

THE POLICE

Roles and responsibilities in good security sector governance

ABOUT THIS SSR BACKGROUNDER

This SSR Backgrounder is about the roles and responsibilities of police in good security sector governance (SSG). Because of their special powers and their proximity to the population, how the police do their work directly affects the security of individuals and communities on a daily basis, as well as the democratic character of the state itself. Although police organizations differ in every country, this SSR Backgrounder explains how the same principles of good SSG and democratic policing can be adapted to every context.

THIS SSR BACKGROUNDER ANSWERS THE FOLLOWING QUESTIONS:

What are the police?	2
What are typical features of effective policing?	3
How does democratic policing contribute to good SSG?	3
What are typical features of democratic civilian control of the police?	5
How does SSR affect the police?	6

ABOUT THIS SERIES

The SSR Backgrounders provide concise introductions to topics and concepts in good security sector governance (SSG) and security sector reform (SSR). The series summarizes current debates, explains key terms and exposes central tensions based on a broad range of international experiences. The SSR Backgrounders do not promote specific models, policies or proposals for good governance or reform but do provide further resources that will allow readers to extend their knowledge on each topic.

The SSR Backgrounders are a resource for security governance and reform stakeholders seeking to understand and also to critically assess current approaches to good SSG and SSR.

DCAF – Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity-building of both state and non-state security sector stakeholders.

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WHAT ARE THE POLICE?

Police are the state security providers with the primary task of protecting people and property through public assistance, law enforcement, the control and prevention of crime and the maintenance of public order. Police are an integral part of the criminal justice chain that links state security and justice provision through the services of the wider justice sector, including court systems, and corrections and penal facilities among others. For more information on the place of the police in the justice sector, please see the SSR Backrounder on “The Justice Sector”.

Police are generally the front line in public security provision by the state, and thus the security provider that the public most frequently encounter in their daily lives. In order to fulfil their mission, police hold special powers that – under specific, legally defined circumstances – temporarily allow police to limit the exercise of basic rights, to deprive people of their freedom and to use force, including lethal force. **Because of their powers and their proximity to the public, how the police fulfil their duties has a direct impact on security for individuals and communities, as well as on the character of the state.**

Besides these common characteristics, police bodies vary greatly among countries according to organization, internal structure, mission and working methods. No two systems of state policing are exactly the same, and each one functions in a context determined by a unique combination of historical, political, legal, social, cultural and economic influences. Despite this variety of models, the principles of good SSG can be adapted to reflect the specific context and applied to every police organization. **Applying the principles of good SSG to policing is the goal of police reform in the context of SSR.** For more information on SSR, please see the SSR Backrounder on “Security Sector Reform”.

POLICE, POLICING AND NON-STATE ACTORS

The police are typically the main state agency responsible for domestic crime control and prevention, but they are never the only actors engaged in policing. “Policing” has a much broader scope than state law enforcement, because it includes all activities that uphold the general social order and rules by which a society lives. This means that state law enforcement agencies, such as the police, are important actors in policing, but other state and non-state actors may also engage in policing. Non-state actors who play a role in upholding order through non-state policing may include social or religious organizations, armed groups, community groups, professional associations and commercial security providers. In many countries actors engaged in non-state policing are more numerous, better trained, better resourced and more powerful than the state police or law enforcement agencies. For this reason, the effects of their activities on security sector governance should also be taken into account in planning police reforms and SSR activities. This backrounder focuses on the roles and responsibilities of state police agencies in good SSG.

→ For more information on good SSG, please refer to the SSR Backrounders on “Security Sector Governance” and “Gender Equality and Good Security Sector Governance”.

FIGURE 1 TYPICAL FEATURES OF POLICE EFFECTIVENESS

Security and justice sector

- Laws, policies, mission, strategies and plans are clearly articulated, well adapted to context and consistent with rule of law, human rights and democratic policing.
- Responsibilities, hierarchies and mechanisms for interagency cooperation and communication within the security and justice sectors are clearly defined.
- Police operational independence is protected within a framework of democratic civilian control.



Police organization

- Organizational structures, policies, processes and resources are adapted to mandate.
- Professional standards of management, administration and internal control support police service delivery.
- A work culture of public service delivery and equal opportunity for people of all backgrounds supports a structured and disciplined working environment.



Police personnel

- Equal opportunity recruitment strategies select for appropriate education, experience and aptitude.
- Training and supervision throughout career ensure sufficient levels of knowledge in general and specialized areas.
- Police attitudes and organization support high standards of police ethics, discipline and integrity in public security provision.

WHAT ARE TYPICAL FEATURES OF EFFECTIVE POLICING?

In the context of good SSG, police effectiveness means that police organizations and personnel are empowered to provide state and human security within a framework of democratic civilian control, respect for rule of law and human rights.

Police effectiveness depends not only on individual police decisions, but also on the organizational context and legal framework within which police work. For example, police personnel cannot use their power appropriately if the organization and hierarchy they work within is corrupt, if the laws they enforce are outdated or discriminatory, or if their own working environment is hostile and discriminatory. For these reasons, it is important to recognize that other security and justice actors have responsibilities in enabling the police to perform effectively and accountably.

Ensuring that police are able to perform effectively in contributing to good SSG depends on organizational factors such as police management, administration and internal control; other security and justice sector actors, such as the executive authorities with overall policy responsibility (for example ministries of interior or justice); and the legislature, which determines the legal framework.

Independent and public oversight authorities also have an important role to play because they verify the effectiveness, credibility and legitimacy of public service provision by the police; examples of these bodies are ombuds institutions, independent police complaints authorities, civil society organizations providing advocacy and support services, and community groups, among others.

Figure 1 shows some of the typical sector-wide, organizational and individual features of police effectiveness.

HOW DOES DEMOCRATIC POLICING CONTRIBUTE TO GOOD SSG?

Police contribute to good SSG when they perform their duties effectively and accountably within the limits of democratic civilian control, according to the rule of law, and with respect for human rights. In contrast, police that are ineffective and unaccountable pose a danger to the state and the population through abuse of authority, violence, corruption, discrimination and incompetence. Police contribute to poor SSG and endanger state and human security when they use their authority outside the limits of democratic civilian control, against the law or without respect for human rights.

From the point of view of good SSG, effective and accountable police foster public and personal safety, human rights protection, public order and the democratic character of the state. Because the police can have such a strong effect on state and society, there are certain characteristics that are associated with policing in the context of democracy, and these characteristics are referred to as democratic policing (see Figure 2).

But democratic policing is often misunderstood.

- *Democratic policing does not mean that the police take an active role in politics:* it means the police do not play a role in politics, because they remain neutral and impartial in exercising their powers within a legitimate legal framework.

FIGURE 2 CHARACTERISTICS OF DEMOCRATIC POLICING

Respect for rule of law

Police uphold the rule of law under a democratically elected civilian authority, and in conformity with domestic and international law.

Respect for human rights

Institutionalized mechanisms ensure respect for human rights, including civil and political rights and the equality of all men and women.

Accountability

Layers of internal control, supervision and external oversight hold individuals and institutions to account for their behaviour within a framework of democratic civilian control.

Transparency

Policies, strategies and decision-making over appointments, resources and performance are open to public scrutiny and oversight, while operational confidentiality is protected.

Clear legal roles and professional management

Missions, roles and responsibilities are defined in law and policy, open to public scrutiny and include a separation between political and operational control.

Public service provision

Police approach their work in the spirit of public service, including equal opportunity for men and women of all social and economic backgrounds, and an institutional work culture based on public service.

Non-violent methods and minimum appropriate use of force

Non-violent approaches to law enforcement and public assistance are preferred. Legitimate use of force is determined by law, and professional standards emphasize restrained, proportional and adequate use of force.

- *Democratic policing does not mean that police personnel have no political rights:* as private individuals, police personnel enjoy the same human rights, including civil and political rights, as everyone else, including among others the right to vote freely. Professional standards should guide police in separating their professional roles from their personal and political views.
- Democratic policing does not mean that the police are elected democratically: it means the police serve under a government that is chosen democratically with a mandate to make law and policy. In rare cases, police officials are chosen by democratic election, but this is a matter of tradition and institutional organization and not democratic policing.
- Democratic policing does not mean that people can task the police directly: it means the people task the police indirectly through their democratically elected government, which is responsible for police management and oversight.

Democratic policing is based on the idea that police must be both effective and accountable in public service provision. But **because the police are different in every country, there is no fixed model for democratic policing: a variety of policing configurations and models are compatible with democracy and the principles of good SSG.** Police reform in the context of SSR must ensure that the principles of democratic policing are adapted to each context.

COMMUNITY POLICING

Community policing is a style of policing popular in many countries and among international police reform programmes; many variations now exist, including “community-orientated policing”, “responsive policing”, “neighbourhood policing” and “problem-solving policing”, among others. The main idea of community policing is that the police can best serve the community by building trust and forming mutually beneficial relationships. In operational terms, typical community policing strategies involve consulting community representatives, creating local-level accountability mechanisms, increasing public outreach, using specific patrol patterns and decentralizing policing structures. Despite its widespread popularity, community policing remains controversial. Criticisms focus on the potential for police abuse and political repression when contact between the police and community increases without sufficient training or democratic safeguards. Community policing is often confused with police reform in general, or with democratic policing, but despite some similarities, they are not the same.

FIGURE 3 TYPICAL FEATURES OF INTERNAL POLICE CONTROL AND EXTERNAL POLICE OVERSIGHT



WHAT ARE TYPICAL FEATURES OF DEMOCRATIC CIVILIAN CONTROL OF THE POLICE?

Democratic civilian control helps make police both effective and accountable. Police accountability and effectiveness depend on a competent impartial authority measuring police performance against clear expectations of behaviour, and enforcing consequences where standards are not met. Accountability and effectiveness also require well-trained personnel with the willingness, ability and resources to perform to professional standards of service delivery.

These requirements must be met at every level of policing, starting internally with the individual officers and police managers responsible for operational control. The requirements also apply to external oversight actors, such as civilian bodies, civil servants, electoral representatives, ministries and even the head of state. Making the police more accountable and more effective is the goal of police reform in the context of SSR and often means improving internal control and external oversight of police. Figure 3 shows some typical features of internal police control and external police oversight in the context of democratic, civilian control.

External police oversight within a framework of democratic civilian control involves many actors playing specific roles according to due process, and may occur:

1. before the police have taken an action e.g. a review of policy,
2. during an activity e.g. status of an ongoing programme,
3. after the event e.g. review of action taken.

Oversight might also be direct (e.g. by the executive bodies charged with police administration) or indirect (e.g. when the legislature holds the executive accountable for its management of the police). The roles and responsibilities of police oversight actors within a framework of democratic civilian control are different in every country because of variations in police agencies and political systems, but some typical relationships are summarized in Figure 4.

GOOD SECURITY SECTOR GOVERNANCE (SSG) AND SECURITY SECTOR REFORM (SSR)

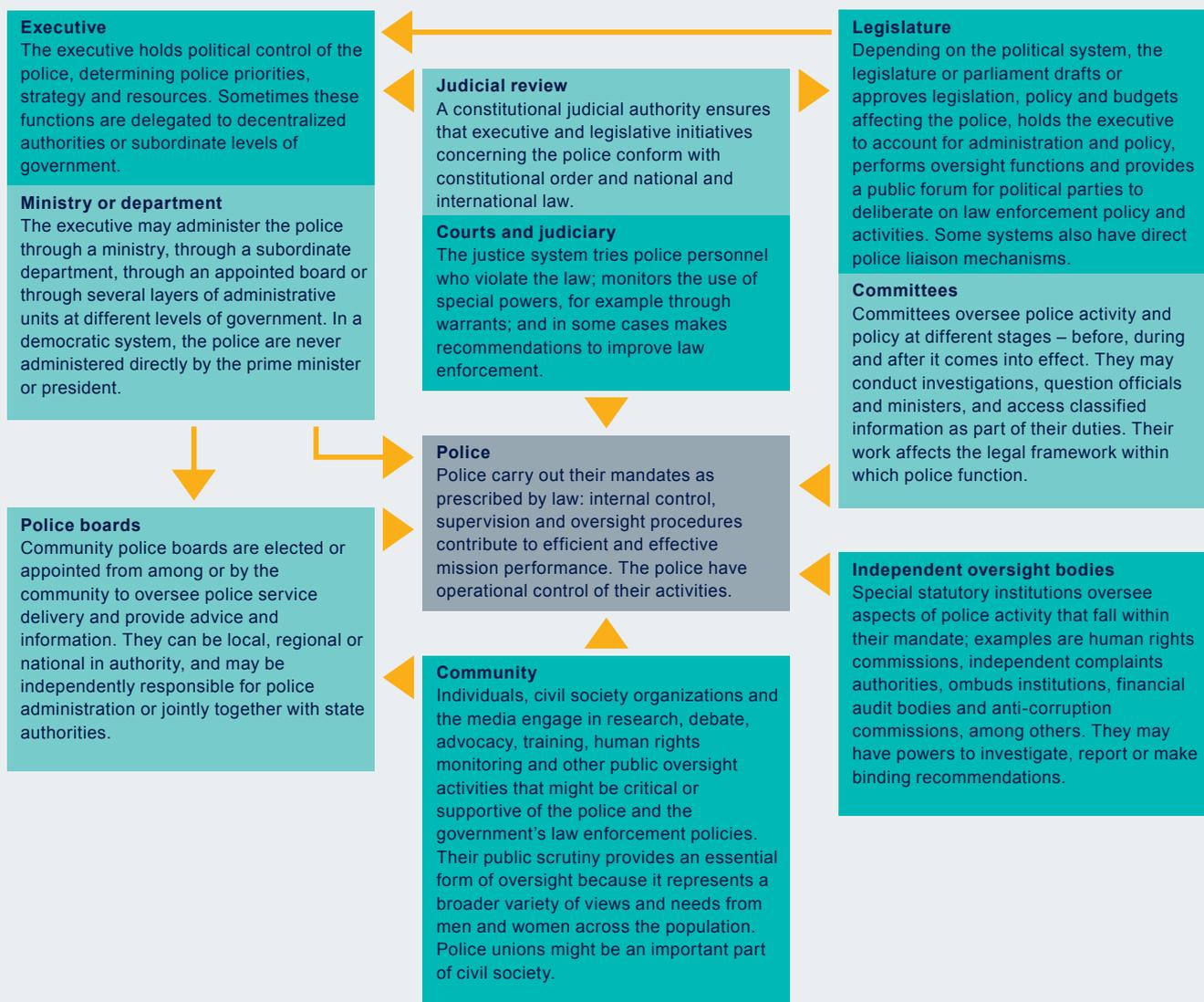
Good SSG describes how the principles of good governance apply to public security provision. The principles of good governance are accountability, transparency, rule of law, participation, responsiveness, effectiveness and efficiency. Good SSG is thus a normative standard for how the state security sector should work in a democracy.

The **security sector** is composed of all the structures, institutions and personnel responsible for security provision, management and oversight at national and local levels. Good SSG means that the security sector provides state and human security, effectively and accountably, within a framework of democratic civilian control, rule of law and respect for human rights.

Establishing good SSG is the goal of **security sector reform**. SSR is the political and technical process of improving state and human security by making security provision, management and oversight more effective and more accountable, within a framework of democratic civilian control, rule of law, and respect for human rights. SSR may focus on only one part of the security sector or the way the entire system functions, as long as the goal is always to improve both effectiveness and accountability.

➔ For more information on these core definitions, please refer to the SSR Backgrounder on “Security Sector Governance”, “Security Sector Reform” and “The Security Sector”.

FIGURE 4 TYPICAL FEATURES OF A FRAMEWORK FOR DEMOCRATIC CIVILIAN CONTROL OF POLICE



HOW DOES SSR AFFECT THE POLICE?

Police reform is often a priority for SSR because the police are an important state security provider. Police reform in the context of SSR can involve a broad range of activities focusing on the effectiveness and accountability of the police directly or any of the actors involved in police management and oversight. Police reform tends to focus on improving training and performance standards for personnel, but standards among individual personnel can only improve if the overarching institutional and organizational environment allows them to perform as training and standards dictate. This means that some of the most important police reform activities might improve front-line service delivery by focussing on institutional aspects of police organisation, such as human resources, management, record keeping and administration. Ensuring that legal frameworks for crime prevention and control are up to date and adapted to the security context is also a precondition for the police to be effective and accountable. Police reform can also involve working with communities to improve relationships with police.

The relationship between the police and other justice sector actors is always a crucial concern in police reform because improvements in one part of the criminal justice chain will only cause new problems elsewhere if reforms are not dealt with in a holistic way: for example, improving police arrest rates may cause delays and backlogs in the court system and lead to higher rates of pre-trial detentions in prisons if there is no commensurate improvement in sector-wide capacity.

For more information on SSR, please refer to the SSR Backgrounder on “Security Sector Reform”.

WHAT TO READ NEXT

For introductory overviews of police work in comparative global perspective:

- Alan Wright
Policing: An Introduction to Concepts and Practices
(London: Routledge, 2002).
- John Casey
Policing in the World: The Practice of International and Transnational Policing
(Durham: Carolina Academic Press, 2010).

For more information on democratic policing and good SSG:

- Senior Police Adviser to the OSCE Secretary General
Guidebook on Democratic Policing
(Vienna: Organization for Security and Co-operation in Europe, 2008).
- David H. Bayley
Changing the Guard: Developing Democratic Police Abroad
(Oxford: Oxford University Press, 2005).
- Maja Daruwala, Devika Prasad, Swati Mehta, Maria Laura Canineu, Janine Rauch
Police Accountability: Too Important to Neglect, Too Urgent to Delay
International Advisory Commission of the Commonwealth Human Rights Initiative, 2005.

For an overview of police reform in the context of SSR:

- OECD Development Assistance Committee
Section 7.5: Police Reform
in OECD DAC Handbook on Security System Reform: Supporting Security and Justice (Paris: Organisation for Economic Cooperation and Development, 2007, pp. 163-181).
- DCAF
Toolkit on Police Integrity
(Geneva: DCAF, 2012).
- DCAF-ISSAT online e-learning course
Police Integrity
available through the DCAF-ISSAT website:
<http://issat.dcaf.ch>

For a breakdown of police reform with respect to gender and SSR:

- Tara Denham
Tool 2: Police Reform and Gender
in Gender and Security Sector Reform Toolkit, Megan Bastick and Kristin Valasek (eds)
(Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008).
- Megan Bastick
Integrating Gender into Internal Police Oversight
(Geneva: DCAF, OSCE, OSCE/ODIHR, 2014).

MORE DCAF RESOURCES

DCAF publishes a wide variety of tools, handbooks and guidance on all aspects of SSR and good SSG, available free-for-download at www.dcaf.ch. Many resources are also available in languages other than English.

The DCAF-ISSAT Community of Practice website makes available a range of online learning resources for SSR practitioners at <http://issat.dcaf.ch>

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