service to Londoners and visitors to London.

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[32] *http://www.met.police.uk/about/organisation.htm*

- Specialist Operations

  • The Met has various specialist units that work across the capital or which fulfill a national role.

  • A number of these are grouped into a section of the organization known as *Specialist Operations*. They deal with tasks such as intelligence, security, protection of politicians, embassies and royalty, and the investigation of certain categories of serious crimes, including racial and violent crime and terrorism.

- Central Operations

  • Central Operations consists of a number of specialist units that provide a broad range of policing functions. These units effectively provide an integrated, collaborative and community focused service to London.

  • With Capital City Policing at the forefront of our responsibilities, we also have the remit for delivering the security arrangements for the 2012 Olympic and Paralympics Games in London.

- Administration and support

  • An organization the size of the Metropolitan Police Service could not function without various management, administration and support functions. For this reason The Met has thousands of staff, including police officers as well as civilians, who work behind the scenes to ensure that the front line units can do their job. Their functions include recruitment, training, personnel management, *provision of information technology*, publicity and communications. Some functions, such as vehicle maintenance and aspects of information technology and telecommunications, have been contracted out to the private sector.

- Other London police forces

  • The Met works in conjunction with neighboring forces but has particularly close relationships with the other forces that police in London: The *British Transport Police*, who are responsible for policing on the rail and tube systems; The *City of London Police*, who cover the area within the boundaries of the *Corporation of London*;

  • In addition, The Met works in conjunction with the other emergency services. The following links provide information on some of those services: Fire Brigade, Ambulance Services, Emergency Services Liaison Panel

- Rank and structure of officers
  - Commissioner
  - Deputy Commissioner
  - Assistant Commissioner
  - Deputy Assistant Commissioner
  - Commander
  - Chief Superintendent
  - Superintendent
  - Chief Inspector
  - Inspector
  - Sergeant
  - Constable

Note: The prefix detective; is given to officers who have been assigned to investigative work after completing the appropriate selection and training. Detective ranks parallel uniformed ranks and range from Detective Constable to Detective Chief Superintendent.

- Police staff
  - The Met's Police staff has a structure similar to that for civil servants working in government departments. However numbered grades, which would be familiar to civil servants, have recently been replaced by a more flexible system based on pay bands and specific job descriptions.

Victoria Police (Melbourne, Australia)[33]

Strategic documents: The Way Ahead 2008-2013 provides the strategic direction for Victoria Police for the next five years

Priorities

A safer Victoria: Crime, public safety and road safety are our focus for delivering a safer Victoria.

Connecting the community: Police connect people within and across communities. Victoria Police are often the first point of contact for people in need of help, and connect with them with others who can provide ongoing assistance.

Valuing our people: Victoria Police values its people and the work they do in providing policing services to the community. The organizations wants its people to be skilled, capable and confident in their roles, professional at leading and influencing change in the community and working effectively within an adaptive and responsive organization.

By achieving these priorities, Victoria Police will connect the community, through our people, to deliver a safer Victoria.

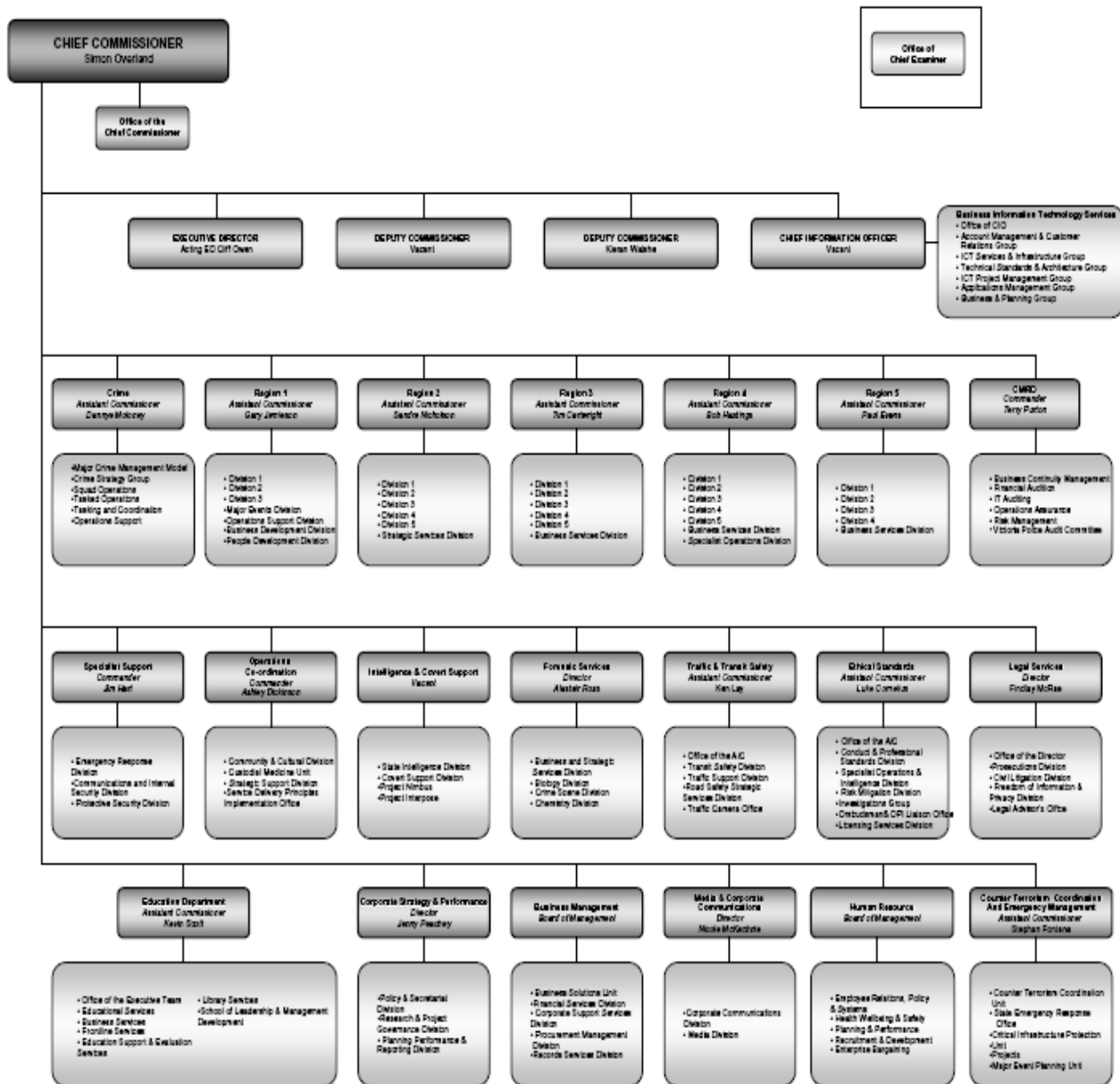[33] *http://www.police.vic.gov.au/content.asp?Document_ID=48*

Figure 17 Victoria Police Organization Chart[34]

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[34] *http://www.police.vic.gov.au/retrievemedia.asp?Media_ID=380*

Annex 4: Sample Civilian Police Policies and Annual Reports, London, Phoenix, Victoria

Below are links to information regarding police policy, standards and agency reports. This information provides useful background and information on current police practice.

Phoenix

http://phoenix.gov/police/index.html

Today, the Phoenix Police Department is comprised of more than 3,800 officers and support personnel who protect a population of more than 1.55 million and patrol almost 516 square miles of nation's sixth largest city. The department is forging into the new millennium with the technologically advanced 800MHZ Trunked Radio System that will meet the needs of the Police Department for years to come.

Phoenix Police Department Operations Manual

http://www.phoenix.gov/police/ops_binder.pdf

Introduction [extracted]

This manual provides employees with guidelines and policy for the uniform enforcement of state, local and federal laws, as well as outlines what is expected of employees in terms of conduct, appearance, and other personnel matters. Individual orders outline the procedures to be followed in the delivery of police services to the community.

The Operations Order manual is divided into nine sections as listed below, a Table of Contents, and Index. A quick review of the order titles will assist in locating the proper section. Specific information can be found by referring to the index at the back of the manual, for example Operations Order 7.4, Booking Procedures, paragraph 2, section B, will be listed as 7.4.2.B. Two chapters, Operations Order 4.3, City Code Excerpts and Operations Order 9.3, Civil Disturbance Response Plan have their own indexes at the end of their chapters.

Certain chapters in this manual have been designated as restricted and are not for public dissemination.

Employees should take measures to safeguard these policies contained in the following nine sections: **Section 1** *Law Enforcement Role, Responsibilities, and Relationships;* **Section 2** *Organization, Management, and Administration;* **Section 3** *Personnel;* **Section 4** *Law Enforcement Operations;* **Section 5** *Operational Support;* **Section 6** *Traffic Operations;* **Section 7** *Prisoners;* **Section 8** *Technical Services; and* **Section 9** *Tactical Plans (RESTRICTED).*

London
 http://www.met.police.uk/about/plans.htm

The Diversity Strategy outlines what the MPS will be doing to enhance community trust and confidence in the police service, and what we are doing to recruit, retain and progress the best people. The Business Plan sets out the strategic intentions of the Metropolitan Police Service over this three-year period under the continued scrutiny of the *Metropolitan Police Authority.* To ensure the strategy remains current it will be refreshed on an annual basis. The Annual Policing Plan will then provide the one-year delivery mechanism to achieve the outcomes laid out in the strategy.

Victoria
http://www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=53208

Victoria Police is a large organization employing more than 13,800 people, including police, public servants and protective security officers, serving Victoria, with a population in excess of five million. With 339 police stations and other facilities, Victoria Police provides support to the community 24 hours a day, 365 days of the year. Victoria Police contributes to a high quality of life for individuals in the community by ensuring a safe and secure society and underpins the economic, social and cultural wellbeing of Victoria.

Annex 5: Principles of Policing in a Free Society

Richard Mayer, *Senior Police Advisor*
Bureau of International Narcotics and Law Enforcement
U. S. Department of State

A law enforcement organization functioning in a free society is one which:

1   Considers *the individual citizen* as the client of the police rather than the state;

2   Develops, maintains and encourages adherence to organizational values which, without regard to race, religion, national origin, ethnicity, sex, age, social status or other non-behavioral human traits;

3   *Honor* human rights and human dignity of its members and the general population;

4   S*upport* the free exercise of available legal rights of all persons; and

5   *Encourage* the *fair and impartial enforcement* of those laws within its purview;

6   In all functional aspects *operates in strict conformance with legal requirements* contained in the nation's constitution, police act, criminal code and other applicable laws;

7   Establishes and maintains an *organizational culture* in which *public service* rather than *public repression* is the *end product* of police activities;

8   Maintains a proactive focus on crime prevention as a means to foster public order, domestic tranquillity and an acceptable quality of life for all persons within the country;

9   Where reasonably possible, enters into *partnerships* with community and other governmental organizations to *identify and solve community problems* which provide *opportunities for criminal conduct*;

10   Actively and effectively investigates reports of criminal conduct with the objective of identifying and apprehending the perpetrator(s) so that guilt or innocence may be properly adjudicated;

11   Forms functional relationships with other key components of the country's criminal justice system to ensure that persons introduced to that system are processed lawfully, effectively and fairly;

12 Approves and encourages the use of *non-deadly physical force* by its members only under carefully defined circumstances to further a legitimate and lawful, societal objective, and the use of *deadly force* by its members *only to save the life of any person, including a member of the police, from a perceived threat of imminent death or serious injury,* or under other circumstances articulated in a local, public law;

13 Develops, maintains and operates under a *code of conduct, rules, policies and procedures* which provide *reasonable guidance* to police personnel in their behavior and the discharge of their assigned functions while holding them *accountable* for the manner in which they perform their duties;

14 Manages the institution in a manner which *rewards* adherence to organizational values, effective performance and personal growth of its members, and *discourages* non-conforming behavior;

15 Readily accepts and thoroughly investigates complaints of misconduct against police personnel; and

16 *Appropriately disciplines* police personnel who are *fairly determined* to have violated the established police code of conduct, rules, policies and/or procedures.

Richard Mayer has over 40 years of police related experience in the United States and overseas. His background includes service as a police officer in Maryland and police chief in Maine. He is an attorney and former Deputy Director of the DOJ/International Criminal Investigations and Training Assistance Program. Mr. Mayer has consulted with more than 300 domestic and foreign law enforcement agencies.

Annex 6: Department of Justice/ICITAP - Core Training Competencies and Curriculum

U. S. Department of Justice – International Criminal Investigations Training Assistance Program

ICITAP provides training in all of the areas listed below.

Basic Police Services

- Arrest & Detention
- Basic Academy Curriculum
- Defensive Tactics
- Emergency Vehicle Operations
- Firearms
- First Responder
- Officer Safety
- Patrol
- Traffic
- Use of Force

Specialized Law Enforcement & Tactical

- Civil Disorder Management
- Critical Incidents
- Election Security
- Explosives
- Hostage Negotiation
- SWAT
- VIP and Vital Installations

Criminal Investigations

- Basic Criminal Investigations
- Crime Scene Investigation

- Criminal Intelligence
- Informant Development & Management
- Intellectual Property Rights
- Interview & Interrogations
- Money Laundering
- Surveillance
- Undercover Ops

Marine & Border Security
- Border Operations
- Marine Ops
- Port of Entry Ops

Democratic/Community Policing
- Citizen Academies
- Community Policing
- Crime Prevention
- Democratic Policing
- Ethics
- Gender Issues
- Human Rights & Dignity
- Rule of Law
- Specific Crime Strategies
- Use of Force

Transnational Crime
- Child Sexual Exploitation
- Cyber Crime
- Drug Trafficking
- International Organized Crime
- Money Laundering
- Sex Tourism

- Smuggling
- Terrorism
- Terrorist Financing
- Trafficking in Persons

Public Accountability/Anti-Corruption

- Anti-Corruption
- Civilian Oversight
- Ethics
- Internal Affairs
- Office of Professional Responsibility
- Personnel Investigations

Organizational Development

- Leadership
- Management & Administration
- Applied Strategic Planning
- Budgeting
- Human Resources
- Media Relations
- Mid-Level Management
- Planning
- Senior Management
- Supervision
- Policies & Procedures

Academy & Instructor Development

- Curriculum Development
- FTO
- Instructor Development
- Managing Training Function

Annex 7: Department of Justice - Preventing Gang Membership and Gang Activity

Phelan Wyrick, PhD., *Senior Advisor*

Office of the Assistant Attorney General, Office of Justice Programs

US Department of Justice

This power point presentation sheds light on the reasons that young people join street gangs in the United States. Though overseas environments may differ significantly from the U. S., there are similarities between domestic street gangs and those in developing countries. The factors described below are important background for those seeking to understand this problem

Preventing Gang Membership and Gang Activity

USAID Symposium on

Crime and Violence Prevention in

Central America

January 14, 2010

Phelan Wyrick, Ph.D.
Senior Advisor
Office of the Assistant Attorney General

Gang Activity in the Community
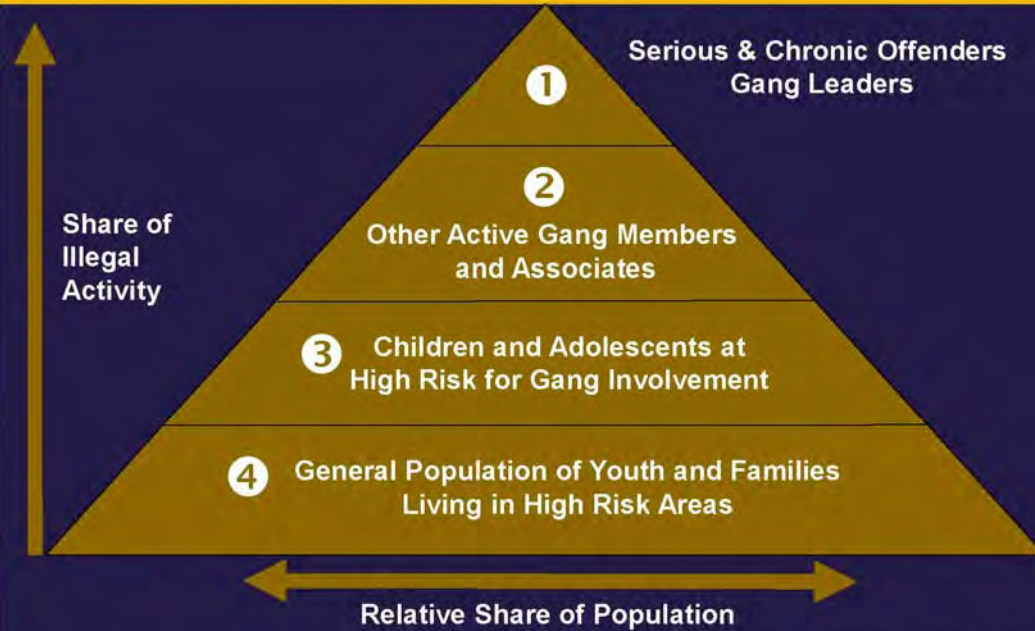
Source: Wyrick, P., "Gang Prevention: How to Make the Front End of Your Anti-Gang Program Work." *United States Attorney' Bulletin*, Vol. 54, No. 3, May 2006, pp. 52-60.
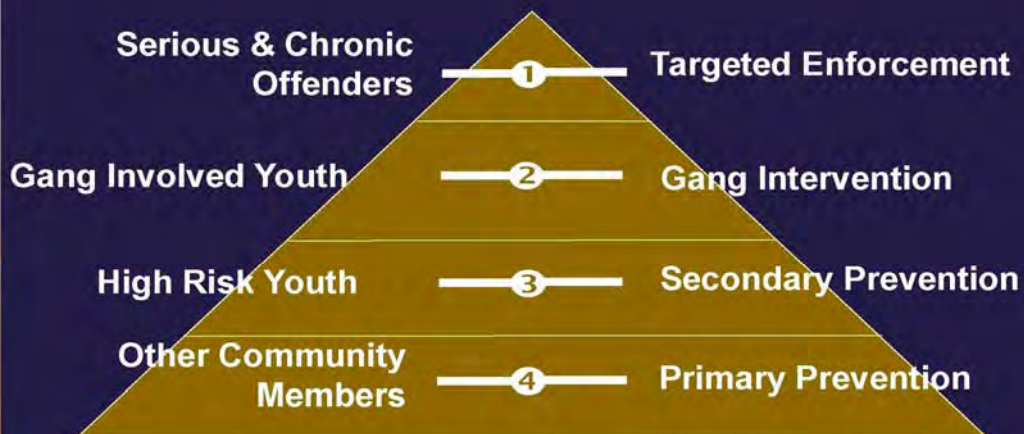
People Are "Pushed" and "Pulled" Into Gangs

➢ "Pushes" are the negative conditions in the environment that make a gang-free, crime-free life seem unattractive or inaccessible.

➢ "Pulls" are the aspects of gang involvement that young people perceive as positive or attractive.

4

Risk Factors and Gang Membership

Researchers in Seattle studied the odds of joining a gang at ages 13 to 18, relative to the number of risk factors present at ages 10 to 12.

➢ Those with **2 to 3 risk factors** were **3 times** more likely to join a gang later than those with zero or only 1 risk factor.

➢ Those with **4 to 6 risk factors** were **5 times** more likely to join a gang.

➢ Those with **7 or more risk factors** were **13 times** more likely to join a gang.

Source: Hill, K.G., Lui, C, & Hawkins, D. "Early Precursors of Gang Membership: A Study of Seattle Youth." *OJJDP Bulletin*, December 2001.

6

To Understand "Pulls," Ask Young People

Why do young people say they join gangs?
- Status/Identity
- Fun/excitement
- Peer group/"family"
- Protection/strength
- Money

Our young
people deserve a
better future
than this...

The author, Phelan Wyrick, Ph.D. is a Senior Advisor to the Assistant Attorney General for the Office of Justice Programs (OJP) in the U.S. Department of Justice. For over a decade, Dr. Wyrick has developed and overseen research, evaluation, and demonstration programs specializing on street gangs and delinquency prevention in OJP bureaus including the National Institute of Justice and the Office of Juvenile Justice and Delinquency Prevention. He was the recipient of the 2007 Attorney General's Award for Outstanding Contributions to Community Partnerships for his work on community-based anti-gang initiatives. Dr. Wyrick was a regular instructor on gang prevention at the International Law Enforcement Academy in El Salvador from 2006 to 2010. Prior to joining the Department, Dr. Wyrick served as a Research Associate in the City of Westminster Police Department in Orange County, California. He received his doctorate in social psychology from the Claremont Graduate University.

Annex 8: Department of State – Criminal Justice Sector Assessment Rating Tool

Note: This rating tool is comprehensive and detailed. It provides valuable context and insight to the complexity of the criminal justice and law enforcement environment.

CRIMINAL JUSTICE SECTOR
ASSESSMENT RATING TOOL

A U.S. Government Interagency Framework
to Assess the Capacity of
International Criminal Justice Systems

January 2008

Bureau for International Narcotics and Law Enforcement Affairs
United States Department of State
Washington, D.C. 20037

Version 2.0
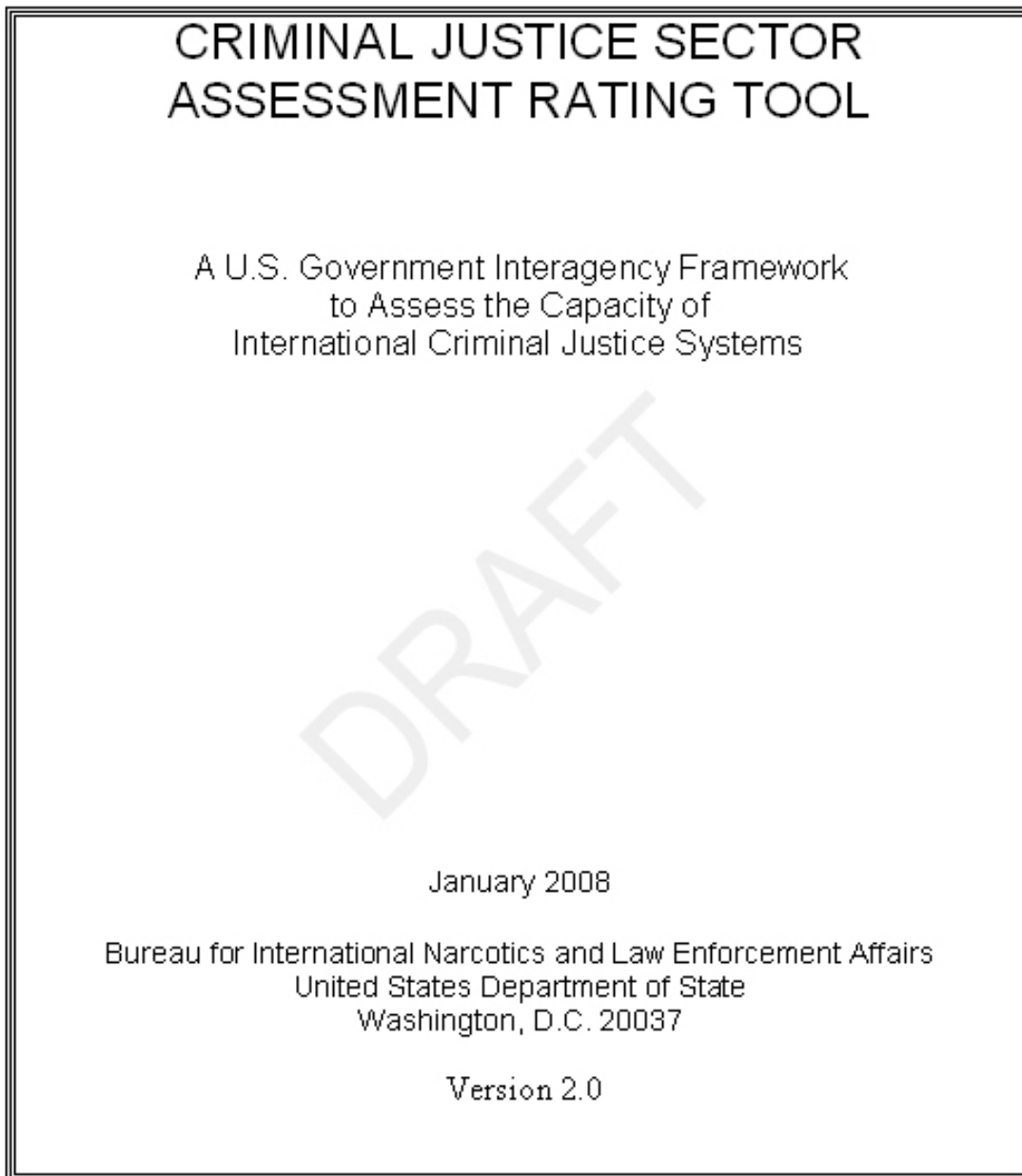
Contents

> **Please Note**
> *This table of contents does not correspond to the page numbers of the master document since this Rating Tool is included as an annex.*

THE CRIMINAL JUSTICE SECTOR ASSESSMENT RATING TOOL

ASSESSOR INFORMATION

A product of the Interagency Working Group
on Criminal Justice Sector Evaluation

Introduction

The events of September 11, 2001 demonstrated the direct and lethal threat posed to U.S. national security by a state that openly exploits its dearth of democratic processes and lack of legitimate rule of law. Recognition of the serious threat posed by states that previously were thought largely incapable of directly harming the United States has required a substantial examination of, and alteration in, national security strategy.

As the U.S. government adjusts tactics for fighting the long war against terror and other transnational crime threats, effective tools are needed to systematically expand the use of "soft power" to assist and develop fledgling nations' rule of law institutions. There is growing recognition of the high correlation between effective criminal justice systems in democratic nations and their ability to be reliable, long-term international partners for peace, stability, and prosperity.

U.S. assistance in Afghanistan and Iraq has underpinned the need for a whole of government paradigm to promote rule of law. The United States Government (USG) now spends billions of dollars each year on rule of law assistance programs. A fundamental and vital component of rule of law development is instituting a vigorous and impartial criminal justice sector. Proficiency in how to effectively use and measure this foreign assistance, however, continues to develop accompanied by the requirement to organize complex efforts into transferable knowledge for all of USG policy makers and implementers.

The Criminal Justice Sector Assessment Rating Tool (CJSART) is designed to assist policy makers and program managers to prioritize and administer host-nation criminal justice sectors needing assistance. Once the assistance programs are underway, the CJSART is a systematic tool designed to measure progress and accomplishments against standardized benchmarks. Used in its entirety, the CJSART holistically examines a country's laws, judicial institutions, law enforcement organizations, border security, and corrections systems as well as a country's adherence to international rule of law standards such as bilateral and multilateral treaties.

Policy makers have long understood the end-state goals of lowering crime rates and providing access to justice, but the intermediate steps toward reaching those goals were not well defined. The CJSART is the first USG attempt to comprehensively identify the

crucial components of a healthy criminal justice system, assess them, and create a framework for improving rule of law over the long term. The CJSART can be used to increase efficiency, conserve finite foreign assistance resources, and help to ensure that our efforts are cost-effective and transparent. The components CJSART captures of healthy systems are international principles, not U.S. practices. The framework in this tool takes into consideration those components universally necessary for democratic rule of law, while remaining sensitive to the customs, traditions, and social structures of the world's myriad forms of democracy and their individual levels of development.

This Criminal Justice Sector Evaluation focuses its efforts on a subset of the security sector: criminal justice systems. For the purposes of this framework, a criminal justice system is comprised of the following elements:

- **Laws**
  A nation's Criminal Code and Criminal Procedure Code;

- **Judicial Institutions**
  Judges, the Public Prosecution Service, and the Defense Bar (including both private attorneys and public defenders);

- **Law Enforcement**
  Policing, investigations, and forensics;

- **Border Security**
  Points of entry, Customs, and Security, whether land, marine, or air;

- **Corrections System**
  Prison system and detention facilities, both pre and post conviction confinement; and

- **International Cooperation**
  Treaties relevant to criminal justice to which a nation is a signatory and membership/participation in conventions, agreements and international organizations.

Standardizing these six components allows for progress to be tracked over time. Prior to CJSART, the status of a country's criminal justice system was often determined through consideration of an ad hoc, often expedient, assortment of considerations or via the personal expertise of individual program managers. Because the collection of factors considered was not consistent, or always reflective of USG assistance priorities, it was often not possible to affirm definitively when progress was made within s state's a criminal justice system. CJSART, therefore, attempts to advance the field's ability to reliably and systematically evaluate criminal justice sector assistance.

Theory and practice within the field of rule of law is deepened by CJSART's holistic approach. Criminal justice systems often break down because of difficulties at the

vulnerable intersections of the various justice sector disciplines. For example, poor police-prosecutor cooperation in investigations can often result in a justice system unable to convict its criminals. Or, prisons might be overcrowded because a country's legislature has not passed laws allowing for bail, alternative sentencing, and parole. CJSART includes indicators specifically designed to encourage assessment of interdisciplinary issues. This, combined with the structure of a CJSART assessment, which sends sector experts out as an integrated team, results in a more complete understanding of what may be weakening or strengthening a state's rule of law. The challenges criminal justice systems face are often complex, crossing many sectors, so it is crucial that the USG have a consistent tool for designing programs which do the same.

The CJSART ultimately strives to drive program performance by enabling policy makers to design multi-faceted programs based on defined needs and vulnerabilities. This framework can lead to further evaluation and analytical integration with other security sector reform projects. As performance information continues to be collected and analyzed, policy makers are able to make informed decisions on the efficacy of development approaches with international criminal justice systems, thus strengthening the first line of defense against the encroachments of both local and international criminal elements and helping to reduce the likelihood that a country will become an incubator for international terrorism.

SECTION I: CJSART BACKGROUND

CJSART began early in 2004 when experts from the Department of State, Agency for International Development, Department of Justice, and the Department of Homeland Security formed an inter-agency working group and began to outline a systematic criminal justice assessment paradigm. Although INL assumed a coordinating role in this interagency exercise, the bulk of each sector's indicators were developed by the relevant expert agency. Approaching three years of exploration, coordination, and research, CJSART now has active intellectual contributors, collaborators and mentors from dozens of bureaus, in both the civilian and military departments and agencies. To date, CJSART assessments have been conducted in Georgia, Guatemala, and Sudan. The tool's framework has been also used by myriad of evaluators in other parts of the globe such as Liberia, Indonesia and Nepal.

Methodology

A CJSART assessment begins with a comprehensive desk study. The desk study reviews the relevant literature and considers broader questions, such as: What is driving insecurity in the country? Who supports reform and who opposes it? These questions are outlined at the beginning of each section as "Context Questions."

The in-country portion of a CJSART assessment consists of dozens of interviews and facility visits often accumulating to interviewing over a hundred officials. Assessors work to determine a yes or no answer to each of the 700-plus indicator statements. Arriving at a simple "yes" or "no" requires synthesizing input from multiple actors and ensuring capabilities are demonstrated, not only discussed.

Depending on how many questions an assessor answered in the affirmative, he or she assigns a numeric ranking that show the stage of development of various aspects of a criminal justice system. All the indicators have been written so that they describe positive attributes that should be in place in a criminal justice system. The actually calculations are accomplished with the use of a spread sheet, but the system is pretty basic and easy to understand. If a country meets between 0% and 20% of a certain performance capability, it is ranked as a Level 1; for 21-40% it is Level 2; 41-60% is Level 3; 61-80% is Level 4, and 81-100% is Level 5 for that specific capability. Essentially experts proceed through the queries of their respective discipline scoring the information gleaned from the interview in one of the five categories for each applicable capability.
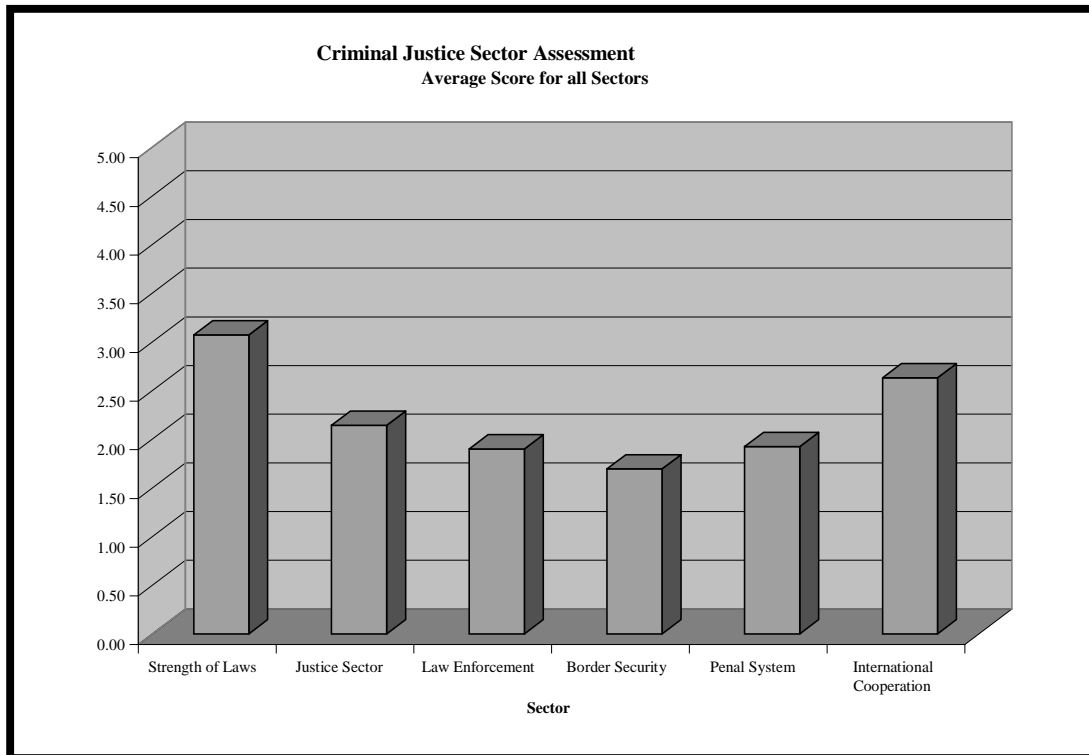
Figure 18 Criminal Justice Sector Assessment

The final calculations for the various performance "functions" is done in Washington by the CJSART team. Calculation is straightforward as each capabilities builds into a performance function, which then build into score for that disciple. Normally the calculations are simply straight percentages; however, certain fundamental USG priority indicators (which are underlined throughout the query battery) must be met in order for a country to score above Level 2 in any performance capability. Thus; a country which answered "yes" for three out of a possible five measurement indicators, might be expected to be a Level 3 (41-60%); however, if one of the two "no" indicators was underlined, therefore fundamental, the country would only achieve scoring in the Level 2 category.

The possible permutations for each capability score is almost limitless; however, below is a brief description of what assessors might expect to see at each level:

Level 1 (0-20%) Country is essentially nonfunctional in this capability area and/or progress data is totally unavailable, or the country is not able to verify any meaningful progress in this area. This is likely a rebuilding country or lower where broad day-to-day developmental assistance/expertise is required to operationalize in this measurement indicator. At the upper end of this range there may be some minimally palpable progress of capability/concept building demonstrated within this competency function.

Level 2 (21-40%) Some minimal development was observed in capabilities in line with the required competencies, but documentation of progress is mostly anecdotal. This is

probably a developing country where hard evidence of capacity building and progress is very limited or; competency improvements are being planned but mostly not yet implemented/funded; and, where there is considerable developmental work still required for implementation of capacity improvements. In most cases a Level 2 country will not yet meet Millennium Challenge (MCC) criteria.

Level 3 (41-60%) Capacity improvements are verifiable, being implemented and democratic reforms are in the early stages of implementation. This may be a transforming country where the momentum of reform is adequate -- more likely is a sustaining partnership country. Capacity building is well along in the implementation stage and some encouraging, real and documented progress is evident. Improvements are being achieved; and progress can be verified with program trend data as well as anecdotal records, and evidence of improvement is easily demonstrated.

Level 4 (61-80%) Capacity building is unmistakable to the observer team and the program element is functioning with results at a highly satisfactory level of accomplishment. The component is demonstrating and achieving the intended purpose in nearly all important areas; there has been significant, obvious and verifiable progress in implementing the components of the program. At the lower end this could be a sustaining partnership country but more likely is a reforming country where the measurement indicators being evaluated strongly indicate programs accomplishing milestones and meeting objectives. Evidence of sustainable progress is well documented and some measurement management feedback/analysis is evident.

Level 5 (81-100%) Compelling and convincing evidence demonstrates that this program element has attained an enviable level of achievement. A country performing constantly at the Level 5 will have its programs firmly established, and best-practices will be thoroughly institutionalized; there is documented evidence that programmatic outcomes have been implemented in a wholesale fashion; there is considerable confidence that skills of this measurement indicator illustrate the capacities of the very best sustainable law enforcement programs and/or this is a Criminal Justice Sector institution that is comparable to the most sophisticated in the world.

These rankings are then depicted graphically (see: Georgia graph) to help program designers visualize areas of strength and weakness in a country's criminal justice system.

CJSART assessments, as well as most modern Rule of Law or Justice Sector reviews, frequently arise because of a need to address an apparent problem, or to provide responses to policy makers or to adjust programmatic priorities in the wake of budgetary or priority shifts. The focus of the CJSART expert is to collect data using a rigorous, defined and replicable framework categorized in a prearranged system. Once the country data is collected and catalogued it can then be analyzed out of country; applying such intelligence, contextual guidance, demographic facts, local insight or diplomatic priorities as needed.

At the outset, CJSART experts need to remind themselves that their evaluations are primarily focused on a country's criminal justice sector. Unlike more narrow reviews and audits fashioned to focus on a aspects of a particular government program or donor project, the CJSART interdisciplinary assessment is designed to assess and help to analyze the interlocking key components of the criminal justice sector, their integral procedures and how well (or poorly) they work together to ensure a responsive, just and transparent system. Because the rigor of CJSART is in part dependent on its holistic approach, eliminating key components from an assessment can have an eroding effect on the usability of its findings. As tempting as it can be to focus on more familiar programmatic mechanisms, it is important that the assessment team keep the holistic, country-level methodology in mind.

From the perspective of the CJSART expert assessor (interdisciplinary experts in the areas of Laws, Judicial Institutions, Law Enforcement, Border Security and Prisons), the operation of the Tool takes place in three stages:

1   Pre-visitation administration and country research;

2   Visitation and the in-country assessment; and,

3   Final analysis, quantification and editing of the analytical country report.

During each of these phases the interdisciplinary CJSART criminal justice sector experts will be assisted and guided by the Team Leader and/or a CJSART Tool Administrator from the Bureau for International Narcotics and Law Enforcement.

The first stage, pre-visitation, begins with the initial tasking by a country or functional bureau policy maker. The initial tasking can precede the actual visitation stage by as much as six months, but the norm is closer to 90 days. During this stage much of the logistic work is done and the research for the desk study is also accomplished. Further, specific experts in each of the disciplines are identified, recruited and briefed. Upon the request of the individual experts, the desk study is tailored to address areas of concern, and together with the Washington staff, an interviewee list is assembled. Near the end of the first phase, the interviewee list and travel logistics are coordinated with the USG in-country mission to help streamline the in-country visit and allow as much assessment exposure as possible.

The second, most visible, aspect of the CJSART process is the in-country assessment visit by the team of interagency experts. Depending on the country and the complexity of the assessment, the assessment visit will run from one to two weeks. During this period, the experts of interagency assessment team will function semi-independently of each other, conducting up to 7 assessment interviews and facility visits each day. The task of the CJSART team is to return with short narratives and composite scores for each of the 100 or so performance measure capabilities. Although there are a sizeable number of categories, each expert is generally only responsible for a far more

manageable number of 15-25 performance measures, consisting of approximately 100 individual inquiries in their professional discipline.

Most experts find it useful to capture the information as they conduct each interview, and then compile the record each evening along with their narrative impressions and the scores for the categories addressed that day. Of course, not every interview or facility visit will address all the categories – indeed most will allow a look at only a segment of a discipline. So, experts will need to track which capabilities they need additional information and begin to solicit answers in those areas.

As the accumulation of interview and scores build up, the experts can expect to see a pattern or, more likely, a series of patterns. Additional patterns will develop as individual experts begin to compare there finds and typically cross-cutting patterns will emerge. For instance, a country that has trouble paying its police may also have trouble paying its border security. Or, a country which has no effective ethical oversight mechanism for its judiciary may also show signs of lack of oversight for police, prison security and others. Typically these findings will become evident rather quickly during comparisons across disciplines as experts identify and pinpoint cross-cutting factors or cross-disciplinary impediments. The experts are encouraged to pursue these, as well as to offer their expert opinions on possible solutions, whether small and local, or large and systemic.

With assistance of the Team Leader or Tool Administrator, the individual CJSART experts will accumulate their notes, generally containing:

- Narrative observations directly addressing the performance measures from their interviews and facility visits.

- Numerical scores from the same CJSART performance measures.

- Any cross-cutting, interdisciplinary concerns or issues they have detected.

- Specific recommendations regarding priorities for further assistance including solutions to interdisciplinary problems or other complex remedies.

- Any other topics they feel should be captured, such as: lessons learned, paradigms worthy of emulation, or innovative solutions they observed.

The last stage (typically an additional 4-6 weeks from completion of the in-country assessment visit) takes place back in Washington, where the notes, narratives, scores and initial recommendations of the CJSART experts are compiled into an analytical country report. The data previously collected in country is used to calculate performance measure scores which are fed into the spreadsheet, producing separate, more detailed, bar-graphs (see: graph[35]). These bar-graphs depict the internal component levels for

---

[35] Law Enforcement section scoring from Interagency CJSART, 2006.

each of the six criminal justice sector disciplines and are inserted into the final report to help program directors better visualize areas of weakness or strengths. The data is also cataloged for future reference by follow-on country evaluators. Once the data has been collected, assembled and catalogued for computation, the experts will write their respective analytical reports, relying on their data and amplifying and explaining their findings through anecdotal illustrations as well as their analysis. At this final stage is where the CJSART team is encouraged to rationalize and explain the various demographic, budgetary, political or other dynamics which may be shaping or hindering criminal justice sector progress.

Host Country Law Enforcement - Scores
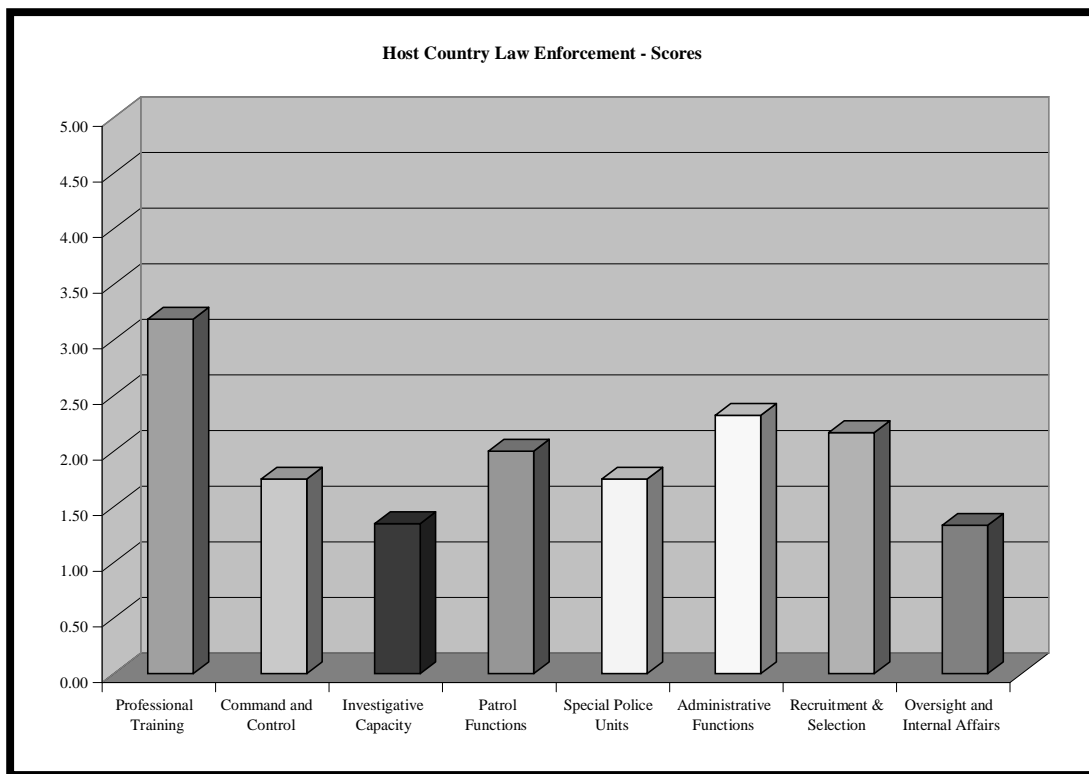
Figure 19 Host Country Law Enforcement - Scores

The individual expert reports are assemble in a final document, but before the final draft of the report is approved for distribution, it is sent back to the experts to ensure it captured their thoughts and assessments, as well as to offer an opportunity for any additional observations they may wish to include. Finally, the foreign assistance recommendations of the team are inserted in the analytical country report, so planners and policy makers have a clearer picture of the logical paths forward. Once fully reviewed and edited, the final country report is distributed, usually about six weeks after the assessment team returns from the country being assessed.

Assessors will draw on a range of interviews and facility observations in determining how to rank each component within CJSART's holistic, sector-wide assessment

structure. Below is a far from exhaustive list of some of the groups and officials that should be consulted when appraising each section:

Laws and Judicial Institutions

- High- and mid-level prosecutors
- Public and private defense attorneys
- High- and mid-level justices
- Traditional/customary legal professionals
- Ministry of Justice representatives
- Bar Association representatives
- Law school faculty
- Human rights organizations

Law Enforcement

- Ministerial level and regional, mid-rank police officers who can speak to:
- Administration, operation, finance, criminal activity, & training
- Non-governmental security firms
- Agencies that track crime statistics
- Forensics and investigative officials

Border Security

- Ministerial level and regional, mid-rank customs officials
- Airport security officials and technical support
- Border guards
- Seaport Authority and Security

Corrections

- Ministerial and mid-level prison administration officials
- Prison guards
- Rehab and inmate retraining/integration officials or NGOs

International Cooperation

- Appropriate Ministry
- USG Legal Attaché at the Embassy
- United Nations
- Other Donors
- Interpol
- International NGOs
- Local NGOs

Other interdisciplinary Institutions

- Media, both indigenous and international bureaus
- Non-governmental Organizations with a country presence
- Governmental or non-governmental donors with operations
- USG Program Officers
- Faith based organizations provide Justice sector assistance

Do I have to ask all 700 questions? No! Both you and the interviewee would be fast asleep before you ever got that far. The individual queries are designed primarily to frame the conversations and although experts should be able to answer each query, every question need not be asked. Experts will be able to deduce the answers to many queries simply from their facility observations, as well as from the context of the interviewee's answers to previous questions. The exercise is framed by the 100 or so "Capabilities," after which CJSART relies heavily on our criminal justice experts to "see around corners" and provide insight on the causes and effects they have observed.

Are there any questions that _MUST_ be asked? Yes! Throughout the Tool are several dozen underlined queries. These must be asked directly if the information is not reliably ascertainable during the course of the interview. These particular questions have been deemed essential USG interests or are basic criminal justice building-blocks. Typically these questions are those that involve human rights and/or are of a very fundamental nature.

Is one assessment tool used world-wide? Yes. The emphasis is on a rigorous, replicable measurement of justice sector maturity and institutional performance _within_ a specific country. Predominantly, the criminal justice institutions are measured against themselves using a common, standardized yardstick to ensure that ongoing institutional reform may be reliably quantified. The goal of the tool is to help establish foreign assistance priorities _within_ a country using a reliable, orderly and established benchmarking system. Assessors are encouraged to rely on their experience but are discouraged from making direct country to country comparisons excepting to typify proposals for further assistance and development.

Does the Tool measure political will? Experts have long labored to measure the important, but oft ill-defined, _political will_. There is no doubt that political will, the willingness of a government to actually do something, is a vital factor if there is to be any hope of sustainability in a nation's criminal justice sector. CJSART is based on operationalized concepts as well as functional institutional capacity and does not attempt to quantify political will outright. In essence, CJSART primarily focuses its energy in trying to quantify political will's footprints. Nonetheless, experts should be ever vigilant for signs that a country's will to act does not match their rhetoric. Further, before the experts travel, the desk study often will bring together what authoritative analysis is currently available regarding a country's political will.

Why does CJSART measure areas that aren't part of the country's USG assistance program? Building on lessons learned from decades of justice sector assistance efforts, CJSART looks at the entire sector as an interrelated, integrated and, hopefully, coordinated whole – a holistic paradigm. CJSART establishes country-wide benchmarks as well as highlighting segments that are fertile for assistance – segments

that may yet be beyond the current assistance program. The focus is on keeping a constant, holistic monitor on the integrated criminal justice sector so that deficiencies in one sector area do unexpectedly compromise USG assistance in another.

What do you mean by "holistic"? CJSART is made up of interrelated, but separate justice sector disciplines: the laws, the judicial institutions, as well as the police, prisons and border security officials, are components of a whole. A holistic assessment considers the capacity of the entire criminal justice system rather than narrowly focusing only on prosecutors or police, etc. There are myriad factors which have an impact across the system and CJSART's holistic methodology invites the experts to concentrate on their individual areas of expertise, while pursuing cross-cutting influences.

Wouldn't it be better to spend money on programs not assessments? We are operating in an increasingly results driven environment. In order to achieve meaningful results, policy makers need to know what would be the most effective use of funds. Demonstrating those results requires a certain investment. The dollar cost of a CJSART assessment is comparatively nominal and should pay for itself in helping to set assistance priorities and in providing policy makers with a standardized yardstick they can use with confidence. CJSART is like the instruments in a car: giving practitioners a solid idea where they are going and how well the machinery is working, and as accumulative data is assessed, how fast one is moving towards program objectives. CJSART's quantitative data and interview summaries also assist policy makers see where resources are getting slim, or where a program goal may need to be refined. CJSART is a yardstick designed to increase efficiency, to better focus finite foreign assistance resources and to help ensure that our assistance efforts are cost-effective and transparent.

Who should I contact if I have questions regarding this assessment program?

Feel free to call or email the Department of State, INL/RM.

James A. Walsh, 202-776-8505, *walshja@state.gov*

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SECTION II: ASSESSMENT INSTRUMENT

Section A – Laws:[36]

Laws, especially the criminal code and the criminal procedures code, form the basis of all criminal justice systems. These laws must clearly define crimes, the corresponding punishments, and how those accused of committing crimes must be treated. Protecting many human rights begins with establishing criminal procedure codes which prohibit discrimination and mistreatment. Citizens must have access to these laws in order to hold their government accountable. The specific authorities of an institution are often laid out in national legislation such as a police act or judiciary act. These are the kinds of issues examined in this section of the Criminal Justice Sector Assessment Rating Tool.

Context Questions

How do the laws balance the good of society as versus the rights of individuals?

Is there a demand for legal reform within the government?

What is the relationship between non-state justice and law enforcement organizations? Are they recognized by law? Is the jurisdiction between the formal and informal system clear?

> **1 Function: Criminal Code**
>> **a** Capability: Content
>>> i Measurement Indicators
>>>> ● <u>Is there a criminal code?</u>
>>>> ● <u>Does the criminal code clearly lay out the elements of most crimes?</u>
>>>> ● Do serious crimes merit appropriate penal sanctions (as opposed to monetary fines)?
>>>> ● Are penalties (minimum…"to receive no less than" language) written in the law?
>>>> ● Do less serious, or victimless, crimes receive appropriate/lesser sentences which are written in the law?

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[36] NOTE: All queries in a sub-category that are <u>underlined</u> must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

b   Capability: Access – Awareness

   i   Measurement Indicators

- <u>Are criminal laws drafted, publicly debated and passed in an open and transparent process?</u>

- Does the government make laws and the constitution publicly available at, for example, government information offices, local courthouses, government website, police stations, etc?

- Are new laws immediately available to the public once they are passed?

- Can a citizen easily obtain free copies of their Constitution or laws?

- Can the average citizen get information that explains in a clear and direct way what rights and obligations the Constitution and other laws contain?

- Does the court/court-system generally provide enough information about its services, procedures and decisions so that citizens, plaintiffs and defendants are aware of their requirements, proceedings and resources?

- Are there non-government sources of information for citizens about their rights under the constitution via, for example: television, newspapers, internet, NGOs, etc?

- Is the public aware of their civil/individual/human rights if arrested, detained, property is seized, etc.?

- Are basic civil rights and protections such as arrest procedures and individual protections taught to the country's students in school?

c   Capability: Equality

   i   Measurement Indicators

- <u>Do laws specifically prohibit discrimination?</u>

- <u>Do laws protect identified minorities, etc.?</u>

- <u>Are there conspicuous numbers of minorities/women in the police? Seated as Judges? Serving as Prosecutors?[37]</u>

2   Function: Criminal Procedure Code

  a   Capability: Content

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[37] Note to Experts: Where countries track such statistics, make a note of the numbers they provide.

i   Measurement Indicator

- <u>Does the criminal procedure code and observable practice prohibit criminal justice officials from engaging in torture or inhuman or degrading treatment</u>?

- Does the criminal procedure code and observable practice prohibit illegal slavery or servitude (trafficking in persons)?

- Are people punished for crimes that were not crimes (ex post facto) when they committed them?

- Is freedom of expression reasonably unrestricted? (Reasonable restrictions include national security, privacy, etc.)

- Is freedom of association reasonably unrestricted? (Reasonable restrictions might include curfews during looting, to preserve public order, or wartime; quarantines for illness, public health/safety, etc.)

- Are people allowed to practice the religion of their choice? (Or no religion if they choose)?

- Are there provisions for alternative sentencing such as alternatives to imprisonment or dispute resolution? If so, is there a possibility of formal judicial review of such alternative mechanisms?

b Capability: Procedures

i   Measurement Indicators

- <u>Is a person informed at time of arrest/detention of reasons for arrest/detention and charges against him/her if any?</u>

- <u>Is an Arrestee/Detainee brought promptly (48 hours) before a judge or judicial officer to decide on lawfulness of arrest/detention?</u>

- If arrestee/detainee is charged with a crime, is s/he advised of her/his right to remain silent and right to an attorney?

- Is the time it takes from arrest/detention to initial appearance before the judge for review of arrest/detention predictable and proscribed by law?

- Is there standard proscribed amount of time from arrest/detention to trial for serious crimes (felony: rape, homicide, serious assault)?

- Are records kept to show how much of the total detained population is awaiting trial?

- Are the following measures of pretrial restraint viable options to pre-trial detention: Bail, House arrest, Surety, Personal Recognizance?
- Are criminal trials open to the public and media?
- Are criminal trials closed to the public only under special documented and legally provided for circumstances that maintain the procedural protections/rights of the parties?
- Are court decisions published and made available to the public?
- Do public authorities refrain from treating a suspect or defendant as if s/he were guilty prior to being tried in court (presumption of innocence)?
- Are persons able to receive private/paid counsel promptly after their arrest or detention?
- Are persons able to receive public/free counsel within a reasonable time after their arrest or detention?
- Are defense attorneys able to meet confidentially with their clients in pretrial detention facilities?
- Can the accused/defendant challenge his "confession" in court by alleging coercion and mistreatment as the reason for the "confession"?

c Capability: Civil Protections – Ethical Enforcement

   i Measurement Indicators

- Do criminal justice officials refrain from inhuman or degrading treatment or punishment or excessive/inappropriate use of force occur (whether overtly or by acquiescence)?
- In the event that incidents of torture or degrading treatment or excessive/inappropriate use of force are identified, does the government take meaningful corrective action to address this conduct (e.g., investigation, prosecution, firings, issue a public report, etc.)?
- Does slavery or servitude (trafficking in persons) occur, whether overtly by governmental acquiescence?

Section B – Justice Sector:[38]

Judicial institutions play an important role in stabilizing the balance of power within a government and access to justice is fundamental to the protection of human rights. Courts are also important conflict resolution mechanisms for resolving disputes non-violently. This section focuses on judicial institutions and the key actors: judges, prosecutors, and defenders.

Context Questions

- How are judges and prosecutors appointed?

- What is the level of corruption in the judicial institutions? Is this being addressed?

- What are the size and coverage of the judiciary, prosecution, public defenders (e.g. number, variety, jurisdiction, and hierarchy of the courts)?

- What are the capacity limitations of the judicial institutions (human resource, financial, infrastructure)?

- What are the reliable authority and financial resources of the judicial institutions?

- What types of issues and disputes do non-state justice systems address?

- What is the relationship between traditional and formal systems for resolving disputes?

- Is there a demand for judicial reform within the government? What are the incentives and disincentives for reform?

- What is the relationship between civil society organizations and state and non-state justice providers?

- Which, if any, groups in society do not have access to justice?

- With which justice institutions (state and non-state) do poor people interact most? Are these experiences positive or negative?

- Are there military courts? Under what circumstances can they try civilians for criminal offences?

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[38] NOTE: All queries in a sub-category that are <u>underlined</u> must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

1 Function: Judicial Institutions

   a Capability: Judiciary

      i Measurement Indicators

- Is there a separation of powers between the judiciary and the other branches of government?

- Are judicial decisions free from influence by the executive or legislative branch both under the law and in practice?

- Are court decisions typically objective and based on the merits (objective arguments and evidence presented) of the case?

- Are judicial decisions written and regularly available to both legal professionals and the public?

- Do judges of the highest courts in the land have lifetime appointments?

- Do judges receive appropriate salaries, commensurate with other justice sector officials?

- Can a judge be removed only for reasons of cause (breach of ethics, etc.)?

- Can a judge be transferred only with his/her consent?

- When the jurisdiction of the court to hear a case is contested, does the presiding judge decide?

- Do prosecutors generally respect the judge's authority and decisions?

- Does the judiciary have a budget adequate to carry out its responsibilities?

- Do judges have material and substantive resources (including statutes, codes, laws, copies of opinions, regulations, supplies, etc.) sufficient to perform their duties?

- Are judges selected, promoted and fired based on competence (knowledge/skills), fairness, integrity and experience?

- Are cases assigned randomly?

   b Capability: Judges

      i Measurement Indicators

- Are the requirements for appointment to the bench public and transparent?

- Must judges be qualified to hold office?

- Do judges receive periodic training to stay current in the law?

- Are the rules governing judicial ethics and conflicts of interest written down and made public?

- Do judges accused of misconduct or improprieties receive written, documented explanation (including grounds) of accusation and the ability to appeal a disciplinary decision to an independent body?

- Are judges judged by their peers (as well as any other tribunal) in these circumstances?

- <u>Is there a requirement that judges must file financial disclosure forms on a regular basis?</u>

c Capability: Court Administration and Record Keeping

   i   Measurement Indicators

- Is there a designated/elected/appointed official (or professional office) empowered with the responsibly for court management? (At a national level, and at the level of each court)?

- Is the case tracking system reasonably calculated to make sure that cases are accounted for (perhaps with the tickler file or other systematic alerting system) and that the court, attorneys, plaintiffs and defendants are notified of due/suspense dates?

- Is the case tracking information publicly available in a central database or repository to the prosecution, defense and judiciary or criminal justice officials directly involved in a case?

- Does the designated official or professional office have sufficient budget and staff to afford court users access to records and documents of ongoing and past cases?

- Are the following statistics compiled and reasonably available: Number of cases brought to court, withdrawn, cases diverted to programs, acquittals, convictions and other dispositions, sentences (including a breakdown of types of sentences used)?

- Are there statistics regarding how many people are sentenced to imprisonment during the course of a year or other time increment?

- Can statistics be further broken down by the following features: Gender/ race or ethnicity/ crime category/ geographical area?

- Is there statistical information about time intervals, for example, how long is the average time: between arrest and charge or release, between setting down of case and final resolution, average time spent in detention on remand?

2 Function: Investigative Capacity[39]

  a Capability: Investigative Skill

    i Measurement Indicators

- Do judges follow documented rule of evidence conventions and ensure that chain of evidence practices are followed?

- Do judges[40] have documented knowledge/management skills to oversee/manage:
  Advanced investigative interviewing
  Advanced investigative report writing
  Advanced crime scene investigation/protection

  b Capability: Investigative Case Management Practices

    i Measurement Indicators

- <u>Do judges ensure that a systematic, standardized case management system is used?</u>

- Do judges have the necessary case management skills to advise midlevel investigators on how to effectively handle multiple crime threats?

- <u>Do judges have the necessary skills to ensure active interaction/coordination with other law enforcement professionals and technicians leading to effective prosecutions and more convictions?</u>

- Do judges ensure that case management practices are followed to facilitate criminal investigations?

  c Capability: Crime Scene Search/Collection Capabilities

    i Measurement Indicators

- Do judges have the technical skills/knowledge to supervise Forensic and Legal Medicine technicians at the crime scene?

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[39] This sub-function is to be used in the overall calculation for either Judiciary or Prosecutorial service *only* in legal/CJS formats where the responsibility for managing, supervising or directing criminal investigations is assigned either to the prosecutor, investigative judge or magistrate or other officer under the court (as versus under the Law Enforcement management/leadership). For Law Enforcement investigations, use only the similar investigations subsection under the Law Enforcement segment.

[40] Use of term "Judge" is generic in this context for any of the three; the Prosecutor, Investigative judge or Magistrate, as well as other non-police officials filling this supervisory role in civil-law, hybrid or other systems.

- Do judges have appropriately qualified, certified or credentialed crime scene search/collection capabilities?
- Do judges utilize chain of evidence practices?
- Is the judge's technique and scheme of investigation reasonably calculated to produce data, testimony and/or information relative to the specific elements of the crime being investigated?
- Does the investigative judge follow appropriate rules of evidence to ensure introduction during proceedings and in support of the theory of the case?
- Do judges have access to specialized crime scene collection team/unit?
- Do judges employ modern/contemporary fingerprint analysis and identification and photography capabilities?
- Do judges have the necessary technical and professional expertise to supervise the following capabilities: crime scene sketch, firearms and tool marks, questioned documents examination, drug analysis, toxicology, trace evidence, serology/DNA, and pathology/forensic medicine?
- Do judges coordinate with the Coroner's Office or equivalent institution?

3 **Function: Prosecution Services**

   a Capability: Prosecutors

      i Measurement Indicators

- Are prosecutors selected, promoted and fired based on education, competency, testing, integrity, etc.?
- Must prosecutors be trained as lawyers?
- Is the primary role of a prosecutor clearly delineated, describing their relationship with respect to the interests of the state?
- Does the prosecutor's office have a budget adequate to carry out its responsibilities?
- Do prosecutors have sufficient material and substantive resources (including statutes, codes, regulations, supplies, etc.) to perform their duties?
- Must prosecutors attend and receive periodic training to stay current in the law?
- Must prosecutors always appear for court proceedings – both the pretrial and trial stages?

- Are the rules governing ethics and conflicts of interest written down and made public?
- Do prosecutors accused of ethical violations or other misconduct receive a written, documented (justified) explanation of accusation?
- Do prosecutors have discretion to decline bringing a case? (If so, is that decision reviewed internally by more senior prosecutors as opposed to by another body?)

4 Function: Private Criminal Defense Attorneys

   a Capability: Defense Attorneys

     i Measurement Indicators

- Are there requirements for a lawyer to appear before the court as a defense attorney?
- Do defense attorneys have a budget adequate to carry out their responsibilities?
- Do defense attorneys have sufficient substantive and material resources (including statutes, codes, regulations, supplies, etc.) to perform their duties?
- Must defense attorneys attend and receive periodic training to stay current in the law?
- Are the rules governing ethics and conflicts of interest written down and made public?
- Do defense attorneys accused of ethical violations receive written, documented explanation of accusation by a recognized bar or other legal association?
- Do the prosecutor and defense attorney have "equality of arms" in presenting their case/arguments?
- Must defense attorneys recuse themselves in cases posing a conflict of interest?

5 Function: Public Defender

   a Capability: Public Defenders

     i Measurement Indicators

- Is there a public defenders service?
- Is the entity that manages the provision of legal aid sufficiently independent?

- ● Is the public defenders program free from government interference and influence except for receiving government funding?
- ● Is there general parity between lawyers from the public defenders office and the prosecution with respect to resources and status?
- ● Is there adequate funding to provide public defenders for all appropriate cases?
- ● Are public defenders provided with and required to attend continuing legal education?

b Capability: Public Defender Accessibility

   i Measurement Indicators

- ● Is the public defender's office adequately funded and adequately/professionally staffed?
- ● Does each public defender have a reasonable case load (to allow counsel to effectively prepare cases)?
- ● Do low-income persons and indigents have reasonable assurance of access to public defenders?
- ● Are indigent defendants represented in the course of the process from arraignment through the appeals hearing, not just at trial?
- ● Are private pro bono defenders available?
- ● Are minimal, waived or no court fees available for low-income defendants?

6 Function: Trier of Fact[41]

a Capability: Independence

   i Measurement Indicators

- ● Is the Trier of Fact independent from prosecutors/defense?
- ● Does the Trier of Fact have a secure and private location where they can deliberate?
- ● Are the Trier of Fact member(s) generally protected from outside illegal influences, pressures, and intimidation as well as political manipulations?

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[41] Trier of Fact may be a lay jury, panel of judges or the bench itself, but the primary consideration is whether the Trier of Fact can and does operate independently and without influence to its deliberations.

7 **Function: Ethical Standards**

  a Capability: Ethical Standards

    i Measurement Indicators

- <u>Do ethical codes exist and are provisions/guides generally available for all legal professionals?</u>

- <u>Are ethical codes generally accepted and followed?</u>

- When the Ethical Code is violated, is it enforced and are violators held accountable?

- Is the ethical code applied to everyone in the legal profession (including judges, prosecutors, legal defenders, etc.)?

  b Capability: Anticorruption

    i Measurement Indicators

- Are anticorruption laws widely promulgated?

- <u>Are anticorruption laws generally accepted and considered the standard for the profession?</u>

- Is Anticorruption ethical guidance accompanied by regular and mandatory training?

- Can offenders also be prosecuted for the support/acquiescence of corruption, including money-laundering and obstructing justice and are these laws applied to everyone (including judges, prosecutors, legal defenders, etc.)?

- Do anticorruption laws clearly define basic crimes of fraud including: bribery, the embezzlement of public funds, trading in influence, and the concealment and laundering of the proceeds of corruption?

Section C – Law Enforcement: [42]

Law enforcement is often the most visible part of the criminal justice sector and that which most directly affects people's daily lives. In assessing this component of the CJS the following areas are considered: professional training, command and control, investigation capacity, patrol function, special police units, administrative function, and oversight and internal affairs. Human rights and community policing are addressed throughout these areas.

Context Questions

- Who are the main security providers (both state and non-state)?
- What is the division of responsibility between security providers?
- What role, if any, does the military play in civil security matters?
- What are the major problems of community safety?
- What types of injustices do people experience regularly?
- What is the law enforcement approach (e.g. community-based policing versus control and enforcement)?
- What tactics are taught for civil disturbance management?
- Are some communities under-served by police?
- What are the sources of law enforcement funding, both formal and informal?

1 Function: Officer Selection and Professional Training

    a Capability: Minimum Qualifications/Standards and Testing

        i Measurement Indicators

- Does the program utilize standardized and/or documented practices and criteria for employment?
- Do applicants undergo the following testing: general knowledge, physical fitness, health, and psychological testing?
- <u>Is there required police background screening for all new recruits?</u>

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[42] NOTE: All queries in a sub-category that are <u>underlined</u> must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- Is the required police screening for all new recruits in compliance with the "Leahy Amendment" or a similar vetting standard?

b Capability: Formalized/In-Service/ FTO/Joint Training

　i　Measurement Indicators

- Is there required formalized training prior to initial deployment?
- Is there required transition training?
- Is there required refresher training?
- Is patrol/crime prevention training provided?
- Is traffic management and accident investigation training provided?
- Is ongoing criminal investigation guidance provided?
- Is there required, daily institutionalized roll call training?
- Does a field training officer program exist?
- Are distance learning programs provided?
- Is Joint training provided?

c Capability: Training Curriculum

　i　Measurement Indicators

- Does the training program fully prepare officers to maintain rule of law and abide by judicial and prosecutorial directives?
- Is human rights training incorporated throughout the training curriculum for officers?
- Are officers trained to handle known threats?
- Do officers receive regular human rights training in the course of their normal duties?
- Does the training curriculum utilize "skills based" environment and "on the job training?"
- Does the training curriculum promote human/individual/ constitutional rights?
- Does training prepare police for dealing with crimes against women and how to interact with female victims?
- Does the training cover how to submit investigative material to the organization/facility providing forensic capabilities?

d Capability: Academy/Training Center Management and Infrastructure

    i Measurement Indicators

- <u>Does the Academy or other formal training center have: a mission statement, directives, SOPs?</u>
- Does the Academy enforce student code and discipline policy?
- Does the Academy have instructor/curriculum development guidelines?
- Does an instructor rotation policy exist?
- Is there a yearly training plan?
- Does the Academy have sufficient human resources?

2 Function: Command and Control

    a Capability: Coordination with the Criminal Justice and Law Enforcement Community

        i Measurement Indicators

- Is there active and routine coordination between the Law Enforcement Community, Prosecutor Office, Corrections, and Border Patrol? Does this include the following:
  Means for court orders to be communicated to police
  Means for corrections to notify police of legitimate inmate release and illegitimate escapes
- Does a formal information sharing mechanism exist within the criminal justice system and is it used?
- Are inter-agency coordination and joint operations conducted on a regular basis?
- Are interagency threat assessments and extraditions coordinated?
- Are task forces and vetted interagency units used for mission-specific purposes?
- Is there active coordination or formal information sharing between the Law Enforcement Community and agencies that deliver public services such as social services, public health, and mental health?
- Is there a reliable liaison between the Law Enforcement Community and non-state providers of security operating under an official assignment?
- Is there a formal mechanism for oversight/coordination/regulation with any non-state security providers?

- Is there an operational liaison with international organizations contributing to the country's policing efforts?

b Capability: Threat Assessment Capabilities

i Measurement Indicators

- Do the following exist: Booking Station System, Property and Evidence Tracking System, effective criminal records management (of active cases), and centralized criminal archives (historical)?

- <u>Are police incident reports reported in a uniform manner?</u>

- Do the following exist: case tracking systems, police services tracking systems, traffic and vehicle databases?

- Does the following exist: Firearms control database, good conduct and police record certification?

- Are statistics on police service requests, crime reports, arrest and conviction rates used to conduct and measure threat assessments?

3 Function: Investigation Capacity

a Capability: Investigative skills

i Measurement Indicators

- Do law enforcement Officials have documented knowledge/skills in
  - Advanced investigative interviewing
  - Advanced investigative report writing
  - Advanced crime scene investigation/protection

- Do law enforcement officials follow documented chain of evidence practices?

b Capability: Case Management Practices

i Measurement Indicators

- <u>Is there systematic use of standardized case management practices?</u>

- Do mid-level managers have the necessary case management skills to deal effectively with multiple crime threats?

- Does the case management system enable active interaction with prosecutors leading to more effective prosecutions and more convictions?

- ● Do case management practices facilitate police criminal investigations?

    c   Capability: Crime Scene Search/Collection Capabilities

        i   Measurement Indicators

- ● Does the Forensic and Legal Medicine program have appropriately qualified, certified or credentialed crime scene search/collection capabilities?

- ● <u>Does the program utilize chain of evidence practices?</u>

- ● Does the program have a specialized crime scene collection team/unit?

- ● <u>Do modern/contemporary fingerprint analysis and identification and photography capabilities exist?</u>

- ● Do the following capabilities exist: crime scene sketch, firearms and tool marks, questioned documents examination, drug analysis, toxicology, trace evidence, serology/DNA, and pathology/forensic medicine?

- ● Is there a Coroner's Office?

- ● Does the law enforcement sector manage forensic information using a system such as the Automated Fingerprinting Identification/database System (AFIS)?

- ● Does the law enforcement sector participate in crime scene reconstruction?

    d   Capability: Lab/Office Management

        i   Measurement Indicators

- ● Do the laboratories have applicable SOPs and management directives?

- ● Do laboratory workers meet standardized training and education standards?

- ● Does the program utilize forensic evaluation and testing standards/practices?

- ● Are forensic cases routinely used in all applicable criminal investigations?

- ● Is there use of forensic cases and analyses in criminal investigations/prosecutions?

4 Function: Patrol Functions

   a Capability: Patrol

      i Measurement Indicators

- Does the police patrol function have a mission statement that clearly establishes their authority and responsibility?

- Do police patrols respond to calls for service and crime threats in a timely fashion?

- Are police patrol officers equipped with the transportation and tools to perform their responsibilities?

- Are the police trained for and capable of resolving calls-for-service on the scene?

- When responding to calls do police abide by established laws and strategies that protect human rights and serve the best interest of the public?

- Do the police conduct regular, proactive, organized patrols within assigned patrol zones or districts?

- Do the police conduct proactive, preventive patrols targeting specific tactical objectives?

- <u>Are police patrol deployment and assignments allocated based on a patrol allocation model that maximizes the use of resources against the crime threat, using a spatial and temporal resource allocation model?</u>

- Do police patrols use a problem solving approach to community problems and demonstrate the ability to permanently solve ongoing community problems as part of their mission?

- Do police have written patrol procedures and are they well trained in standard operating procedures, i.e. use of force and arrest procedures, crime scene protection, search and seizure, report writing, elements of a crime, etc?

- Are the police patrols generally viewed by the public to be in place to provide public safety, enforce laws equitably, and to maintain a public integrity with the citizens?

- Do the police patrols record their activities on approved legal and administrative documents and create permanent records of their activities and enforcement actions?

   b Capability: Traffic Control

      i Measurement Indicators

- Is vehicular traffic systematically regulated and is traffic flow facilitated?
- Are traffic accidents investigational and violators appropriately charged and prosecuted?
- <u>Are there a sufficient number of trained traffic accident investigators?</u>
- Are the police well trained in how to enforce traffic laws?
- Do the police have the basic equipment available to them to enforce and regulate vehicular traffic?
- Are statistics maintained and utilized to focus law enforcement on locations where injuries and deaths occur? Are these rates known and targeted as police performance measures?
- Do the police implement proactive, directed patrols which reduce traffic accidents and injuries?
- Is there interaction between the police and the traffic engineering functions that jointly address traffic issues?
- Are adequate laws in place to support traffic enforcement efforts?
- Are stolen autos aggressively targeted as part of the traffic enforcement strategy?
- Is the stolen auto recovery rate a performance measure of the police?

c Capability: Community Integrated policing and patrols/Developing Community Action Plans

   i Measurement Indicators

- Is there substantial use of community integrated policing?
- Do full-time police substations exist within most communities?
- Are foot patrols and fixed posts utilized in community integrated policing?
- Are bicycle patrols utilized within communities?
- Do Emergency/Rapid Response Teams and 911 Units exist?
- <u>Is there a viable strategic plan to conduct community policing?</u>

d Capability: General Community Outreach/Public Relations/Interaction with the Public

    i Measurement Indicators

- Does the law enforcement program engage in community outreach activities, public relations activities, and/or other routine public interaction activities?

- Does the program organize public awareness meetings?

- Does the public have appropriate access to police statistics and crime data?

- Is the police budget publicly disclosed?

- Does the program include carrying out regular initiatives in schools?

- Is there involvement by law enforcement with sports and recreation and other public events?

- Is peace and understanding promoted in the law enforcement's public initiatives?

- Does law enforcement coordinate with the public health officials to promote public health?

5 **Function: Special Police Units**

    a Building/personnel/VIP security and Crowd control

        i Measurement Indicators

- Do Police Services have the ability to ensure: building security, personnel security, and VIP security?

- <u>Do Police Services have the capability to manage normal civil disturbances without resorting to military support?</u>

- Do specialized units exist for building security, personnel security, VIP security and Crowd Control?

- Are specialized units professionally trained, monitored, managed and equipped?

- Does a National Riot Deployment Plan exist?

- Does a Critical Incident Plan exist?

    b Capability: SWAT/Police Reaction Group

        i Measurement Indicators

- Does a specifically qualified and operational SWAT/Police Reaction Group with acknowledged effectiveness exist?

- Is the team equipped with appropriate arms for their mission?
- Does the team undergo appropriate training to perform the missions for which they are assigned?

c Capability: Misc. Specialized Units

    i Measurement Indicators

- Does the program have the following specialized units: Criminal Investigative units, an Intelligence unit, Background Investigative Unit, Special Operations Detachment or other tactically responsive unit?
- Are there victim and witness support units within police stations?
- Do victim and witness support units include the presence of female officers?
- Are there government units or centers established to coordinate and communicate specialized crimes or threats between the pertinent officials?

d Capability: Organized Crime/Counter-narcotics Units

    i Measurement Indicators

- Can law enforcement officials identify illegal narcotics?
- Do law enforcement officials appropriately initiate and develop drug cases?
- When seizures are made, is every effort made to exploit the intelligence and initiate a criminal investigation?
- Are law enforcement officials able to conduct successful surveillance?
- Do law enforcement officials use informants effectively?
- Do law enforcement agencies plan effective raids?
- Do law enforcement agencies conduct undercover activities to support case development?
- Do law enforcement agencies conduct controlled deliveries?
- Are law enforcement officials able to conduct successful conspiracy investigations?
- In countries with clandestine laboratories: can CN law enforcement officials conduct safe investigations that identify and arrest violators and dismantle and dispose of the labs?
- Do law enforcement agencies use all possible sources of information (wire tapping and phone analysis)?

- Do law enforcement agencies have accurate information about international trafficking trends?
- Do law enforcement agencies use chain of evidence practices?

e Capability: Financial Crimes Units

- Are law enforcement officials able to identify assets to be frozen and/or seized?
- Do law enforcement officials have judicial authorization to track financial transactions?
- Is there a financial investigations group?
- <u>Is there Suspicious Transaction Reporting (STR)?</u>
- <u>Has the conversion, concealment, and disguise of the proceeds of money laundering been criminalized?</u>
- Does law enforcement have a forensics program to analyze financial transactions and prosecute crimes?
- Does the country have regulations in place regarding wire transfers?
- Do the banks require businesses to keep accurate information on wire funds transfers?
- Does the country have policies and regulations in place regarding money transmitters and the monitoring of their activity?

6 Function: Administrative Functions

a Capability: Strategy/Mission

i Measurement Indicators

- <u>Is there a wide-ranging written strategy/mission that addresses known crime/threats/incursions?</u>
- Does the strategy establish appropriate timeframes for addressing the known threats?
- Does the strategy define specific outcome oriented goals with achievable, forward-leaning performance targets?
- Are mid-level officials able to state their strategies?

b Capability: Funding

i Measurement Indicators

- Does the program have funding sufficient to sustain and nurture a proficient agency?

- Are funding and budget decisions based upon the priorities, goals and targets set in the program strategy?
- Does funding provide for regular performance evaluations?
- Does funding allow for conditions and liabilities to be measured?

c Capability: Intelligence Sharing/Collection of Crime Statistics
  i Measurement Indicators
  - <u>Are crime statistics collected in a reliable and generally accessible (digital or otherwise automated) criminal database?</u>
  - <u>Are crime statistics used to guide resource decisions?</u>
  - Does the criminal database infrastructure collect and shares crime related data?
  - Is there regular and consistent use of crime syndicates mapping?
  - Is the criminal database/collection of crime statistics used for strategic analysis?
  - Do operational units and officers have access to criminal intelligence?
  - Is information compartmentalized or classified to protect sensitive information?

d Capability: Infrastructure and Equipment
  i Measurement Indicators
  - Is the infrastructure and equipment readily available for use, when needed?
  - Is operational infrastructure policy based upon strategic priorities, wear-out projections and known demands for consumable supplies and equipment?

e Capability: Supervision and Management
  i Measurement Indicators
  - Are Management/Supervisory structures considered robust and reliable?
  - <u>Does the span of control promote/sustain command and control?</u>
  - Does management have strong strategic and operational planning capabilities?
  - Do first line supervisor/mangers receive leadership training?

- Does executive/command/senior management receive development training?
- Do senior level managers concentrate primarily on strategies and vision?
- Do mid-level managers establish goals/objectives based on tactical risk assessments?
- Are measures taken to ensure an appropriate degree of continuity at the senior management level?

f Capability: Personnel Administration

i Measurement Indicators

- Does the staff comprehensively and effectively administer policies, procedures, and training?
- Does the staff comprehensively and effectively carry out operational management, support, and administrative duties?
- Does the staff effectively support strategy goals and targets?
- Do personnel represent diverse geographic locations?
- Is administrative training provided?

g Capability: Standards

i Measurement Indicators

- Does the program have directives, SOPs, polices/written guidance?
- Do the standards contain operational SOPs for coordination at central, regional and local levels, as appropriate, for the known security risk?
- Do SOPs delegate sufficient authority to police at all levels to perform their duties without excessive reliance on clearing routine actions up through the chain of command?
- Can police articulate and understand SOPs effectively enough to coordinate and communicate threat and risk conditions within local police?
- Do Police have SOPs for coordinating with specialized technical/forensic units?

h Capability: Recruitment and Advertisements

i Measurement Indicators

- Does the program utilize a diverse recruitment policy (including, for example, targeted advertising and regional testing)?
- Does the program utilize a proactive, non-discrimination policy in law enforcement recruitment?
- Does the program devote a sufficient portion of the budget and manpower towards advertising open positions?
- Does the program utilize a standardized application process?

i Capability: Personnel Practices

  i Measurement Indicators

- Do personnel have a clearly recognizable and delineated rank structure?
- Is there an appropriate manpower allocation for mission expectations?
- Are police paid a "living wage competitive with the private sector?
- Are there awards and/or recognition practice s?
- Is the career progression non discriminatory?
- Is career progression competitively based on merit?
- Does a transfer and rotation policy exist?
- Are there yearly evaluations of personnel?
- Is the morale of personnel is high?
- Is there a protocol to re-investigative personnel on a cyclical basis?
- Are there retention practices for qualified personnel?
- Is there a stabile turnover rate?

j Capability: Support Practices

  i Measurement Indicators

- Are there controls for infrastructure, inventory, and warehouses?
- Do Police Support Equipment and Services exist (Transportation/Fleet Management, Armory, and Communications)?
- Do Technology Equipment and Services exist (computers, Electronic Information Systems, forensic equipment)?
- Are there practices/offices for: Budget, Finance, and Procurement?

7 Function: Oversight & Internal Affairs

    a Capability: Office of Inspector General/Appraisal/ Corruption Unit/Tracking of abuses

        i Measurement Indicators

- <u>Is the Office of Inspector General utilized and generally effective in performing its mission?</u>
- Does frequent appraisal of all employees occur?
- Does the following exist: Internal Affairs/Corruption controls unit; Audit, control, and/or Inspection Unit; Existence of Ombudsman's Office?
- <u>Are human rights abuses identified, investigated and tracked?</u>
- Does HR abuse tracking follow a nationally established policy memorialized in the country's body of law?
- Does an Office of Professional Responsibility exist?
- Is there documented evidence of internal review?

    b Capability: Civilian Oversight

        i Measurement Indicators

- Does a Civilian Review Board exist?
- Is there a citizen complaint and information center that is utilized and generally effective?
- Does civilian oversight of police activities exist?
- Is security handled by CIVPOL rather than as a function of the military (with exception of naval assets function when coast guard functioning in a law enforcement role)?

    c Capability: Public Perception

        i Measurement Indicators

- Is there a high degree of public support (opinion) of the law enforcement program?
- <u>Is there evidence that the public generally feels secure?</u>
- Does the public believe that police are accountable for their actions?
- <u>Does the public believe the law enforcement departments are generally free from systematic corruption?</u>
- Is there a system for police consultation with local communities?

Section D – Territorial Border Security Capacity: [43]

Borders serve the dual roles of keeping dangerous and unwanted persons and objects out of a country while allowing the entry of legitimate goods and persons. Effective land, marine, and air border security is key to citizens' security as well as regional stability, trade, and country's development. Border control can also be an important source of revenue for a country and because of this border security personnel are particularly vulnerable to corruption.

Context Questions

- What are the main types of cross-border crime that are of concern (e.g. illegal immigration, arms trafficking, drug smuggling, trafficking in persons, money laundering, counterfeit goods or currency, merchandise smuggling)?

- What are the major security concerns affecting border areas and what are their causes?

- Does natural terrain play a role in the ability of the country to guard and protect its borders?

- Is there a history of inter-state conflict or local conflict in border areas?

- What type of border security is present in areas where commercial tariff collection is minimal?

- What do communities in border areas see as the priority to address?

1   Function: Border Protection & Security

   a   Capability: Ports of Entry

      i   Measurement Indicators

         - <u>Does an identified border exist and do countries on both sides of the border agree on its placement?</u>

         - Are there identifiable, controlled points (ports) of entry located along major border crossing routes?

         - Are the physical points of entry appropriately staffed to perform all Territorial Border Security functions?

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[43] NOTE: All queries in a sub-category that are <u>underlined</u> must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- Are the physical points of entry strategically designed to thwart known threats based on periods (e.g., time of day, season) or type (e.g., alien smuggling, contraband smuggling)?

- Is adequate space and equipment available to unload conveyances so the goods and conveyances can be thoroughly inspected?

- Is private space available to conduct personal searches and to detain violators?

- Is secure space available to store seized articles?

- Is there an automated system that records when conveyances and people enter and leave the country and does the line officer have access to these records?

b Capability: Border/Frontier Surveillance and Checkpoints

    i   Measurement Indicators

- Do border checkpoints exist?

- <u>Are the border checkpoints staffed by trained border security officials?</u>

- Do border security officials have the authority to thoroughly search cargo, conveyances, baggage and people without the owner or agent being present?

- Do border security officials have protection from liability if goods are damaged in the process of inspection?

- Does air surveillance and patrol occur on a regular basis?

- Does land surveillance and patrol occur on a regular basis?

- Does sea surveillance and patrol occur on a regular basis?

- <u>Do border checkpoints have basic, rudimentary provisions to allow for:</u>
  - <u>formal entry/exit of persons and goods traversing the border</u>
  - <u>formal inspection of persons and goods traversing the border</u>
  - <u>detection of known undesirables attempting to traverse the border</u>

c Capability: Port of Entry Control/ and Coordination

    i   Measurement Indicators

- Does each controlled point of entry monitor who/what enters the country for Agriculture, Customs, Public Health and Immigration purposes?

- Is it mandatory to verify the identity of people entering and exiting the country?
- Is there mandatory documentation and inspection of agricultural products entering and exiting the country?
- Is there comprehensive and non-fragmented liaison/coordination between agriculture, customs, immigration and other border authorities?
- Does each port of entry utilize a database to identify and intercept known terrorists and other criminals?
- Are verification/apprehensions/interdictions coordinated between border patrol, coast guard, agriculture, customs, and immigration, as well as specialty units such as counter narcotics?

d Capability: Airport Security

   i   Measurement Indicators

- Do airports provide intensive security screening of passengers and their baggage?
- Do airport security officials inspect baggage and cargo by hand?
- Do airport security officials have the authority to conduct patdowns, strip searches and cavity searches of passengers?
- Do airport security officials have the authority and equipment to do intrusive searches of baggage and items such as drilling and x-raying?
- Do airport security officials have the authority to detain passengers for monitored bowel movements?
- Do airport security officials have the authority and equipment to search arriving and departing aircraft?
- Do airport security officials have the authority to check baggage and cargo without the owner, consignee or agent being present?
- Do the airports utilize bomb sniffing dogs and/or explosive detection equipment?
- Do airports utilize narcotics detection dogs?
- Is all baggage loaded onto the aircraft matched to passengers on board the flight; and, if not matched, is the baggage removed?
- Are only ticketed passengers allowed beyond the screening checkpoint?

- Do airports utilize Computer Assisted Passenger Pre-Screening System (CAPPS), or a similar type system to screen passengers?

2   Function: Command and Control

   a   Capability: Intelligence Gathering/Threat Assessment

      i   Measurement Indicators

- Are internal risk/situational assessments and intelligence gathering conducted on a regular and/or ongoing basis?
- Are threat assessments and intelligence gathering systematically updated?
- Is there capacity to analyze documents in local and frequently encountered languages?
- Is there capacity to intercept and analyze electronic communications?
- Is intelligence gathering/analysis a coordinated, shared interagency effort?
- Are there laws, regulations and/or standard operating procedures for collection, analysis and dissemination of intelligence and threat assessments?
- Are risk assessments and intelligence gathering systematically funded within the standing budgets?
- Do assessments include unmanned border crossing points and surveillance and technical monitoring to ascertain susceptibilities in frontier regions *between* manned land border crossing points?

   b   Capability: Interagency Coordination

      i   Measurement Indicators

- Does each organized point of entry have monitoring units and controls (over who/what enters the country) in place for: Agriculture, Customs, and Immigration?
- Is there mandatory documentation and verification of people entering and exiting the border?
- Is there mandatory documentation and verification of agriculture entering and exiting the border?
- <u>Is there comprehensive and non-fragmented liaison/coordination between agriculture, customs, border security officials and immigration?</u>

- Does each port of entry utilize interagency-accessible data to identity and intercept terrorists or deter other criminals and undesirables from entering?
- Are verification/apprehensions/interdictions coordinated between border patrol, coast guard, agriculture, customs, and immigration, as well as specialty units such as counter narcotics and other special operations detachments?

3 Function: General Investigation Capabilities

    a Capability: Investigative skills

        i Measurement Indicators

- Do Border Security Officials have basic knowledge/skills in
  - Investigative interviewing
  - Investigative report writing
  - Crime scene investigation/protection
- Does the Border Security system have a forensic crime scene search/collection capability?
- Do the border agencies have knowledge of and a system for tracking chain of custody of evidence?
- Is an AFIS-like fingerprint collection and analysis system available at the borders?
- Do Border Security officials have access to an automated system like a National Criminal Data Base (NCDB)?

    b Capability: Case Management Practices

        i Measurement Indicators

- Is there wide-spread/consistent utilization of good case management practices?
- Do mid-level managers have the appropriate case management skills to deal effectively with multiple crime threats?
- Does the case management system enable effective interaction between prosecutors and investigators?
- Are case management procedures used in all instances?

    c Capability: Collection of Crime Statistics and evidence

        i Measurement Indicators

- Are crime statistics collected?

- Is there a well-maintained criminal/undesirables database?
- Are crime statistics used to drive resource decisions?
- Does the criminal/undesirables database infrastructure collect and share crime statistics or other data between post/patrol areas and between agencies?
- Is there crime syndicates incursions mapping by border security agencies?
- Do border security agencies utilize a Booking Station System, Property and Evidence Tracking System, criminal records management system and centralized criminal archives?
- Do border security agencies utilize case tracking systems, police services tracking systems, and traffic and vehicle databases?
- Is there a firearms control database?
- Does the Database/collection system include statistics on police service requests, crime reports, arrest and conviction rates?

  d Capability: Specialized Investigations
    i Measurement Indicators
- Does the border security program have the following specialized units:
  - Criminal Investigative units,
  - Intelligence unit,
  - Background Investigative Unit,
  - Counter Narcotics Unit,
  - Counter Terrorism Unit
  - Internal Affairs Unit?

4 Function: Administrative Capacity
  a Capability: Strategy/ Mission
    i Measurement Indicators
- <u>Does a thorough and comprehensive written strategy and mission exist for border security (at least at the ministerial level)?</u>
- Does the strategy/mission establish appropriate timeframes?
- Does a National Plan of Territorial Border Security exist?
- Is the National Plan based on systematic and frequent assessments of an up-to-date catalogue or database of border threats?

- Does the Territorial Border Security strategy address known crime/threats/incursions while allowing for relatively unencumbered flow of commerce?
- Does the Territorial Border Security strategy define specific outcome oriented goals with ambitious, forward-leaning targets?

b Capability: Funding

   i Measurement Indicators

- Does the border security program have sufficient funding to accomplish its mission?
- Are funding and budget decisions based upon the priorities, goals and targets set in the program strategy?
- Does funding provide for regular job performance evaluations? Does funding allow for periodic internal and external evaluation of border security programs?

c Capability: Supervision and Management

   i Measurement Indicators

- Are mid-level managers and supervisors trained in management techniques including human resources and budget management?
- Are managers evaluated on their ability to effectively manage and support operations and perform administrative responsibilities?

d Capability: Personnel Administration

   i Measurement Indicators

- Can human resources/personnel staff effectively administer policies, procedures, and training?
- Do personnel represent geographical diversity?
- Is administrative training provided for personnel?
- Is the personnel pay system effectively administered?

e Capability: Standards

   i Measurement Indicators

- Does the border security program have written directives, SOPs, and polices guidance?
- Do SOPs give field personnel sufficient decision making power to perform their responsibilities?
- Are there operational SOPs for all levels of the organization?

- Do border security officials have SOPs for coordinating and communicating threat information?
- Do officials have SOPs for coordinating with specialized technical/forensic units?
- Do Agriculture, Customs, and Immigration and other border agencies follow compatible SOPs?

f Capability: Recruitment and Advertisements

i Measurement Indicators

- Does the program utilize a recruitment policy that values diversity?
- Does the program utilize a proactive, non-discrimination policy in Border Security personnel recruitment?
- Does the program devote a meaningful portion of the budget and staffing towards advertising open positions?
- Does the program utilize a standardized application process?

g Capability: Administration and Logistics

i Measurement Indicators

- Are there controls for Infrastructure, Inventory, and Warehouses security?
- Do border security agencies have Equipment and Services support such as transportation/fleet management, armory, motor pool, and communications?
- Do technological equipment and services support exist such as computers, electronic information systems, and forensic equipment?
- Are there Budget, Finance, and Procurement specialists in the border security agencies?

5 Function: Professional Training

a Capability: Qualifications/Standards

i Measurement Indicators

- Does the program utilize documented standards for employment eligibility?
- Are the employment/training standards for border security personnel in keeping with recognized professional practices?

- Do applicants undergo testing for general knowledge, physical fitness, health, drugs and psychological fitness?
- <u>Is there required police background screening for all new recruits?</u>
- <u>Is the required screening for all new recruits in compliance with the "Leahy Amendment" or similar vetting standards?</u>

b Capability: Formalized/In-Service/and Interagency Training

   i   Measurement Indicators

- <u>Is there mandatory formal training for all new recruits?</u>
- Is there mandatory transition training?
- Is there mandatory refresher training?
- Is patrol/crime prevention training provided?
- Is traffic and investigation training provided?
- Is there mandatory, daily roll call training?
- Are distance learning programs provided?
- Is Interagency training provided?
- Is team training involving line officers, supervisors, managers provided?

c Capability: Training Curriculum

   i   Measurement Indicators

- Does the training program fully prepare border security personnel to operate under the rule of law and abide by judicial and prosecutorial directives?
- Has a job task analysis been conducted to serve as a foundation for the training curriculum?
- <u>Is human rights training incorporated throughout the training curriculum?</u>
- Are border security personnel trained to handle known threats?
- Do border security personnel receive regular human-rights refresher training in the course of their normal duties?
- Does the training curriculum include skills based/practical exercise components as well as "on the job training"?

- Does the training curriculum promote respect for human/individual/ constitutional rights[44]?
- Does the border security training curriculum provide necessary training and tools for graduates to facilitate the flow of admissible people and commerce while interdicting criminals and contraband?

d Capability: Academy Management and Infrastructure

  i Measurement Indicators

- Is there an Academy/training center?
- Does the Academy/training center have written mission statement, directives, and SOPs?
- Does the Academy enforce a student code and discipline policy?
- Does the Academy have Instructor/curriculum development guidelines?
- Does an instructor rotation policy exist?
- Is there a yearly or education cycle training plan?
- Does the Academy have sufficient professional manpower for its training mission?

6 Function: Oversight/Human Rights

  a Capability: Offices of Inspector General/Internal Affairs/Professional Responsibility

    i Measurement Indicators

- Is the Office of Inspector General utilized and generally effective in performing its mission?
- Is there regular appraisal/investigation of all employees?
- Is there an Internal Affairs/Corruption controls unit, Audit, Control, and Inspection Unit or Ombudsman's Office?
- <u>Are human rights abuses identified, investigated and tracked?</u>
- Do investigations of alleged misconduct protect the rights of the accused and accusers?
- Does an Office of Professional Responsibility exist?

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[44] Where the term "constitutional" or "constitution" is used in this Tool, it is NOT to imply that a constitutional system must be used, or is even envisioned, but rather that the individual/human rights precepts and protections are anchored in the nation/state's body of law; whether it is a civil law system, sharia, common-law, constitutional, theocratic or even tribal traditionalist. The individual rights precepts are the question, not the form of the body of law that may enshrine/memorialize them.

b Capability: External Oversight

    i   Measurement Indicators

- Is there a civilian oversight commission/board that reviews actions of the Border Security Forces?
- Is there a separate commission/board that receives complaints?
- Is there documented evidence of civilian review?

c Capability: Public Perception

    i   Measurement Indicators

- Is there a high degree of public support (opinion) of the Border Security program?
- Does the public feel secure?
- Does the public believe that border security officials are held accountable for their actions?
- Does the public believe the program is free from corruption?
- Does the Border Security program respect the security and safety concerns of those citizens living nearest to the border?

Section E – Corrections-Prisons System Capacity:[45]

A prison system should both protect the public from harmful criminals and create a safe and secure environment for inmates and prison staff. A prison assessment, therefore, should examine security features and human rights protections. From the holistic criminal justice sector view, however, prison assessments also serve as valuable indicators about how the overall system is functioning. If police are arresting too widely or the courts are processing cases too slowly, these problems can be seen in the form of overcrowded prisons, for example. Assessors should maintain a dual focus on both prison conditions and how these are related to the broader environment.

Context Questions

- Under what ministry or government agency is the prison system administered?

- What is society's general opinion of prisons and the function of a prison system?

- What is the relationship between the prisons, the courts, and the police?

1   Function: Corrections-Prisons System Capacities

   a   Capability: Numbers of Prisons/Size of Cells

      i   Measurement Indicators

   - Are there a sufficient number of holding services, jails, and prison facilities to accommodate all expected detainees without over-crowding?

   - Is the number of inmates appropriate for the rated capacity of the detention facility?

   - Does each inmate have his/her own sleeping area?

   - <u>Do the inmates have a sufficient amount of unencumbered personal space for sleeping and the storage of basic personal property?</u>

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[45] NOTE: All queries in a sub-category that are <u>underlined</u> must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- When confinement exceeds 10 hours per day, do the inmates have a sufficient amount of unencumbered personal space for sleeping, personal effects, and to maintain a healthy mental state?
- <u>Does the holding facility provide for adequate ventilation and natural and artificial light to prevent contagion and provide protection from the elements?</u>

b Capability: Prisoner Separation
  i Measurement Indicators
    - Do the facilities separate non-violent offenders from the most violent?
    - <u>Are juvenile offenders segregated from adult offenders?</u>
    - Are prison facilities divided into low, medium, high, and maximum security sections?
    - Are accused and post-arraignment detainees separated from convicted felons?
    - Are there secure single cells provided for inmates who present an immediate threat of escape or injury to other inmates and staff?
    - <u>Are female inmates separated from male inmates?</u>

c Capability: Prisoner Treatment
  i Measurement Indicators
    - Are prisoners treated in accordance with the human rights and fundamental freedoms set out in the UN Minimum Standard Rules for the Treatment of Prisoners and Juvenile Offenders?
    - <u>Do prisoners have adequate access to food and water?</u>
    - Are prisoners allowed due process and are they protected by habeas corpus?
    - Are all details of arrests systematically recorded?
    - Do juvenile offenders receive treatment that considers their age and legal status?
    - Are accused persons subject to separate treatment/protections appropriate to their status as non-convicted persons?
    - Are foreign detainees/prisoners promptly informed of their right to communicate with an appropriate consular post or diplomatic mission?

- Are prisoners free from being tortured or subjected to corporal punishment?
- Are restraints used only as necessary for security and not as a means of punishment or confinement?

d Capability: Prison Facilities and Access

  i Measurement Indicators

- Are the prison facilities in good condition with an appropriate number of inmates assigned to each location, relative to the space allowed and guards available?
- Are the prison cell dimensions and living conditions appropriate to the national customs and best correctional practices adapted to the host nation?
- Are there sanitary restroom(s), food preparation areas, and healthcare facilities?
- Do the institutions conform to applicable fire safety codes?
- Does each facility have a manned fire alarm (or other alarm scheme), or an automatic fire detection system?

e Capability: Prison Security

  i Measurement Indicators

- Is there adequate and reliable internal and external security relative to the security threat level of the prison?
- Are prisons equipped with metal detectors and x-ray screening?
- Can officers/guards demonstrate proficiency in performing custodial their duties?
- Are there female officers available to guard female prisoners?
- Do all inmates and personnel wear uniforms?
- Are surveillance cameras and 2-Way radios used at the prisons?
- Is there an adequate staff to prisoner ratio for the threat level presented by the inmate population?
- Are there areas designated for solitary confinement/protective custody controlled movements at the prisons?
- Has the prison system been generally free of assaults, murders, and escapes during the past year?
- Is the physical structure secure from intrusion by unauthorized persons?

- Is there a locked room for weapons as well as a secure place for keys, et cetera?
- Is there a basic emergency response plan?

f Capability: Inmate Services

i Measurement Indicators

- Are professional food (appropriately sanitary and palatable) and healthcare services provided for inmates?
- Is there documentation that verifies food service facilities, staff, and equipment meet the internationally established health and safety conventions?
- Do prisoners have access to visitors/outside communication?
- Can prisoners communicate freely with visitors?
- Do all prisoners have access to the health services, regardless of their legal situation or financial status?
- Do inmates have access to social workers and a Chaplain (or equivalent for their religion/faith/belief)?
- Do prisoners have regular access to recreation in the open air?
- Do prisoners have adequate access to legal counsel?
- Are prisoners tried and given a definitive sentence within a reasonable time?

g Capability: Inmate/Prisoner Classification/Monitoring

i Measurement Indicators

- Are inmates photographed and fingerprinted upon entry and is the information recorded?
- Is a classification system used in the prisons?
- Are work release prisoners dependably monitored?
- Are citizens released on probation heavily monitored?
- Do the prisons use Automated Fingerprinting Identification/database System (AFIS) or a similar-type system?
- Is there a record with the basic information and positive identification of all persons admitted or released?
- Are the inmate records kept in an orderly sequence/system to ensure straightforward retrieval?
- Do records include: inmate cell location, medical records, and family history?

- Is there a system in place to notify families of an inmate's transfer or death?

2 Function: Administration

   a Capability: Strategy/ Mission

      i Measurement Indicators

- Does a written/comprehensive strategy and mission statement exist for corrections-prisons system?
- Does the strategy/mission establish appropriate timeframes?
- Is there a National Plan for Corrections-Prisons Systems?
- Does the strategy clearly define specific outcome oriented, performance goals with progressive development targets?

   b Capability: Funding

      i Measurement Indicators

- Does the program have funding sufficient to sustain and nurture a proficient agency?
- Are funding and budget decisions based upon the priorities, goals and targets set in the program strategy?
- Does funding provide for regular job performance evaluations?
- Does funding allow for conditions and liabilities to be measured?

   c Capability: Supervision and Management

      i Measurement Indicators

- Are the Management/Supervisory structures adequate?
- Is the span of control appropriate to the managerial skills capability and mission?
- Are there strong strategic and operational planning capabilities?
- Do first line supervisor/mangers/leadership/training exist?
- Does Executive/command/senior management development training exist?
- Do senior level managers concentrate on strategies and vision?
- Do mid-level managers establish goals/objectives based on tactical risk assessments?

   d Capability: Personnel Administration

      i Measurement Indicators

- Is the staff able to effectively administer policies, procedures, and training?
- Is the staff able to effectively carry out: operational management, support, and administrative duties?
- Is the staff able to carry out strategy goals, contingencies and long-range targets?
- Does the staff represent a diverse geographical region?
- Is administrative training provided for personnel?

e Capability: Standards

    i Measurement Indicators

- <u>Does the program have directives, SOPs, polices and/or written procedural guidance?</u>
- Do the standards contain operational SOPs for coordination at central, regional and local levels (as appropriate) for the known security risk(s)?
- Are there SOPs for coordinating and communicating threat(s)?
- Are there SOPs for coordinating with specialized technical/forensic units?

f Capability: Recruitment and Advertisements

    i Measurement Indicators

- Does the program utilize a diverse recruitment policy?
- Does the program utilize a proactive, non-discrimination policy in Corrections-Prisons System recruitment?
- Does the program devote a sufficient portion of the budget and manpower towards advertising open positions?
- Does the program utilize a standardized application process?

g Capability: Personnel Practices

    i Measurement Indicators

- Do personnel have a rank structure?
- Is there an appropriate manpower allocation?
- Are salary and benefits competitive?
- <u>Are custodial officers paid a living wage?</u>
- Are there awards and/or recognition practices?
- Is the career progression non-discriminatory?

- ● Is career progression competitively based on merit?
- ● Does a transfer and rotation policy exist?
- ● Are there documented yearly evaluations of personnel?
- ● Is there evidence that the morale of personnel is high?
- ● Is there a documented protocol to re-investigative personnel on a cyclical basis?
- ● Are there retention practices for qualified personnel?
- ● Is there a low/stabile turn-over rate?

h Capability: Information Systems: Measuring Threat Assessment Capabilities

　i Measurement Indicators

- ● Do the following exist: Booking Station System, Property and Evidence Tracking System, Effective criminal records management, and Centralized criminal archives?
- ● Are corrections officers incident reports reported in a uniform manner?
- ● Is there a firearms control database/record?
- ● Is there a good conduct and corrections officer's record certification?
- ● Are statistics on custodial officer's incident responses, facility crime reports used to conduct and measure threat assessments?

i Capability: Administration and Logistics

　i Measurement Indicators

- ● Are there controls for Infrastructure, Inventory, and Warehouses?
- ● Do Corrections officers Support Equipment and Services exist (Transportation/Fleet Management, Armory, and Communications)?
- ● Do Technology Equipment and Technical Support Services exist (Computers, Electronic Information Systems, and Forensic Equipment)?
- ● Are there document SOPs/practices/offices for: Budget, Finance, and Procurement?

3 Function: Training and Academy Development

a Capability: Qualifications/Standards and Testing

    i   Measurement Indicators

- Does the program utilize high standards for employment?
- Do applicants undergo the following testing: general knowledge, physical fitness, health, and psychological testing?
- Is there required background screening for all new recruits?
- Is there required corrections officer screening for all new recruits in compliance with the "Leahy Amendment" or similar vetting institution?

b   Capability: Formalized/ In-Service/ FTO/ Joint Training

    i   Measurement Indicators

- <u>Is there required formalized corrections officer training?</u>
- Is there required transition training?
- Is there a documented cyclical refresher training?
- Is correction/crime incident prevention training provided?
- Is inmate classification training provided?
- Is there required, daily institutionalized roll-call training?
- Are distance or auxiliary learning programs provided?
- Is joint training provided?

c   Capability: Training Curriculum

    i   Measurement Indicators

- <u>Is there some form of basic training for corrections officers and facility staff?</u>
- Does the training program fully prepare corrections officers to maintain rule of law and abide by judicial, policy and prosecutorial directives?
- <u>Is human rights training incorporated throughout the corrections officers' training curriculum?</u>
- Do officers receive regular ethics/ human-rights training in the course of their normal duties?
- Does the training curriculum utilize "skills based" environment and "on the job training"?
- Does the training curriculum promote human/individual/ constitutional rights[46]?

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[46] Where the term "constitutional" or "constitution" is used in this Tool, it is NOT to imply that a constitutional system must be used, or is even envisioned, but rather that the individual/human rights

d Capability: Academy Management and Infrastructure

    i   Measurement Indicators

- <u>Is there a training academy?</u>
- Does the corrections officer training academy (or equivalent) have: a mission statement, directives, SOPs?
- Does the Academy enforce student code and discipline policy?
- Does the Academy have instructor/curriculum development guidelines?
- Does an instructor rotation policy exist?
- Is there a yearly training plan?
- Does the Academy have sufficient manpower to accommodate training and mission contingencies?

4 Function: Accountability/Oversight/Human Rights

a Capability: Office of Inspector General/ Appraisal/ Corruption Unit/ Tracking of Abuses

    i   Measurement Indicators

- Is the Office of Inspector General (or empowered equivalent) generally effective in performing its mission? Is the Office of Inspector General utilized?
- Is there frequent appraisal of all employees?
- <u>Does the prison system have a structure in place to recurrently screen for problem issues such as employee fraud or corruption?</u>
- When a problem area, such as corruption, has been identified, does the prison system have a procedure to mitigate any adverse effects on lawful operations at the earliest opportunity?
- Does the following exist: Internal Affairs/Corruption controls unit; Audit, control, and Inspection Unit; Existence of Ombudsman's Office?
- <u>Are Human rights abuses identified, documented, investigated and tracked?</u>
- Does identification and investigation of abuses follow a systematic national policy for rule of law?

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precepts and protections are anchored in the nation/state's body of law; whether it is a civil law system, sharia, constitutional, common-law, theocratic or even tribal traditionalist. The individual rights & precepts are the question, not the form of the body of law that may enshrine/memorialize them.

- Does an Office of Professional Responsibility (or equivalent professionalism/ethics office) exist?
- Is there documented evidence of regular and recurrent programmatic review?

b   Capability: Civilian oversight

i   Measurement Indicators

- Does a Civilian Review Board exist?
- Is there a citizen complaint and information center? Is it generally effective and utilized?
- Does civilian (non-prisons) oversight of the corrections-prisons system activities exist?
- Is security handled by civilian police or custodial officers rather than as a function of the military?

c   Capability: Public perception

i   Measurement Indicators

- Is public opinion of the corrections-prisons system high?
- Does the public believe that corrections-prisons system employees are accountable for their actions?
- Does the public believe the corrections-prisons system is generally non-discriminatory, neutral and free from corruption?

5   Function: Rehabilitation Programs

a   Capability: Pretrial Services Parole Rehabilitation

i   Measurement Indicators

- <u>Is there a functioning system of bail/bond for those detainees awaiting trial?</u>
- Are there standardized criteria for paroling inmates?
- Does a parole board (or equivalent) exist and meet regularly to hear cases.
- Is there a systemized structure for policing, tracking or accounting for paroled inmates?
- Is there a functioning mechanism for pre-trial release where law enforcement has the capacity to monitor/oversee persons released during the pre-trial phase and/or on their own recognizance?

- Does the system have chemical rehabilitation facilities for inmates who may have chemical dependencies directly or indirectly contributing to, or incident to, their incarceration?

- Is chemical rehabilitation available as an alternative to incarceration for selected non-violent offenders and for pre-trial releases?

- Is probation used for inmates who may meet acceptable legal standards?

- Is there a structure for tracking or accounting for inmates on supervised probation?

- Are there rehabilitation services available through NGOs, and government based rehabilitation and treatment facilities?

- Does the system have a system of half-way houses or work-release programs to gradually assimilate inmates back into functioning society?

Section F – International Cooperation:[47]

In an increasingly interconnected world, mechanisms for international cooperation can be important tools for maintaining rule of law within a country. International cooperation refers to how engaged a country is with the international community, and with the United States in particular. Beyond paper-participation in international agreements, is the country acting on those agreements? This section addresses capabilities with regard to major international crimes including narcotics, trafficking in persons, money laundering, and terrorism.

Context Questions

- Do domestic agencies seek international cooperation? With which countries? How successful is it?

- Do other countries request international cooperation from domestic agencies?

- Who are the main donors addressing criminal justice sector reform?

- What could strengthen donor coordination and national ownership?

1 Function: International Agreements

    a Capability: Participation

        i   Measurement Indicators

- Is the country generally a member of applicable international agreements under the auspices of the United Nations or other international body with which the country is associated?

- Does the country pay all necessary dues required by the agreement to which they are a signatory?

- Is the country an active and regular participant in any potential bodies/forums created by the agreements to which they are a signatory?

    b Capability: Compliance

        i   Measurement Indicators

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[47] NOTE: All queries in a sub-category that are underlined must be answered in the affirmative for a country to score above a two in that sub-category regardless of the proportion of other affirmative responses.

- If a signatory, is there a good faith effort to comply with all aspects of the international agreement and conventions affecting the country?
- If the country is a party, does it comply with its binding legal obligations in international agreements?

2 Function: Overall International Cooperation

a Capability: Coordination/ Enforcement/ Promotion of US National Security

  i Measurement Indicators

- Does the country actively coordinate with counterpart US law enforcement agencies?
- Does the country generally provide assistance and supportive enforcement of US federal criminal laws, as may have an impact on persons under U.S. jurisdiction within the country?
- Does the country generally support/promote US national security priorities?
- Does the country actively/voluntarily share intelligence with the US?
- Does the country participate in joint operations with the United States?

3 Function: International Criminal Investigations

a Capability: INTERPOL

  i Measurement Indicators

- Is it a member state of INTERPOL?
- Does it pay dues?
- Does it participate in all aspects?

b Capability: Cooperation with the U.S.

  i Measurement Indicators

- Does the country have extradition or MLAT agreements with the U.S.?
- Does local law enforcement cooperate with US law enforcement agencies?
- Does the government cooperate with US law enforcement on requests for extradition?

- Does the government respond to US requests for evidence, access to witnesses, etc.?
- Is there a government office or person designated to cooperate with the US on such requests?
- Does the government follow procedures outlined in any existing MLAT or treaty government bilateral cooperation with the US, or letters rogatory?

4 Function: International Organizations

  a Capability: Participation

   i Measurement Indicators

- Is the country an active participant and member of the following international organizations (pays dues, attends meetings, and participates in actions taken by the organization)?
  - The UN
  - World Bank
  - World Trade Organization and regional organizations
  - Contributes peacekeepers
  - Applicable regional organization

5 Function: Combating Priority Crimes

  a Capability: Drug Trafficking

   i Measurement Indicators

- <u>Has the production, manufacture, extraction, preparation, distribution, sale, delivery, transport, importation or exportation of illicit narcotic drugs or psychotropic substances been criminalized?</u>
- <u>Has the organization, management, or financing of drug offences been criminalized?</u>
- Is there criminal liability for businesses trafficking in narcotics?
- <u>Are there special tools to facilitate investigation of drug trafficking offenses (such as use of informants, wiretapping, electronic surveillance or undercover activities)?</u>
- Do customs and border control officials receive special training in counter narcotics?
- <u>Do investigators and prosecutors receive specialized training in counter narcotics?</u>

- Are sentences appropriate for trafficking offenses?
- Do the laws allow seizure and forfeiture of assets?
- Is there a witness protection program?

  b Capability: Trafficking in Persons (TIP)

    i Measurement Indicators

- <u>Has the country signed and ratified the UN Convention against Transnational Organized Crime (UNTOC) and its Trafficking in Persons Protocol?</u>
- <u>Are there specific laws criminalizing trafficking in persons?</u>
- <u>Is illegal slavery or servitude (trafficking in persons) limited and occur only without governmental acquiesce?</u>
- <u>Does the country comply with the UN Convention against Transnational Organized Crime (UNTOC) and its Trafficking in Persons Protocol?</u>
- Are there alternate legislative and regulatory measures which could also address trafficking, such as health laws, laws against fraudulent documentation, laws against minors working, etc.?
- Are there special tools to facilitate investigation of trafficking in persons (such as use of informants, wiretapping, electronic surveillance or undercover activities)?
- Are sentences appropriate for trafficking in persons offenses?
- Do the laws allow seizure and forfeiture of assets of traffickers?
- Do customs and border control officials receive special training in trafficking in persons?
- Do prosecutors, investigators and police receive special training in trafficking in persons?
- Is the State Department's Annual Trafficking in Persons Report ranking acceptable?
- Is there a witness protection program?
- Are there victim-witness services available?
- Are children victims given appropriate consideration?
- Are victims repatriated only with their consent?

6 Function: International Instruments

  a Capability: Instruments

    i Measurement Indicators

- Is the country party to the basic international human rights treaties (International Civil and Political Rights Covenant (ICCPR), International Economic, Social and Cultural Rights Covenant (ICESCR))?
- Has the country ratified the following:
  - United Nations Convention against Transnational Organized Crime (UNTOC)
  - Palermo Protocol to the TOC concerning Trafficking in Persons
  - Anti-Corruption (regional or other)
  - Berne Convention (IP)
- Has the government taken measures to bring laws/practices into compliance with international obligations?
- Are copies of the international agreements available to the public in the country's official language? Language of the predominant minority(ies)?
- Do schools teach the rights or substance of international instruments?

7 Function: Participation in Resolving Transnational Issues

a Capability: Money laundering

  i   Measurement Indicators

- Have the conversion, concealment, and disguise of the proceeds of crime been criminalized?
- Are there banking regulations in place to address money laundering?
- Is there a financial intelligence unit in the national police?
- Does the government require that banks file suspicious activity reports (SARs) when customers' deposits or transactions exceed a reasonable limit?
- Do investigators act on these SARs?
- Were there any investigations pursued last year based on filed SARs?
- Are investigators/prosecutors/judges trained to work with financial data?
- Is there a special unit or task force established to combat money laundering?

- Are there laws permitting the seizing and forfeiting of assets?
- Is there a regimen for securing and managing seized or forfeited assets?

b Capability: Intellectual Property

  i Measurement Indicators

- Is the country a signatory to agreements regarding intellectual property?
- Does the country aggressively enforce laws regarding intellectual property?
- Does the country comply with all international standards regarding intellectual property?

c Capability: Illegal Narcotics Trafficking and Transnational Crime

  i Measurement Indicators

- Are there documented measures to aggressively prevent illegal narcotics trafficking and transnational crime?
- <u>Has the country signed the 1972, 1981, and, most importantly, 1988 UN Drug Conventions? Has the country ratified/acceded to same? (Ratification or accessions is the formal, binding commitment to follow the treaty, etc.)</u>
- Is there bilateral and regional cooperation as well as cooperation within the framework of international organizations and institutions?
- Is the country a signatory to/and an active participant in the UN convention against illicit traffic in narcotic drugs and psychotropic substances?
- Is the country a signatory to the UN Convention against Transnational Organized Crime?

d Capability: Terrorism

  i Measurement Indicators

- <u>Is there legislation in place criminalizing acts of terrorism, including accomplice liability?</u>
- Are appropriate measures in place to thwart the financing of terrorists?
- <u>Has the country ratified the major UN treaties concerning terrorism?</u>
- Is the country compliant with the Special Nine FATF Recommendations concerning the financing of terrorism?

- Are there adequate laws and regulations regarding the weaponization of biohazardous materials, chemicals, nuclear material and other WMD?

- Are there special investigative tools available (such as use of informants, wiretapping, electronic surveillance or undercover activities)?

e Capability: Environment

  i Measurement Indicators

- Is there documented evidence of attempts to comply with international environmental standards?

- Is the country a signatory to and reliably complies with international agreements regarding the atmosphere, hazardous substances, marine environment, marine living resources, nature conservation, nuclear safety, freshwater resources?

- Is there compliance with all international applicable environmental standards?

f Capability: Anticorruption

  i Measurement Indicators

- <u>Has the country signed and ratified the UN Anti-Corruption Convention or any multi-lateral anti-corruption convention (COE, Inter-American, etc.)?</u>

- Are there requirements for regular financial disclosure of assets held by elected officials, judges and high ranking officials?

- <u>Are there laws and regulations which criminalize corrupt activities, such as the offer or acceptance of a bribe or gratuity by a public official or judge?</u>

- <u>Are there laws criminalizing corruption which is perpetrated by public officials?</u>

- <u>Are there enforcement mechanisms such as inspector general offices, ombudsmen, Congressional committees, etc.?</u>

- <u>Are there codes of conduct for public officials?</u>

- Is there a witness protection program?

- Do articles appear in the media reporting corrupt activities of officials?

- Do people feel that their government officials are generally corrupt?

- What is the country's rank in the Transparency International list?

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Annex 9:   USAID Civilian Policing Policy Guidance - Extracts

The full document can be found on
http://www.usaid.gov/policy/ads/200/200mbf.pdf.

Executive Summary[48] [extracted]

This policy guidance relates to legislation that has expanded USAID's mandate to work with civilian policing authorities. Section 564(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005, expands "community-based police assistance" authority on a worldwide basis.

This guidance anticipates increased demand for civilian policing assistance. It covers police assistance activities that may be supported by USAID, unless and until such statutory authority is changed or rescinded. The guidance elaborates key points and provides the legislative background, along with program goals, policy and notification guidance, program guidelines, advice on implementation, and illustrative activities.

Definitions

Civilian police authority means a public safety or constabulary force that has the authority to carry out certain functions normally exercised by a law enforcement force. This includes the authority to carry weapons, make arrests, search private premises, interrogate in private, supervise confinement, and initiate prosecutions.

Community-based policing is an approach to policing based on the concept that crime can most effectively be addressed through a partnership between the police and the community they serve. When put into practice, this approach to policing is generally characterized by consultation by the police with communities; adaptation of police policies and strategies to the requirements of particular communities or localities; mobilization of the public to work with the police to prevent crime; and adoption of a mutual problem-solving methodology as the fundamental strategy of policing.

Goals

In January 2004, USAID issued a white paper that identifies five operational goals for the Agency, in line with strategic priorities. The country goals include promoting

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[48] *http://www.usaid.gov/policy/ads/200/updates/iu2-0702a.pdf* , December 2005

transformational development, strengthening fragile states, and supporting strategic states. USAID's goals in the area of civilian policing are to establish the rule of law, with security and human rights protections as an inherent component of a democratic political order, and to establish a positive enabling environment for economic growth, including commercial activity, investment, and trade.

Core Policy Guidelines

Under this policy, no assistance can be contemplated for civilian police forces that are not under control of democratic authorities or, in transition situations, for civilian police that are not demonstrably moving toward being under the control of democratic authorities.

In deciding whether to provide assistance, USAID must consider the country's human rights situation. If it is poor, assistance to civilian police authorities should be approached with careful consideration of the potential benefits and risks. USAID decisions on assistance also require consideration of the level of corruption within the civilian police authority.

Notification

In addition to normal procedures, specific steps must be taken when proposals are being developed for work in the area of police assistance:

- USAID staff must seek the input of the USAID regional legal advisor or cognizant Office of the General Counsel.

- All USAID proposals relating to work in this area must have the concurrence of the ambassador or chief of mission.

- Congressional notification and consultation will be required, regardless of prior notification in the Congressional Budget Justification.

The regional bureau, with assistance from the Bureau for Democracy, Conflict, and Humanitarian Assistance's Office of Democracy and Governance, is responsible for coordinating with other USAID offices. These include USAID's Office of the General Counsel, Bureau for Policy and Program Coordination, and Bureau for Legislative and Public Affairs, as well as State Department regional bureaus and its Bureau for International Narcotics and Law Enforcement Affairs.

Annex 10: USAID - Jamaica Community-based Policing Assessment - Extract

The full report can be found at:
http://usaid-comet.org/reports/FINAL%20CBP%20Assessment%20Report%20-%20April%20%209%202008.pdf

Executive Summary [extract]

This assessment follows on from a stakeholders' workshop convened by USAID and held on December 11 2007. This workshop was significant in making efforts to deal with the differences of opinion about Grants Pen in a way that was constructive, action-orientated and forward looking. This report seeks to continue to move this process forward by identifying lessons learned and making recommendations for progressing CBP in Grants Pen and throughout Jamaica.

Personal safety is a primary concern for many Jamaicans and reducing the country's high rates of violent crime has been and continues to be a challenge for the Government of Jamaica and the Jamaica Constabulary Force (JCF). For the past ten years, community-based policing (CBP) has been an espoused policy of the JCF with several past attempts at implementation. Lessons from these previous programmes have been included in this assessment. While past CBP reforms have typically not been sustained, they do provide a platform for the country-wide CBP expansion that is now a major priority for the new JCF Commissioner of Police. Currently, the JCF is working to roll out CBP more widely throughout the country.

USAID has supported community policing in Kingston, and specifically in Grants Pen, for the past five years: through the 2002-05 CBP pilot activity, the Community Policing Initiative (CPI), implemented by the Police Executive Research Forum (PERF), and through the current Community Empowerment and Transformation Project (COMET), implemented by Management Systems International (MSI).

The CBP model piloted in Grants Pen under the CPI was part of a larger strategy by USAID and its partners. The intent was to apply the lessons learned and best practices from the Grants Pen pilot to assist in the JCF's roll out of community policing island-wide. Some basic elements of CBP were introduced in Grants Pen and the pilot succeeded in having an impact, albeit temporary, on the community-police relationship.

The assessment team found that Grants Pen is not a "model" either in terms of success or replicability but that there are valuable lessons to be learned which can assist with the ongoing development of CBP throughout Jamaica. The invaluable work of the private sector in supporting CBP in Grants Pen is particularly note worthy although there are lessons to be learned regarding roles and responsibilities.

While CBP has been attempted in various forms and at various times in the history of Jamaican policing there has never been a significant, sustained implementation programme. A number of factors have been identified to be addressed to make such an implementation of CBP more effective. These include leadership and accountability within the JCF; effective partnership working; clear policy support direction; enhanced corporate communications and increased organizational capacity. Nonetheless, while there are inhibitors to change various circumstances referenced in the report suggest that the time is opportune to progress the implementation of CBP in Jamaica. In this respect, the roles of the international donor community and the private sector are significant.

This assessment recommends that USAID expands its work on community policing and supports the implementation of CBP within the JCF in several ways, including developing its organizational capacity.

A consistent theme recognized by the team during field work was a shortage of resources that constrains the JCF in the most fundamental ways. We recognize that good policing can be expensive. However, good policing is essential to improving the livelihoods of all citizens. As a result, we wish to stress the need for consistently greater resource allocation and accountability on the part of the Government of Jamaica for the JCF. Good intentions and plans are important; resources are critical. The coordinated and focused support of the business community and international donor community in providing resources for the development of CBP has proved important in the past and will be even more so in the future.

Any further community policing efforts by USAID or the JCF must be accompanied by effective monitoring and evaluation (Section V and Annex IV and V), which will serve as the foundation for increasing the effectiveness and the impact of any programme and by close coordination and collaboration, not only with donors but also the private sector, which has resources and skills to contribute to community policing, crime prevention, and community development.

The assessment team recognizes the difficulty associated with measuring many of the aspects of programme performance in the police environment. However, if initial monitoring and evaluation is designed with focus and simplicity, the utility of the initial results will encourage follow up and further refinement.

From a more general perspective, the assessment team believes that while there are likely those in Jamaica who would not support improving police performance, there are a number of factors currently present that do support reform. The new JCF Commissioner has publicly made CBP a top priority. In general, the public supports improved policing, as does the private sector. DFID is conducting a complementary modernization project in both the Ministry of National Security and the JCF, which the USG should encourage to continue beyond its scheduled summer 2008 end date. EU budget support can be used by the GoJ to support the implementation of GoJ policies

related to security (including community policing). Lastly, the current USAID COMET project provides a ready mechanism for supporting reform in the JCF.

The team agrees that the goals of reform are not in question. That the JCF knows the goals is also not in doubt. How change is to be implemented and accomplished is the primary obstacle. The state of the JCF as an institution presents the most significant challenge. In theory, control of the operational philosophy rests with management. In practice, however, if supervision, process, structure, policy, implementation, accountability, leadership, and all the other components of an effective organization are inadequate, effective management of even routine operations is a significant problem. These daily obstacles are even more daunting when sustained operational reform is the goal.

When functioning properly, the foundation of institutional management provides sufficient leverage for change to be accomplished. The JCF foundation is in serious need of rebuilding which can best be accomplished from the inside while taking advantage of support from the outside.

Part three of this report contains an analysis of CBP particularly in relation to Grants Pen. Part four of the report examines, in particular, the experience the JCF has had with CBP and looks at current organizational impediments to change and makes proposals for overcoming these. Part five highlight the importance of monitoring and evaluation.

In addition, Annex I identifies the key roles for the international donor community and private sector in Jamaica; Annex II details the individuals and organizations consulted during the assessments and Annex III sets out the literature review. Annex IV and V are relevant to the monitoring and evaluation recommendations.

The assessment team found there is significant experience to draw on in progressing CBP in Jamaica. While there are many hurdles and barriers to be overcome a significant momentum has been gathered which, with the support of USAID and other partners, should overcome these.

For ease of reference, two matrices have been prepared which detail the lessons learned and the recommendations of the assessment team; these are attached as Annexes VI and VII.

Annex 11: USAID Program Brief: Anticorruption and Police Integrity: Security Sector Reform Program - Extract

The full text can be found at:
www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/AC_and _Police_Integrity.pdf

Introduction [extracted]

Fighting corruption has emerged as an important U.S. foreign policy objective. The U.S. National Security Strategy identifies corruption, poverty, and weak institutions as factors that can make states vulnerable to terrorist and criminal networks. Corruption damages international development and poverty alleviation by limiting economic growth, reducing social cohesion, skewing public investments, and weakening the rule of law.

USAID seeks to remove opportunities and incentives for corruption with programs that strengthen judiciaries, legislatures and oversight bodies, independent media, and civil society. Strategic directions in USAID's anticorruption strategy focus on (1) confronting both administrative and grand corruption; (2) deploying agency resources strategically to fight corruption; (3) incorporating anticorruption goals and activities across agency work; and (4) building USAID's anticorruption knowledge. Central components of anticorruption initiatives include public sector reform and deregulation, support for oversight and watchdog activities, and public education to increase citizen awareness and opposition to corruption.

USAID has also played a central role in promoting the rule of law through assistance to the justice sector. The Agency is now authorized to provide "community-based police assistance" to enhance the effectiveness and accountability of civilian police authorities on a worldwide basis. This new mandate reflects a growing awareness that secure environments, free from the ravages of war, organized crime, and widespread public disturbances, are essential to safeguard development objectives. As donors undertake police assistance, a new concept of "democratic policing" has emerged reflecting an international consensus about basic values of policing in a democracy.

For those who work in the promotion of democracy and governance, the issue of fighting police corruption is essential. If basic human rights are to be protected and people are to live in safe and secure communities, the policing function must serve— and be seen as serving—the needs of the people. When those sworn to uphold the law engage in corruption themselves, it saps citizen confidence in democratic institutions— and could foster cynicism toward the notion of democracy itself.

That said, police corruption is nearly always a function of larger systemic problems caused by the lack of overall transparency, the absence of checks and balances, weak rule of law and fragile institutions. This program brief is designed to "unpack" police corruption contextually, and to identify specific concerns that—in light of the societal role and special powers of the police—should be considered when developing programmatic responses. Seldom is the case where a stand-alone police corruption program is advisable. The most successful programs will be comprehensive and employ multiple strategies.

Despite widespread public perceptions that police corruption is rampant, addressing it remains a sensitive subject for government, police, and donors, especially because there is no easy solution. Programmatic responses must take these sensitivities into account. This paper describes the phenomenon, identifies emerging lessons, and recommends program approaches with the caveat that as USAID develops and expands its rule of law, security sector, and anticorruption programs, much is still to be learned about curbing police corruption and building up police integrity.

1.1   Democratic Policing

The mission of the police in democracy is to protect people and property; to prevent, detect, and investigate crime; to maintain public order; and to support democratic political life. Democratic police undertake these tasks without fear or favor, but uphold the rule of law and perform their duties with the consent and support of the public and the institutions of democratic government. Democratic policing creates a "double demand" on police by "requiring that police adhere to high standards of conduct while also providing high standards of service."

Democratic policing can be central to the success of broader development approaches aimed at promoting democratic governance, rule of law, and human rights. The role of the police in protecting citizens and property is also critical for promoting a positive enabling environment for economic growth, including commercial activity, investment, and trade.

Assistance to democratic policing should be approached as a component of holistic programs aimed at promoting these broader objectives, with links to the overall justice and security sectors. USAID's Policy Guidance for Assistance to Civilian Policing provides further details on goals, guidelines, and requirements for supporting democratic police.

1.2   Understanding Police Corruption

Corruption is defined as the exercise of public power for private gain. Police corruption generally occurs at two levels: operationally on the street or back in the office behind the scenes. Officers working alone or in pairs—out of sight of supervisors—face a constant stream of opportunities for corruption. This may range from petty corruption and small-scale bribery to collusion with criminals in accepting kickbacks for "looking the other way," in extorting regular pay-offs, or even in taking direct part in criminal activities. In order to carry out their duties, police are endowed by law with extraordinary powers, most notably the use of coercion and force, including lethal force. Police can stop, question, and search; issue citations and fines; arrest people; and may use force where circumstances warrant.

Furthermore, police have great discretion to exercise these powers. Whereas backroom corruption takes place behind closed doors, street forms frequently involve large numbers of officers in direct contact with large numbers of citizens, and often shape public perceptions of police corruption.

In the backroom, corruption involves irregular practices in internal processes such as contracting and purchasing, skimming off institutional benefits, payments for appointments and transfers, and negligence in internal discipline and investigations. This form of corruption frequently involves supervisors, mid and senior-level officers, or those in positions with command authority and access to privileged information. It can involve very large transactions.

Many studies of police corruption emerge from advanced industrialized nations and include two further categories: human rights abuse and "noble cause corruption" whereby an officer will use illegal means to produce a positive law enforcement outcome (sometimes called "Dirty Harry syndrome").

Although this paper does not specifically address police abuse of human rights, important linkages between corruption and abuse exist, including the use or threat of abuse to extort bribes. Both human rights abuse and corruption are permitted and supported through systems of impunity.

1.3   Manifestations of Police Corruption

The array of police corruption is more easily understood in terms of the motives, ends and the scale of corruption. Table 1 provides examples of types of corrupt behaviors (petty individual, bureaucratic, criminal, and political), each of which includes behaviors that are both operational and bureaucratic.

A number of behaviors enter into more than one column, reflecting the wide variety in level of gain, means and actors involved, and beneficiaries of police corruption.

Petty Individual Corruption	Bureaucratic Corruption	Criminal Corruption	Political Corruption
• Minor bribes from ordinary civilians (traffic police in particular) • Gifts and free services • Selling information such as criminal files • "Losing" court dockets, evidence, etc. • Theft while searching • Keeping seized contraband • Helping prisoners escape • Use of police resources for personal matters (police vehicles used to run family errands; hiring out police weapons to criminals, etc.)	• Contracting and purchasing kickbacks, sweetheart deals, etc. • Theft of assets and police resources including salaries, benefits systems, lower ranks pay, etc. • Selling information such as criminal files • "Losing" court dockets, criminal records, evidence, etc. • Irregular and unlawful issuing of gun licenses and other permits • Undermining internal investigations and discipline • Bribes and kickbacks required for recruitment, graduation from training, assignments, and promotions	• Bribes or kickbacks from known criminals • Extorting regular pay-offs from criminal groups / gangs, etc. • Providing support for criminal activities with equipment, information, cover-ups, etc. • Direct participation in crime and organized crime (drug trafficking; kidnapping rings; "arrest-for-ransom"; "social cleansing") • Theft of seized contraband • Protection of illegal economic activities (resource extraction)	• Manipulating criminal investigations • Initiating false investigations • Providing confidential information to politicians • Suppressing freedom of speech and association (public demonstrations, strikes and other union activities, etc.) • Carrying out or covering up political killings • Suppressing political dissent / freedom of information / legitimate political party activities • Leaking information to guerrillas and other illegal armed groups

Figure 20 Types and Examples Of Corrupt Behaviors

1.3.1 Petty Individual Corruption

Probably the archetypal police corruption is bribery of traffic police. It is notorious in many countries that when an officer stops a driver, the driver will place money in the documentation handed to the officer, or start the conversation by asking "what can we do about this?" The Nigerian "dash" or Mexican "mordida" (little bite) becomes an assumed transaction cost of almost every encounter with the police. In Ghana, a survey found that 92 percent of respondents admitted to bribing the police. In Uganda, 63 percent of contacts with police result in bribes. Specific dynamics may vary; for example, there is some evidence in Eastern Europe and Russia that bribes are routinely sought during vehicle stops, but not identity checks of pedestrians.

Other common forms of petty bribery include extorting regular payments from market vendors, charging fees for services that should be free, and arresting people on flimsy pretenses in order to extract bribes in exchange for their release. In the case of petty

corruption in particular, the public role should be kept in mind. In encounters with police, it may be the members of the public who initiate the transaction. There are many countries where the culture of corruption is so ingrained that the officer has no need to ask; the bribe is assumed or simply handed over to the traffic officer with the license and registration. There are less negative manifestations of fee-for-service policing. In parts of Africa, for example, it is not uncommon for police to be called in to help mediate local disputes and be given payment for their services. While this could be viewed as an illicit payment, it is accepted practice in certain settings. The costs of petty corruption are significant. While each transaction may be relatively minor, petty bribery takes place in the course of routine encounters between the police and the public, and generates public perceptions of a rotten institution. Studies have also found that small acts of corruption act as a gateway to repeated and more serious corruption. Officers reportedly see corruption initiated by third parties as less serious than officer-initiated corruption—even when the external actor is a criminal.

1.3.2 Bureaucratic Corruption

Many police forces are very large, with hundreds of thousands of employees and extensive assets. One manifestation is the outright theft by senior officers of police resources such as benefits funds, or the manipulation of tenders for kickbacks. Bureaucratic corruption can rob the police of major sums with severe consequences for operational capacity. In Peru, US$30 million was found to be missing from the police pension fund. In April 2005, the former Inspector General of Police of Nigeria, Tafa Balogun, was tried on more than 90 counts of stealing public funds worth more than US$98 million. In some cases, almost every internal transaction from recruitment to promotions and assignments requires a bribe or kick-back to senior officers. In this case, the policing culture resembles an organized crime syndicate more than a professional public service.

1.3.3 Criminal Corruption in the Police

In a general sense, all corruption is criminal. However, direct involvement by police in both organized and common crime, or simply building their own crime enterprises, is one of the most disturbing perversions of policing—turning protectors into perpetrators. Police crime can take place on a small or large scale. It may be an established and widespread practice, or the purview of a clique of officers. Special units focused on vice and narcotics are particularly vulnerable.

A common form of criminal collusion is the collection of kick-backs from gangs, or extortion of payments from criminals. In some cases, police will demand a percentage of the "take" whenever a "job" is carried out on their turf. In others, police receive payment for services rendered—for example, leaking information to organized crime

cartels on upcoming investigations and raids. The threat of violence and retribution often underlies these transactions. Excessive police demands can backfire, and cases of targeted killings of officers have been documented in different countries. In the case of drug traffickers, some cartels aggressively recruit officers and those who resist may pay with their lives.

In other cases, the problem is on a smaller scale, but may be very widespread. In Nairobi, Kenya, 30 percent of all crimes are committed by the police according to a 2002 survey. In September 2006, the Inspector General of the Nigerian police force barred officers from taking home their officially assigned arms and ammunition. This followed an increase in opportunistic crimes, and charges against officers for conniving with armed robbers, selling police weapons and ammunition for use in robberies.15 Cases of officers "renting" out their weapons and uniforms have also been documented elsewhere (including to guerrilla forces fighting the government).

1.3.4 Political Corruption in the Police

The political advantages of direct control of policing underlie the many examples of politically controlled police across the globe. Politicians may interfere with the initiation or progress of specific criminal investigations; direct police to allow, ban, or break up public demonstrations with violence according to their political stripe; or bypass a range of laws and regulations through "fixing" permits, citations, and the like favorably for friends and political allies. A large number of politicized police stem directly from the colonial policing model. Colonial police forces were explicitly designed to protect and support the regime, frequently through a range of social control mechanisms profoundly at odds with the values of democratic policing. Police in countries across Africa and Asia continue to operate under colonial police laws that provide structural executive control and inadequate accountability mechanisms for policing.

In a number of countries, excessive presidential authority and partisan policing practices invite political police corruption. In Uganda, the president must consult Parliament in appointing senior officers, but he can remove appointees at any time. Moreover, although he is bound to seek advice from the Police Authority for appointing department heads, he himself appoints Police Authority leaders, thus compromising objectivity. Tanzania is marked by similar conflicts of interest: the president appoints the IG, but is bound neither by guidelines nor selection criteria. He can constitute or abolish any office in the police from the rank of Senior Assistant Commissioner and above. In states of emergency, he can step in as operational head of the police and displace the IG entirely. Political policing can also fuel ethnic tensions as it did in India when police abetted anti-Sikh riots in 1984 and anti-Muslim violence in Gujarat in 2002. India's police law, which dates to 1861, stipulates that policing is primarily a function at the state level, and the power over assignments is used to ensure political compliance.

Annex 12: United States Military Resource Documents

1) Joint Forces Command Rule of Law-Security Sector Reform Handbook (forthcoming)

(*http://www.dtic.mil/doctrine/doctrine/jwfc_pam.htm.*)

Note: As of September, 2010, this document is not yet available. However, when published, it will be accessible via the website above. This handbook is the fifth in a series of publications by Joint Forces Command under the DOD's Unified Action Initiative. In addition to the handbooks described below, an overview pamphlet describing the series is available on the website.

Pamphlet Preface [Extracted]

"The UA Handbooks are not a comprehensive planning guide. Instead, they complement operational design and the joint operation planning process to enable the JFC and his staff to better integrate with all elements of national power in complex overseas contingency operations, or in support of military engagement, security cooperation, and deterrence activities."

Unified Action Handbook Series:

Book One: Military Participation in the Interagency Management System for Reconstruction and Stabilization

The handbook outlines joint force roles and responsibilities in the Interagency Management System (IMS) and existing interagency coordination authorities and mechanisms. It aligns with the USG Planning Framework for Reconstruction, Stabilization, and Conflict Transformation. It will also align with the IMS Guide under development at the Department of States' Office of the Coordinator for Reconstruction and Stabilization.

Book Two: Military Support to Essential Services and Critical Infrastructure

This handbook defines services essential to sustain human life during stability operations (water, sanitation, transportation, medical, etc.), the infrastructure needed to deliver such services, and potential joint force responsibilities.

Book Three: Military Support to Governance, Elections, and Media

The last comprehensive guide to military governance was written in 1943. Combatant commanders have directed joint forces to rebuild media, support election preparations, and provide advisors to embryonic executive ministries and legislative committees in recent and current operations. This handbook provides pre-doctrinal guidance for joint force support to good governance, political competition, and support to media.

Book Four: Military Support to Economic Stabilization

This handbook outlines joint force support to economic development. It addresses conducting a comprehensive economic assessment, employment and business generation, trade, agriculture, financial sector development and regulation, and legal transformation.

Book Five: Military Support to Rule of Law and Security Sector Reform

This handbook defines the "Rule of Law;" explains the interrelationship between rule of law, governance, and security; and provides a template to analyze the rule of law foundation essential to successful stability operations.

2) The Rule of Law Handbook: Practitioner's Guide for Judge Advocates, 2009

(*http://www.loc.gov/rr/frd/Military_Law/pdf/rule-of-law_2009.pdf*)

Introduction [extracted]

The *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates* is intended to provide a starting place for Judge Advocates deployed or being deployed to work on rule of law operations. As such, the *Handbook* is based on assumptions about both the background knowledge of its intended audience and the operational posture of rule of law operations. The *Handbook* presupposes basic knowledge of military terms and organizational structure, as well as a basic understanding of US military law. Because most American Judge Advocates currently engaged in rule of law operations are doing so in the context of reconstruction attendant to armed conflict and counterinsurgency, the *Handbook* is oriented toward rule of law operations occurring in those contexts. It is not intended as a guide for more general "nation building" missions in permissive environments.

The *Handbook* was developed with three over-arching themes, which reflect a combination of experience, doctrine, and the inherent limitations of any publication of this type.

First, and foremost, is that coordination with other agencies is the single most important indicator of the likely success of a rule of law mission. Rule of law programs cannot successfully take place in isolation. Consequently, the *Handbook* includes extensive information about the interagency relationships necessary to any rule of law operation.

Second, the *Handbook* places rule of law operations squarely within Full Spectrum Operations. In order for rule of law operations to be effective, they have to fit within the larger framework of how the US military conducts offensive and defensive operations as well as the growing stability mission.

Third, the *Handbook* is an acknowledgement that there exists no "cookbook" or "checklist" solution to rule of law operations. Rather, the *Handbook* is designed to allow deploying Judge Advocates to think constructively and creatively about rule of law operations while providing them with a practical framework for fitting rule of law operations into the legal and operational framework for all US joint deployed operations.

The book's organization reflects all three themes, covering the theory, interagency relationships, and practice of rule of law activities, but it is notably absent of checklists. Chapters II-V provide a general background to rule of law activities, setting the stage for Chapter VI, which describes the planning of rule of law operations, and Chapter VII, which describes the funding rules for current rule of law operations. Chapter VIII describes practical challenges faced in rule of law operations. Chapter IX provides theater-specific information regarding current ongoing operations, and Chapters X, and XI follow up with practical applications in specific contexts.

Chapter II sets a theoretical framework for rule of law operations to give Judge Advocates the necessary background to think about the rule of law problem creatively and to be able to discuss rule of law issues with others both, within and outside of the military. At the same time, it suggests ways in which the theory can influence day-to-day operations.

Chapter III describes the inter-agency atmosphere in which rule of law operations take place, and describes the various agencies – governmental and non-governmental – most likely to be involved in rule of law operations.

Chapter IV discusses the legal framework and provides an overview of the international legal obligations facing any nation that undertakes rule of law operations during and immediately following armed conflict.

Chapter V describes aspects of the legal systems that are the objects of rule of law operations, with special emphasis on the ways in which host nation legal systems (and other post-conflict-specific reconciliation measures) may differ from the American legal system that is most familiar to US Judge Advocates.

Chapter VI covers basic military planning doctrine for Judge Advocates, provides some practical tools for JAs deploying on rule of law missions, and describes some mechanisms for assessing the state of the rule of law in a host nation and evaluating the efficacy of such rule of law activities.

Chapter VII discusses the fiscal law aspects of conducting rule of law operations.

Chapter VIII lists many, but certainly not all, of the major challenges facing rule of law projects.

Chapter IX provides detailed information about the legal systems and the structure of rule of law efforts in two theaters in which substantial rule of law operations are currently taking place: Afghanistan and Iraq.

Chapter X follows Chapter IX's country-specific focus with narratives from recently deployed rule of law practitioners describing their experiences.

Chapter XI similarly describes recent operations, but instead of providing comprehensive narratives of individual deployments, it provides several examples of recently conducted rule of law projects.

Rule of law operations can take a variety of forms (from completely replacing an illegitimate or non-existent legal system to slight modification of an existing administration), in a variety of operational environments (from active combat to counterinsurgency operations to approaching stable peace). They occur among a variety of partners (from simple inter-agency arrangements dominated by USG entities to coalition partnerships to multilateral arrangements organized through the UN or other international organizations) and affect local populations with vastly differing preconceptions about the form and content of law. This *Handbook* can give you no more than a framework for conducting rule of law operations, but it is a framework gleaned from the experiences of practitioners. Although they are challenging, rule of law operations – those that seek to restore civil order and a society's reliance on government by law – offer the possibility to fulfill the highest aspirations of every Soldier and lawyer: to bring the blessings of peace, security, and justice to those who lack them.

Annex 13:   Other Reference Websites

Listed below are websites for various organizations involved in advancing the law enforcement profession. Model policies, documents analyzing the police issues of the day and promotion of new ideas are all available.

1   Commission on Accreditation of Law Enforcement Agencies
   http://www.calea.org

2   Hispanic-American Police Command Officers Association
   www.hapcoa.com

3   International Association of Chief's of Police
   http://www.theiacp.org

4   National Organization of Black Law Enforcement Executives
   www.noblenational.org

5   Police Executive Research Forum
   www.policeforum.org

6   Police Foundation
   www.policefoundation.org

7   Royal Canadian Mounted Police
   http://www.rcmp-grc.gc.ca/index-eng.htm

8   United Nations Police
   http://www.un.org/en/peacekeeping/sites/police/index.shtml

9   USDOJ- Community Oriented Policing Services
   www.cops.usdoj.gov

10   USDOJ - International Criminal Investigations Training Assistance Program
   http://www.justice.gov/criminal/icitap

11   USDOJ – Office of Justice Programs
   http://www.ojp.usdoj.gov/nonflash.htm

12   USDOJ – Office of Overseas Prosecutorial Development, Assistance and Training
   http://www.justice.gov/criminal/opdat

13   USDOS – Bureau of International Narcotics and Law Enforcement
   http://www.state.gov/p/inl/narc/index.htm