from Peace

to Governance

WOLA

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POLICE REFORM AND THE INTERNATIONAL COMMUNITY

A rapporteurs's report based on
a November 2001conference
sponsored by The Washington
Office on Latin America and the
Johns Hopkins Nitze School of
Advanced International Studies

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Acknowledgements

This report is based on the proceedings of a conference, "Police Reform and the International Community: From Peace Processes to Democratic Governance," sponsored by the Washington Office on Latin America (WOLA) and Johns Hopkins Nitze School of Advanced International Studies (SAIS). The conference was held in Washington, DC on November 16, 2001. First and foremost, we wish to thank all who participated in the meeting and, in particular, the speakers who made presentations. Their names are cited throughout the text of this report. The agenda of the conference and a list of the speakers are attached as Annex 1 and 2, respectively.

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[1] The opinions, findings, and conclusions or recommendations expressed in this publication are those of the Washington Office on Latin America and/or individual conference presenters and do not necessarily reflect the views of the United States Institute of Peace.

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Introduction

Police Reform and the International Community:
From peace processes to democratic governance

A conference organized by the Washington Office on Latin America (WOLA) and the John Hopkins Nitze School of Advanced International Studies (SAIS)

Public security has emerged as a central element of transitions from dictatorship or civil war to democracy throughout the world. Efforts to create professional, accountable, and effective police forces have been or are being undertaken in countries ranging from Eastern Europe and Russia, to South Africa and the West Bank. In all, seventeen of the twenty-three peace-keeping operations initiated in the 1990's have included efforts to build local police institutions. Donors also are supporting efforts to professionalize police through bilateral programs in countries around the globe. In many of these cases, national policymakers and in particular international donors have looked to the large-scale, institution-wide police reforms under way in Central America and Haiti for lessons and models for reform. The first major peacekeeping initiative to focus on public security reform was in El Salvador following the 1992 Peace Accords.

Given the central role played by internal security forces in repressing civil unrest in those countries, a principal topic of negotiations aimed at ending the conflicts was how to restructure and "demilitarize" responsibility for internal security. In the context of negotiations, the focus was on separating responsibility for internal security and external security, redefining the role and mission of the military as focused on the latter and establishing civilian control over the armed forces. At the same time, there was recognition of a need to provide security guarantees to demobilizing ex-combatants and political opponents in the post-conflict period. These negotiated reforms were designed to correct the perceived flaws of existing military-controlled public security forces in order to prevent a recurrence of the massive abuses of civilians that had characterized the civil wars in those countries.

Police reform became the axis of an effort to dismantle authoritarian structures and move from "regime policing" to "democratic policing." The establishment of democratic policing was seen as the foundation of security and stability necessary to permit the consolidation of democracy and to provide a propitious environment for economic development. Massive international assistance was provided for this purpose in countries like El Salvador and Haiti, and international donors have played a key role in the reforms by providing expertise, training and resources to countries that lack them.

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The Washington Office on Latin America (WOLA) closely monitored and analyzed the police reform efforts in Central America and Haiti publishing a series of reports and other papers (see annex). In 1994, WOLA convened the first comparative conference to examine international support for police reform programs and set standards for strengthening respect for human rights through such support. The following are some of the lessons we identified in our examinations of post-conflict police reforms:

▶ It is vital to the legitimacy of the new police force to create a thorough "vetting" process to assure that human rights abusers do not enter the new institution.

▶ It is extremely difficult to improve criminal investigative capacities long dominated by military intelligence.

▶ It is very important to create effective internal disciplinary mechanisms early in the reform process to detect abuse and hold police responsible, thereby preventing the reemergence of misconduct in the new police.

▶ Donors should consider providing capacity-building assistance in security issues to civilian sectors and governments to facilitate policymaker and civil society engagement with reforms.

▶ International assistance programs have sometimes sacrificed long-term quality for short-term expediency. Measures such as rolling over personnel from old security forces into the new force, cutting down training periods, and pushing operational readiness faster than infrastructure and capacity can be built, often limit the depth of reforms and risk long-term problems.

▶ Improved donor coordination and planning are essential to the efficiency and effectiveness of police reform. Reform efforts have suffered because of confusion, mixed messages, and competition among donors.

▶ Thorough planning for the sequencing of reforms is essential to assign appropriate agencies to undertake each element and recruit suitable staff.

▶ Finally, police reform is a long-term process that is rarely completed, let alone consolidated, in the five-year or shorter periods set out for implementation of peace accords.

The reforms did not (and to some extent could not) address the security conditions that often prevailed in the post-conflict period. Among the typical features of the post-conflict security situation are the following: an economic crisis with high unemployment; large military and internal security forces remain in place and are a significant political force; and members of insurgent forces awaiting demobilization fear for their personal safety and their economic prospects. In Central America and Haiti, bad economic conditions and a plentiful supply of guns and people who know how to use them have contributed to massive increases in crime and social violence. These conditions pose immense challenges to the successful reform of internal security mechanisms. Rampant and rising crime threatens to overwhelm the capacity of nascent civilian police forces, generates public support for hard-line elements resisting the reform process, and fuels broad public demands for tough measures against crime. The paradox of post-conflict police reforms is that these settings offer both unparalleled opportunities to re-conceptualize and to reshape policing institutions and doctrines, and deeply hostile environments for the implementation of ambitious reform plans.

International donors play a key role in these police reforms, providing expertise and resources to countries that lack them. The

international community also has tremendous influence over reform processes in the short term because large amounts of aid provide direct leverage when donors are unified in their position on an issue. However, leverage declines as peacekeepers depart, aid falls, and issues such as local crime waves arise. Despite the huge reduction in overall police assistance, a handful of agencies, including the U.S. Agency for International Development (USAID), the U.S. Department of Justice's (DOJ) International Criminal Investigative Training Assistance Program (ICITAP), the United Nations Development Program (UNDP), the Spanish government, and Swedish and Danish development agencies, continue to support police reform in Central America with assistance to the police, government and civil society sectors. Like WOLA, these agencies are concerned that the gains of the region's police reforms not be lost, and are working to support efforts to prevent crime and establish public order within the framework of human rights and democratic principles.

For a number of years now, polls have found that crime is among the top or is the top concern of citizens in countries across Latin America. Rising crime rates have increased national and international attention to the costs of crime and social violence for development as well as the cost to individual security. The salience of these issues is bringing a new set of international actors into the arena of public security reform. The Inter-American Development Bank has made a number of loans for crime prevention and public security initiatives, and has drawn up policy guidelines for lending in the area and reviewed them with human rights organizations, including WOLA. The Canadian Agency for International Development (CIDA) is supporting civil society initiatives in Brazil and Argentina. The World Bank also recently hosted a conference on "Crime and Violence; Causes and Policy Responses" in Bogotá, Colombia. Issues of public security reform are new to development agencies and these organizations are concerned about the human rights implications of assisting police and about their own lack of background and expertise in this field. They are working to define their approaches, exploring issues such as the causes of violence, crime prevention, the role of local authorities and civil society, as well as police reform itself.

This conference —"Police Reform and the International Community: From Peace Processes to Democratic Governance" — brought together donors working in post-conflict settings with donors from development agencies. Despite the latter's primary focus on development and governance issues, they are increasingly facing the challenges that insecurity and the many official and unofficial responses to insecurity pose to democracy, human rights and development in the region.

The conference provided an opportunity for a broad, comparative discussion of public security reform, and examined issues such as: What are the parameters of police reform in Latin America? Is there an emerging norm of democratic policing and, if so, what are its core elements? If not, is there increasing consensus about the nature of citizen security and challenges faced? What are we learning about 'models' of and innovations in police reform and crime prevention from experiences in Central and South America? What conditions undermine or support democratic policing in fragile democracies? How can international actors improve their own support for reform and help to build local expertise and support for effective democratic policing and crime prevention? Does this require some re-conceptualization of the parameters of reform? What is the role of civil society and how can it be strengthened to support more democratic policing practices? In post-conflict settings, how can the international community improve the sequencing of assistance provided first by military peacekeepers, then by civilian police missions, and subsequently by development agencies?

To address these questions, the conference brought donors (governmental, multilateral and from private foundations), civil society groups, police practitioners, and policymakers who have supported police reform during transitions to democracy in Latin America together with researchers from the U.S. and elsewhere who have been monitoring and analyzing public security reform processes in Central and South America and South Africa. The rest of this report provides a summary of the four panel presentations, the luncheon keynote speaker's address, and the conclusions drawn from the day's discussions. (See annexes for the conference agenda and brief biographies of the speakers.)

Photo by Ryan Beiler

PANEL I
Framing the issues

Academic study of police assistance has been sparse because, in the case of the United States, assistance has emerged primarily through "policies of exemption" to a statutory limitation on the provision of such aid rather than through planned efforts or in the context of a general policy framework. Outside of the United States, academic study of police assistance and police reform is often relegated to a subsection of more general issues like demilitarization, peace-building, and security sector, or judicial or democratic reform. The three academics on the first panel are notable exceptions, playing leading roles in conceptualizing police reform and analyzing international assistance for reform. Each panelist offered a characterization of different elements of police reform and assistance efforts and provided a conceptual framework that supports more sophisticated understanding of the challenges.

Professor David Bayley addressed the overarching issues of police effectiveness and accountability in reform projects, illustrating the need to see these goals as intertwined and mutually supportive rather than as presenting a choice between opposing values. Professor Paulo Mesquita discussed the different paths countries have taken toward police reform and concluded that the way that police reform is initiated and directed ultimately determines the character and the success of a force's reform toward democratic policing. He also stressed the importance of a varied approach to methods of ensuring police accountability, explaining that focusing solely on either external or internal controls, rather than both, is not sufficient. Professor Charles Call categorized the perspectives of donors providing assistance and the priorities of different sectors engaging with police reforms and attempted to raise and answer the most important questions that arise about police assistance.

Two principal issues dominate the concerns of those interested in international police reform: force effectiveness and accountability. Effectiveness refers to the ability of the police to carry out its security

functions to ensure the personal safety of the population. This includes protecting people and property and assuring public order in an efficient and productive manner. Effective policing is essential to provide people with a sense of security. Accountability in a police force requires the operation of both internal and external control mechanisms that ensure that the police force is performing its job in a manner that respects the rule of law and the civil rights of the people it is to protect. Accountable police forces provide transparency with regard to their procedures and their operations.

> There is no evidence that extralegal methods produce more effective policing. Discriminatory policies like racial profiling can actually hinder police effectiveness.

David Bayley focused his discussion on the seeming inconsistency between the goals of effectiveness and accountability in democratic policing. Traditionally, the ability of the police to protect the public is seen as undermined by requirements not to impinge upon the rights of individuals. It is often argued that police must be given some leeway in their use of coercion during interrogations or in detaining individuals even without full legal warrants or adequate evidence if they are to tackle crime effectively. Bayley does not think effectiveness and accountability are in conflict; to the contrary, he sees the two goals as inseparable and dependent upon each other. He argued:

> *Most people…will tell you that police effectiveness and accountability are antithetical, that they do not go together, and that you cannot have both…I think that is just flat mistaken…Police effectiveness depends upon establishing the mechanisms of internal accountability…Effectiveness also depends on the police behaving accountably in the sense of having their behavior be of a high standard and conform to international standards of human rights.*

Bayley used this notion as a starting point for arguing for the need to push for both goals and to demand more of police forces, including requiring indicators of their progress.

Bayley articulated the need for "evidence-based" policing in forces around the globe, which is necessary for forces to attain both effectiveness and accountability. Most police forces in the world cannot demonstrate what they are doing and cannot offer any proof that they are having an effect on crime. This lack of "evidence-based" policing is an important barrier to the advancement of democratic policing around the world. Not only are police often unwilling to provide information about the internal workings of their forces, but in many cases, the force command itself does not know how its officers are behaving and what type of effect they are having on crime. In the face of a complete lack of information about police progress, international donors, government officials, civil society groups, the affected community, and the police itself cannot provide adequate oversight of the conduct of policing and have no means of evaluating police performance. Without this data, police forces are essentially guessing about the success or failure of their programs. Bayley says assistance efforts need to push towards forces to develop "evidence-based" policing practices so police forces are able to demonstrate effectiveness. To achieve this, reform efforts must encourage police forces to develop reporting methods.

Reliable statistics and information about the daily operations of the force need to become available to both the police and the external community. More than that, Bayley argued, police forces around the world should be pressed to implement accountability and effectiveness standards on individual jurisdictional bases. In some places, like New York City, precinct commanders are required to show the outcomes of their command's operations and are held responsible for setting and meeting goals of reduced crime and reduced civilian complaints. This sort of motivation, connecting output responsibility to commanding officials, should create a more efficient force and compel those commanders that are resistant to reform to improve job performance.

Effectiveness requires attention to human rights because police are significantly less effective if they do not have the public on their side. Cops must draw on the resources of the community for information. Locals can provide valuable information such as where crime normally occurs, who might be involved in crime, and other important details. Local cooperation is vital to effective policing; this

notion serves as the basis for community policing models. Plus, there is no evidence that extralegal methods produce more effective policing. In fact, there is some evidence to the contrary. A study by the U.S. Customs Service revealed that discriminatory policies like racial profiling can actually hinder police effectiveness.[1] In this way, accountability methods are required to provide deterrents for potential abusers within the forces and punish them adequately, to create more fair and effective policing, and to prove to the community that rights are valued.

The behavior of the police, both towards reform and the community, is a crucial variable in reform efforts. In order to achieve external accountability, reformers have to recognize that police must also push for effectiveness. They are under tremendous pressure to do this. Reformers should allow them to lead internal investigations and reassure them that effectiveness is also an important goal of the reform efforts; this will help to avoid excessive police resistance. Bayley described:

> *We can get to accountability externally if we accept the police's very legitimate concern with effectiveness, [while] we [also] insist on internal accountability. I believe, then, that the kind of clever tactic with the police is not to beat them over the head with respect to external methods of accountability, much as I approve of many of them, but to work with them and get them on our side in changing their management mentality…And by doing that, we will get to our objective, which is a higher standard of police performance, both in terms of their institutional objectives and the behavior of individual police officers.*

In essence, Bayley sees the necessity for all parties interested in reform to develop fruitful relationships and mutual understanding with police forces.

Professor Paulo de Mesquita Neto, the next speaker on the panel, offered a different perspective on reform in the developing world. In his presentation, he sought to address two particular issues: what conditions support or undermine the progress of police reform and why, despite considerable support for police reform throughout the region, change in policing in Latin America has been so slow.

Police reform is becoming increasingly popular as part of democratic transitions in Latin America. It is receiving widespread support in most countries and has led to the creation of community policing initiatives, civil rights ombudsmen, and pro-reform legislation, among other things. The reform process, unfortunately, has been quite slow. Mesquita cites the limitations of the coalitions that support police reform, including their poor coordination and conflicting views about the strategies and tactics of reform, as a major barrier slowing the reform effort. Tenuous coalitions have been ineffective against strong conservative groups in government that support harsh punishment to quell crime rather than increasing accountability or more progressive reforms such as community policing. Likewise, the difficulty in defining a reform strategy, whether by pushing internal or external control mechanisms, has proved challenging.

Mesquita developed the argument, similar to theories of democratic transition, that police reform is dependent on how that transition came about. Police reform can be implemented for several reasons, including as part of a larger goal of democratic reform and to improve the effectiveness and accountability of police forces. He said, ". . . as the path toward democracy may have an impact on the consolidation and the quality of the democratic regime, the path toward police reform may have an impact on the consolidation of democratic policing and the nature of public security policies." Essentially, the actor that originates the reform, whether it is imposed by international actors, by a peace accord, by the state, or by the police itself, guides what type of reform is undertaken and the relative focus on effectiveness or accountability. Mesquita did not argue that one path of transition is necessarily more effective than another, but rather that the initiating actor plays a large role in determining the nature of the reform effort.

Mesquita described the differing emphases of reforms, based on who initiates them:

> In countries where police reform is led by international actors or initiated by peace accords, the separation and differentiation between the police and the military tends to be emphasized as the key feature of democratic policing and the key factor for the success of public

security policies. In countries where police reform is led by the government, the strengthening of internal and/or governmental control of the police tends to be emphasized as the key feature of democratic policing and the key factor for the success of public security policies. In countries where police reform is initiated by political agreement, external control of the police by the government and/or civil society tends to be emphasized as the key feature of democratic policing, and as the key factor in the success of public security policies. All paths to police reform…can lead to the establishment and consolidation of democratic policing and the development of effective public security policies. No path is inherently superior to the others. Furthermore, societies can rarely choose their path to police reform. In most cases, the relations between national and international actors, as well as between the government and the civil society, largely determine the paths that can be taken and the paths that cannot be taken. Even though there are multiple paths toward democratic policing, the consolidation of democratic policing and the development of effective public security policies depend ultimately on a series of reforms leading to the separation of the police from the military and the development of internal, governmental and social controls of the police.

Mesquita offered this analysis to provide a framework for considering policing in comparison to the more general literature on democratic transitions.

Mesquita warned of the tendency to focus on only one way of attaining accountability for police actions and behavior, whether internal or external control methods. All parties involved in the reform effort should see the necessity for both forms of control. It is important, he stressed, for civil society groups and international actors to recognize that internal controls must be a significant part of accountability methods, despite their natural desire to gain external oversight. At the same time, police and government officials must allow external controls to function in order for outside audiences to accept the claims that they are respecting human rights. Mesquita described:

Legislators and policymakers frequently engage in long debates and intense conflicts over the value of internal, governmental and societal controls of the police. The debate is extremely important to

define priorities. However, the experience of democratic societies shows that there is no incompatibility between the three types of control and the combination of internal, governmental and societal control strengthens democratic policing. The particular combination of different types of control established in each country is determined less by analyses of costs and benefits than by the conditions and opportunities for police reform and the paths toward democratic policing that were taken in each country. The consolidation of democratic policing and the development of the capability to formulate and implement effective public security policies are complex and difficult processes. The chances of success increase if the relevant political actors, particularly the legislators and policymakers, have a comprehensive view of the reform process and focus attention on the separation between the police and the military as well as the development of internal, governmental and societal controls over the police.

The key here is that all involved need to acknowledge the positions of other actors and take a broad approach to reform. The speed and the success of the reform efforts will be greatly enhanced by increased cooperation between reformers within police, civil society, government, international organizations, and donors.

> **The consolidation of democratic policing depends ultimately on the separation of the police from the military, and the development of internal, governmental and social controls of the police.**

Mesquita acknowledged that, despite growing popular support for police reform efforts across Latin America, the progress towards democratic policing in the region has been quite slow and democratic policing is far from established. Conservative groups have been able to capitalize upon ill-defined reform strategies and disorganized reform coalitions to override reforms and redirect efforts. In response to the slow and uncertain pace of reforms, private security forces are becoming more prevalent in Latin America and are threatening the ability of the traditional police to operate competently. Certain cases, like that of El Salvador, provide some

reasons for optimism, but as a whole democratic policing remains unrealized in the region.

The final speaker, Professor Charles Call, has conducted comparative studies of international support for public security reforms in post-conflict settings. His presentation diagrammed different approaches taken by donors towards police reform. Professor Call began his presentation by asking what he calls, "the important questions in post-conflict police reform." In his view, these questions are:

▶ Are police reforms important for preventing reversion to war?

▶ If not, why are they important?

▶ Where should national/local decision-makers look for the 'right' models?

▶ Are there dangers to international support for police reform?

▶ How do we measure "success"?

▶ What do we mean by "police reform/restructuring/reconstitution"?

▶ In what context should we conceive of police reform? What is the relationship to demobilization of combatants, to military doctrine and reform, to intelligence reform, to judicial reforms, to civil society, and to human rights institutions?

▶ How should local decision-makers proceed with police reform? Are there appropriate sequences, entrance/selection criteria, doctrines, curriculum, etc.?

▶ Should international actors support local-level and/or non-Western alternatives to conflict resolution and security?

Professor Call attempted to address these questions, and, when no clear answers were available, offered ways to think about these issues. First, Call challenged the general assumption that police reform is a key tool to prevent a return to war or additional conflict in the short term. A study carried out by Stanford University and International Peace Academy, however, suggests this might not be the case.[2] If police reform does not prevent conflict, then a major reason for police reform falls under a broader notion of peace-building that seeks to remove the structural basis of war rather than its immediate causes.

The existence or lack thereof, of models or frameworks for police reform was a topic of debate throughout the conference. Call initiated this discussion by arguing that, to date, no single organizational or doctrinal model of police reform has emerged as hegemonic among international organizations, much less across the globe. Many different types of police reform, whether focusing on professionalization, demilitarization, decentralization, human rights training, or any other angle, have been implemented with differing degrees of success. The use of numerous models seems appropriate since different internal situations in the recipient countries demand distinct reform approaches.

> **To date, no single organizational or doctrinal model of police reform has emerged as hegemonic among international organizations, much less across the globe.**

However, some clear patterns, even preferences, have emerged in police institutional development and training over the course of the past decade or more. The cases of Panama, Namibia, Haiti, El Salvador, Guatemala, Kosovo, and East Timor illustrate a pattern by which international actors, when conditions permit, seek to create new police forces, usually organized as a single civilian national force with specialized units and decentralized administration. In other countries, like Bosnia, South Africa, Angola, Rwanda, Croatia, the West Bank and Gaza, international actors sought to significantly reshape the doctrine and behavior of existing police forces. Call notes, however, that recent peace agreements in the Democratic Republic of the Congo and Togo did not include provisions for police reform, resisting a ten-year trend in other regions.

Call argued that there are clear dangers inherent to international support for police reforms. The donors on the final panel also stressed that supporting police reform is a risky proposition for them because policing is such a potent political tool. For example, donor support inevitably strengthens the power of the recipients of that aid. The gain in influence for that recipient weakens the political power of other voices within the local government, ultimately shifting the

political balance in a country. In this sense, the introduction of police reform can create tremendous liability for an organization that does not want to be associated with any resulting upheaval. Likewise, the experience of the United States in the 1950s and 1960's when some policing assistance was put towards torture devices and training of eventual human rights abusers, has scared away many potential donors. In the post-Cold War era, however, donors have become more comfortable with police reform that now seems genuinely aimed at creating more democratic societies.

Even though donor assistance has grown in the past decade, evaluation methods have remained inconsistent. Measures of success of reform efforts and appropriate sequences for that reform rely heavily on the individual conditions in each country and the perspective that the donor or evaluator brings to the situation. For instance, a human rights non-governmental organization (NGO) might find a reform effort to be successful if effective accountability methods have been put into place and reports of rights abuses have significantly decreased. A donor more concerned with creating a technologically modern and professional force might consider that very same reform effort to be a failure if the command structure remains inconsistent and the officers technically incompetent. Similarly, the sequence for reform must be individual to a country and will likely reflect the motivations of donor agencies.[3]

Call classified contrasting approaches to police reform in a rubric he calls "Alternative Perspectives on Police Reform." In the following table Call has classified the approaches taken by different actors and donor agencies based on their motivations for supporting reform. Human rights organizations, for example, focus mainly on ensuring that "police conduct" operates within democratic norms, that is that police officers respect human rights and are held accountable if they do not. The main institutions with this perspective are human rights, non-governmental and inter-governmental organizations (IGOs). Call described each perspective, noting that one organization can certainly have multiple motivations. While the leading reform agency is likely to guide the focus of reform, these different motivations and perspectives have led to disjointed reforms and lack of coordination amongst donor agencies.

Alternative Perspectives on Police Reform

PERSPECTIVES ON POLICE REFORM	Human Rights	Peacekeeping/ Military	Law Enforcement	Economic Development	Democratisation
MAIN CONCERN	Human rights	Order/capability	Crime control	Economic costs; Development obstacles	Democracy; Justice
DOMINANT TERMINOLOGY	Police conduct	Police restructuring; Police reorganisation/ Reorientation/reform	Professionalisation	Security-sector reform; Rule of law	Police/justice reform; Rule of law; Citizen security
INSTITUTIONS TENDING TO EXHIBIT PERSPECTIVE	Human rights non-governmental organisations and inter-governmental organisations	Western governments and military establishments; UN/ peacekeeping scholars and consultants	Many CIVPOL officers; Donor-country police agencies (such as the FBI, DEA and the Spanish Guardia Civil)	International financial institutions; Some development agencies	Some donor agencies dedicated to governance, judicial/legal reform and development

Call's donor perspectives are not the only perspectives that exist, but they do provide a framework for considering reform efforts. Toward the end of his discussion, he warned against staying within the boundaries of only one perspective. Failure to integrate other perspectives can lead to incomplete democratic transition. He said:

> *My own view is that the peacekeeping/military perspective has excessively dominated discussions and thinking about post-conflict police reform, that those directly implementing international police reform/aid efforts are excessively prone to a law enforcement perspective, and that the development perspective ("security sector reform") departs excessively from an [economic] concern for military size and expenditures, with policing issues added on as an afterthought. At the same time, human rights advocates have failed to engage difficult issues of policing models and institutional development and capacities, focusing instead upon human rights training and accountability for wartime abuses in ways that may not address the current policing environment.*

A balance of these perspectives, all of which offer valuable goals and lessons, is needed to promote democratic police reform. At the same time, and perhaps most importantly, the content of this reform must be tailored to the individual conditions within the reforming country.

Responding to an audience question, Bayley and Professor Call addressed the lack of attention paid to policing in rural areas and to the thorny issue of corruption. Both problems, Bayley and Call argued, stem from poor data collection in transitioning police forces. With regard to the first, very little information exists about rural policing and levels of rural crime in the developing or developed world. Though this missing data often leads people to believe that crime is less common in rural areas, Bayley argued that this is misleading. He said, "You often are told to believe that cities are dens of iniquity; I think that's nonsense. I think there are huge amounts of violence, retribution, vigilantism, abuse of women, rape [in rural areas] and we just don't know about it. We need a great deal more information about them." Call argued that since governments most often collect data, and those governments are not providing accurate or complete data about rural or even urban

crime, reformers find it difficult to focus on the uncertain domain of rural crime. Likewise, police corruption has not been adequately studied or addressed in transitional countries. Researchers and reformers know that corruption is a serious problem because the entire justice system is undermined when access to justice is unequal and subject to bribery and fees.

The panel made clear that there are competing actors and visions at work in police reforms, both within countries and in the donor community. In post-conflict settings, there are competing visions and approaches among the international actors who support police reforms. Nationally, conservative and progressive forces often collide and the balance shifts between them in driving reforms. Much of this competition and difference can be framed in terms of the argument about the relative weight that should be given to concerns with effectiveness versus concerns with accountability. This debate typically characterizes progressive sectors as pressing only for greater oversight of police and punishment of abuse while neglecting serious concerns with the need to confront crime. At the same time, conservative sectors are viewed as wanting to fight crime at all costs even to the serious detriment of fundamental democratic values. Mesquita and Call's presentations outlined the parameters of the divisions that often arise among the actors involved in reform efforts, while Bayley argued cogently that these divisions arise from a false premise that trade-offs are required between the values of accountability and effectiveness. In fact the heart of democratic policing precisely lies in the intertwined nature of the two.

Many of the discussions initiated in the first panel carried through the rest of the conference. In particular, presenters on the following panels from civil society organizations, police practitioners, and donor agencies offered their perspectives on issues of effectiveness versus accountability, the existence of an accepted police reform model, and the need to tailor the police reform assistance program to the specific realities and needs of the recipient country.

Photo by Jeremy Bigwood

PANEL II
Lessons of police reforms in Latin America and South Africa
A civil society perspective

This panel examined experiences of police reforms in Central and South America and in South Africa. The panelists — all from civil society organizations — analyzed the trajectories of reforms, offered lessons, and raised concerns about the sustainability of police reforms in societies that are experiencing sharp rises in crime and violence and are also still profoundly shaped by past experiences of authoritarianism and conflict. Rachel Neild, of the Washington Office on Latin America (WOLA), reported on the progress of reform in Central America. Azún Candina presented a summary of the discussions of police reform in South America's Southern Cone from a conference held by her organization, the Center for Development Studies. Graeme Simpson of the Center for the Study of Reconciliation and Violence (CSRV) reflected on achievements and failures of reforms in South Africa.

Rachel Neild, Senior Associate and Director of WOLA's Civil Society and Citizen Security Project, presented the findings of a two-year research and capacity-building project. This project provided support to five civil society groups in El Salvador, Guatemala, and Honduras to study the progress of police reforms in their countries. The project developed a research methodology that aimed to examine the achievements of police reforms over time, focusing on three areas deemed crucial to the democratization goals of the reform processes: police accountability, police transparency, and police-community relations. While noting important advances, the studies raised concerns about the vulnerability of democratic principles in policing during periods of high crime and violence.

Neild noted that the post-conflict police reforms in Central America focused almost entirely on overcoming past militariza-

tion, politicization, and impunity. The reforms had important successes in these areas in the short run. However, when confronted with massive crime waves, the emphasis of debates shifted from concerns over police accountability to concerns about police effectiveness. While it is important to deal with rising crime rates, this change in focus has allowed for a partial return to "bad old ways," including remilitarization of police, increasing police powers, and efforts to "toughen" counter-crime measures to the detriment of human rights.

To begin, researchers looked at the internal disciplinary systems that were created as part of the police reforms in El Salvador, Guatemala, and Honduras. These systems provide an important indication of how the police "police themselves," permitting insights into institutional culture and concern for accountability. El Salvador's National Civilian Police (PNC) disciplinary system was not put in place until eighteen months after the PNC was initially deployed following the 1992 peace accords. This delay allowed abuse and poor practices to go unchecked during key early days of the PNC. Three subsequent reforms have sought to correct flaws in the system, but it remains incapable of confronting serious police misconduct. In 2000 it was completely bypassed when exceptional authorities were created and 1,568 agents and officers were purged in a five month period following press revelations of extensive criminal and corrupt behavior within the PNC.[4]

Guatemala's reform of police discipline has been even less successful. The Guatemalan PNC copied its disciplinary system from the Spanish Guardia Civil, which features a militarized structure that enforces hierarchy and internal discipline rather than police interactions with the public. Records from 1997 to 1999, for example, reveal that not one officer was punished for abuse of a civilian and not one case initiated by a civilian resulted in punishment. This system has facilitated the maintenance of a highly militarized police force in Guatemala and permits serious abuses of police within the force by their superiors. In Honduras, politicized appointments, limited resources and powers, and the continued existence of alternative means of adjudication have plagued the internal review mechanisms. Of thirty-three cases brought by one human rights group, only one case had been completed after eighteen months.

This is striking considering these cases were mostly for serious crimes like murder or extra-judicial killings.

Common problems plague El Salvador, Guatemala, and Honduras with regard to police accountability systems.[5] They are:

1 Lack of attention to victims of abuse, including lack of information about cases.

2 Failure to use the information from complaints records to try to prevent abuse by identifying patterns and practices, and recommending corrective measures in training, operational practices or management.

3 No consideration of early warning systems that could remove abusive police from the streets.

Peace Accords or legislative reforms in the three countries required the creation of advisory councils to review policing and public security policies. In reality, these councils are not always formed and are frequently isolated politically. In Guatemala, the council mandated by the peace accords has not been created. The El Salvador Council on Public Security was not in the Peace Accords but proposed by the United Nations (UN) peacekeeping mission in order to counter-balance a Minister who was undermining reform efforts. The minister proved adept at marginalizing the council from policy decisions. Despite producing some important research on risk factors for violence and the limitations of the police reforms, the focus of the council shifted away from its original mandate of advising the president on public security policies to a focus on juvenile crime issues.

> In Guatemala, records from 1997 to 1999 reveal that not one officer was punished for abuse of a civilian and not one case initiated by a civilian resulted in punishment.

In Honduras, the government created a National Council on Public Security (CONASIN) that draws nearly half of its membership from

civil society, and is endowed with significant oversight and advisory powers. CONASIN failed to function because of resistance by the Minister of Security and because no support or capacity-building assistance was provided to the council's members. The civil society groups on the council had little experience with security matters or collaboration with the government. It is possible also that the very broad mandate of the council increased the difficulty of focusing its activities in a useful fashion. Despite the limited achievements of these bodies, in Neild's view oversight councils offer an important tool for deepening participation and accountability. In practical terms, however, if they are to become meaningful policy arenas, reformers must provide capacity-building assistance and support in overcoming opposition to civil society participation from traditional political sectors.

The research examined the evolution of police-community relations in Central America by focusing on the experiences of community-policing based initiatives in each country — which, overall, have been designed and implemented in a haphazard and incomplete fashion. In El Salvador, community-policing initiatives have in many cases been limited and uncoordinated. In one case, a collaborative effort started by the National Public Security Council in 1998 with civil society groups collapsed in 2000 when the civil society groups pulled out after the appointment of a new police chief, due to concerns about his background in intelligence. The most advanced program is internationally sponsored. The Community Oriented Police Patrol, or PIP-COM, was designed and financed by Unites States Justice Department's International Criminal Investigative Training Assistance Program (ICITAP). Characterized by ICITAP as community-policing, PIP-COM assigns police to regular patrols that increase their visibility in the community; it also systematizes information gathering and police response to crime patterns. Based on police crime data, ICITAP points to important reductions in crime as a result of PIP-COM. However, some local authorities and community leaders have not fully embraced this program and say that the level of community involvement is negligible. Neild argues that these mixed reviews of the PIP-COM experience result from differing conceptions of community policing. Thus, some local leaders and civil society groups disapprove of PIP-COM because they view community policing as a path to greater police accountability. PIP-COM, though, is really a program to improve effectiveness and

is presented as such by ICITAP authorities who note that its main goal is to achieve a significant, short-term reduction in serious crimes. This is just one area of disjunction among police and community conceptions of reform between, and again reflects the complex interplay between the issues of accountability and effectiveness.

In Guatemala and Honduras, local security councils have been created that derive as much from past models of municipal engagement in security as they do from community policing models. They have had quite varied, but generally limited, results. In Guatemala, local security councils (*Juntas Locales de Seguridad*, JLS) have been established in a large number of municipalities after their initial success in recruiting resources for the new police. The JLS have been regarded with great suspicion in the indigenous areas that suffered the worst impacts of Guatemala's conflict. In these areas, the JLS appear to the local people as a re-appearance of the civilian patrols (PACs) that were responsible for massive abuses during the war. In these areas, police representativity and ability to speak the local language has greater weight in rebuilding police-community relations. Yet, despite an important UN-led effort to recruit and train indigenous officers, those officers have not been deployed in their native area, defeating the purpose of the recruitment, and impeding efforts to improve policing and prevent the lynching that is taking place in these areas.[6]

In Honduras, community policing has been seen as an alternative to traditional police in regions without police presence. Locals form community groups to monitor security, but some of these groups have reportedly supported paramilitary gangs. The police ombudsman's office is investigating this development. There are clear dangers to decentralizing policing without adequate regulation and oversight. Despite these setbacks, the community policing initiatives in the region are having some positive effects.

The researchers also examined police transparency and, specifically, the production and use of crime data. El Salvador is the most advanced in this area, yet even there, the information system was launched only two years ago. Despite the increase in education levels in the police brought about by the reforms, police capacity to administer the information system remains limited. Furthermore, data collection has been resisted by some local police commanders

who see it as a threat or interference. Neild described Guatemala's data collection system as "appalling," and researchers saw that the police had very little interest in improving its data. Even though ICITAP helped the police to develop uniform crime reporting forms, local commanders have discretion on whether they use it or not; and most do not, leaving crime reporting individualized and inconsistent. In Honduras, police collect data on a daily basis and report it to the media, but the data is very crude and inadequate and fails to include basic details like the characteristics of the victims or the type of weapons used. The information produced does not provide adequate inputs to track crime dynamics or to serve as a management tool to judge police effectiveness.

Is police data available to the public? All security matters were kept secret in the past, and today, despite constitutional guarantees of access to information, these countries still lack mechanisms to get information to the public. In El Salvador, even as the new data system is being put into place, increasing hierarchical control in the police is hindering rather than facilitating access to information by civil society researchers. Guatemala's police organic law still says police information is a secret, in contradiction of the constitutional right to information. While the Honduran police do release data, it is of limited usefulness. The researchers also noted that few people are asking for data. Political debates reflect partisan struggles rather than serious concern for effectiveness, and few academics and civil society groups work in this area. Press reporting tends to be sensationalist, although there have been important advances in investigative reporting in El Salvador.

Despite concerns about the progress and the institutionalization of reforms, Neild finds that in, "Central America it is very clear that all of these reforms have significantly improved the legitimacy of the police. Local people report that they [the reforms] have also reduced human rights abuses, though they continue to be a problem, and levels of corruption." The setbacks and the slow pace of the reform process should not, therefore, discourage additional improvement efforts. However, the effort to sustain and deepen the reforms takes place in a hostile context of rising crime and violence. This has lead to a shift in the way in which reforms are being evaluated away from the concern with accountability to increasing concern with police effectiveness. This leads to increasing concern over how to increase

efficiency. This concern, combined with the region's legacy of authoritarianism, has led to the re-militarization of some police functions (particularly highway patrols) and harsh anti-crime measures that threaten to undermine rights, yet offer little promise for reducing crime and violence. In part this is because, despite public outcry, none of the countries studied has a national framework or articulated public security policy strategy. Governments often seek high profile, rapid-impact policies, and institutionalization remains limited and highly dependent on the quality of individual leadership.

Even though many donor assistance projects emphasize professionalization, especially as a strategy to improve effectiveness, Neild warns against simply equating professionalization with democratic policing. Neild cites the current Salvadoran case, where the police commander certainly is creating a more professional force but, at the same time, has concentrated his power and eroded external accountability mechanisms created in the Accords. This is a serious concern in light of the fact that reforms only reduced but did not end serious police misconduct, and that, despite the emphasis on accountability, human rights aspects of the reform processes do not appear to be high priority for national officials.

Neild is also worried that civil society in Central America remains isolated and left out of police policymaking and the implementation of reforms. This is of concern because, as Charles Call pointed out in the first panel, civil society stands as the strongest voice for external human rights accountability monitoring. Neild said that:

> The difficulty in improving relations between civil society or communities and policing authorities reflects a continued polarization in society that is a legacy of war. There's a great deal of mistrust and a tendency to see these relationships in very antagonistic terms. Ongoing efforts to sustain democratic policing must support strategies that address both police accountability and effectiveness, and should also consider the need for continued capacity-building in the state and society as well as in the police.

The Santiago, Chile-based Center for Development Studies (CED) is investigating the progress of police reform in South America's Southern Cone. Azún Candina of CED presented concerns and updates

about police reform in the region. As Rachel Neild and Graeme Simpson found in Central America and South Africa, Candina notes significant challenges facing the Southern Cone countries.

Candina reported the discussions from a conference led by CED that took place in March, 2000. The Ford Foundation's Police and Democratic Society Program organized an international meeting entitled "Reform and Modernization of the Police Forces in the Southern Cone and the Andean Region" that brought together research conducted by civil society and academic organizations in each of these countries. The Program promotes reforms in the police forces of Chile, Argentina, Peru, and Brazil, and presses for administrative transparency and respect for human rights within police agencies. The principal discussions at the conference focused on the sustainability and the possibility of a standard model of police reform. Conference participants also stressed the need to support research to evaluate the progress and quality of police reform efforts.

Candina opened her presentation by reviewing crime trends in the region. In contrast to Central America where war-to-peace transitions provided the framework for reforms, police reform was not an initial focus of the earlier democratic transitions in South America. In this region, a range of reform efforts have arisen as a result of public concern with rising crime rates and the inability of local police to confront the trends effectively, as they are burdened with legacies of militarization, corruption and human rights abuse.

In the 1960's, homicide rates in Latin America were comparable to those of the United States. In the mid-1970's the homicide rate started to increase steadily until they peaked in 1994. While there are large variations between different countries in Latin America, regionally victimization rates reached an alarming rate where one in three families reported that a member had been assaulted or robbed during the previous twelve-month period. At the same time, levels of public confidence in the police declined rapidly, and crime reporting rates were also extremely low.

Based on the discussions at the conference, the CED developed six suggestions for improving the quality of policing and donor assistance in the Southern Cone. They are:

❶ Police doctrine in the Southern Cone and Andean Region must incorporate and implement democratic principles, including the following:

▶ Incorporate and apply national and international law.

▶ Act in the public interest and provide information to researchers.

▶ Give priority to crime prevention, not merely reaction to crime.

▶ Receive professional training as law enforcement officers.

❷ The function of the police must be clearly defined, and police structures must be organized for maximum efficiency. Additionally, it is essential that there be complete coordination between the police, the public ministry (national prosecutor) and the judicial system, while at the same time respecting the different functions of each of these agencies.

The Center for Development Studies is concerned with the centralization of police forces in all of the Southern Cone, but particularly Chile. Excessive centralization has led to the broadening of the mandate of the police. It has also led to the accumulation of resources in urban areas, while little reaches rural regions.

❸ The individual police officer's professional career and his or her particular professional merits must be recognized and respected, with the goal of raising his or her self-esteem. At the same time, objective criteria must be implemented and employed for promotions, changes in assignments, and work locations.

Studies from organizations like the Inter-American Development Bank, the UN, and *Latinobarómetro* have revealed that citizens in the Southern Cone, including Argentina, Chile, Uruguay, and Peru, do not trust their police forces. Not only do most feel that the quality of the policing is poor, but they actually fear the police. On the other side, the police face difficult conditions. Candina described:

> *As members of law enforcement organizations, police officers often face a very difficult job. They lack a fair and objective system of promotion, retirement, and salaries; their incomes are low and political influence affects their ability to develop a successful career. Additionally, if they are seen*

almost as "soldiers," the state and a significant part of the society does not recognize their legal rights and even their human rights as common citizens.

Accordingly, reform efforts must try to boost trust in the police, and must include measures to improve living conditions for all officers.

❹ Performance indicators must be established in the following three areas:

▶ Efficiency

▶ Effectiveness

▶ Respect for human rights

These indicators must be designed according to the police agency's specific function such as investigative police, preventive police or others. We must improve the data collection systems by using credible and independent sources.

❺ The relationship between the police and the community must be strengthened. Actions must be undertaken that involve the community in crime prevention programs and give incentives to young police officers to become involved with young people, ethnic minorities, and members of low-income groups in positive ways.

❻ Create specific and concrete criteria in order to evaluate police behavior. Additionally, rights and procedures for a complaint process must be made available to the citizenry.

Graeme Simpson, representing the Center for the Study of Violence and Reconciliation (CSVR) in South Africa, gave his analysis of the South African transition and police reform process. He finds that South Africa's transition to democracy has much in common with the Latin American cases initiated around the same time. Simpson focused his discussion on lessons he has learned in the police reform process in South Africa, with particular emphasis on the role of the community and the need for greater cohesion between short and long-term reform policies.

Simpson opened his discussion with a response to earlier debate on effectiveness and accountability. Previous panelists had focused primarily on how the police itself and foreign donors view these issues. Simpson

pointed out that the affected communities must also be considered. These communities do not project a monolithic voice; they are fractured in their approaches, leaving reformers unsure of what people want. They also are not automatically in favor of strong accountability methods, contrary to conventional wisdom. Simpson explained:

> A lot of our perspective…around this issue of the supposed tension or complementarity on questions of accountability and effectiveness tends to be driven by reference to the police themselves and how the police are resistant to accountability because it is seen as contrary to effectiveness and how they are resistant to human rights norms and standards. Yet, ironically, I think sometimes we fail to see that actually it is accountability and responsiveness to community issues that drives needs and priorities, that it [the community] is critical in shaping these needs. And sometimes we say we need to listen to these issues and we start talking about communities as if they are monolithic, uniform entities that are not internally fractured and divided and sometimes inherently resistant to the most liberally minded, democratic policing objectives.

In fact, many of the efforts to remilitarize the South African police have been driven by community groups and not the police. That being the case, reformers and donors alike need to consider the type of community support available to police reform, not just whether it exists.

Similarly, in response to an audience question, Simpson noted some difficulties that had arisen in community-led responses to crime and police reform. South Africa has community-policing forums (CPFs) in every police station, established by the Interim Constitution of 1993 to initiate community-based initiatives against crime. Simpson observed that it can be very unpopular to criticize such progressive attempts to include the community in decision-making, but he argued that in order for the CPFs to improve and increase their effectiveness as the primary vehicle for a community policing system, they must own up to their problems. The CPFs have become a battleground for community in-fighting and arguments over what constitutes good community representation. In the meantime, some CPFs essentially have been taken over by gangs, so the primary goal of these forums — to guarantee citizen representation in policing matters — has been very difficult to achieve. The government has failed to provide clear direction or meaningful practical support to these entities. Simpson

sees dangers in increased government involvement in the CPFs, though, because the government's recent attempts to strengthen these organizations by formalizing their structure has had the effect of marginalizing those groups that are least organized and politically articulate, in particular women and children.

Simpson described additional difficulties facing the South African transition. First, he argued that it is inappropriate to call South Africa a post-conflict society. In many ways, violence is as present if not more present than before. The political violence that was so common prior to 1994 has ceased, but criminal violence has filled its place. This has created tremendous strain on the struggling police forces.

Additionally, the new South African government faces a significant crisis of legitimacy. The 1994 negotiated settlement allowed much of the old system to be retained and, along with it, a legacy of popular mistrust. Police institutions had a very established culture prior to the transfer, and, since much of the personnel have been retained, this culture has stayed largely intact. The political climate has changed in South Africa, but political transition is not so easily translated to public opinion. Before, ordinary political activity was criminalized; today property crimes are often justified on the basis of the slow pace of redistribution. Thus, prior to 1994, black resistance movements fighting against the law were widely accepted and endorsed because the law was considered illegitimate. These former liberation activists have not quickly accepted the change in the laws. It is not surprising that the very same groups that were often involved in illegal anti-Apartheid activity are now part of the criminal problem. Reformers and leaders have had trouble establishing legitimate rule of law.

Simpson outlined further policy dilemmas in a critique of the National Crime Prevention Strategy (NCPS), a program he helped to create and implement. NCPS was ultimately a failure in large part because the drafters neglected to adequately factor in community opinion and the feasibility of programs. The goal of NCPS was to integrate community policing and law enforcement efforts into prevention programs, coordinating the justice activities of seventeen different government agencies. It was intended as a long-term approach, with little result in the short term. Simpson cites the lack of short-term payoffs as the main reason for the program's failure. Without immediate confidence-

building measures, he explained, decision makers and community members became concerned that they were wasting precious resources that perhaps could be better used elsewhere. To combat such disappointments, programs should include both short and long-term goals and advancements. In essence, people need to see some quick results, even if the program is intended to have broader effects.

Simpson pointed out another problem evidenced by the NCPS, that is the "gap between vision-based policymaking on the one hand, and non-existent capacity within State institutions to deliver on that vision on the other. The growing gap between those two becomes a critical trigger to conservative popular responses and basis of perceptions of non-delivery of services." Colin Granderson, a practitioner on the following panel, addressed this issue as well. He warned that starry-eyed policies and unrealistic goals could create the perception of failure. This is important because in many cases communities are more concerned with non-delivery of services than they are with trust and accountability. Simpson also cited general bureaucratic slowness and inter-governmental agency coordination as barriers to the delivery of services. In one case, government agencies in South Africa pushed responsibility for victim services from one agency to another because no agency wanted to handle victims until it became clear that the responsible ministry would be provided with additional funding.

> South Africans have simply transferred the notion of war from the previous political battles to a new "war on crime."

Just as the institutional culture of a police force is difficult to change, so is the perception by the community of the role that the police should play. In many ways, Simpson explained, South Africans have simply transferred the notion of war from the previous political battles to a new "war on crime." Policing is just one part of a criminal justice system that is largely thought of in militaristic terms. As such, effectiveness in crime control is valued much more highly than respect for human rights. Most community members view the two goals as contradictory. In the same vein, pushing for enforcement has been valued over prevention methods because enforcement is viewed as the "tougher" approach to fighting crime.

Indeed, as rising crime rates have reduced people's sense of security, community pressure in South Africa and elsewhere has shifted to focus on police effectiveness. Some responses by police, for instance to the dramatic rise in children living on the street and adolescent gang membership that have accompanied economic hardship, have been dismissed as too soft on crime. In Chile, Candina explained, *Carabineros* (the national *gendarmarie* police) traditionally took a paternal approach to policing, and made efforts to get the kids off the street. Critics attacked these efforts, arguing that police should be actively fighting crime rather than playing father to abandoned children. Likewise, in South Africa, Simpson has been discouraged by the lack of attention paid to youth gang members. These youths, he argues, are the most astute observers of their own path into criminal activity. Accordingly, working with these gang members to discover the triggers to their criminal paths can be a very important crime prevention method. Simpson's colleagues who have attempted this kind of work have often been chided for working with a population that is considered irredeemable.

A question from the audience asked whether reformers are asking more of police in these transitional contexts than they do of police in the developed world. The gap between the design of a police reform and how it is implemented is evident in both the Central American and South African cases. Neild agreed that international and often domestic actors articulate high standards and guidelines for the reforming forces, and do not always have realistic plans to operationalize these standards and approximate these ideals. This disconnect between the ideals of the reformer and the realities of the transitioning countries can create unreasonable expectations leading to a sense of failure not entirely warranted given the inevitably slow pace of institutional reform processes. Rising crime has not allowed police reforms the time they need to consolidate new and contested institutions into the democratic mold set out in initial designs. The challenge to reformers is to consider how to reduce short-term demands in reforms, yet structure a sequenced process that builds toward high standards over the long term, and does not sacrifice initiatives to strengthen and consolidate accountability in high crime contexts.

Luncheon keynote speaker

Minister of the Interior of Peru, Fernando Rospigliosi

Fernando Rospigliosi, the Luncheon keynote speaker, discussed many of the same issues as the police practitioners. As current Interior Minister of Peru, he offered an inside look at the developing reform process of the Peruvian National Police (PNP). Peru, now in transition from the rule of exiled former President Alberto Fujimori, must reconstruct a police force that was essentially folded into the military during the Fujimori dictatorship. Rospigliosi noted that this has been and continues to be a difficult task, especially because reformers have met with raised public expectations following the transition. The spike in crime rates that followed the transition, as in other settings discussed during the conference, has focused increased public concern about crime and the demand for more effective public security from the government.

> In Peru, abysmal salaries, the lack of personnel, lack of incentives for good performance, and corruption create appalling police morale and incentives for police to steal and cheat.

First, Rospigliosi explained the challenges that reformers face in Peru. During Fujimori's reign, until July 2000, all the ministers of the Interior were military. Despite the fact that the police technically remained under a civilian agency, the hierarchy of the Interior Ministry was filled with military officers, and the police were viewed as another branch of the armed forces. The PNP is subject to the military code of justice and special military-police tribunals. Training, rank structures and the disciplinary system are all military in style, as is legislation on public security. Peru's reform must confront this militarization and the significant overlap between military and police functions.

Rospigliosi explained that the Peruvian police force is poorly managed. It is plagued by extreme corruption and the police pension is bankrupt. The lower ranks of the police are poorly paid and mistreated. Also, the management of the police is inefficient and bureaucratic. Resources are poorly allocated, with large numbers of police working in administrative functions and with a high degree of centralization and concentrated decision-making. Ninety-four percent of the $800 million budget goes to salaries and resources do not flow downward through the police. The police stations, which are the heart of police operations, are profoundly neglected.

According to Rospigliosi, abysmal salaries, the deteriorated state of the police welfare system, abuse of personnel, lack of incentives for good performance, corruption and political manipulation of promotions create appalling police morale and strong incentives for police to steal and to cheat. Furthermore, the police mistrust and resist communication with civil society and the media. Even local authorities have little contact with the police who have conflicted with municipal security patrols (*serenazgos*).

Rospigliosi reported that the PNP has the lowest levels of public confidence of any government agency. Nearly all citizens polled said they believe the police are corrupt and most say corruption is the biggest problem facing the country. More than half do not report robberies because reports are seen as ineffective and some actually fear police reprisal. Conflicts between local and national authorities are common and often reported to the public. This results in mistrust outside and inside of the police that is exacerbated by the complete lack of transparency even within government. Despite all of that, the public demands a great deal from the police because crime is perceived to be a big problem.

Rospigliosi is concerned with the lack of civil society involvement in the reform efforts. During the Fujimori regime, civil society was isolated from involvement with government. The continued absence of significant civil society actors is a legacy of that time. As noted by all panelists, civil society is vital in helping to adapt reforms to local circumstances and promote public acceptance of reforms, and it plays a critical role in the general functioning of some aspects of reform

such as external accountability methods. Rospigliosi hopes that increased democratization and additional reforms can allow civil society to emerge as a major player in the reforms.

Rospigliosi then outlined some of Peru's plans for change. In particular, he feels that professionalization, both of the forces and the management bodies, is a key element. The installation of anti-corruption mechanisms and improved working conditions for officers will be prominent features of this process. Since the military continues to be involved in civilian government agencies, demilitarization will also be an important aspect of the reform. This should include investigating and purging police for human rights abuses and instituting internal and external control mechanisms.

> During the Fujimori regime, civil society was isolated from involvement with government. The continued absence of significant civil society actors is a legacy of that time.

Rospigliosi noted the importance of incorporating all relevant actors, including civil society, the international community, and the State into all decisions. A special reform commission has been set up representing government, police, and prominent local civilians to address reform efforts. They are working to develop a police reform timetable, improve efficiency and police-community relations, improve police working conditions and benefits, and eliminate corruption. Rospigliosi also hopes that they will develop a comprehensive policy with civil society to fight crime and promote democratization. The Commission is also conducting a series of open meetings around the country to permit broad public input into the process.

In terms of donor assistance, Rospigliosi believes it would be useful to establish a coalition within the international community for police reform. This would legitimize reforms and changes in the police in the eyes of citizens, and it would establish a technical assistance network for supporting reform.

Finally, Rospigliosi acknowledged the important and difficult task of changing the character and the reputation of the police. Significant effort must be put towards redefining the police's goal from its former fight against "subversion" to the promotion of democracy. This is difficult when subversive groups still operate and drug trafficking is becoming increasingly problematic. Nonetheless, Rospigliosi is hopeful that Peru will see marked changes in the police in the future. On a positive note, he argued that Peru enjoys support for reform from many sectors, including a public demand for change that legitimizes the reform process, an explicit government commitment to reform and many sectors within the police that also desire reform.

PANEL III
Lessons learned

Perspectives from post-conflict police reforms

The third panel focused on lessons learned from donors' experiences to date in supporting post-conflict police reforms efforts in Latin America and the Caribbean. These lessons were articulated by international donors of assistance for police reforms and, in the case of Rodrigo Avila, by a recipient of this assistance. Each panelist has been directly involved in supporting changes in police organizations. Colin Granderson, is the former head of the International Civilian Mission in Haiti (MICIVIH), a human rights mission that participated in the training of the newly established Haitian police force. Rodrigo Avila, now an ARENA party Deputy in the Salvadoran Congress, was chief of the Salvadoran National Civil Police (PNC) during the crucial years following the peace accords. Both he and Granderson witnessed firsthand the dismantling and reconfiguration of former security forces and deployment of new police forces, achieved with substantial involvement of the international community. Laura Chinchilla, promoted innovations in policing as Minister of the Public Security in Costa Rica and has assessed international assistance for judicial and police reforms provided by the United Nations Development Program. Each panelist offered constructive criticism of their respective reform efforts and provided valuable insight into changes necessary for more effective reform.

Each speaker focused on specific areas of reform that need to be improved. Colin Granderson emphasized the need for reforms to take into account local realities and the importance of realistic programs and goals. Rodrigo Avila spoke on the wastefulness created by the lack of coordination in the transfer of assistance. Laura Chinchilla focused her arguments on the lack of measurable outcome indicators. Police reform, she explained, may provide noticeable change in the appearance of the force, such as more officers, better equipment, or more officers trained, but currently does not offer any proof of impact on areas like crime control.

Colin Granderson opened the panel with a description and analysis of the police reform efforts in Haiti after the reinstatement of a democratic government in October 1994. Following the overthrow of President Aristide in September 1991, Haiti underwent a turbulent period marked by repression and rampant violation of human rights. Only the armed intervention of forces sanctioned by the UN Security Council was able to resolve the crisis and reinstate the democratically elected government. A major feature of the UN peacekeeping effort and subsequent attempts to place Haiti on the road to democracy has been the creation of a civilian police force that respects human rights. The drastic nature of the reforms and the substantial role of the international community make Haiti a valuable case for the study of police reform and assistance.

Unlike El Salvador and Guatemala, Haiti's transition to democracy has not been mapped by a peace agreement between former combatants or a political settlement. Consequently, the political issues that caused the initial coup were not addressed. Unsurprisingly, police reform in Haiti has stalled in the face of renewed political instability and stalemate, despite some important achievements.

The international efforts to create a civilian police force in Haiti had to overcome tremendous obstacles. Unlike many countries undergoing post-conflict police reform, Haiti had no civilian police force prior to the intervention by the international community. The military had been in charge of both internal and external security. The Multinational Force (MNF) replaced the armed forces of Haiti (FADH) with an interim public security force composed of FADH soldiers that had passed a vetting process and completed a six-day training course run by ICITAP. International police monitors provided oversight for the temporary force. Due to its haphazard installation and the large holdover of personnel from the old police, Granderson indicated that the general public never accepted the legitimacy of this interim force. He observed that the inadequate screening process allowed human rights violators to remain a large part of the interim force. This interim force was gradually disbanded as the new civilian police, the Haitian National Police (HNP), was deployed. The HNP accepted few candidates from the interim force, and thus initially avoided the interim force's credibility problems.

Secondly, the UN peacekeeping mission's mandate was perceived by Haitians as being inadequate since it gave no priority to disarmament, crime fighting, or the security concerns of the Haitian people. The security vacuum created by the sudden and unplanned dissolution of the FADH and ineffectiveness of the interim police led to a crime wave. Increasing insecurity led to the rise of vigilante groups, a boom in private security in wealthy neighborhoods, and popular calls for the return of "tougher" policing measures. The ineffectiveness of the new Haitian National Police against crime and violence eroded initial community confidence and support. This remains an enormous barrier to the success of the HNP.

Prompted by an audience question, Granderson addressed the boom in privatized security in transitioning countries. In all of the countries discussed on the panel, an alarming security vacuum followed the transition to democratic government. In Haiti, the police and military were demobilized very quickly and haphazardly following the reinstatement of President Aristide. This created a tremendous sense of insecurity and chaos that was alleviated by private security firms for those who could afford it. These firms experienced substantial growth during this period, due to increased demand and bolstered by the large pool of demobilized military members seeking employment. Private security firms in Haiti and in much of the developing world remain unregulated and are therefore of varied and inconsistent in quality. Privatized security provides unequal protection for the richest segments of society and often serves to push crime into less protected areas. Also, since demobilized soldiers including known human rights violators often staff them, these privatized security groups can experience many of the accountability problems of the former security forces. Granderson noted that demobilized soldiers are a key group to deal with following a transition to democracy. Not only can they dominate private security firms, but they can also be a strong voice in opposition to police reforms and democratic changes.

While international donor assistance was vital in pushing reforms and helping to implement them, donors also created their own set of problems. To start, Granderson felt that donors had unrealistic expectations. An environment characterized by a ruined economy, eviscerated institutions, political instability, rampant crime and a

value system at odds with the principles of democratic policing is not propitious for immediate and successful police reform. One example of these difficulties is the predatory and repressive policing model bequeathed by the Haitian military. The perception of failure resulting from unrealized expectations has created low morale within the reform community and reduced public support for the reform effort.

> Externally imposed reform does not work unless the local police and the local populations "buy in" to the changes.

Likewise, the multiplicity of donors involved in the reform process made coordination a critical and unfulfilled requirement. Organizations, and agencies from different countries, including the UN, the Organization of American States (OAS), United States, Canada, and France were supporting police reform, making management difficult. Additionally, the elements of the UN Civilian Police responsible for mentoring the HNP hailed from countries with widely disparate approaches to policing. These groups had very different ideas from each other and from the Haitian authorities about the progress and content of the reforms and training. Granderson found the lack of coordination and common approach to be counterproductive. To combat this, he argued that when multiple executing agencies are involved, a coherent strategy and framework for individual donor programs should be developed. He also asserted that the UN should take the lead in developing a common methodology and doctrine of police training in order to ease these coordination problems.

Additionally, since local opinions and reality were largely ignored, much of the police training was unsuited to the Haitian context. Granderson cited this as an example of how externally imposed reform does not work unless the local police and the local population "buy in" to the changes. He stressed the importance of considering local conditions for reform, he said, "far too often we don't pay sufficient attention to the importance of the environment in which we have been called upon to operate." Both the environment for reform and the challenges of each specific locality, must be taken into account.

Granderson praised the focus on human rights accountability in the reform processes but was disappointed with the failure to include civil society groups, and notably human rights organizations. He noted:

> *Human rights organizations continued to have a very adversarial relationship with authorities . . . Much more could have been done to try and bridge that particular gap . . . to allow them [civil society organizations] to have greater input into the training, into some of the monitoring, and to put in place an oversight mechanism . . . It's a two way street; not only would they have had a greater say in some of the procedures that were being developed . . . but it would have been a very important channel to be able to capture some of the concerns that were coming from the ground.*

Finally, Granderson criticized the delays in justice reform that should have accompanied the police reform. In the Haitian situation, the police received nearly all the attention from international reformers, while the judiciary continues to suffer from lack of resources, lack of independence, incompetent personnel, and is mistrusted by the general population. The criminal justice system is therefore unable to support the work of the police. Granderson emphasized that the police cannot be effective if the proper justice systems are not in place to support the actions of police.

To sum up, Granderson offered the following conclusions from the Haitian experience:

▶ Ownership of change is weak when externally imposed. It becomes critical to ensure at least a fragile consensus between donors and local stakeholders if change is to take place.

▶ Solutions that are suited to the local environment and available level of resources should be favored.

▶ Coordination mechanisms and performance benchmarks are useful tools to enhance donor institutional support.

▶ Donor projects should focus not only on improving the supply of security but also on community demands for security by facilitating their involvement in institutional support projects.

► Police legitimacy is more sustainable when based on integration into the social fabric than on force.

► Police reform does not take place in an institutional vacuum. Special attention must be paid to the connected aspects of the justice system and prisons.

► A good international police officer (for example, from the UN Civilian Police Program, CIVPOL) is not inherently a good agent of change or of institutional support. These officers should have proficiency in the local language, good communication skills, empathy and adaptability.

► Common approaches to policing and mentor continuity should be ensured.

► The tasks of monitoring/verification and mentoring should be kept separate as the former creates strains and tensions which make the latter difficult.

► An international presence may give implicit approval to an undesirable political situation. However, it can limit human rights abuses, political interference, police misconduct, and corruption.

► Post-conflict situations and environments are inherently volatile, so reforms should:

❶ Set modest objectives.

❷ Plan for a worst-case scenario.

❸ Prepare for the long haul since time is critical in bringing about change.

Granderson sees the lessons of the Haitian situation as valuable for the progress of international police reform and, particularly, international police assistance. The Haitian reform process continues to illuminate areas where police reform efforts have been lacking and donor assistance ineffective. Lessons learned from the positive gains in the Haitian reforms and the notable difficulties can be taken to make future reforms more successful.

Rodrigo Avila, currently a Deputy in the Salvadoran Assembly, followed Granderson with an account of his experience with

police reform from his tenure as the Deputy Chief (1993-1994) and Chief (1994-1999) of the Salvadoran National Civilian Police (PNC.) The PNC is the civilian police force that replaced the old, highly militarized police following the end of the Salvadoran civil war in 1992. The Salvadoran police reform stands as a model both of successful reform and of the challenges faced by post-conflict forces.

The old Salvadoran police force was gradually phased out after 1992 and replaced by the PNC. Under the terms of the public security section of the Peace Accords, the PNC took only twenty percent of its manpower from the former police force and incorporated former rebel combatants as another twenty percent. The majority of the PNC (60 percent), therefore, was comprised of entirely new personnel. The PNC was thus faced with several significant challenges, including the training of inexperienced personnel, a crisis of legitimacy that remains from the old, discredited force, and a spiking crime rate.

> The public's perceptions of a force can be improved by its association with international organizations.

While acknowledging that the Salvadoran reform effort in general, and its police reform specifically, is widely considered to be one of the successes in democratic transitions, Avila found that the delivery of assistance by the international community could have been improved in many ways. International assistance was critical to the reform efforts, but that aid also created some difficulties in coordination and implementation of the reform.

Avila gave a brief history of the Salvadoran police. In the early 1980's, a reform effort aimed at professionalizing the force and creating greater accountability failed. In the late 1980's, Salvadorans began another reform effort bolstered by international aid. As part of this effort, the United States helped to train the Criminal Investigation Commission that created a modern forensic investigation unit under the Minister of Justice. Also, the U.S. Drug Enforcement Agency equipped and trained the

Drug Enforcement Executive Unit that operated under a civilian presidential executive council. These initiatives were both outside the domain of the military but did include former military officers with specific expertise. The units, including the former military officers, were incorporated into the PNC in 1993 and enjoyed legitimacy in some quarters due to their perceived disassociation from the conflict.[7] The international community then became heavily involved in justice reform efforts with the signing of the Peace Accords. The UN, U.S., Spain, Canada, and many other actors, have donated funds and provided technical assistance to the PNC since 1993.

The creation of the PNC had several important benefits. The old police force was involved in the civil war, so it lacked legitimacy within the community. Legitimacy is one area where international aid was very useful to reforming forces. The public's perceptions of a force can be improved by its association with international organizations and established groups like the UN or Spain's *Guardia Civil* police force. Likewise, one of the benefits of the creation of an entirely new force is disassociation with the former, illegitimate force. The police also benefited from the Salvadoran Peace Accords' insistence that former *guerilla* combatants be integrated into the force, giving the PNC a fair, apolitical base.

Avila ranked the top four challenges of the reform process that were present from the initial launch of the PNC. The biggest challenge was gaining the confidence of the population. Most people were still scared of anyone carrying a gun or wearing a uniform, a legacy of the recently terminated war. Second, Avila said that the PNC encountered logistical and organizational problems in creating the organization from the ground up. The PNC, in order to bolster legitimacy, had to differ quite widely from the old forces. This led to uncertain and untested plans for the police that were sometimes unsuccessful. Third, despite international assistance, the PNC faced budget constraints and equipment shortages. Finally, the PNC was tremendously challenged in ensuring public safety as crime rose rapidly. A new police force can quickly lose favor with the community if it is perceived to be ineffective against crime. This was the case in both El Salvador and Haiti. Indeed, these difficulties seem common to most post-conflict police reforms.

Responding to an audience question, Avila addressed the problem of data and statistics in transitional police forces and in El Salvador in particular. An audience member questioned Avila about the impact on the reform effort of the lack of a unified system to track crimes. Avila admitted that the lack of data and the statistical incoherence, have produced a notable strain on reform efforts. In El Salvador, reformers discovered that different branches of government kept different records on crime. Individual agencies defined crimes differently and had different criteria for classifying crime. Additionally, the agencies did not work together to keep consistent records. Avila offered the specific example of traffic fatalities. If a traffic fatality occurred, the office of criminal prosecutions (*fiscalía*) would class it as a homicide in its records because it had not yet been proven to be an accident. Until the legal examiner's office gave a certification to the prosecutor's office that the person died of natural causes or an accident, the prosecutor's office records still classified it as a homicide. This created a problem because the medical examiner's office, the police, and the prosecutor's office, did not share their information often enough, resulting in inconsistent records that did not necessarily reflect reality. Reformers have taken significant steps to reduce such data disparities. Clearly, though, uncertain and erratic record keeping impedes attempts at accountability and professionalism.

> There is a desperate need for increased donor coordination and cooperation.

Avila also detailed several significant mistakes of the Salvadoran reform effort:

1. **Reformers had no clear concept of what model of policing they would institute.** This led to inefficient and disjointed reform efforts. International assistance was aimed at the technical matters, not necessarily institutional ones. The enthusiasm of recipients also jumbled the picture; they often tried to get as much aid as possible without strategic planning about how to best make use of the aid. To combat this problem, recipients should create a planning office to coordinate their international assistance.

② **Political deadlines required reformers to rush the reform effort without established plans of action.**

③ **The Police Academy was separated from the police as part of the post-conflict reforms.** While reducing the likelihood of abuses of power by police leaders, Avila feels this has led to improper training. Also, the Police Academy Council was composed of politicians, rather than those trained in police matters or police academics.

④ **Political objectives played too large a role in the reform.** Politics were placed higher in importance than institutional and practical considerations.

⑤ **Too many opposing advisors and trainers were involved in the reform effort with very little coordination.** All of the advisors had different ideas, so those trying to implement changes and those being trained were frequently confused. For example, the Catalunian police tried to implement plans very inconsistent with the geographical arrangement of El Salvador. Additionally, the overlap of donors led to what Avila called "Tower of Babel Syndrome," when people miscommunicate by referring to totally different functions and roles while using the same generic terms, often confusing the reform recipients.

To conclude, Avila offered general lessons from the Salvadoran experience. First, he believes that no universal model of policing exists. Different models can and should be adapted to specific needs. Police techniques are a different issue. Some techniques can be taken as universal, and these should be standardized. Second, a mechanism of coordination with and between donors should be established. This, he feels, should be the responsibility of the recipient country or agency, so that it can get the most out of the aid and avoid duplicity of aid. This mechanism should also eliminate corruption and the misuse of funds. On the other side, donors should require that aid recipients establish a planning office to channel aid and coordinate efforts.

Laura Chinchilla's analysis was broader than the previous two presentations. She discussed general themes of reform, rather than focusing on the details of specific reform efforts. From this

perspective, she was able to draw conclusions that bring together the experiences of many countries in Latin America.

Chinchilla finds many of the problems that Colin Granderson witnessed in the Haitian police reform process to be common to all Latin American police reforms. Indeed, the difficulties of post-conflict societies and police in those countries seem to have many similarities. For that reason, Chinchilla feels that important lessons can be learned and shared across the region to improve all reform efforts.

Chinchilla classified the history of international police assistance to Latin America in four general periods. From the 1960s until the 1990s, the U.S. was the primary donor in police assistance programs. In the 1960s, U.S. efforts focused on the legal sector in so called "Law and Development" projects. Also in the 1960s and continuing to the 1970s, U.S. assistance extended to security forces under the USAID's Office of Public Safety. The program's support for repressive policing by authoritarian regimes led to the general discrediting of US police assistance efforts. From the 1980s to the present, the United States largely avoided security force reform and concentrated instead on justice sector projects, mostly as part of the Administration of Justice project within USAID. Beginning in the 1990s, the police assistance field opened to a variety of other actors, including multilateral and bilateral agencies like the UNDP, the EU, the World Bank, Spain, and Canada. Now, an increasing number of countries, national organizations and international, bilateral and multilateral donors, are working on police reform efforts all over the world. The magnitude and impact of international police assistance has grown significantly in recent years and can have significant impacts. Chinchilla cited the case of El Salvador, where administration of justice and public security assistance between 1985 and 1997 amounted to 5.4 percent of GDP. Hence, the political and financial influence of police assistance is substantial in many recipient countries.

Chinchilla noted important progress resulting from justice reform programs. New legislation, the introduction of a semi-accusatorial model, unification of the jurisdictional model (eliminating special police courts, for example), and alternative dispute resolution programs have all come out of internationally-supported judicial

reforms. On the police side, outputs include new police legislation, demilitarization, greater respect for human rights, and greater community involvement. After noting these advances, Chinchilla focused her comments on matters where donor assistance needs to be more effectively coordinated and implemented. One major concern is the tendency of donors to evaluate the success of reform programs based on outputs rather than outcomes. For example, some might consider a reform to be successful if it achieves the desired number of officers trained, if important laws are passed, or if all reports are written, but these outputs do not reflect whether the community feels safe or if crime is actually reduced. This is an important distinction. The technical advancements and outward appearance of a police force matter little if the affected community is not aided by the improvements.

Chinchilla noted that these reform efforts often failed to support approaches that reflect the position of judicial and police reforms as part of an integrated system of public security and law enforcement. Chinchilla observed that sometimes police forces have been entirely left out of justice reform processes, leading to anti-reform backlash or counter-reforms within the police who felt uninvolved and slighted in the original reforms. In general, reforms tended to focus on less politically risky activities such as training and infrastructure, and did not give adequate consideration to economic concerns and the sustainability of the process. Frequently, the reforms also failed to address the challenges of corruption and the limited access to and confidence in the police and the judiciary. Donor specifications that prioritize specific policing goals such as anti-narcotics, can also create disruptive imbalances in reform efforts between specialized units and the rest of the police.

Like panelists before her, Chinchilla reiterated the desperate need for increased donor coordination and cooperation. Discord in assistance delays the progress of reform and keeps donors from learning lessons from previous experience. Chinchilla finds the failure to consider local factors and conditions in reform efforts to be similarly worrisome. Unlike judicial reform, police assistance has tended to come through bilateral programs, often importing very specific policing models and increasing conflict among donors. In post-conflict situations, Chinchilla has observed that multilateralism vanishes when the institu-

tional-building process begins. Furthermore, police assistance often fails to take into account existing parameters for democratic policing, such as the UN standards, EU guidance, or the Central American Treaty on Democratic Security, which have not been incorporated into the design and monitoring of assistance programs.

Chinchilla set out the challenges for aid agencies in three categories: project design, project implementation and project evaluation. First, in project design, the conceptual framework for the reform should be strengthened. Essentially, reformers need to have a set plan with clear goals and markers of achievement. This plan must include the entire justice and security sectors. Likewise, frameworks must consider the political and economic feasibility and sustainability of proposed projects. Reform efforts will be ineffectual if they cannot be implemented to achieve long-term change.

> In general, reforms tended to focus on less politically risky activities such as training and infrastructure, and did not give adequate consideration to economic concerns and the sustainability of the process.

In the area of project implementation, Chinchilla outlined several fundamental elements that must be included for successful reform. The first, as panelists before her stressed, is the involvement of civil society. She also hopes to see policy dialogue that establishes meaningful programs and plans for reform and for institutionalization of changes towards more democratic policing. Additionally, Chinchilla stressed the need for greater coordination between agencies of the reforming countries, amongst donors, and between donors and recipient countries.

The third category is project evaluation. Chinchilla, like David Bayley, finds an appalling lack of evaluation and impact indicators in police forces. Not only do police forces fail to demonstrate that they are impacting crime, but they are also unable to show that reform efforts are having an effect outside of what Chinchilla calls "output" indicators, such as the number of tickets given out, the number of arrests made, etc. Instead, forces need to identify

"outcome" indicators like the impact of policing on crime levels. Also, the assessment of these programs needs to come from independent sources, not just internal police evaluators, to ensure the validity of reform claims. These evaluations will provide a valuable resource for updating the course of the reform and for offering lessons to future reformers.

In the question session that followed the panel, Chinchilla addressed a very important issue in police reform in Latin America and abroad. While everyone who studies and views police reform from the outside may see the goals of accountability and effectiveness in police forces as complementary goals, this belief is not so clear to the populations that are subject to high levels of crime and poor policing. The most reasoned and logical arguments by police scholars and reform experts have not convinced those affected by the reforms that these are not contradictory goals, as the experiences described by Graeme Simpson attest. Part of any reform project, therefore, must be convincing the public about the necessity and complimentarity of the goals of accountability and effectiveness.

PANEL IV
Perspectives from development donors

The countries that most require police reforms are often those that lack the financial resources to support reforms. They are also unlikely to have the technical expertise to design and implement reform. In post-conflict settings, international donor assistance has played a crucial role in police reforms. Donor agencies provide money, equipment, personnel, and training expertise to reforming police forces. In some cases, as in Haiti and El Salvador, entirely new police forces have been created under the guidance of international donors and the international community. As described in the previous panel, donor assistance is tremendously helpful, but it could be better coordinated to improve the quality of reforms. Providing assistance to police abroad, however, is not easy from a donor's standpoint. Past donor programs that exacerbated political problems, the troubling human rights records of many police forces, and the difficulty of transforming police in general, make police reform a challenge to donors. Thus, relatively few international development agencies have provided significant assistance for police reform until recently. Increasingly, however, whether responding to rising crime rates and the impediments these pose to economic development and poverty alleviation, or providing ongoing support to reforms once peacekeeping actors such civilian police missions depart, development agencies are providing assistance and training in this area.

The final panel brought together representatives from bilateral and multilateral reform agencies, including the United States Agency for International Development (USAID), the United Nations Development Program (UNDP), the Inter-American Development Bank (IDB), and the United Kingdom's Department for International Development (DFID). The donors described their organizations' programs and procedures, and talked about why their agencies feel that it is important to engage in this difficult arena of institutional reform and the concerns they confront in doing so.

To begin, Patrick Cronin of USAID provided a perspective on the possibilities and drawbacks of police reform and described USAID's policy review of police assistance. Margaret Sarles, also of USAID, discussed her agency's work on democracy-building in Latin America. In particular, USAID measures public opinion in the region to determine what should be the primary foci of reform. UNDP's Jamal Benomar set out reasons for donor reluctance to give police assistance. To facilitate assistance, he is pushing for more strategic efforts at police reform. Mayra Buvinic, representing the IDB, relayed her organization's policy of donating to reformers that seek to eliminate violence. The IDB has justified loans including some police assistance by quantifying the economic costs of violence.

Chris Gale of DFID, outlined plans to move towards a participative model of assistance.

> Crime and violence have emerged in recent years as major obstacles to the realization of development objectives in Latin America and the Caribbean.

Assistant Administrator Patrick Cronin addressed the involvement of USAID in police assistance issues and presented the key parameters of police assistance policy. USAID, he explained, is in a precarious position with regard to offering assistance to police forces abroad. The history of USAID assistance includes the Office of Public Safety that from 1962 to 1974 acted with the objective to help foreign security forces develop:

> . . . *investigative capability for detecting and identifying criminal and/or subversive individuals and organizations and neutralizing their activities, and instilling a capability for controlling militant activities ranging from demonstrations, disorders, or riots through small scale guerilla operations.*

The Office of Public Safety programs had knowledge of, and perhaps assisted in, documented human rights abuses perpetrated by the foreign police forces it trained. This record led Congress to amend the Foreign Assistance Act (FAA) in 1974, adding section 660, a prohibition of any U.S. government foreign assistance through the FAA to police forces abroad. Subsequently, U.S. government

programs to aid foreign police forces have necessarily been "policies of exemption," programs conducted with specific statutory exemptions from section 660 of the FAA. These exceptions have become more common since the end of the Cold War and the rise of democracies across Latin America, Eastern Europe, and Africa.

Despite the broad exemptions to section 660 that currently exist, USAID remains restricted in assistance to foreign police. It currently has six programs, all in Latin America, implemented through the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP). USAID has plans to expand its operations into Nigeria, Jamaica, and South Africa. USAID's role is small compared to the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL), for example, which has operations in over 60 countries and a budget eight times greater than that of ICITAP. The FBI, Customs Service, Drug Enforcement Agency, and Secret Service provide police assistance as well.

Development organizations like USAID, Cronin explained, have a vested interest in security. He cited the World Bank's 1999 *Consultations with the Poor* report when noting that "crime and violence have emerged in recent years as major obstacles to the realization of development objectives in Latin American and the Caribbean." Aid for police through programs like ICITAP is justified by this reasoning. In fact, in late 1994, a USAID Administrator approved the integration of police assistance efforts into USAID rule of law programs, "explicitly acknowledging the role that an effective and law abiding police force plays in the development and functioning of a justice system." This policy guidance was never developed, but USAID's Rule-of-Law Working Group recently proposed formalizing that 1994 suggestion. This and other issues will be discussed as USAID reevaluates its police assistance policies.

Cronin offered a framework for understanding the donor perspective on police reform. He set out the following "key parameters of police assistance policy," encompassing the issues that USAID is considering as part of the review of police assistance policy.

❶ Assistance in police reform and development must be undertaken as part of a **systemic approach** to change. Working just with the

police but not other parts of the justice system such as the courts or prosecutors does not achieve the results needed.

2 Police reform is a long-term, multi-donor effort predicated upon building institutional capacity of the police, and of policing processes throughout a society. **Capacity-building** must address both internal objectives within the police as an institution, and the broader institutional components found within the rule-of-law and governance processes.

3 Building a capable police institution is an integral component of building an effective and democratic system of **governance**. Relative freedom from crime and violence, and the provision of personal and community security are fundamental elements of good governance, and are prerequisites to advancing other developmental efforts.

4 Crime, violence, and personal security are closely linked to **democracy**. Ineffective law enforcement caused by weak police institutions is not only another example of poor governance, but can also result in reduced public support for democracy, diminished interpersonal trust, and compromised government legitimacy.

5 Criminal victimization incidents often give citizens a bad impression of the government writ large, which can lessen **government legitimacy**, and in turn promote instability, and at times, conflict.

6 Security and justice are both conditions that reduce the tendency to resort to violence in the face of disagreements, and thus are core needs of societies striving for **conflict prevention**.

7 In terms of **human rights**, police have a very poor record. As law enforcement agents, police officials have a responsibility to protect citizens against human rights abuses.

Margaret Sarles also works for USAID in the Democracy Institute of Latin America and the Caribbean. Sarles discussed USAID's work on democracy-building in Latin America and highlighted its efforts to track public opinion in the region to help determine what should be included as foci of democracy and governance assistance, noting that the police are in the spotlight given public concern over rising crime and violence. Sarles is very familiar with USAID's police assistance programs, as they are all located in Latin America and the Caribbean.

Margaret Sarles explained that USAID's budget for police reform comes from the State Department's economic development budget. USAID's projects include involvement with ICITAP on policing, but are also connected to work done on the entire justice sector. Currently, USAID has missions in 16 countries in Latin America, though Sarles thinks that USAID should be working in more countries and should have more resources that can be put towards police reform and other democracy projects. While earlier reform projects focused primarily on improving human rights accountability methods, Sarles noted that there has been a shift toward a crime-fighting agenda in donor agencies and reforming bodies. The fight against crime is clearly important because of crime's corrosive effect on a democratic government's legitimacy and ability to rule. In the future, USAID will be moving towards violence prevention work.

> For USAID in Latin America, democratic policing is achieved through demilitarization, professionalization and justice reform.

Police assistance by USAID is just one part of larger support for justice reform in the developing world. Sarles works specifically on democracy issues in Latin America, so she views these matters through a specific "Latin American optic" that she warns may not translate to other regions. For USAID in Latin America, democratic policing is achieved through demilitarization, professionalization, and justice reform. Each of these goals aims to produce a reduction in human rights abuses. Sarles admits that the policing element of these reform projects has not been given adequate attention and has been separated from other justice reforms. USAID, along with the DOJ, helps to administer ICITAP, which Sarles finds to be insufficiently integrated into the work done in other areas of the justice sector. USAID sees a future in police reform, however, and will consider greater involvement after the policy review mentioned by Cronin. Encouraging statistics from El Salvador, in which crime rates dropped 25-30 percent in a one-year period, make the possibility for future involvement more likely. Sarles is similarly pleased that reform practitioners are beginning to use lessons from the past. She said that many missions are requesting

information about El Salvador's reform process so that they can try to affect similar change. Also, the importance of security to the populations in the developing world, as revealed in opinion studies carried out by USAID in Central America, indicate that police reform to promote both effectiveness and accountability are vital to democratic growth in the region.

Jamal Benomar represented the policies of the UNDP. The UNDP seeks to eradicate poverty in the developing world. He justified UNDP use of development money on governance issues, like policing, by arguing that proper political networks and functioning institutions are vital to economic and social development. He also cited the World Bank study *Consultations with the Poor* that found that the number one concern of the poor in the developing world is security. The need for reform to improve the effectiveness and accountability of the police is pressing and relevant to development agencies.

 Benomar warned that donors need to be very careful in their assessment of potential aid recipients. To start, donors need to evaluate whether reform is possible in the country at that time. He argued that if no support for development exists, no reform would take hold. In reality, there are few situations where absolutely no political will for reform exists. Pockets of reform-minded people in the government and civil society are almost always available, but the political influence of such constituencies must be reasonably evaluated. Potential donors must carefully assess the political will and timing for reform. The involvement — or lack thereof— of civil society is another important variable. Unfortunately, in every case except that of South Africa, civil society has not played a significant role in reform efforts, and this has often posed a severe impediment to the popular acceptance of reforms. Additionally, donors should consider whether the police or reform agencies have a coherent plan for reform. Without systematic plans to change the forces, inefficient efforts result.

Benomar gave many reasons why police reform is difficult for donors to support. The UNDP is often reluctant to get involved with police reform because it is so risky for donors. Police reform will likely bring the donor into conflict with governments, and for an organization like the UNDP that is obligated to cooperate with governments, this creates tensions. People who work for a donor are also unlikely to

want to work on police reform projects because these projects are considered poor candidates for success. This can affect a donor employee's possibility for promotion and development within the organization. Benomar also raised the important question of boundaries to police reform. Donors must evaluate the internal situation of a country very thoroughly before deciding whether their donor programs can be of value. For instance, Benomar questioned whether donors can reconstruct a whole criminal justice system or whether involvement should be limited to specific training. He warned against donors spreading their money and assistance too thin, thus producing marginal effects on many areas rather than having a large impact on specified projects. A lack of coherent reform strategy similarly makes assistance difficult. In reality, Benomar finds the security system to be a pariah for most donors; too much risk is often involved in the assistance, with minimal noticeable impact.

Benomar offered many ways in which police reform and assistance could be improved to make it more attractive to donors. To begin, reformers should develop a plan of action for reform that notes specific progress sought and includes measures of outcomes. Also, reformers should collect lessons from their experiences to share with future reform projects. These lessons, in addition to centralized publications and materials on reform, will greatly improve the effectiveness and efficiency of reform processes. Benomar described:

> *We don't do it [police assistance] systematically . . . When we do it we don't integrate lessons learned from these projects and programs. A lot of material has been produced on the issues that we are talking about today, but there has never been any attempt to centralize this somewhere. Every time that we are tasked to go to a new country, we reinvent the whole package again.*

To add to the debate over a conceptual framework for police reform, Benomar, like Chinchilla, argued that a basic one does exist. Benomar said:

> *There is a conceptual framework. And it's a conceptual framework that [was] developed by consensus…by all UN member states in the context of the Crime Congress…in the Crime Branch in Vienna. There are a number of standards, some may need some updating but*

most of them have standards that one can refer to. These include the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Firearms, etc. All these can be operationalized in our technical assistance and become our framework.

These elements should be integrated into publications given to all involved in police reform efforts, and the use of these codes should be encouraged amongst reformers.

Mayra Buvinic, Chief of the Social Development Division of the IDB, described her institution's policies on police reform. In theory, the IDB could support police reform projects to achieve three target objectives: democratic governance, economic growth, and the promotion of the wellbeing of all, and specifically of women, minorities, and the poor. Police reform fits in two separate categories of projects handled by the IDB — justice reform projects and peaceful society projects. These projects are carried out through loans from the bank to recipient governments and organizations and, in some cases, through direct grants from the IDB. Specifically, the IDB has donated to community policing projects, improving police technology, better coordination between agencies, crime prevention training, and improved accountability methods.

> The IDB has published studies that quantify the economic costs of public and private violence and demonstrate that violence translates into huge losses in Gross Domestic Product in the developing world.

A fourth reason for funding such projects would be demand for reform within society. The IDB is a demand driven bank, relying on governments and sectors within the society to prove that a desire and political will for the reforms exist and to request donations. The IDB is unique among donors working in this area because it works from the assumption that there is a close link between economic growth and violence reduction. In fact, the IDB has published studies that quantify the economic costs of public and private violence and demonstrate that violence translates into huge losses in Gross Domestic Product in the developing

world. The Bank also promotes prevention methods because they are more cost effective than purely reactive policies. Thus, because the IDB seeks to promote economic growth, it is worth their time and effort to fund violence reduction projects.

International Financial Institutions (IFIs), like the IDB, could offer valuable support to police reform projects. IFIs usually bring credibility to reform projects and to the reforming institutions themselves. In a sector that is lacking in credibility and legitimacy, connection with an IFI can be very important. Likewise, association with an IFI presents the idea that policing is more than just repression and control, it is also a vital matter of development and governance. Buvinic admitted, however, that the IDB itself has no police expertise, inadequate oversight mechanisms, and little experience in collaboration with civil society. The IDB does not have appropriate procedures to work with civil society directly, although it is working to improve in this area. On the other hand, the IDB does have a strong track record in sectoral reforms. Also, Buvinic noted that IFIs cannot effectively monitor police assistance loans and suspend assistance, which would be a credible threat and tool to induce accountability and effectiveness within the reform process itself. Overall, it is important to promote police credibility so that people rely on the police for protection and do not immediately associate policing with repression.

Both Buvinic and DFID's Chris Gale stressed that private crime, such as crime committed in the home between family members, is a major focus of their respective organizations. Buvinic noted that along with high and growing violence in Latin America come increasing levels of domestic violence. She cited one study revealing that 63% of children in Chile experience physical violence. Gale noted that police traditionally avoid issues of private crime. This fundamentally undermines the faith of the population in the police, especially that of women and children, because they feel entirely unprotected against violence. In developed States, it is now accepted that society can become involved in matters that hitherto were perceived as private, such as violence against women and child abuse. In many developing countries this is not yet the case.

The UK's Department for International Development (DFID), represented by Chris Gale, devotes time and resources to general

justice sector reforms and capacity-building measures. DFID is a government agency that works from the basis that police are the gatekeepers of the criminal justice system because they are both the visual representation of the system and they exercise discretion over who enters it. DFID work focuses generally on former British colonies, mostly in Africa and Asia. In Nigeria, for example, it is helping to support the transition to democracy, including an upcoming justice sector reform program. DFID aims for longer-term projects within countries, but avoids international operational crime issues like drugs and the trafficking of women. DFID recognizes that high crime rates and lack of democracy make countries unattractive to donors and damage their possibilities for economic development. Like the IDB, DFID is demand-driven, with the overall goals of reducing crime and the fear of crime, creating stable and just States, and aiding development.

Gale argued that police reform is an important goal for development organizations because of the connection between citizen security and the possibilities for democratic stability. He also said:

> *In essence, police reforms are about providing security for people in their domestic life as well as in their communities . . . and you do that by encouraging consultation and participation, by supporting ethical policing practices, and also by improving investigative skills. An important part of community policing is proper law enforcement and crime detection — it is not a separate activity.*

DFID's approach to police assistance is principally through professionalization projects. Specifically, DFID tries to improve police forces by making sure they have adequate funding, modern resources, methodical evidence-based investigations, and human rights training. Gale explained that DFID supports what moderator Otwin Marenin called human rights "mainstreaming." This theory suggests that human rights cannot be taught as part of a separate training, rather, the values and practices of human rights must be infused into all police training. Simply delivering lectures on human rights will not be enough to change the behavior and attitudes of a police force.

Gale emphasized the importance of the police reform as a way to "transform organizations from police forces to police services." That is,

trust within the population is likely to grow if the police can be seen as a service to the community, protecting the people and not just the interests of government leaders. This transformation can occur through many mechanisms, including establishing a 911 emergency service. Sarles, in particular, noted the success of such programs in changing people's perceptions of police responsibility and accountability. The 911 program has proven tremendously successful in El Salvador, for example. While the importance of this measure may seem trivial, it signals to the population that the police are always available and are responsive to individuals. This creates a closer connection between the people and the police.

> Offering money and technical assistance for police reform expands the opportunity of donor agencies to exert influence on a government and to press for human rights reforms.

After making many of the same mistakes mentioned in the previous panel, Gale said that DFID is moving towards a more "participative model of assistance." That is, one where the donor is involved with its partners in determining some of the strategies to be used to reform a particular system. This, he hopes, will eliminate many of the donor coordination problems and allow for greater feedback, and thus greater success, on the reform process.

Gale suggested that police reform might even be a means to achieving a much larger goal — the creation of greater respect and accountability for human rights. While Benomar expressed concern that police reform can put donor organizations in an unwanted adversarial relationship with local governments, Gale sees police reform as a way to improve relations. Police reform, he explained, gives reformers an entry point and a means of influencing the government of the country. Offering money and technical assistance for police reform expands the opportunity of donor agencies to exert influence on a government and to press for human rights reforms. When donors decline to support assistance to the police, it is more difficult to influence the government, because then the reformers must operate from the sidelines.

Even though strengthening police and governmental justice systems is extremely important, Gale stressed that those systems are not the only mechanisms that dispense justice or are in need of reform. He said:

> *Promoting rights and justice is about more than strengthening the law and formal legal structures. Institutional strengthening of the formal legal system, though often necessary, is not always either efficient, or the most effective way to strengthen the rule of law. Be aware that in most developing countries most people rely on customary and traditional structures for their justice.*

In Nigeria, for example, a study found that 87.5% of people with disputes do not deal with them through use of the formal justice system. DFID accepts that it must consider working with non-formal, traditional and customary justice systems in reform efforts in Africa and elsewhere.

Despite the variation in experiences and approaches to police assistance among the donors represented on the panel, several common themes emerged. First, this is a relatively new area of assistance for development actors, few of whom have significant experience in supporting public security reforms. While some development agencies are being brought into providing police assistance because of the need for longer-term assistance to follow the work of military and civilian police missions in post-conflict contexts, others have been pressed to provide police assistance by the governments of poor nations that are struggling to confront rapidly rising rates of crime and social violence. Development agencies are doing their own analysis of the need for police reform and improved public security practices in order to create a propitious environment for economic, political, and social development. From this perspective, democratic policing is rapidly entering the good governance agenda that is promoted by a wide range of international donors.

That said, it is clear that police assistance is risky to donor organizations that worry about the behavior of the forces that they aid and the political repercussions of the aid itself. There is ongoing debate between those who believe that providing police assistance

can increase donor access to and leverage over the behavior of foreign police and those who argue that pressing human rights and other democratic standards in aid programs creates adversarial relationships and strong potential for conflict between the donor and national government and institutions. This exchange reflected Colin Granderson's recommendation that donors' police training function should be separate from their human rights monitoring function in peace operations. While it may be more productive to separate the specific functions of training and monitoring, this does not mean that police training should not reflect human rights issues. Rather, as the discussion of "mainstreaming" human rights made clear, the donors at the conference endorsed the lesson drawn by many police trainers that human rights values must be reflected in all aspects of police training and built into other institutional incentive structures if they are to be embedded in a culture of democratic policing.

These discussions of access, leverage and human rights recalled the debate at WOLA's 1994 conference on police reform where participants noted the need for donors to define "cut-off points" — that is, the point at which it is clear that local political will to reform is so lacking that international support must be withdrawn or risk lending credibility to blatantly abusive practices with no hope for changing them. DFID's effort to develop participative assistance programs that bring national authorities in to the design of police reforms in an integral fashion attempts to improve local "buy-in," ownership of and commitment to the reform process — the lack of which have been identified as a problem in analyses of a number of post-conflict police reforms. This approach is also being adopted by ICITAP. Other efforts to increase national buy-in to and support for reforms focus on the need for a greater civil society role in debates that can build local knowledge of and backing for reforms.

In response to an audience question, Patrick Cronin addressed the impact of the terrorist attacks of September 11, 2001 on U.S. police assistance. Many have argued that policies made in response to those attacks, like the use of military courts for civilian trials, are inconsistent with the democratic values the U.S. is pressing in police reform abroad. Cronin's response was that he hoped that these measures would be short-term and would have little effect on

U.S. reform assistance efforts. At a broader level, Cronin also said that he was encouraged by the recent interest and desire to increase foreign assistance shown by Secretary of State Colin Powell, who was the first Secretary of State to visit USAID when he gave a speech there in early 2001.

CONCLUSIONS

P olice reforms have grown in prominence as an area of activity for the international donor community throughout the 1990s because of their central place in peacekeeping and peace-building efforts across the globe. Donors supporting post-conflict reforms have learned important lessons. A shortcoming of those lessons has been to focus on issues around the delivery of assistance itself and short-term goals, with less consideration given to the sustainability of democratic policing in troubled post-conflict settings and with the viewpoints of local beneficiaries of the reform process. Furthermore, careful consideration needs to be given to how transferable these lessons may be to other contexts where police reforms are undertaken with fewer resources and greater political constraints.

The threat posed to democratic governance and economic development by crime and social violence within countries is creating increasing demand for police assistance. Demand-driven aid programs are bringing donors to work in settings where the parameters of reform are often far more constrained than post-conflict environments, and where international influence in shaping the reform process is also more limited. Indeed, the manner in which reforms emerge — through governmental or police initiatives, or through political agreements spurred by civil society pressures — have primary influence in shaping and limiting the strategies and focus of reform processes. In these increasingly complex settings, donors are assessing strategic entry points for supporting democratic reforms that can bring about improved police performance in providing greater security and greater respect for human rights. Successful police reforms, it is hoped, will also have larger effects on public satisfaction with and support for democracy and in creating a propitious environment for economic and development activities.

Presentations at the conference affirmed that a conceptual frame-work of "democratic policing" is emerging. United Nations standards for law enforcement, documents such as the Bosnia International Police Task Force's "Commissioner's Guidance on the Principles of

Democratic Policing" and recent academic work by scholars including conference participants David Bayley, Charles Call and Otwin Marenin, display an emerging consensus on the parameters of democratic policing. Participants also observed that there are common technical elements of policing, and one presenter urged that a single body — the United Nations — take on the task of developing basic standards for international police training.

Democratic policing principles provide key guidelines for reformers, but do not obviate the need for context-sensitive assistance. Despite technical commonalities in certain elements of policing, there is clearly no universal model of democratic policing that can be simply transferred from country to country. Donors need to be sensitive to local realities, and should expect to have to sacrifice some speed and efficiency to take time to understand and adapt to local realities. This becomes an even greater necessity in reforms that are partial or constrained and where specific strategies may have to be developed to take advantage of particular political or institutional spaces where reforms can be advanced.

> Improving police assistance requires improved cooperation between professional police experts, development professionals, and country experts.

Donors noted their need to build institutional memory and capacity in public security assistance and avoid "reinventing the wheel" with each new program. However, donors must resist the illusion of efficiency in the creation of standard modules that are taken from one country to the next with minimal adaptation to local norms. Improving police assistance requires improved cooperation between professional police experts, development professionals, and country experts. Communication between the disparate perspectives and cultures that prevail in these three specialties is not easy. It becomes even more difficult when coordination between donors from different countries is also needed. One panelist noted that while judicial reform in Latin America has received important multilateral support, assistance for police reform has tended to be bilateral, increasing the need for coordination.

Discussion at the conference also highlighted the waste and confusion created by the lack of donor coordination and presence of trainers and police experts from different countries, all with their own way of doing things. A former police chief from El Salvador argued that the local government must take greater responsibility for coordination, developing its own vision and imposing order on offers of assistance. Often, governments receiving police assistance have no clear idea of the model of policing they wish to adopt. Police aid does not always provide useful inputs into these considerations, as it is frequently more oriented toward technical rather than institutional issues.

Speakers noted that local ownership of reform is weak when it is externally imposed and insisted that donors need to pay more attention to building greater domestic support. Two strategies arose in discussions. A number of international agencies are developing a "participative police reform model," which prioritizes coordination among donors and with national authorities and local partners in the development of reform strategies. A participative approach to reform provides a space in which national decision-makers can develop and invest in their own policing model (within the conceptual parameters of democratic policing), and provides a framework for a better dialogue with donors about their needs and priorities.

The second strategy for enhancing domestic support views civil society as a key arena in which to broaden knowledge and understanding of, and support for, the reform. Many donors at the conference raised the need for greater civil society participation in police reform processes. It was argued that greater participation could support national consensus-building about the need for and shape of reforms, could increase much-needed political support, and could provide greater local input and feedback that would enhance the tailoring of reforms to local contexts. While the civil society analysts were supportive of these principles, their presentations noted difficulties that beset civil society participation. In South Africa, the fragmented nature of communities means that they may generate demands for repressive policing as well as for improved police accountability. In Central America, highly polarized societies traumatized by war have great difficulty entering dialogue between

historically hostile sectors, and exchanges are further hampered by the lack of civilian know-how resulting from years of militarized internal security practices. Furthermore, civil society groups remain deeply suspicious of the State, which, in the Central American countries, has remained in the hands of conservative governments at the national level.

The discussions made clear that efforts to promote broader engagement and dialogue to build a pro-reform consensus will often have to confront shifting public and political concerns that can change the focus of reforms and lead to a redefinition of priorities even as initial objectives remain only partially achieved. In repeated cases, the shift has been from an initial primary concern with issues of democratic and human rights accountability of the police to an overriding effort to confront rising crime and violence more effectively.

In addition to environmental challenges to reform, such as rising crime, reformers face profound institutional constraints. As one speaker said, South Africa confronted problems arising from a "gap between vision-based policymaking" and the "non-existent capacity of institutions to deliver that vision." Over-ambitious reform designs have failed to address short-term needs and may even create a perception of failure when the objectives are set unrealistically high. Police reforms must strive to deliver short-term service improvements even as they are recognized as an inherently long-term proposition. They must also seek to do so without sacrificing "accountability" to "effectiveness."

The conference discussions repeatedly focused on the need to move from the attitude that accountable policing must be sacrificed in order to achieve more effective policing, with panelists arguing that evidence indicates that accountable policing is in fact more effective, and that repressive or abusive policing in fact impedes improvements in public order and law enforcement. However, no matter how good the arguments to the contrary, the reality in Latin America and in most communities in South Africa is that police effectiveness is seen as requiring repressive approaches that abrogate rights guarantees.

The analyses presented at the conference raise the issue of sequencing or incrementalism in police reforms. Reforms must consider both

the need for both short and long-term approaches, with realistic goals and short-term results that can maintain public support for reform, despite the slow pace of institutional reform. The challenge to reformers is to consider how to structure an incremental process that builds consistently toward high standards over the long term, and does not sacrifice initiatives to strengthen and consolidate accountability in high crime contexts.

An incremental approach places even greater importance on the establishment of clear benchmarks of progress. Presentations noted a serious weakness of donors' evaluations of their own programs is the tendency to focus on outputs (for example, numbers of police trained) rather than outcomes (changes in the conduct of policing). Even if benchmarks can be identified, are donors willing to apply them seriously? Discussions noted that despite important progress in defining "lessons learned" about international assistance for police reform, donors repeatedly fail to apply the lessons.

The increasing salience of issues of public security has led to a rapid growth of interest in the sector from a range of academic, donor, practitioner and NGO perspectives, bringing increasing richness to discussions. A growing number of lessons have been articulated and continue to be developed both in post-conflict and other settings. Yet all too often donors fail to learn and apply these lessons in their own programs. The relative newness of these issues, the rapid turn-over of field staff in most peacekeeping missions, and the lack of institutional expertise in many donor agencies go some distance toward explaining these problems. Yet if, as most of the conference participants believed and argued, police reform is becoming part of the menu of assistance for building democratic governance, it is incumbent on countries and agencies providing assistance to make sure that they learn and apply these lessons in their ongoing aid programs. As is clear to all who engage with police reforms, there are clear political implications of police reform and considerable risks of seeking to reform coercive institutions in environments typically characterized by human rights abuse, authoritarian bureaucratic cultures, corruption and politicization. For all the difficulties, the need for reform is clear from a range of perspectives: successful police reforms support demilitarization and democratization, create a positive environment for economic growth and poverty reduction,

and have important effects in improving respect for fundamental human rights. If donors are to support police reforms, they should take the challenges seriously and make the necessary investments in building their own capacity to support effective reforms.

Endnotes

1   United States Customs Service. "Personal Searches of Air Passenger Results: Positive and Negative." Washington, DC: Customs Service, 1998.

2   Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens. *Ending Civil Wars: the Implementation of Peace Agreements.* Boulder: Lynn Rienner, 2002.

3   Although there are lessons drawn from errors in sequencing, for example from experience in Haiti where large numbers of police agents were deployed before police commanders had even been recruited, or El Salvador where the police were operating in the field for several years without operations manuals. See: Rachel Neild, "Democratic Police Reforms in War-Torn Societies" in the *Journal of Conflict, Security and Development*, Issue 1:1 (2001), 21-43.

4   Presidential decree #101 endowed police authorities with extraordinary powers to fire police based on suspicion alone. Local supervisors were asked to provide lists of *"depurables""* (purge-able individuals) and were informed that they would be held liable for further incidences of misconduct in their units. See WOLA's brief: *Sustaining Democratic Police Reforms in Central America* (working title), to be published in August, 2002.

5   These problems hold true also of external mechanisms examined in the study but not presented at the conference.

6   The phenomenon of lynching in Guatemala reflects the absence of formal justice in many rural areas. Lynching also reproduces structures of violence from Guatemala's civil conflict. See WOLA's *Sustaining Democratic Police Reforms in Central America.* The reports of the UN Verification Mission in Guatemala (MINUGUA) document these issues (available at www.un.org).

7   The legitimacy of these units was hotly contested, and their incorporation into the PNC was opposed by the UN as well as by WOLA and other civil society groups due to their links with the military and a troubled history. The United States, which had played such a key role in their creation, pressed for their inclusion in the new police force. After their incorporation into the PNC, some members of both units were implicated in extremely serious allegations of misconduct and cover-up.

Annex 1

Conference Agenda
Police Reform And The International Community
From Peace Processes to Democratic Governance

Welcome and opening remarks

William Spencer, Deputy Director of WOLA and

Guadalupe Paz, Assistant Director of the Latin America
Program at SAIS

Framing the Issues

Moderator: *Robert Perito*, Former Deputy Director of the International
Criminal Investigative Training Assistance Program of the U.S. Dept. of
Justice and Senior Fellow at the United States Institute of Peace

David Bayley, SUNY-Albany, "Democratic Policing: Effectiveness and
Accountability"

Paulo Mesquita, University of São Paulo, "Paths to Police Reform in
Latin America"

Charles Call, Brown University, "Contrasting Donor Approaches to
Police Development Assistance"

Lessons of Police Reforms in Latin America and South Africa

Moderator: *Otwin Marenin*, Professor, Criminal Justice Program,
Washington State University

Rachel Neild, WOLA, "Sustaining Democratic Police Reforms:
Police Transparency, Accountability and Community Relations in
Central America"

Azún Candina, Center for Development Studies, Santiago, Chile,
"Models and Strategies of Reform in the Southern Cone"

Graeme Simpson, Center for the Study of Violence and Reconciliation,
South Africa, "Crime and Police Reform in South Africa: Challenges
of a Community-Oriented Strategy"

Luncheon

Introduction: *Cynthia McClintock*, Professor, Department of Political Science, George Washington University

Keynote speaker: *Fernando Rospigliosi*, Interior Minister of Peru

Lessons Learned about Assistance for Police Reforms

Moderator: *George Vickers*, WOLA Distinguished Senior Fellow (now Director for Latin America for the Open Society Institute and Senior Policy Analyst for the Open Society Policy Center)

Colin Granderson, Former head of the International Civilian Mission in Haiti (MICIVIH) and member of the Brahimi Commission on Peace-keeping, "Lessons Learned: The Donor Perspective"

Rodrigo Avila, Salvadoran National Assembly Deputy and former Chief of El Salvador's National Civilian Police, "International Police Assistance: A Perspective from the Receiving End"

Laura Chinchilla, Former Minister of Public Security of Costa Rica and Senior Justice Advisor to the UNDP, "From Justice Reform to Public Security: Challenges for Aid Agencies"

Donor Opening Presentation

Introduction of Donors: *Christopher Stone*, Director, Vera Institute of Justice

Patrick Cronin, Assistant Administrator for the Bureau for Policy and Program Coordination, U.S. Agency for International Development (USAID)

International Donor Roundtable Discussion

Chris Gale, Development Consultant on Police and Criminal Justice, Department for International Development (DFID/UK), and former Assistant Chief Constable of Merseyside Police, Liverpool, UK

Mayra Buvinic, Chief, Social Development Division, Inter-American Development Bank (IDB)

Margaret Sarles, Supervisory Democracy Specialist, Latin America and Caribbean Bureau's Regional Sustainable Development Section, USAID

Jamal Benomar, Senior Advisor, Emergency Response Division, United Nations Development Program (UNDP)

Closing remarks: *Rachel Neild*, Director of Public Security Program, WOLA

Annex 2

Conference Speakers

Panel 1:

Charles Call is Assistant Professor for Research at Brown University's Watson Institute for International Studies and currently a Guest Scholar at the US Institute of Peace. He currently directs the "Building Democracy After War" project at Brown. Chuck lived in a remote Salvadoran village after graduating from Princeton University's Woodrow Wilson School, subsequently working as an Associate at WOLA. He received his doctorate from Stanford University, and has received fellowships from the US Institute of Peace, the National Science Foundation, the Fulbright Scholar program, and the MacArthur Foundation Research and Writing program. Call has served as consultant on policing and human rights issues with the Ford Foundation, the U.S. Justice Department, Human Rights Watch, and the "*Centroamérica 2020*" project of the European Commission and USAID, and the UNDP. Most recently he formed part of a "lessons learned" mission to Bosnia and Kosovo on behalf of the UN Development Program and the UN Peacekeeping Department.

Paulo de Mesquita Neto, Ph.D in Political Science, Columbia University, is Senior Researcher at the Center for the Study of Violence at the University of São Paulo and Executive Secretary of the Institute São Paulo Against Violence. He is currently a member of Community Policing Commission and the Commission for the Reduction of Lethality in Police Actions, in the State of São Paulo. He is also member of the Committee Assisting the Ministers of State on the Reform of the Public Security System, in the Ministry of Justice.

David Bayley is Distinguished Professor in the School of Criminal Justice, State University of New York at Albany. A specialist in international criminal justice, with particular interest in policing, he has done extensive research in India, Japan, Australia, Canada, Britain, Singapore, and the United States. His work has focused on strategies of policing, police reform, accountability, and the tactics of patrol officers in discretionary law-enforcement situations.

Recently he served as a consultant to the U.S. government and the United Nations on police reform in Bosnia. He is currently a member of the National Academy of Sciences panel to review research on police policy and practices. Professor Bayley's most recent books are *What Works in Policing* (1998) and *Police for the Future* (1994), both published by Oxford University Press, New York. He is currently engaged in a three-year research project studying the foreign policy of criminal justice reform, specifically, lessons-to-be-learned about assisting foreign police forces to develop democratically.

Panel 2:

Rachel Neild is a Senior Associate at the Washington Office on Latin America (WOLA) and Director of WOLA's "Civil Society and Citizen Security Project." She has written extensively on public security reforms and human rights, and closely monitored police reform in Haiti. Rachel Neild has worked as a consultant for the Organization for Economic Cooperation and Development and the Inter-American Development Bank, and is on advisory committees of two projects undertaking comparative studies of public security and police in South America and the Caribbean.

Graeme Simpson is a founder and currently Executive Director of the Centre for the Study of Violence and Reconciliation (CSVR), a 13-year-old, independent non-profit organization, based in Johannesburg, South Africa. Trained as a lawyer and with a master's degree in history, Graeme Simpson has worked extensively on issues related to transitional justice, including extensive work with the South African Truth and Reconciliation Commission and on the transformation of criminal justice institutions in South Africa. He was one of the core drafters of the National Crime Prevention Strategy, adopted by the South African cabinet in May 1996, as well as a drafter of the South African White Paper on Safety and Security. Graeme Simpson has worked extensively with both victims and perpetrators of both political and criminal violence, including studying issues of secondary victimization and victim compensation. He has published extensively in all these areas of work and has worked in various countries, including Cambodia, Sierra Leone, Bosnia and Indonesia, as well as in several countries in the Southern African region.

Azún Candina graduated from the University of Chile. She is currently an adjunct professor in the History Department at the University of Chile and is a researcher with the Center for Development Studies in Santiago, Chile, where she has coordinated their comparative research on police reforms in Argentina, Brazil, Chile and Peru.

Luncheon:

Fernando Rospigliosi is Minister of the Interior of Perú, and in this capacity is in charge of policing in Perú. Mr. Rospigliosi is a well know author and commentator in Peru, on TV's *Canal "11"* with a column in the weekly news magazine "*Caretas*." Recent publications include "The Armed Forces and Democracy: the Need for Civilian Control of Military Institutions" published in 2001, and "Montesinos and the Military: How he Controlled the Armed Forces for a De-cade" and "The Art of Deception: Military Relations with the Press," both published in 2000. He is a professor and researcher at the Faculty of Communication Sciences of the University of Lima, and member of the think tank, the Institute of Peruvian Studies (*Instituto de Estudios Peruanos*) and of the human rights group the *Asociación Pro Derechos Humanos* (APRODEH).

Panel 3:

Colin Granderson has been Ambassador at Large of Trinidad and Tobago since 1993. He was the Executive Director of the OAS/UN International Civilian Mission in Haiti from February 1993 until the end of its mandate in March 2000. He also headed OAS election observation missions in Haiti, Suriname, and Guyana. Ambassador Granderson was a member of the panel convened by the UN Secre-tary-General in March 2000 to review UN peace operations and write the Brahimi Report. He chaired an international commission of inquiry into human rights violations in the Ivory Coast. He has spoken and written extensively on issues related to Haiti, human rights monitoring, police reform, election observation and peace-keeping. He is at present Director of Policy Formulation at the Ministry of Foreign Affairs in Trinidad and Tobago.

Rodrigo Avila is currently a deputy in the Salvadoran Legislative Assembly and a member of that bodies' Committee on Public Security. From 1993 to 1994 he was the Sub-Director of the Salva-

doran national Civilian Police, and from 1994 to 1999 he was the Director General of the PNC.

Laura Chinchilla graduated from Georgetown University, and since 1990 has been working for various international organizations on issues of institutional reform with an emphasis on judicial and police reform, including the UNDP, USAID and the IDB. In 1994, she was appointed Vice-Minister of Public Security, and was Minister from 1996 to 1998. She is also a participant in various international programs on public security issues and initiatives promoting reforms, including WOLA's "Civil Society and Citizen Security Project", the Arias Foundation's Central American Dialogue for Peace and Human Development, and the Foundations for Peace and Democracy. She has written extensively on these issues.

Panel 4:

Patrick Cronin is the Assistant Administrator for Police and Program Coordination of the USAID. He was previously Research Director of the United States Institute for Peace, and prior to that was Deputy Director of the Strategic Studies Institute of the National Defense University Research. He is an expert in Asia affairs and global U.S. security policy, an academic — with seven years as an adjunct professor at Johns Hopkins SAIS — and has been deeply engaged in academic and policy debates and processes. Currently, among his tasks at USAID, Patrick Cronin is heading a process to reassess USAID's role in providing assistance to police abroad.

Mayra Buvinic is Chief of the Social Development Division, Sustainable Development Department (SDS) and Special Advisor on Violence at the Inter-American Development Bank (IDB). Before joining the Bank in 1996, Ms. Buvinic was founding member and President of the International Center for Research on Women (ICRW). Ms. Buvinic has published in the areas of poverty and gender, employment promotion, small enterprise development, reproductive health and, more recently, violence reduction.

Jamal Benomar, a Senior Advisor on conflict prevention, governance and rule of law issues at UNDP. Previously, he taught at the University of Paris VII, and was Team Leader of Amnesty

International's Research Department in London. He then became Director of Human Rights Programs at the Carter Center of Emory University where he worked with former President Carter in the Center's ongoing conflict resolution and post conflict reconstruction activities. Dr. Benomar spent four years as the Chief of the Advisory Services and Technical Assistance Branch for the High Commissioner for Human Rights. Dr. Benomar has written about and designed governance, human rights and law enforcement related programs in numerous post conflict countries, and contributed to the development of new policy perspectives on integrating conflict prevention in development assistance practice.

Chris Gale was police and criminal justice advisor to DFID, the British Department for International Development, from 1997 to 2000. He continues to work with DFID as a consultant and has been working closely with USAID on a police assistance program for Nigeria, as well as on programs in Lesotho and Pakistan. Chris Gale was previously Assistant Chief Constable of the Merseyside's 7,000-strong metropolitan police (Liverpool), were he was also Director of Organizational Development and Change and Director of Operational Support.

Margaret Sarles is head of Democracy and Human Rights for the U.S. Agency for International Development, Bureau for Latin America and the Caribbean (1996-present). In that capacity, she is responsible for regional democracy policy development and implementation, working with AID missions in sixteen Latin American countries in all aspects of democratic development, including justice, human rights and rule of law; elections and political parties; civil-military relations; democratic local governance and decentralization; governmental accountability, transparency and anti-corruption; and civil society development. Formerly, she was Chair of Latin American Studies at the Foreign Service Institute/State Department, which prepares the U.S. foreign affairs community for assignments in Latin America and the Caribbean (1986-96). As a political scientist, she has taught at several universities in Brazil (Fundação o Getulio Vargas and Pontificia Universidade Catolica/Rio de Janeiro) and the United States (Lafayette College, The American University, St. Mary's College).

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WOLA Police Publications

Comparative Studies

▶ *Facing the 21st Century: Challenges and Strategies for the Latin American Human Rights Community.* This conference report includes a discussion of Democratic Policing for Citizen Security. December 1999. $7.00.

▶ *Themes and Debates in Public Security Reform: A Manual for Civil Society.* This series includes papers on Police Recruitment; Police Training; Internal Controls and Disciplinary Units; External Controls; Community Policing; Criminal Investigation; and International Police Assistance (this issue not yet published). 1999. $18.00 for the series, or $3.00 per paper. The series is also available in Spanish: *Temas y Debates en la Reforma de la Seguridad Pública.*

▶ *Demilitarizing the Public Order: The International Community, Police Reform and Human Rights in Central America and Haiti.* November 1995. $7.00. Also available in Spanish: *Desmilitizar el Orden Público: La Comunidad Internacional, la Reforma Policial y los Derechos Humanos en Centroamérica y Haití.* September 1996. $7.00.

▶ *Elusive Justice: The U.S. Administration of Justice Program in Latin America.* May 1990. $5.00.

▶ *Police Aid and Political Will: U.S. Policy in El Salvador and Honduras.* 1987. Out of print, photocopies available, $6.00.

Haiti

▶ *Can Haiti's Police Reforms Be Sustained?* (a joint report of WOLA and the National Coalition for Haitian Rights). January 1998. $3.50. (Also available in French: *Haiti: les réformes policieres seront-elles soutenues?)*

▶ *The Human Rights Record of the Haitian National Police,* (a joint report of WOLA, Human Rights Watch/Americas and the National Coalition for Haitian Rights). January 1997. $5.00.

▶ *Police Reform in Haiti: The Challenge of Demilitarizing Public Order and Establishing the Rule of Law.* November 1996. $2.50.

▶ *The Haitian National Police.* March 1996. $2.50.

▶ *Policing Haiti: Preliminary Assessment of the New Civilian Security Force.* September 1995. $7.00.

El Salvador

▶ *Protectors or Perpetrators? The Institutional Crisis of the Salvadoran Civilian Police* (a joint report of WOLA and Hemisphere Initiatives). January 1996. $7.00.

▶ *El Salvador Peace Plan Update #3: Recent Setbacks in the Police Transition.* February 1994. $1.50. (This is one of a series of reports on the peace process, all of which include sections on police issues.)

▶ *El Salvador Peace Plan Update #1: Setbacks in Crucial Police Reform.* May 1992. $1.50

▶ *Risking Failure: The Problems and Promises of the New Civilian Police in El Salvador.* September 1993. $4.50.

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▶ *Rescuing Police Reform: A Challenge for the New Guatemalan Government.* January 2000. $9.00. (Also available in Spanish.)

▶ *The New Guatemalan National Civilian Police: A Problematic Beginning.* November 1997. $2.50.

▶ *Military Intelligence and Human Rights in Guatemala: The Archivo and the Case for Intelligence Reform.* March 1995. $2.50.

Andes

▶ *The Colombian National Police, Human Rights and U.S. Drug Policy.* May 1993. 7.00.

▶ *Clear and Present Dangers: The U.S. Military and the War on Drugs in the Andes.* October 1991. $7.00. (Note: WOLA has extensive publications on U.S. anti-narcotics policies and their impact on internal security issues in the Andes.)

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