POLICY GUIDANCE ON SUPPORT TO POLICING IN DEVELOPING COUNTRIES

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It was initially submitted to DFID in November 1999 as a contribution to their policy deliberations on Safety, Security and Accessible Justice. It is now being published more widely in order to make it available to countries and agencies wishing to strengthen programmes in this field. At the same time, DFID are publishing their general policy statement on SSAJ, (DFID, 2000). Our work contributes to the background material for that statement.

We are also most grateful to the authors of the specially commissioned papers included as Annexes to this report, and to the police advisers and technical cooperation officers who contributed to the survey reported in Annex B. It will be obvious in the text how much we are indebted to them all.

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Ian Clegg

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POLICY GUIDANCE ON SUPPORT TO POLICING
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1 INTRODUCTION

The purpose of this work is to provide policy and technical guidance on assistance to building effective and democratic police services in developing countries, in support of DFID's wider policy goals of the achievement of safety, security, access to justice and the reduction of poverty. As our synthesis evaluation of UK aid to the police shows, policing projects during the 1990s moved away from the early emphasis on improving training, while neglecting a longer term, strategic vision. (Biddle, Clegg and Whetton, 1999). More recent projects have emphasised institutional development and aimed at more accountable and sustainable police services. The acid test of a good police service in the future is likely to be that it is responsive to the needs of all sectors of the community, especially the poor and disadvantaged. In order to achieve this, it needs to be based on a range of partnerships between the state police, other public and private sector agencies, NGOs and CBOs, including citizens from all social groups.

As is stressed in Part III below, Technical Guidance on Good Practice, improved efficiency, effectiveness and sustainability, though long-term institutional development of state police services, remains an important basis for strengthening the safety and security of all citizens. Some detailed guidance on this is included in Annex B. Selected topics are given prominence in Part III, however, because they are likely to contribute especially to protection of the interests of most vulnerable groups. These are:

- Gaining widespread commitment to policing focused on the interests of the most vulnerable
- Means of increasing accountability
- Strengthening recognition of human rights, including those of women, children, prisoners and suspects
- Policing with the community
- Community safety and crime prevention
- Relationships between public and private policing, including traditional justice systems.

As a starting point for addressing these questions, we carried out a small survey to tap the experience of TCOs and consultants who have worked on recent policing projects. This proved to be very creative and the findings are analysed in Annex B. In addition we commissioned a small number of specialist reviews, which are also annexed. Two of these need special comment: Annex D on Policing of Marginalised Populations, and Annex E on Community Safety and Crime Prevention. Both focus especially on UK and US experience, because work on these topics in developing countries is not

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1 The terms 'state' or 'public' police are used in this report to denote those police forces/services which are controlled by and accountable to either national government or devolved sub-national governmental authorities. See Part III, Section 10 for greater amplification of this.
available. In addition, however, it is suggested that much of the practical UK/US experience on these difficult and important issues is very relevant for such countries. For the same reason we have also drawn quite heavily on the recently completed report of the Independent Commission on Policing for Northern Ireland, (Patten et al, 1999), part of which is included as Annex G. Its excellent, very practical analysis of ways of policing a divided society also contains valuable lessons for policing in developing countries.

In summary, the first conclusion of this report is that DFID's focus on support to policing which emphasises the interests of the poor and vulnerable is both feasible and necessary, especially given that policing is so often driven by very different interests from those of the poor. The main key to strengthening such policing is to ensure that it is carried out through a variety of partnerships between a state police service, other government and non-government agencies, and citizens. It is essential that the state police are centrally involved in such partnerships and, without dominating them, feel supported rather than threatened by them. This is seen as a way of breaking down the isolation of the police, which is recognised in both developed and developing countries as a major source of problems.

Special partnerships are those between the state police service and other agencies of the criminal justice system, both formal and informal. All too often, co-operation falls below the desirable level; the police are not consulted when court and correctional issues are being considered, while the police do not involve others in what they see as purely policing matters. In this report we have emphasised that the police are an integral part of the criminal justice system as a whole, and the boundaries of the report are at the points where the police interface with others.

Finally, it is important to emphasise that there is no universal formula of good policing. It is, however, possible to identify a range of principles and criteria which DFID could promote, together with repertoires of practices which have been found helpful in one place or another. It is also possible to identify pitfalls which have blocked or hindered good practice. Beyond that, it is necessary to recognise that the application of principles may vary considerably from country to country, from culture to culture, between national regions and between urban and rural areas.
II. KEY CONCEPTS AND POLICY ISSUES

1. Why should DFID be involved in policing projects?

There has been a long-standing debate on whether DFID should be involved in policing projects. Our suggested conclusion is that it should continue to be involved, but in new kinds of project, summarised briefly above, which emphasise the interests of the poor and vulnerable. Other UK government agencies, as well as other governments and international agencies, will also continue to provide support to police in developing countries. Political realities are such that this aid is not always likely to take account of the interests of the poor and vulnerable. DFID's role would be to encourage the creation and dissemination of a form of policing which assists in the achievement of its own development objectives in terms of protection of rights and SSAJ.

The reason for remaining involved is more fundamental than this. It is that good policing is an essential component of good government. To reinforce this point, it is useful to examine briefly some data on the key role which state police forces play in criminal justice systems in developing countries. The first point to make is that large numbers of citizens have almost daily contact with the police, many of them directly as either victims or suspected offenders or associates of these. Studies of victims and offenders show that these direct contacts are not restricted to small minorities of the population. Second, very high proportions of criminal justice personnel are police officers and very high proportions of criminal justice expenditure are devoted to policing, in all countries. The *Global Report on Crime and Justice* (Newman et al, 1999), provides detailed comparative data on these and other aspects of criminal justice systems. Although, in this report, we are concerned, inter alia, with ways of reducing dependence on the state police in policing, state police forces are likely to remain central and most significant in criminal justice systems.

2. What is the impact of insecurity, crime, violence and denial of rights on the poor and vulnerable?

The answers to this question are not as straightforward as they might at first appear. For example, although there is clear evidence in the UK that the poor are more likely to be victims of crime, this is probably not the case generally in developing countries. Yet assumptions about impact on the poor provide the basic justification for DFID involvement in policing projects. More detailed analysis of the processes involved is needed to indicate what justifications are warranted and, therefore, what project components would best fit DFID's goals.

Victim surveys in cities of developing countries do, indeed, show that crime is more prevalent in many developing country cities than it is in cities of Europe and North America.\(^1\) This contrasts with the long-standing, general assumption, based on police

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\(^1\) Some limitations of the data need noting:
- rural data are excluded - if they were available it is likely that national crime rates would be much higher for more urbanised developed countries
- only seven African cities, four Asian and six from Latin America are included
data, that property crime in particular is associated with development and is much lower in poor and developing countries. Data in the following table show, however, that:

- rates of burglary, sexual offences and violence are considerably higher in African and Latin American cities
- even rates of consumer fraud are much higher in poor cities
- Asian cities have much lower crime rates generally, with the exception that they too have high rates of consumer fraud and corruption.

**Victimisation rates (% of interviewees who were victims of selected offences in the last 5 years (1 year for Consumer Fraud and Corruption)**

<table>
<thead>
<tr>
<th></th>
<th>Western Europe</th>
<th>New World</th>
<th>Countries in Transition</th>
<th>Asia</th>
<th>Africa</th>
<th>Latin America</th>
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<tr>
<td>Attempted burglary</td>
<td>2.8</td>
<td>4.4</td>
<td>3.5</td>
<td>1.5</td>
<td>7.3</td>
<td>6.3</td>
</tr>
<tr>
<td>Burglary</td>
<td>2.3</td>
<td>4.0</td>
<td>3.6</td>
<td>2.3</td>
<td>8.3</td>
<td>5.3</td>
</tr>
<tr>
<td>Sexual assault</td>
<td>1.5</td>
<td>1.7</td>
<td>1.8</td>
<td>1.6</td>
<td>2.4</td>
<td>5.0</td>
</tr>
<tr>
<td>Assault with force</td>
<td>2.1</td>
<td>2.9</td>
<td>2.2</td>
<td>0.8</td>
<td>3.1</td>
<td>2.7</td>
</tr>
<tr>
<td>Robbery</td>
<td>1.8</td>
<td>1.5</td>
<td>2.3</td>
<td>1.4</td>
<td>4.2</td>
<td>8.1</td>
</tr>
<tr>
<td>Consumer fraud</td>
<td>14.9</td>
<td>6.6</td>
<td>39.9</td>
<td>25.0</td>
<td>24.7</td>
<td>22.5</td>
</tr>
<tr>
<td>Corruption</td>
<td>1.0</td>
<td>0.9</td>
<td>13.0</td>
<td>15.4</td>
<td>11.6</td>
<td>20.4</td>
</tr>
</tbody>
</table>

Source: Anna Alvazzi del Frate 1998

The enormous potential value of such data for policy planning purposes is discussed later in Part III, Section 9 on Crime Prevention and Community Safety. To some extent they reinforce the common arguments about problems of investment stemming from concern about crime. The World Development Report, (World Bank, 1997), drawing on a survey of domestic entrepreneurs, formal and informal, in 69 countries, concluded that:

"... many states are performing their core functions poorly: they are failing to ensure law and order, protect property and apply rules and policies predictably. Investors do not consider such states credible, and growth and investment suffer as a consequence."

There is evidence in the survey that small and medium local entrepreneurs are wary of investing when crime is seen as severe, and this is likely to have an indirect effect, at least, on the livelihoods of the poor. It is wise, however, to be careful of too-sweeping conclusions. The study did not take account of foreign investment and, indeed, actual evidence on whether foreign investment is damaged by high crime levels is scanty - even for tourism, where the *a priori* case seems best. Furthermore, just as links between national growth and household poverty are by no means obvious, so the evidence is thin on whether and how the poor are damaged by crime,

- the poor may be under-represented as a result of sampling difficulties in developing countries in particular
- victim surveys do not normally include information on corporate, non-individual victims or on "victimless offences"
even in poor countries with very high urban crime rates. Indeed, the police task of
deciding where to concentrate resources is made more difficult as commercial and
wealthy interests can argue, with conviction, that they are the major, direct victims of
property crime, especially those involving higher value goods.

In South Africa, where the most detailed analysis of crime and the poor has been
carried out, one conclusion drawn from victim surveys in the excellent report by Shaw
and Louw (1998) was that:

"More than 70% of the victims were African (and) it is likely that a
small group of wealthier, middle class Africans are increasingly at risk
of victimisation of particular types of crime. … Africans surveyed in
both cities (Johannesburg and Durban) were disproportionately
victimised by both violent and property crimes. … Africans are 20
times more at risk from homicide than whites". (p 12).

Shaw and Louw's report contains a section specifically on crime and the poor, (pp 14-
16), which is the only data-based analysis, so far, of this issue in developing countries.
They emphasise that:

"Two issues are of critical significance in relation to the impact of
crime on the poor:

• the poor are almost exclusively the victims of crimes of violence.
• the poor suffer more heavily from the effects of all forms of crime,
given that they have fewer resources with which to cushion
themselves once victimised. …"

As indicated above, the better-off are more likely to be victims of property offences.
However, the most important consideration is to ask what are the effects or
consequences of being a victim. When this question is raised, the real problems of
vulnerable groups may be identified. Shaw and Louw point out that:

• poor women are most often victims of violence, and child abuse and rape are also
  reported frequently by the poor
• the increased vulnerability of the poor to violent crime is a result of several inter-
  related factors. These include:

  • walking long distances in public areas
  • the absence of infrastructure such as telephones and roads reduces access to
    the police
  • weak protection measures .. burglar proofing, electronic alarms and private
    security
  • uneven policing … over half of all policing resources are concentrated in
    suburbs or business areas.
• poor communities can become 'entrapped' in a deprived environment, if
  crime acts as a disincentive to infrastructural investments, or if infrastructure
  is destroyed or stolen.
They go on to note:

"Importantly, the actual losses sustained by the wealthy when victimised by either violent crimes or property crimes are likely to be less than for the poor who have fewer available mechanisms - such as insurance or alternative means of transport - to cushion the effects of being victimised. This introduced the concept of vulnerability - a crucial component of conceptualising poverty, whereby poverty is not only about being poor, but also about the risk of becoming poor or poorer in the face of change. The 'shock' of being victimised by crime makes the poor more vulnerable by eroding the means available to withstand its effects, and to recover afterwards".

We may add that the poor are likely to be victims, with others, of the very high levels of consumer fraud and corruption show in the Table above. Their personal loss will be considerable in relation to their resources and they do not have the means to deal with these offences, perhaps by paying bribes in the case of corruption.

The more recent 'participatory poverty assessments' (PPAs) now being published show that the above findings from South Africa apply with great consistency in other poor countries. (See <www.worldbank.org/poverty/>). Violence is a consistent theme running through most of the studies and appears to be integrally bound up with the experience of poverty.

In addition to recognising the ways in which the safety and security of the poor are damaged by crime, it is important to emphasise that they are less protected, not only through their own resources but also by the state. An obvious point is that the massive growth in private policing offers them little or no protection. Shaw and Louw point out in South Africa, perhaps surprisingly, that:

"Whites are increasingly likely to see solutions to crime as locally based and community driven, while Africans are more likely to see national government interventions and better policing as solutions. … Given these poor assessments of police performance, it is surprising that the public still look to the police for security at all. When asked what the solutions to crime were … few respondents felt that greater community awareness or cohesion were the answer, but rather 'more police' and 'better policing'."

However, the poor and vulnerable are likely to receive inferior protection from the state police, especially in countries in which the problems of colonial policing have been replaced by those of divided and highly stratified societies. There are very strong pressures on the police to give priority to protection of commercial interests and those of more prosperous suburbs as well as, in some cases, to political and ethnic interests. This is especially so as, on a case by case basis, the actual value of the financial losses incurred by poor victims is much less than for wealthier victims.

It is important to note that such problems are by no means restricted to poor countries, they are intrinsic to policing everywhere. In their analysis of policing of marginalised
populations in the UK and USA, (Annex D), Jones and Maguire quote Reiner's thesis that:

"… prejudice and discrimination by the police and criminal justice system on the one hand, and black crime on the other, reinforce and feed off one another in a 'vicious circle of amplification'….The police are reproducers rather than creators of social injustice, although their prejudice may amplify it".

We may note that some groups are especially disadvantaged. Part III, Sections 5 and 6 deal with the issue of two of these groups: women and children. As Jones and Maguire point out, female and child victims of domestic violence and abuse are especially disadvantaged, as police forces everywhere find it very difficult to deal with these cases effectively and sympathetically. In addition, not only black suspects but poorer suspects and prisoners generally are likely to receive worse treatment, especially, but not only, as they are very unlikely to be legally represented.

In summary, the poor and a range of disadvantaged social groups are the main victims of violence, if not of property crime. When their very limited capacity to deal with the consequences of crime is also taken into account, together with their very limited protection by public or private policing, it becomes clear that they are indeed likely to be the major victims of crime and injustice, especially, perhaps, in urban areas.

3. When should DFID become involved in supporting policing projects?

As a basic criterion, it is suggested that DFID should normally only consider involvement in policing projects where there is good evidence of commitment to good government, where it appears that problems with safety, security and access to justice are acting as obstacles to the achievement of good government objectives and where there is evidence that support to the police is likely to reduce these obstacles.

Situations to be treated with great care are where there is good evidence of insufficient basic commitment to the kinds of policing project which DFID wishes to support. There may also be cases in which the implementation of basic standards of human rights are so poor and corruption problems so prevalent that it impossible to develop policing which protects the interests of poor and disadvantaged groups. (In such cases, however, other good government projects will probably not have been initiated.) Further, involvement in policing projects should not be considered if there is evidence that project inputs might be used for oppression of minorities or maintenance of existing inequalities in a society.

The kind of basic commitment needed and ways of seeking to secure it are discussed further in Part III, Section 2 and Annex B. To summarise key aspects here: this involves both commitment by the government and by, at least, senior police officers, together with some indication that commercial and more powerful groups in the society will not oppose policing which has a strong emphasis on protecting the interests of poor and disadvantaged groups.
Full commitment to the kind of policing spelt out in this report is unlikely to be found initially. Thus, to start with, it is suggested that, as a minimum, both the government and senior police officers need to share in producing an agreed, well publicised memorandum of understanding, as spelt out further in Annex B. This would include: commitment to strengthening human rights and accountability in policing, together with policing in partnership with the community.

Following this basic commitment, the extent of real rather than token commitment would be tested in the course of carrying out a first stage project. An important component of this would be the joint production of a strategic plan, based on a high level of participation by a wide range of stakeholders, including poorer and more vulnerable groups. It is important that there is a strong sense of local ownership of such a plan and that it contains components necessary to protect the interests of the poor.

4. What kinds of policing project should DFID support?

Answers to this question have already been indicated briefly and Part III is largely concerned with spelling out means of implementation. Here, we identify five basic criteria.

First, as for DFID projects generally, an agreed strategic plan based on wide-ranging stakeholder participation is required. Initially, stakeholders would be asked to contribute to the compilation of an analysis of the extent, nature and seriousness of different ‘crime problems’. In addition to consultations with groups, a ‘victim survey’ as discussed in Annex F would be of great value in this analysis. Stakeholders could include:

- citizens from the full spectrum of social groups
- other government (non-state police) and non government organisations involved in policing functions
- local NGOs and CBOs representing particular interests, eg, human rights groups, women’s and children’s rights, particular communities
- representatives of business and commerce
- education, health and media representatives
- other criminal justice agencies, both formal and informal
- police at senior, middle and junior levels
- representatives of the responsible ministries.

Second, the plan would spell out ways in which accountability would be sought. These would include at least three kinds of mechanism:

- a review and investigation process independent of the police, such as an ombudsman
- joint procedures in which the police work in partnership with community and other representatives of external interests, at both national and local levels
- internal police systems dealing with allegations of infractions of police procedural and disciplinary codes.
Third, given that the poor and vulnerable are especially likely to be victims of any human rights abuses, it is essential to ensure that police officers at all levels fully understand and accept both the reasons for and the means of protecting human rights. This particularly applies to the rights of more vulnerable groups, namely women, children, suspects and prisoners as is discussed in sections III, 4-7. In the past, although there has been some effort to incorporate human rights training in policing projects, this has been neither extensive nor intensive enough to develop real commitment in practice to human rights. Wherever possible it is desirable to involve local human rights groups in this training and to ensure that officers at all levels are fully exposed to it.

Fourth, a range of partnerships with government and non-government organisations and with citizens are the core components likely to produce more effective policing focused on the interests of the poor and disadvantaged. These include what is normally known as community policing, as discussed in Part III, section 8. Alongside this would be a range of partnerships with other agencies. Some of these would be with agencies which have direct policing roles, such as private security agencies, local government policing departments, forestry or railway police. (See Part III, sections 9 and 10.) With all of these, it is important that the state police have closely co-operative relationships as well as, in appropriate cases, training and supervisory functions, ensuring, inter alia, that other policing agencies recognise the need to protect the rights and interests of the poor.

With other organisations and groups, including neighbourhood groups, the state or public police would seek to enlist their support as 'co-producers' of public safety and security. This means defining together the goals, methods and priorities of policing, and finding ways in which citizens and others can play an active part in implementing them.

Fifth and finally, it is necessary to ensure that both the police and citizens' groups have the resources to play a full and active part in policing partnerships. Experience in South Africa, discussed in Part III, section 8 and Annex C, indicates that community policing partnerships fail when appropriate resources are not available. On the police side this will mean appropriately trained human resources and it may also mean equipment and infrastructure. Though DFID may wish to move well away from past emphases on providing equipment, they and other project partners need to examine and clarify what resources the police need in particular cases and where they are to be found, whether from government, the private sector or from donors. On the community side, Annex C and Part III, Section 8 indicate that the poorest communities are unable to play a significant part in community policing, unless major efforts are made to provide them with the basic necessities of survival and development. This, of course, is a task involving many agencies of government as well as NGOs, rather than the police.
SECTION III: TECHNICAL GUIDANCE ON GOOD PRACTICE

1. INTRODUCTION

It may be seen in Annex B that the survey of views of TCOs and Consultants contains five important sections on strengthening planning and management generally for policing projects:

- Working to a Strategic Plan
- DFID Project Planning
- DFID Project Management
- Police Service Management and Infrastructure
- Police Operations.

These sections and issues discussed in them are not considered further in this main report, which focuses specifically on the main issues raised in the TOR and of concern to the SSAJ knowledge group. However, it must be emphasised that attaining objectives such as developing policing which strengthens the interests of disadvantaged groups will only be feasible if the police force meets high standards of general effectiveness and efficiency. Ways of achieving these standards are spelt out in the above sections of the survey analysis.

The following part of this report contains 8 main sections and a general conclusion. The issues covered in these sections are:

- Gaining commitment
- Accountability
- Human Rights
- Gender discrimination and violence against women
- Children
- Prisoners and suspects
- Community policing
- Crime prevention
- Public and private policing

To a certain extent the division of an analysis of the role of the police and policing into a number of separate areas is artificial as many of the issues overlap. However it is a convenient way of breaking down a complex field and helps in identifying the policy and practice issues that emerge from the analysis.

Apart from the key question of the extent to which effective protection of rights and access to justice depend on the wider institutions of a democratic polity and a relatively egalitarian civil society, two key themes emerge in these sections. These are the need for partnership between the police, other agencies and the local community and the need to deal with problems of safety, security and access to justice at a local level.

The majority of the sections stress that any effective policy must start with the recognition that the maintenance of order and the protection of the rights of citizens is
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not and cannot be the task of the public or state police alone. The sections on women and children make a strong case for the necessity for effective working partnerships between the police, other statutory agencies and NGOs/CSOs if protection is to be achieved. The sections on community policing and on prevention and community safety make a similar case.

Most of the sections indicate that, as levels of vulnerability to crime and the abuse of rights vary between social groups and communities, the identification of problems and effective partnership in combating them must be local. Again this is particularly stressed in the sections on community policing and crime prevention.

Stemming from these two main themes is the question of investment in resources. It needs to be recognised that, frequently, neither the police nor members of local communities have the material or social resources to make partnership work effectively. This is especially the case in urban and rural areas characterised by poverty and low levels of social capital and where there is under-investment in the police, particularly in terms of infrastructure.

Thus, a clear point emerging from the following sections is that, in terms of the police and policing, effective Safety, Security and Accessible Justice (SSAJ) programmes and projects must seek to build partnerships, particularly at the local level. Further, this requires co-ordinated material and social investment in the public police, in partnership organisations and in members of the community, especially the most vulnerable groups. Whilst the public police have a vital role to play, it cannot be stressed too strongly that they, alone, cannot be expected to ensure the protection of citizens from crime and the abuse of rights.

2. GAINING COMMITMENT

If an effort to change policing is to be successful then a number of groups in the country must be committed to the intended new approach. Annex B, the analysis of experience of TCOs and consultants, discusses the kinds of commitment needed from: the government; the chief police officer and senior colleagues; other police officers; the general public and the media.

From the current DFID perspective it is no longer enough to seek only a general commitment to more efficient and effective policing within the rule of law. Even this is an advance on the main interests of some governments in earlier projects, which were more concerned with obtaining equipment rather than institutional development. Even when some initial commitment to project ideals was evident, the experience of these projects was that this was liable to disappear when crime was seen as becoming a major problem. In these circumstances the forces which are ever-present in all societies, in favour of tough and unrestrained law enforcement, became predominant.

Beyond this, however, DFID is now seeking commitment to policing which gives full recognition to strengthening the interests of the poor and disadvantaged. This means giving priority to human rights, with policing with the community at the core rather than an ancillary function, and developing a range of partnerships between the police and other groups. Although commitment to this kind of policing may be partial
initially, there must be confidence that it will grow. If this confidence is not justified quite quickly, then DFID would need to withdraw from a policing project.

**The Government**

The TCOs and consultants whose experience is analysed in Annex B were virtually unanimous in agreeing that the existence of strong, clearly articulated support from the Government of the host country is the single most important factor in the success of a project. Its absence is quoted as the most frequent cause of problems or even failure to make any sustained impact. It is strongly advocated that a formal agreement is reached, preferably enshrined in a written "Memorandum of Understanding" (or similar name) which implies an exchange of mutual undertakings, but is not intended by the parties to be an enforceable contract.

**Chief police officers and senior management**

Commitment at this level is also so critical to success that its absence would militate strongly against the provision of UK assistance. For some Chief Officers, external assistance is simply a means of obtaining hardware, without serious intention to change the style of policing towards something more democratic and service orientated. For others, commitment has meant local 'ownership', in which wholehearted personal support is given, the CO leads from the front in the management of change and is prepared to involve each and every member of his senior team in major developmental change.

**Other officers**

Whereas the commitment of the Chief Officer and Senior Management Team is a pre-condition for a successful project, negative attitudes in the rank and file should be expected. The reality of policing in some developing countries is that there is a chronic lack of infrastructure - at the worst no pencils or paper, let alone integrity and probity. The degree of opposition or antipathy may vary considerably but, given the commitment at senior level, these are cultural and attitudinal issues which can be addressed.

**The public**

The public at all levels are capable of severely damaging attempts to change policing. More powerful sectors and the media are especially quick to attack what they see as 'soft' policing, while the poor will continue for a very long time to be suspicious and hostile. The public and media need to be courted and kept fully informed if they are to exert their considerable influence in supporting change in the police force and also be able to enter into worthwhile partnerships. However, this is not just a matter of presentation, no matter how well developed. Real support and commitment by the public and media for the kind of policing described in this report will stem only from growing experience that it works.
3. ACCOUNTABILITY

As Alice Hills in her study of policing and development in Africa points out: “policing by civil organisations on behalf of a legitimate state requires an ordered state”. (1996, p 275). She goes on to note that, as the police, whatever mechanisms are developed to protect their independence and political neutrality, are part of society, it is likely that their development will parallel that of the state itself. Policing will be "shaped by the internal dynamics of hierarchies and cliques, as well as by corporate and personal ambitions, and by traditions, to say nothing of political judgements".

Even so, it is necessary to find means of ensuring as far as possible that the police are accountable to the law and to the community, avoiding undue influence by powerful minorities. This is especially the case when we recognise the poor and vulnerable will be most adversely affected by lack of accountability. Yet, as the synthesis evaluation of UK aid to the police records, the issue of accountability, despite being stressed in the DFID good government agenda and featuring in many of the police project goals, has, in practice received very little attention. Many of the projects did not set out to address the issue of accountability to elected political authorities, whether at national or local level. This may account for the relative neglect of this issue in the three DFID evaluations of the Indonesia, Namibia and Uganda projects which generally focussed on the police’s own preference, that of relying only on improvement of internal mechanisms of accountability and control. (Biddle et al 1999).

The evaluations indicated that accountability, rights and community policing were not a priority for local governments and police forces, especially as crime problems began to create more concern. In an analysis of consumer requirements for an evaluation of Bramshill courses, trainees and their managers gave priority to enhancing professional and managerial skills and hardly mentioned issues such as accountability, rights and community policing.

The need for effective, external accountability mechanisms, and the difficulty of implementing them, are discussed by Jones & Maguire, (Annex D). They point out that there is a large body of research on police accountability, and the main conclusion seems to have been that the opportunities for external bodies to influence the pattern of policing are rather limited. This is related primarily to the nature of police-work, which is an often-hidden process, taking place away from the gaze of both senior police managers and external bodies. One of the key features of the police organisation is that discretion increases at the lower ends of the hierarchy. In both the US and UK police systems, there is a degree of accountability to external bodies. In England and Wales, for example, Chief Constables are ostensibly accountable for the policing of their area to a Police Authority consisting of a combination of elected representatives and appointed independent members. However, not only do Chief Constables remain relatively autonomous in deciding the operational policy of the force but, in any case, minority representation on external bodies is low.

2 The Lesotho projects were unusual in that they included the establishment of a department within the Ministry of Home Affairs which could provide policy advice, strategic guidance and oversight of the operations of the police. The consultants’ review of policing in Jamaica also considers mechanisms to increase accountability.
The analysis of experience of TCOs and consultants (Annex B) suggests that **basic** requirements for every police force are:

- a credible complaint investigation system, which is independent of line command, for complaints made by the public
- evidence that officers are brought before the ordinary criminal courts for wrongdoing, and are not merely allowed to leave the force.
- statements in documents published, such as the Strategic Plan, of willingness to respond positively to criticism and evidence of it.

Beyond this, an effective Police Authority or other independent overview of the complaint and internal investigation processes is desirable. As a most advanced stage of development, a means of independent (non-police) investigation for serious cases is needed.

The Independent Commission on Policing for Northern Ireland (Patten et al, 1999), placed great stress on means of ensuring accountability, setting out detailed proposals in Chapters 5 and 6 of their report. They suggested that the police should be accountable in two senses – the “subordinate or obedient” sense and the “explanatory and cooperative” sense:

"In the subordinate sense, police are employed by the community to provide a service and the community should have the means to ensure that it gets the service it needs and that its money is spent wisely. Police are also subordinate to the law, just as other citizens are subordinate to the law, and there should be robust arrangements to ensure that this is so, and seen to be so. In the explanatory and cooperative sense, public and police must communicate with each other and work in partnership, both to maintain trust between them and to ensure effective policing, because policing is not a task for the police alone". (p 22).

They noted that accountability has a number of different essentials:

- democratic (to elected representatives)
- transparency - the community are kept fully informed
- legal
- financial
- internal discipline.

In addition to emphasising the need for clear and widely known police procedures for dealing with everyday complaints from the public, they recommend three additional mechanisms for strengthening accountability. Their explanations of these, including their reasoning, illustrate well the detailed policies which need to be considered in developing countries.

At the apex, they recommend creation of a **Policing Board**, composed half of members of parliament, half of independent appointees, to set objectives and priorities and monitor performance. This would also be responsible for negotiating the annual policing budget and for appointment of chief officers, subject to Ministerial approval.
"We recommend that the Board should be responsible for adopting an Annual Policing Plan, developed by the Chief Constable, through a process of discussion with the Board, on the basis of objectives and priorities set by the Board, and within the agreed 3 to 5 year strategy. .... We see the role of the new body going beyond supervision of the police service itself, extending to the wider issues of policing and the contributions that people and organizations other than the police can make towards public safety. We recommend that the Policing Board should coordinate its work closely with other agencies whose work touches on public safety, including education, environment, economic development, housing and health authorities, as well as social services, youth services and the probation service, and with appropriate non-governmental organizations".

Their emphasis on decentralisation, political and community accountability and transparency are continued at a district level. Here, they propose the establishment of **District Policing Partnership Boards**, (DPPB), as Council Committees but with the inclusion of independent members.

"We recommend that District Policing Partnership Boards should also meet in public once a month, and procedures should allow for members of the public to address questions to the Board and, through the chair, to the police. The minutes of DPPB meetings should also be made public."

Finally, they strongly support an existing proposal for a **Police Ombudsman**, an officer fully independent of the police, with his/her own investigative resources and wide powers. In this they were "encouraged by the success of the Office of Police Complaints Commissioner in South Africa". They envisage that the Ombudsman would not only investigate complaints specific received, but would be expected to initiate his/her own inquiries.

"We cannot emphasize too strongly the importance of the office of Police Ombudsman in the future policing arrangements proposed in this report. The institution is critical to the question of police accountability to the law, to public trust in the police and to the protection of human rights."


In Britain, there is already an independent body, the Police Complaints Authority, which supervises the conduct of investigations (carried out by police officers) into the more serious complaints of police misconduct. The PCA can also comment on police practices and policies. However, because the standard of proof was for many years that of ‘beyond reasonable doubt’, it was extremely difficult to substantiate a case against a police officer. This has recently been changed to a standard of ‘reasonableness’, although, as Jones and Maguire suggest, (Annex D), "it has yet to be seen whether the change will have a significant effect on the substantiation rate". Moreover, the system is still perceived as police-dominated, since the investigation itself is conducted by police officers, albeit with independent supervision. Such criticisms have recently led the
government to look more seriously at the possibility of introducing a system of fully independent investigation, and the Home Office has commissioned a feasibility study.

In discussing systems of complaints generally Jones and Maguire point out that, in common with many Western police complaints systems, that in England and Wales has been criticised as having only a limited and indirect impact on the police organisation. They operate reactively to complaints from individuals, and try to solve problems by blaming and punishing individual officers. Critics have argued that such systems need to find ways of impacting more directly upon the police organisation, rather than simply upon the individuals within it. Research into the police complaints system has cast doubt upon the whether it actually applies sanctions which genuinely deter rude or overly-aggressive behaviour by police officers. Most police-public encounters continue to occur in low-visibility situations, and complainants and potential witnesses still tend to be people with low social standing.3

The mechanisms recommended for Northern Ireland appear likely to go some way towards improving accountability. However, the inherent problems identified by Jones and Maguire are likely to apply at least as strongly in encounters between the police and poorer and more vulnerable people in developing countries. Given this, it is important to support improved procedures by finding ways of changing police cultures, as discussed in Biddle et al, 1999, (section 3).

Improved training is one component of changing police attitudes, especially through moving away from training focused on enforcement and the criminal law, and towards a more socially aware interpretation of the police role. We cannot, perhaps, expect too much from training alone in terms of challenging the well-known group reinforcement of negative policing attitudes popularly known as the "canteen culture". However, this pessimistic view has been qualified by some recent commentators, noting that informal culture is neither homogeneous (it may be positive) nor unchanging.

A number of potential sources of cultural change have been identified. In particular, individuals and groups may resist pressures; laws and procedures may be changed; rules may be tightened to limit discretion, systems of rewards and sanctions developed to modify behaviour. Crucially, a sub-culture of senior officers may exert important, positive influence, as may linkages between individual police officers or sub groups and the wider environment. The emphasis on partnerships with external groups and agencies emphasised throughout this report should be a major force in breaking down isolated and defensive police sub-cultures. An important footnote, however, is the reminder that the interests of disadvantaged groups will only be protected if they have a full role in these partnerships.

3 Another form of redress, and one which is increasingly used in Britain and the USA over recent decades, is civil litigation. If high profile damages cases continue to be successfully pursued by complainants from minority groups, this may have the effect of further pressuring the police service into organisational reform.
4. POLICING AND RIGHTS

Introduction

Internationally agreed human rights provide a common set of principles for dealing with the many aspects of poverty and inequality. These rights which underlie a rights-based approach to development are laid out in the 1948 Universal Declaration of Human Rights (UDHR) and many subsequent international conventions, covenants and declarations as well as regional conventions and charters. Those rights which are contained in the UDHR and conventions agreed under UN auspices are legally binding on the states that have ratified them. Whilst these rights have been conventionally divided into civil and political rights on the one hand and economic, social and cultural rights on the other hand; it is now generally agreed, since the World Conference on Human Rights in Vienna in 1993, that rights are indivisible.

Policing by statutory law enforcement agencies is one of the ways in which the state meets its obligations to protect a range of civil rights. In particular these include the following rights enshrined in the Universal Declaration of Human Rights:

- the most fundamental of all civil rights – the rights to life, liberty and security of person (UDHR – Article 3)
- the right not to be subjected to cruel, inhuman or degrading treatment or punishment (UDHR – Article 5)
- and the right to equality before the law and equal protection of the law (UDHR – article 7)
- the right not to be subjected to arbitrary arrest or detention (UDHR – Article 9)
- the right to a fair trial (UDHR – art 10)

Law enforcement is also a significant factor in protecting citizens from the abuse of their political rights (freedom of expression, association, rights to participate in the political process) and in delivering economic, social and cultural rights. For example, it is argued that effective law enforcement can secure the social peace necessary for the enjoyment of these rights. Indeed, long before DFID adopted a specifically rights based approach to development, the ODA recognised the contribution that good governance (including law enforcement) can make to creating a climate in which economic and social development can take place.

The role of the police in law enforcement and rights protection

Important questions to raise are which rights are susceptible to protection through effective law enforcement and the maintenance of public order and whether this is dependent on the public or state police alone. Most of the relevant UN codes and documents which deal with the enforcement of human rights standards refer to law enforcement officials, recognising that the police are only one part of the institutions and process of law enforcement and rights protection. The sections on women and children in this report argue that the protection of women and children from violence and abuse is not a matter for the public police alone and involves many other agencies.
Generally it is argued the maintenance of social order is a necessary pre-requisite for the enjoyment of all human rights (UNDHR Article 28 on the right to social and international order within which the rights and freedoms in the Declaration can be realised). However, there is the issue of whether the maintenance of social order can be seen as the responsibility of the public police alone. The preconditions for social order can be seen in the achievement of a consensual democratic polity and in a civil society which is not characterised by significant economic, social and cultural inequalities. Policing does not occur in a vacuum and expecting even a reformed police force to effectively uphold rights and maintain social order in a highly stratified society is unrealistic.

The complexity of the task of ensuring safety, security and access to justice is recognised in the South African White Paper on Safety and Security (In Service of Safety 1998-2003). (See Annex C). This notes how the transition to democracy is often accompanied by increases in rates of crime and recognises that the new state is often forced to govern the society with the same instruments which were used to enforce authoritarian rule. Whilst post-apartheid South Africa did enact legislative and policy changes in the safety and security field, the paper argues that more than policing and an effective system of criminal justice required. It stresses that “effective delivery of basic services such as housing, education and health as well as job creation, have in themselves a critical role to play in ensuring living environments less conducive to crime” (p.7) and that “crime control and prevention strategies must be underpinned by complementary economic and social policies" (p.10)

There are more specific relationships between some civil rights (e.g. the right to life, liberty and security of person) and law enforcement. These rights can be argued to place a duty on the police to prevent and detect personal assaults. The right to own property and the peaceful enjoyment of possessions (UNDHR Article 17) places a similar duty on the police in respect of crimes against property. However, many governments are now beginning to recognise that the state alone cannot, and should not, bear exclusive responsibility for crime control or personal security. As is discussed in the section of this report dealing with public and private policing, in many countries a range of public and private agencies as well as individual citizens are being encouraged to take responsibility, in partnership with the police, for aspects of safety and security.

The effective enforcement of laws directly supportive of political rights to freedom of thought, conscience or religion (UNDHR Article 18), freedom of opinion and expression (Article 19) can be held to be a responsibility of the police. However, again, they are likely to be jointly responsible with a range of other law enforcement agencies.

The extent to which the enforcement of the wide range of social, economic and cultural rights is directly the responsibility of the public police is debatable. For example, protecting the social right to just and favourable conditions of work (UNDHR Article 23) depends on whether the police are involved in enforcing laws designed to secure safety at work.

Finally, we can note that the provision of social or emergency services can be another, but not generally recognised way in which police can protect the rights to life and
security of person or can promote delivery of rights by bringing to notice the situation of people deprived of rights. These other activities are recognised in the UN Code of Conduct for Law Enforcement Officials (UN General Assembly Resolution 34/169, Dec 1979). Article 1 requires law enforcement officials, including the police, to serve the community as well as protect all persons from illegal acts. The commentary on this article (in para. c) notes that this is intended to include “the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid”. 4

In performing these emergency or social service roles, the police provide humanitarian assistance to people genuinely and, often, desperately in need of assistance. Because of their availability and resources the police often fill, temporarily, gaps in social and emergency provisions and cover the shortcomings of other agencies.

Police work

It can be argued that the enforcement of the law (criminal or civil) is not characteristic of the daily routine work of most police officers in most countries. Law enforcement activity is limited to those offences in which a perpetrator needs to be identified and arrested. In the majority of instances where the law is invoked, the decision to do so is based as much on expediency as legality. The law may be used a resource for dealing with a great variety of problems to which no reference is made in formal charges which may or may not ensue. In this sense the police (and other law enforcement officials) use the law as a resource for solving practical situational dilemmas which arise out of social conflict.

It is expected of the police that they solve problems. But many problems do not lend themselves to solution by the application of the law. The section of this report on public and private policing discusses the use of discretion by the police, the extent to which they act as gatekeepers to both the formal and informal justice systems and the use of processes of mediation to resolve social problems.

Thus, police work is a highly contingent and untidy activity. Apart from dealing with social conflict, the police in all countries deal with matters of critical importance to the people who call on them for assistance, often in all sorts of emergencies. Especially in remote and rural areas, the police may be the only point of contact between the population and a range of state services. Commenting on the situation in the Transkei in South Africa, Louw and Shaw (1997, pp 46-47) note: “In poverty-stricken rural communities the police are often among the few representatives of state authority, or are at least equipped to reach communities where there is little or no state penetration”. They cite one police officer as saying: “Anything that goes wrong becomes the responsibility of the police. The demands on the police go way beyond dealing with crime”.

4 The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the 8th UN Congress on the Prevention of Crime and the Treatment of Offenders (7th Sept. 1990) recognises the work of the police as “a social service of great importance”.

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It can be noted that the likelihood of police violating human rights in performing these functions is less than in their law enforcement role.

**International standards for evaluation**

Despite the fact that police work is typically untidy and contingent, that the police are not the only agency of law enforcement and cannot be held solely responsible for the protection of rights and the maintenance of social order, it is important to recognise that international standards can be used for the evaluation of their work.


More specifically policy and practice of the police can be evaluated against the codes and sets of principles designed to secure compliance by police and other law enforcement officials with the standards protecting human rights. These would include: the UN Code of Conduct for Law Enforcement Officials (1979), the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), the UN Standard Minimum Rules for the Administration of Juvenile Justice, the UN Rules for the Protection of Juveniles Deprived of their Liberty. As is discussed in the section of this report dealing with women, the way in which the police deal with the victims of crime is also an important test of the extent to which they afford protection. This is dealt with in the UN Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power (1985).

These can be used as standards against which to evaluate policing practice as well as supervisory, management and command procedures.

The rational behind international standards designed to protect and promote human rights during the process of law enforcement is to influence the interaction between the operational police officer and the citizen so that the officer delivers effective policing in accordance with international standards. This requires both that the officer is aware of such standards and has the skills, knowledge, material means and administrative support to enable him/her to put them into practice. Rules expressing these standards must focus on the officer-citizen interaction, on the command and management of law enforcement agencies, and on the accountability and external supervision of the police. (See section III, 3 above).

**Conflicts between order and liberty**

Paradoxically, human rights are protected by law, yet they are at risk from law enforcers. In practice tensions occur between human rights and policing. Police have, for example, powers to limit rights and freedoms by arresting people. Unlawful and
unethical police action can and does lead to serious violations of the rights discussed above. This is not just a matter of the inappropriate use of police discretion, which fails to do justice the seriousness of the complaint by a victim or does not lead to prosecution of a serious offence. (See sections III 5, 6 and 10). It can involve gross infringements of due process and, at the extreme, the use of deadly force and ‘extra-judicial’ homicide.

It is often argued that there may be a conflict between policing and the protection and the promotion of human rights. In some situations it may be held that the demands of order over-ride those of liberty and human rights may be seen as an impediment to effective policing and the pursuit of a ‘war on crime’. Human rights violations and the breaking of the law by police and law enforcement officials may derive from this conflict and are often justified by a reference to what is currently termed ‘the noble cause’. Here, corrupt and unlawful practices by the police such as entrapment, phone-tapping, invasion of privacy, use of informants, manufacturing evidence, extraction of confessions are justified by an appeal to gaining results.

A more extreme example of ‘noble cause’ can be seen in the use of deadly force by the police. A study of civilians killed by the police in Jamaica, Brazil and Argentina in the 1980s concluded that the police were summarily executing suspects in routine, non-political cases. This was based on an analysis of the number of civilians killed, ration of killed to wounded, the ratio of civilians to police killed and the ratio of civilians killed to the general homicide rate. The study noted that those killed were poor people and argued that the use of deadly force appears as an extreme form of coercive social control in response to perceived threats of social unrest. They were virtually all justified by the police as acts of self-defence, often in response to shoot-outs. (Chevigny, 1991).

‘Noble cause’ perspectives are not only based on dangerously simplistic notions of what order should be but do great damage to the police and their effectiveness, as Patten et al argue (1999, para 4.3):

"We cannot emphasise too strongly that human rights are not an impediment to effective policing, but, on the contrary, vital to its achievement. Bad application or promiscuous use of powers to limit a person’s human rights – by such means as arrest, stop and search, house searches – can lead to bad police relations with entire neighbourhoods, thereby rendering effective policing of those neighbourhoods impossible. In extreme cases, human rights abuses by the police can lead to wrongful convictions, which do immense damage to the standing of the police and therefore also to their effectiveness. Upholding human rights and upholding the law should be one and the same thing".

Many governments and police forces are now beginning to include statements on ethical policing and the role of the police in protecting human rights in police and strategy documents.Whilst this does not ensure that the practice of the police will reflect these values, such statements do provide an important bench-mark against which action can be judged.
Two documents from the DFID funded police projects in Lesotho provide good examples of such statements, (Biddle et al 1999, Annex E.6):

- The keys to successful policing are public consent and cooperation. They - and only they – unlock the true secret of policing in a democratic society.
- Policing in a democratic society is not about enforcing the law by superior numbers, tactics and weapons. That is the military approach. It is inappropriate for a civil society. The police in Lesotho are not at war with the community. They are not in office to suppress or extinguish rights and freedoms. The police’s job is to work with the community, in the interests of the public, to ensure human rights are respected and protected and that the whole community is helped to live in peace and stability.
- The police can achieve this role only if the public understand the real nature of the policing function and consent to being policed. This means much more than the public merely obeying instructions. It means recognising every police officer as a helper and a friend. And it means actively participating in the police’s job, helping to prevent and detect crime and catch criminals.


- Our mission is to provide a high quality police service in Lesotho, in conjunction and consultation with the community, other organisations and agencies, seek to promote the safety and security of the individual, reduce crime, disorder and fear and enhance the rule of law.

The values on which the work of the service is based include:
- We believe our basic missions are to protect the Constitutional and Human Rights of all individuals, to prevent and detect crime, protect life and property and to deliver vigorous law enforcement services when crime occurs.
- We believe that, as the police derive powers from the community, we serve and are accountable to the people.
- We view our community as our customers who deserve our concern, care and attention.
- We will never tolerate the abuse of our powers and will use force only when justified and then only the minimum force necessary to effect the lawful purpose.
- We believe in the need to act with honesty, integrity and compassion at all times whilst demonstrating courage, sincerity, trust and self-discipline.
- We recognise that our personal conduct, both on and off duty, is inseparable form the professional reputation of the police and we will use persuasion, common sense and good humour wherever possible to carry out duties.


In a similar manner the Independent Commission on Policing for Northern Ireland (Patten et al 1999, para 4.7) recommends a new oath to be taken by all police officers. This is an explicit commitment to upholding human rights, backed up by a new code of ethics which integrates the European Convention on Human Rights and training in human rights.
"I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, and that in so doing I will act with fairness, integrity, diligence and impartiality, uphold fundamental human rights and accord equal respect to all individuals and their traditions and beliefs".

Conclusion

In general terms it can be expected that there is a greater likelihood of the public police both proactively protecting rights of citizens and not abusing these rights in the performance of their duty in democratic societies where civil society is strong. This is not just a matter of the enactment of rights in law but also of empowering civil society organisations to work alongside, rather than in opposition to the police. It is also a matter of ensuring the police are accountable to society and the community down to the local (neighbourhood) level.5

There is, however, a caveat to this observation. Societies which are characterised by exclusion, polarisation and inequality within civil as well as political society produce unmet demands for justice. The institution of formal political democracy does not necessarily provide an answer to these demands. In such circumstances it is not just the first class citizens but those whose rights are most at risk, the poor and the excluded, who may countenance the use of extralegal force by the police or vigilantism to impose social order, as Huggins reports on the activities of "death squads" in Latin America. (Huggins, 1991, p 2).

5 See Section III, 3 on Accountability.

5. POLICING AND GENDER-BASED DISCRIMINATION

Introduction

A major objective of DFID assistance is assist governments and civil society to develop strategies and programmes which increase women’s safety, security and access to justice and which remove gender-based discrimination in justice systems. As part of this, there is a concern to promote women’s access to information about the law and rights.

Women’s social and economic exclusion, culturally constructed inferiority, lack of power and knowledge are major barriers to gaining adequate protection, access to justice and enjoyment of rights. It is generally recognised that effective action on this requires changes within civil society and the state as well within the justice system as a whole. However, this section of the report concentrates on the issues and problems raised by the relationship between women and the police.

This is an important area, as one of the most significant manifestations of the subordinate position of women, (as of children and a range of vulnerable minorities), is not only the extent to which they are victims of violence and abuse but the way in
which such violence and abuse is frequently condoned. Police treatment of victims is often unsympathetic and, like the wider society, the police are frequently reluctant to intervene in what are seen as essentially ‘private’ matters.

Violence against Women

“Violence against women is systemic and structural, a mechanism of patriarchal control of women that is built on male superiority and female inferiority, sex-stereotyped roles and expectations, and economic, social, political predominance of men and dependency of women. While the legal and cultural embodiments of patriarchal thinking vary among different cultures, there is an astounding convergence in regard to the basic tenets of patriarchy and the legitimacy, if not necessity of violence as a mechanism for enforcing the system.” (Copelon R 1994).

Data from the International Crime Victim Survey (ICVS) on urban victimisation indicate that, in different regions of the world, violence against women shows a different pattern from that of violence against men. In Western countries (Europe and the New World), men are as often assaulted as women, although the percentage of those victimised by violent crime is significantly higher in the New World than in W. Europe. In the rest of the world the risk of being assaulted is much higher for women than for men. The risk of being assaulted for men in Latin America and Africa is roughly the same as in New World countries, but the risk for women is 50% higher than for men. In Asia, where victimisation by violence is around W. European levels, the risk of being assaulted for women is also 50% greater than for men. Assaults on women are more likely to be domestic in nature than assaults on men.

Analysis of the ICVS data in relation to other indices indicates that violence by men against women can be positively correlated with economic strain or resource deprivation. It is also negatively correlated with the advancement of the status of women. On the whole, there is less violence against women in countries where women are better educated, marry at a later age and take contraceptive measures more often. Violence against women is more prevalent in countries where women have low status.

Whilst violence against women is by no means restricted to the domestic sphere, as is noted in the section of this report on children, the family is a major site of violence in all societies. However, the numbers of women victims of domestic violence is unknown, due to under-reporting and under-recording. Some estimates of the proportion of women who have experienced domestic violence in intimate heterosexual relationships indicate that it varies between 20 and 67% in countries across the world. The ICVS data show that, in some 25% of cases of assaults on women, the perpetrator was known by name to the women and in 50% of cases the crime was committed in or near the victim’s home. The UN publication from which the ICVS data are drawn concludes that domestic violence “is a major social problem in Latin America, Africa and the New World countries in particular”. (van Djik, 1999, p 27).
The UN Platform for Action agreed at the Beijing Conference asked governments to commit themselves to decreasing the prevalence of violence against women, particularly domestic violence.

Dealing with domestic violence (particularly against women and children) frequently comes up against the problem that the family is seen as a ‘private’ sphere in which the ‘public’ law and law enforcement agencies are perceived to have a reduced right to interfere. A consequence of this is that victims of domestic violence experience great difficulties in gaining access to protection or to justice. This is increased when women’s freedom to move outside the household is restricted. Failure to respond to violence against women (and children) because it occurs in the ‘private’ sphere in ‘intimate’ relationships denies women a fundamental aspect of citizenship – the right to personal safety and protection under the law.

Women and girls also are also the victims of forms of actual or symbolic violence which are often deemed to be cultural practices. These would include:

- trafficking (selling children and young women for prostitution)
- female infanticide and feticide
- bride burning and dowry deaths
- sati
- female genital mutilation
- honour killings (killing an intimate partner or female relative on the grounds of sexual misconduct or disobedience)
- pornography and the use of women as sexual objects.

Some of these acts involve the commission of crimes under statute law but are often overlooked and not recorded.

Even when prosecution does occur, courts frequently pass sentences that are much less than the maximum permitted in recognition of the fact that such violence is culturally accepted. In Jordan, for example, it is estimated that 29% of all reported murders are honour killings in which a male relative kills a woman for shameful sexual behaviour and, when offenders do appear before the courts, sentences are on the average two or three years imprisonment only.

There is, thus, a double problem. Firstly, the issue that laws tend to define forms of gender violence in accordance with society’s perceptions of the nature and status of women. Secondly, even when such violence involves an infraction of the law, culture has an influence on the seriousness with which the justice system, as a whole, regards it.

**Police response to violence against women**

The police in many countries have been criticised for failing to offer sufficient protection to women who are victims of domestic abuse and sexual violence. The last two decades have seen, certainly in developed countries, increasing attention paid to the difficulties faced by female victims in the criminal justice system. It is widely accepted that domestic violence, in particular, poses complex problems for the police. Investigation can be time consuming and sensitive work with victims is essential as
they are often still living with or economically dependent on the perpetrator. In addition, prosecution outcomes can also be uncertain as many factors discourage full cooperation by the victim.

The overwhelming conclusion of research around the world is that the police do not treat victims with appropriate sympathy and understanding nor take a sufficiently serious view of the offence and may even regard the victim as partially responsible. In the ICVS research women victims listed their dissatisfaction with the police in terms of lack of interest, not doing enough and impoliteness. Dissatisfaction on the grounds of not doing enough was uniformly high across all regions (ranging from 32% in the New World to 50% in Asia), whilst complaints about impolite or incorrect behaviour by the police were particularly high in Asia and Latin America. In the UK this has lead the government issuing circulars requiring reforms and domestic violence and sexual assaults against women are now given higher priority by senior officers.

In many countries women are not able to go to a police station if they are not accompanied by a male relative and are thus not in a position to report domestic violence. Even if they are able to report, they are frequently not taken seriously or may even have a hostile reception or be sent home and the matter reported to a male relative. This can significantly increase the likelihood of further harm. Sexual violence by the police may occur.

All of the above factors help to explain the findings of the ICVS that globally only 30% of instances of violence (sexual and non-sexual) against women are reported to the police. By region this varies from around 18% in Latin America, 22% in Asia, 32% in Africa to 45% in the New World. This finding needs to be seen in the context that globally only 39% of assaults on men are reported, whilst reporting rates for serious property crime are much higher in all countries.

**Police Occupational Culture and Gender**

Police occupational culture has frequently described as action-oriented, hedonistic and, above all, male. In the UK a recent report by the Inspectorate (1996) noted that the white male majority of officers continued to be oppositional when working with women or black officers and that there was evidence of equality policies creating antipathy with harassment continuing and even becoming more pernicious.

It has been argued that increasing the proportion of women police officers could make a significant impact both on police culture and on the way in which women who come into contact with the police (as victims, witnesses or suspects) are treated. Newman and Howard (1999) report that there are significant variations between the proportion of women in the police force between ‘developing’ (5%) and ‘industrial’ countries (16%). In some developing countries the proportion of women officers is very low (0.4% in Bangladesh, for example). Many women officers are employed in a desk capacity. The same analysis indicates that overall the percentage of women in policing rose by 25% in the period 1990-94, although the number of developing countries providing data was small. Significantly, in most countries, the proportion of women in other branches of the criminal justice system is higher than in the police and rising at a faster rate.
However, research in the UK and the USA indicates that increased recruitment of women (and of minority groups), though a ‘good thing’ in itself, would have to be done at very high levels if it was to have a marked effect on occupational culture. (Annex D). In the UK less than 10% of the police force are women and there are arguments that harassment and discrimination are likely to happen in organisations where less than 20% of the workforce are from a minority group.

It has also been shown that officers who feel that they are marginalised by the dominant male culture of their colleagues tend to adopt coping strategies which involve an exaggerated embracing of some aspects of that culture. There are examples of female officers being tougher on rape victims than male colleagues in order to prove themselves.

Whilst, since the 1980s, there has been a sustained attempt to introduce greater social gender and cultural awareness in police training in many countries, research indicates that this, on its own, is not enough. It requires to be associated with greater organisational commitment to equal opportunities as well as wider social and cultural changes.

**Specialist units for women victims**

The 1996 ICVS survey indicated that globally only 10% of female victims of violence who had reported to the police received support from a specialised victim support agency. (van Dijk, 1999). The highest help rates were in New World (29%) and Western European (22%) countries, elsewhere it was much lower. (Globally the figure for male victims was much lower at 4%). Most victims reported that they would have liked such help and levels of demand were particularly high in Central and Eastern Europe, Asia, Latin America and Africa. The absence of such support for victims helps explain why victims are reluctant to report to the police. In turn, this lack of confidence in the police and low reporting rates is an impediment to effective crime prevention and control.

In many countries the police are now beginning to establish specialist units for dealing with violence against women. These, as noted in the section on children, may deal with a whole range of ‘family’ issues including the protection of children and even children who are in conflict with the law. Others, such as the Domestic Violence units in many UK police forces may specialise in violence between intimate partners.

Some have argued that such units, whilst representing a significant recognition of the importance of dealing with violence against women can remove the issue of crime against women from the centre of policing and have the effect of continuing to marginalise both the crime and the victim.

Whilst this point needs to be born in mind, the evidence from such Domestic Violence Units in the UK indicates that a significant impact can be made in terms of increased volumes of complaints, higher arrest and prosecution rates and reductions in repeat
victimisation. (In this field the UK experience provides a useful policy/practice model).

The Islington pilot project provides an example of one type of approach. (Kelly, 1999). It was based on the London, Ontario model which involved using a team of skilled civilian crisis interveners within the police service. The civilian consultants provided front line assistance to police intervention in family disputes and a bridge between police and other agencies in the community.

The core principles of the Islington project have been that domestic violence must be treated as a crime and that police response must be based on the over-riding priority of the protection of the victim and the apprehension of the offender. The civilian crisis team provides immediate crisis intervention and this allows the police get on with their job of criminal investigation, arrest and formulating charges. At a wider level the project has developed strong links with local statutory and voluntary agencies to facilitate improved communication and provide a more effective coordinated response to the needs of victims and their families.

The Gloucester Constabulary, using the Deluth model from the USA, have, in association with a local NGO, developed a similar project which involves non-police volunteers providing 24 hour support, counselling and advocacy services for the victims of domestic violence. The project networks with other local statutory and voluntary agencies and is seen as the central point of referral. As in Islington, this leaves the police free to concentrate on criminal investigation. A key aspect of the Gloucester police approach is a positive arrest policy, which has led to a 100% arrest rate. Charges are formulated whether or not the victim wishes to press charges. This is seen as being more effective than only providing support which may later lead to victims feeling confident enough to make a complaint. Reporting rates have increased significantly.

In both of these examples the key features are the implementation of a positive arrest policy by the police, the use of civilians for immediate support and the establishment of multi-agency working, involving community groups, NGOs and statutory agencies to provide longer term assistance to victims. In Gloucester the problem of changing the attitudes and behaviour of police officers has been dealt with by establishing compulsory processes of arrest and charge whether or not the victim complains. Disciplinary action is taken if these processes are not observed by officers. This effectively removes the element of discretion in the way the police deal with domestic violence.

**Refuges and Safe Houses**

There are similar arguments to those on specialised units around the establishment of refuges for women who are victims of domestic violence. These certainly give such women and their children a place of temporary safety and a space in which to plan for the future. However, it is the woman and her children who have to leave their home, work, school and friendship and support networks, thus reinforcing their status as victim. When they leave the refuge there is always the danger that they will be tracked down and abused again.
In some countries it may even be extremely dangerous for a woman to go to a refuge where this may be seen by male relatives as compounding the shame that they are alleged to have already brought on their family. In a number of countries (eg Jordan, Bangladesh) women fleeing from violence in the family have had to be placed in prison for their own safety. This use of prison as a place of safe custody has obvious negative consequences for the rights of victims as well as the livelihoods of dependants.

Conclusion

Identifying the role of the police in ensuring the protection, safety and access to justice of women raises complex issues which are embedded in cultural constructions of gender. It is unrealistic to expect that the police, alone, can make a major impact on culture or can act as a model for gender equality.

Ultimately the role of the police, even when they offer immediate support and assistance to victims is, as in child abuse and protection, the investigation of crime and the charging of perpetrators.

In order for the police to carry out this task effectively there is a need for action both in the wider justice system and within the police themselves. Law reform may be required in order both to enact human rights and to clearly identify violence against women as a crime that falls in the ‘public’ sphere and is not a ‘private’ matter. Attitude and behaviour change within the police is also necessary. However, as noted above, research indicates that neither increasing the proportion of women officers nor changing the training curriculum provide sufficient answers on their own.

Establishing positive arrest and charge policies and mandatory procedures can, however, provide an important marker that senior management regard the issue of violence against women as a priority. Such policies are likely to send clear signals to women that complaints will be taken seriously and act as a deterrent to perpetrators. Positive arrest/charge policies in the UK have been accompanied by an increase in the volume of complaints and a reduction in repeat offending. However, the impact of such policies will be reduced if they are not accompanied by speedy and effective prosecution in the courts. Failed prosecutions send negative signals to the police and victims.

The wider question of providing protection and safety, as in the case of children, can only be effectively dealt with through the establishment of multi-agency working in which agencies provide the services for which they have the skills and resources. This needs to be done in partnership with the police. In many developing countries the role of NGOs, rather than statutory agencies, is likely to be a key here. Such organisations can both play an effective advocacy role in terms of keeping up pressure on the police to take crime against women seriously and provide the range of support services required by victims and their dependants.

Women need information about their rights, the help they can get, whether from community support groups, statutory agencies like health and social services, NGOs or the police. The police cannot be expected to deal with the issue alone, even if
women become more confident that their complaints will be dealt with. It is essential that there are other points of contact and support that can be accessed within the community. There are now projects in many countries which use the notion of the one-stop-shop where women can both receive crisis medical and legal advice and support as well as being referred on to a network of support agencies. This is consistent with the United Nations Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985, which states:

"14. Victims should receive the necessary material, medical psychological and social assistance through governmental, voluntary, community-based and indigenous means.
15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.
16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.
17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted"

6. CHILDREN AND THE POLICE

Introduction

Children have been identified as a particularly vulnerable group in all societies in terms of safety, security and access to justice. This is largely because, due to their age and social status, they are both at risk of multiple forms of abuse of their rights and unable to effectively protect themselves. The special case of children has been recognised internationally in the UN Convention on the Rights of the Child (UNCRC), now signed by all except two countries, and at regional levels by charters (eg the African and Arab Charters). Mention should also be made of the series of ILO Conventions which deal with the difficult topic of child labour. The UNCRC is particularly important as it not only lists the rights of children and commits state parties to enact these within national legislation and develop appropriate policies and practices, but also provides a mechanism for monitoring compliance. Under this, state parties must provide reports to the Geneva based Committee on the Rights of the Child and NGOs and other human rights groups may also provide reports.7

The definition of the child in the UNCRC is any human being under the age of 18 years. This definition is used in this section. However, it should be recognised that cultural definitions of childhood and of access to the status of adult vary widely between cultures and over time. Much national legislation also still contains a confusing mix of ages at which children, for example, are held criminally responsible, may consent to sex or marriage, engage in military service or inherit property.

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6 This section draws especially on Annex E.
7 All of these reports can be accessed on the Committee’s web site
This section focuses on two main areas in which the role of the police is of major importance:

- children in conflict with the law
- children suffering from, or at risk of, abuse and needing protection.

In many developing countries, laws inherited from the colonial period aggregated children in need of care and protection, those who commit offences and those found begging and gave the police a considerable role in dealing with all these areas. This legislation not only blurred justice and welfare issues but contained no conception of rights. Under the impetus given by the UNCRC, in the last decade many countries have begun to rewrite their children’s legislation, but even where this has been achieved, there remain major problems of implementation.

**CHILDREN IN CONFLICT WITH THE LAW**

**Data on Children and Crime**

Much western based criminological theory, has suggested that the impact of social and economic change in developing countries would lead to a significant increase in levels of crime by children and young adults. Testing such a proposition is made difficult by the paucity of reliable official data. Comparative research is further complicated by the fact that ages of criminal responsibility and the various age ranges defined as ‘minor’, ‘juvenile’, ‘young person’, ‘child’ differ between national jurisdictions and even within the legislation of one country. Finally, children who are caught up in the criminal justice system represent an unknown proportion of those who may actually engage in offending behaviour. This is particularly the case in countries where children who ‘make trouble’ are normally dealt with by informal community sanctions.

At a very general level there is a marked difference in the proportion of known ‘juvenile’ offenders between developing and developed countries. In developing countries they represent about 10% of the total, in developed countries around 50% of the total. The extent to which these differences reflect variations in the behaviour of children or in formal reporting procedures is unclear. What evidence is available indicates a relatively high degree of variability between developing countries. In Sub-Saharan Africa, for example, Accra in the early 1990s, with a population of around 2 million, had only 50 odd children remanded in custody; in Nigeria the 1994 Annual Police Report recorded the arrest of 295 juveniles for the entire country. In neither country was there any official evidence of an increase in crime by children. In South Africa, on the other hand, there is evidence of marked increases in crime by children and of a growth in the number awaiting trial or sentenced to imprisonment. There is evidence of a similar increase in crime by young males between the ages of 15 and 18 in Jamaica. However, it should be noted that these increases are from a very low base in comparison with developed countries.
Given the paucity and unreliability of the data, it has to be accepted that we do not know enough about crime by children in developing countries to make firm statements about either its extent or changes over time. The data we have tells us more about the reporting behaviour of the public and the policy and effectiveness of the police than it does about levels of crime by children. The data do, however, clearly indicate that the great majority are charged with relative minor property offences (theft and burglary) and that serious crimes committed by children are rare.

In general terms, it is sensible to expect that the numbers (and hence proportion) of child offenders recorded and processed by the formal criminal justice system will increase. This increase is as likely to be due to the decline of informal ways of dealing with children who make trouble as to an increase in offending behaviour.

**Interaction of the Police with Children in Conflict with the Law**

Research and reports from agencies concerned with children’s rights indicate that areas of particular difficulty in terms of the relationship between police and children include:

- Use of or threat of physical force at the time of arrest
- Use of verbal or physical coercion to admit to the offence
- Interviewing the child without the presence of a parent, carer or independent adult
- Failure to remand children on police bail and keeping children in police custody for long periods whilst enquiries are being made
- Failure to provide separate accommodation for children (boys and girls) whilst kept in police custody
- Lengthy delays in processing cases for prosecution which often involve long remands in custody, in some cases to adult prisons where separate accommodation for children is not the norm

The case of ‘street children’ provides particular cause for concern. In all developing countries (and many transitional and developed countries) the number of children living and working on the streets in larger urban centres is increasing. Despite the recent development of targeted programmes by NGOs, often with the support of government, street children are still regularly arrested individually or en masse for vagrancy or begging. Physical, sexual and emotional abuse, extortion by the police are common and the use of lethal force by police or less official ‘militias’ is all too frequent in some countries. Once arrested children may also be coerced into admitting criminal offences which they have not committed. They also rarely have an opportunity, or the assistance, to question the legality of their arrest or detention.

**International Standards**

In the past 20 years a large number of international treaties, conventions, rules and guidelines have been developed to identify and protect the rights of children. Many of these contain minimum standards that should be used to govern systems of juvenile justice and the relationships between the police and children. Amongst these are:

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8 See Annex E.
• United Nations Convention on the Rights of the Child
• United Nations Standard Minimum Rules for the Administration of Juvenile Justice – the Beijing Rules
• United Nations Guidelines for the Prevention of Juvenile Delinquency – the Riyadh Guidelines
• United Nations Rules for Non-Custodial Measures – the Tokyo Rules
• United Nations Rules for the Protection of Juveniles Deprived of their Liberty

The UN rules and guidelines do not have the same status as the UNCRC and represent international standards of minimum good practice, however the main thrust of their provisions is contained in the UNCRC. Taken together, the UNCRC and the UN rules and guidelines provide an important guide to the policies and practices necessary to protect the rights and interests of children in conflict with the law. As noted earlier, many countries are now in the process of revising policy and legislation to accord with these. However, inherited colonial or national cultural emphases on social control, deterrence and retribution still impede this process and influence the way in which children are dealt with by agencies involved in the justice system.

Some of the potential solutions to the problems faced by children in conflict with the law in their relationships with the police are similar to those advocated in the rest of this report and are not dealt with in this section. These would include: independent investigation of complaints against the police and judicial review of illegal detention based on the implementation of lay visitor schemes.

More specifically, improvements in juvenile justice systems require a multi-agency approach in which the police act in partnership with other government agencies such as justice, social welfare, health and education as well as with NGOs. The National Crime Prevention Strategy in South Africa is a good example of such an approach.

A key part of any strategy is the consideration of the advisability of diversion. A major concern in the UNCRC and the various UN rules and guidelines, as well as much international best practice, is to prevent or delay the entry of children into the formal juvenile justice system. Article 40 of the UNCRC states that measures other than judicial proceedings should be used to deal with children who have infringed the law, whenever appropriate.

There are at least two major grounds for a policy of diversion. Firstly, it is recognised that a proportion of children go through a period of offending which appears to be associated with adolescence but then do not go on to become adult offenders. Many of the offences are of a minor nature. As noted above, the majority of children who are arrested are charged with relatively minor property offences. Secondly, there is good evidence to indicate that processing children through the justice system and particularly the use of custody tends to increase re-offending and increases the chance of them going on to be adult offenders.

Diversion as a policy involves the exercise of discretion by the police over whether, once guilt is admitted, to take no further action, issue an informal warning, deal with the matter by a formal caution or formally charge a child and initiate prosecution and court proceedings. In many developing countries the police already informally
exercise such discretion and seek to resolve matters by negotiation. As noted above, without the use of this discretion the figures on children who offend would be significantly higher. Questions may be raised about the advisability of the police exercising such discretion on their own account. An alternative is to institute a more formal system in which representatives of other agencies and of the community play a role in providing information on the child and in deliberating the appropriate measures to be taken. An excellent example is the New Zealand family conference system, described in Newman et al, (1999, Box 4.11).

Such systems exist in a number of countries and are often associated with forms of restorative justice in which the views of the victim and the community are also canvassed. In Canada, the 1984 Youth Offenders Act, apart from establishing the principle of diversion, allowed communities to establish youth justice committees in which members of the community assume responsibility for addressing criminal justice problems within their own community. In Saskatchewan, a process known as Kweskohte provides pre-charge diversion for aboriginal youth and offers offenders, victims and their families a family conference approach which fosters their empowerment to reconcile and resolve situations arising from criminal acts. Aboriginal elders are directly involved in this programme.

Developing countries are now beginning to experiment with procedures which involve the local community and ‘traditional’ authorities on a more formal level. The recent Children’s Act in Uganda gave primary responsibility to local Resistance Committee Courts to resolve matters involving children who have committed minor infractions of the law. The proposals in the Ghana Children’s Bill contain similar provisions for local tribunals involving traditional authorities and members of the community. These are based on concepts of restorative justice and empowering the victim and community to become involved in more formal justice processes.

For a number of years South Africa has been experimenting pre-trial community service schemes as a form of diversion, especially for the juveniles. The diversion services are mostly rendered by the non-governmental organisation NICRO (National Institute for the Care and Resettlement of Offenders). Diversion programmes currently run by NICRO include youth empowerment programmes, pre-trial Community Service, family group sentencing and the journey programme (outdoor experiential learning). The Community Dispute Resolution Trust is an interesting example of a wider approach to empowering the local community.

The CDRT was established in 1991 and operated under the umbrella of the Centre for Applied Legal Studies, at the University of Witwatersrand, until December 1994 when it became an independent Trust. CDRT was founded with the aim of empowering communities to resolve conflict. Recognising that local dispute resolution capabilities at grassroots level are effective and not simply a “poor persons” option, the CDRT has sought to achieve its objectives through dispute resolution training for community members and the establishment of Justice Centres to provide communities with mediation services and skills training. The Centres are fully accountable to the community through representative local management committees.
The CDRT programme currently covers five provinces. Four Justice Centres are currently in operation, with plans to establish at least 25 centres over the next two years. The Justice Centres receive in the region of 5000 cases in total per annum, with each centre dealing with an average of 100 cases per month. The success rate is around 77%. The figure represents not simply the number of agreements reached but also the number of agreements which have been honoured by the parties concerned. Typical cases involve: consumer disputes; non-unionised labour disputes; family disputes; child support and maintenance disputes; neighbourhood conflict; land invasions and illegal settlement.

Approximately 10% of cases received are from court referrals, 25% from local government structures, 15% from the Dept. Of labour, and the remainder from individuals who approach the Centres directly. Regular referrals of cases involve juvenile offenders, child custody, maintenance, access and other family matters. The Justice Centres have also been contracted by the Family Advocates office to mediate all outstanding divorce cases before the Central Divorce Court. The Centres themselves refer cases where Government Departments and the courts are better placed to deal with them.

In addition to resolving disputes, the Justice Centres also provide conflict resolution skills training workshops to community-based organisations and the CDRT has begun to offer specific training for certain groups such as students and teachers, Community Police Forum members and prisoners. For example:

- CDRT and the Kolkstad Justice Centre in Eastern Cape are currently working on a schools programme to train about 100 pupils, teachers and community members, and establish peer mediation and community mediation networks at the schools.
- CDRT West Rand and Greater Nigel Justice Centres have been awarded a tender to implement a Restorative Justice Pilot Project in Gauteng. The project has two focus areas: Youth in conflict with law and crimes directed against women, particularly domestic violence. The primary interventions will be Victim/Offender mediation services, Family Group Conferencing and training aimed at both the victims and perpetrators of offences.

Diversion can also involve ensuring that children are kept out of other parts of the justice system such as custodial institutions whether as a remand placement or after sentence. However, as these involve decisions by other criminal justice agencies than the police, they are not dealt with in this report.

Finally, diversion can also involve the concept of prevention. In many countries the police are beginning to play a role in schemes which target children deemed to be at risk of engaging in offending behaviour and which provide a range of activities designed to assist children in ‘staying out of trouble’.

At a minimum the following principles need to be recognised, if the rights of children in conflict with the law are to be protected whilst they are in contact with the police:

- Police must make every effort to contact the parents or relatives of a child who has been arrested and/or contact another agency which can take on this task.
• Children should only be interviewed by the police in the company of a parent, carer or relative, social worker or independent adult
• Children should normally be granted bail unless the police can prove the risk of re-offending is high
• Children should be taken to court as soon as possible if a remand in custody is sought
• Whilst detained in police custody, children must be provided with accommodation segregated from adults and by sex.
• The period of time taken for investigation by the police and preparation of prosecution should be minimised – this may require joint planning by police and justice departments.

In addition, the implementation of a policy of diversion, based, for example, on cautioning with formal rules to safeguard the rights and interests of the child, should be strongly considered.

These principles are contained in, for example, the Ugandan and South African legislation and current proposals in Ghana and Lesotho. These in turn are based on the thrust of the UN CRC and the various UN guidelines, such as the Standard Minimum Rules for the Administration of Juvenile Justice, the ‘Beijing Rules’. (United Nations, 1985).

**CHILD ABUSE AND CHILD PROTECTION**

It can be argued that protecting children from harm and taking proceedings against the perpetrators of child abuse has been under-prioritised by the police in many countries until recently. The police and, indeed, society as a whole appear to have been more concerned with the problem of children as offenders than children as victims. This has been partly due to a reluctance to accept that serious abuse of children, especially by parents, relatives and carers, does occur and partly due to a reluctance to interfere with matters that are seen to be ‘private’ rather than ‘public’. As noted in the section of this report on policing and women, the same has been the case in respect of domestic violence against women.

There are no firm statistics on the extent or frequency of child abuse in developing countries. Unlike the case of women victims of violence where cases reported to the police form about a third of those reported by victims in victim surveys (see section on women in this report), children are rarely in a position to report abuse. Recent data from England shows that rate of children on child protection registers is around 3.2 per 1000 population under 18 years. These are children whose cases have been investigated and have been found to have suffered or are likely to suffer significant harm. In general, figures on child abuse increase markedly once systems for investigation and protection are set in place and awareness in society (and among children) increases.

Definitions of abuse and protection used in England and Wales are as follows:

• An abused child is a person under the age of 18 years who is suffering significant ill-treatment which results in the significant impairment of physical or mental
health or intellectual, emotional, social and behavioural development. Abuse is normally categorised under: neglect, physical injury, sexual abuse, emotional abuse but it is recognised that all abuse involves some emotional ill-treatment.

- A child in need of protection is a child who is suffering or likely to suffer significant harm. Likely means that there is a real possibility of abuse, this being supported by factual evidence.

Following a series of tragic deaths of children, it is now accepted in the UK that the effective investigation of child abuse and providing protection for children who have been abused, or are at risk of abuse, requires close collaboration and partnership between a range of agencies. In England and Wales each administrative area has an Area Child Protection Committee on which are represented the police, social services, health, education and relevant NGOs. On the basis of central government guidelines, clear procedures are laid down for each stage of the process once a referral has been made. ‘Working together’ is the key concept and all agencies are involved at every stage of the process as well as in joint training.

All police forces in England and Wales have a dedicated Family Support Unit at divisional or central level whose major role is to receive abuse referrals and investigate them. Police also have protection powers to remove a child to a place of safety and prevent their removal from a place of safety. Family Support Units use separate and dedicated suites for medical examination and for video interviewing of children. It is recognised that working with abused children and obtaining disclosure evidence that will stand up in court requires different and additional skills to those normally used in criminal investigation.

Recently the police in a number of developing countries (for example Uganda, Ghana, Jordan, Nepal) have, with the aid of UK development assistance or that of Save the Children, set up dedicated units for the support and protection of women and children. Unlike the UK, where domestic violence tends to be dealt with by a separate unit, these deal with the whole range of violence and abuse against women and children.

Major difficulties faced by such emerging units include:
- A degree of tolerance of child abuse and domestic violence (especially against women) in society, which reduces the number of referrals and is also reflected in the attitudes of police officers
- A reluctance by police management to give adequate priority to child abuse and violence against women
- Low confidence of women and children in the willingness of police to investigate
- Low levels of training and awareness of police officers (and staff of other agencies
- Little or no multi-agency partnership
- Absence of clearly laid down multi-agency procedures
- Ineffective legislation which handicaps the ability of the police to investigate cases of abuse, particularly within the family, and reduces the likelihood of successful prosecution
- Inadequate penalties for perpetrators of abuse
The police can play a key role in child protection and some of these problems can be addressed through training and awareness raising amongst the police. However, many of the difficulties can only be resolved at a wider level through the enactment of effective legislation and strong government support for the concept of multi-agency partnership. Most importantly, there is a need to support the work of advocacy groups the development of wider programmes of awareness raising in society at large.

Prevention and intervention strategies should take into account the need for action at different levels.

- **Individual:** Treatment and assistance for abused children and abusive adults
- **Family:** Training and support in parenting, effective monitoring of child development, marriage guidance
- **Community:** Training professionals to recognise abuse, provision of multi-agency child protection services which also involve NGOs, screening child protection personnel, establishing telephone crisis lines, provision of respite care for families in need
- **Society:** Enacting effective child protection legislation, campaigns to increase public awareness, auditing prevalence and conducting research into prevention.

In many countries agencies involved in providing services for children are not accustomed to working together, let alone with the police. Sometimes it may be possible to show how this can be done by using local initiatives. One such initiative is the recently established Family Protection Group in Aqaba, Jordan. This group, established under the DFID funded Capacity Building Project with the Ministry of Social Development, is composed of local representatives of the Ministries of Social Development, Health, Education, Islamic Affairs and Public Security as well as NGOs. Whilst it was started as a result of local initiatives and has no formal status, it has demonstrated that a start can be made in working together both in providing information exchange about cases, providing support and in developing local community awareness.⁹

7. **SUSPECTS, REMAND PRISONERS AND VICTIMS OF CRIME**

These very different groups are considered together here because they share important similarities. Most obviously, like women and children, they are especially vulnerable groups whose rights need special protection. In addition, their rights are especially likely to be neglected, and even damaged, by the actions of the police and other criminal justice personnel.

The need to protect the interests of all these groups is recognised as a priority problem in the analysis of experience of TCOs and consultants, (Annex B), whose recommendations we endorse. Ways of doing so are spelt out there and it is only necessary to summarise them here. The following are identified as very basic ingredients of a sound human rights policy:

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⁹ Further information about the Jordan project may be obtained from Ian Clegg, <i.m.i.clegg@swansea.ac.uk>
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- lawful and just prisoner handling, with protocols laid down for arrest and detention and enforced by supervisory checks
- legal rights of prisoners to bail strictly honoured. Prisoners' rights displayed on notices and in leaflets
- the existence of proper custody records, (which should be comprehensive and include supervisory cell visits and a record of any removals from cells for interview etc) wherever persons are detailed after arrest.
- prisoners have access to legal advice which is free or very low cost
- a police strategy developed and published for giving practical support to the victims of all crimes, especially repeat victims, liaising with non-policing bodies where appropriate.

The following, additional ingredients are identified as desirable as soon as possible:

- strict rules, such as those contained in the UK Police and Criminal Evidence Act, in place and training of officers given
- a system of independent access, such as a 'lay visitor scheme', to police stations
- audio recording of interviewing of suspects introduced
- reduced reliance on confessions as the main evidence tendered to a court
- increased use of forensic evidence or other corroboration of eye-witness evidence
- an independent (volunteer) Victim Support Scheme in place, actively supported by police and working closely with them.

The Global Report on Crime and Justice, (Newman et al, 1999), also gives particular emphasis to widespread neglect of the rights of prisoners and victims. On the former it quotes the well-known, massive use of remands in custody in developing countries. It also emphasises the evidence from victim surveys of widespread failure to implement the United Nations Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power.

"Two-thirds of victims of serious crimes who had reported to the police indicated an unmet need for help. (Levels of unmet need were much lower in Western Europe and the New World). There is obviously a huge gap between the need for such help and its actual provision". (Newman et al, 1999, pp 34-41).
8. POLICING WITH THE COMMUNITY

Introduction

At present community policing is widely proposed as the basis for effective policing in developing countries, promising the key features of good governance, human rights, participation, democracy and justice for the excluded. It is often seen as very much a British export, although it developed earlier in the USA, where its origins lie in a number of attempts to repair what were perceived to be poor, and declining, police-minority relations. In practice there are considerable variations within both countries in the interpretation of 'community policing'.

A classic definition of community policing as the co-production of safety and order by the police and the public was provided by Skolnick and Bayley (1988, pp 4-5):

"The central premise of community policing is that the public should play a more active part in enhancing public safety. Neither the police nor the criminal justice system can bear the responsibility alone. In an apt phrase, the public should be seen along with the police as “co-producers” of safety and order. Community policing thus imposes a new responsibility on the police to devise appropriate ways for associating the public with law enforcement and the maintenance of order".

This ‘co-production’ approach, difficult enough in western liberal democracies, can present unusual difficulties in developing countries, given the history of policing there, and it is not surprising that its results so far have been disappointing, falling well short of the expectations held out for it. Attempts have been made to apply it in countries emerging from long periods of authoritarian government in which the police had largely acted as an arm of the state. In many of them, this was reinforced by the inheritance of colonial traditions of policing. Others had experienced long periods of internal war, with the consequent dislocation of normal policing. Thus, for most there was no strong tradition of policing by consent or of accountability to civilian authority.

The following discussion focuses on three main questions:

- what is community policing?
- how far has community policing been effective?
- how could community policing be strengthened?

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10 This section draws especially on the following:
Annex B: Survey of TCOs and policing consultants
Annex C: Pelser. Community Policing in South Africa
Annex D: Jones and Maguire. Policing of Marginalised Populations.
Annex G: Patten et al (1999), Ch 7 Policing with the Community.
Biddle, Clegg and Whetton, (1999), Section 5.
Much of the evidence used comes from the South African experience of community policing. This experience provides a rich source of material, which has been extensively researched and allows lessons to be drawn. DFID’s involvement in these community policing projects has also been greater than elsewhere.

The analysis of the evidence presents some grounds for optimism, in that limited successes have been achieved, obstacles to be overcome can be identified and much greater success seems feasible. However, this will not be achieved quickly or easily and will be constrained by the wider, contextual factors referred to frequently in this report.

What is community policing?

A number of authors have pointed out that the political popularity of community policing is attributable to the flexibility or definitional vagueness of the concept itself. It incorporates a variety of differing or even conflicting definitions, the interpretation of which may be embraced and promoted by role-players across the political spectrum.

Some core components of community policing were suggested by the Department of Safety and Security in South Africa in 1997, in its *Community Policing Policy Framework and Guidelines*. (See Annex C). The five core elements of community policing in South Africa were defined as:

- **Service orientation** – the provision of a professional policing service, responsive to community needs and accountable for addressing these needs
- **Partnership** – the facilitation of a co-operative, consultative process of problem-solving
- **Problem solving** – the joint identification and analysis of the causes of crime and conflict and the development of innovative measures to address these
- **Empowerment** – the creation of joint responsibility and capacity for addressing crime
- **Accountability** – the creation of a culture of accountability for addressing the needs and concerns of communities.

DFID's own statement on community policing (1998) has a very similar definition, emphasising service and partnership. In addition, it refers specifically to providing a service to those who need it most, to police respect for human rights and to giving particular attention to crimes against women and children. These special emphases are addressed in other sections of this report.

In practice, a range of interpretations of 'community policing' are possible, along the lines of the well-known 'ladder of participation’. At one extreme, this may refer to the police and public providing information to each other, the public being asked to help the police. At the other extreme, emphasis may be solely on empowerment of the community. Both extremes seem unrealistic in terms of providing a successful partnership.
The recent report on Policing in Northern Ireland, (see Annex G), is particularly useful in spelling out what these abstract concepts should mean in practice. We regard this report as highly relevant to issues of policing in developing societies, largely because it is concerned with policing in a divided society, in which one side has had a very antagonistic relationship with the police and the police have often found it necessary to adopt a militaristic approach.

The Northern Ireland report places great stress on 'policing with the community', saying that "We recommend that policing with the community should be the core function of the police service and the core function of every police station". "Patten et al 1999). Its carefully argued proposals are very relevant for developing countries and deserve to be quoted at length.

The report talks in terms of neighbourhood policing rather than community policing and sees devolution of police work to this level as essential:

"We believe that neighbourhood policing should be at the core of police work, and that the structure of the police service, the staffing arrangements and the deployment of resources should be organised accordingly…. … We recommend that neighbourhood policing teams be empowered to determine their own local priorities and set their own objectives, within the overall Annual Policing Plan and in consultation with community representatives. …… We believe that decisions taken in this way are much more likely to be responsive to local community needs than directions from senior ranks far removed from the neighbourhood".

The report is also explicit on what it means by partnership between the police and the community: working together to solve problems in the long term on the basis of shifts in attitudes in both the police and the community.

"What we do mean is: the police working in partnership with the community; the community thereby participating in its own policing; and the two working together, mobilising resources to solve problems affecting public safety over the longer term rather than the police, alone, reacting short term to incidents as they occur …. Partnership is a matter of policing style, but it is also an attitude of mind, both for police officers and for the public. It is at least as much a matter of philosophy as it is one of method, and it amounts to a profound shift in police thinking and community thinking".

The report usefully clarifies what a joint police-community problem-solving approach entails:

"… police first scan data on policing problems to identify patterns, then analyse those patterns to determine causes, then take action, where appropriate with other agencies, to respond to those causes and finally conduct an assessment of whether they have been successful. … Problem-solving is not something that the police can do alone. Community partnerships and liaison are essential. If, for example, it is
discovered that a prime cause of the petty crime or anti-social behaviour afflicting an area is that there are no facilities for young people in that area, the police beat manager will have to seek help from community leaders and groups to get the matter addressed”.

It is suggested that the South African and Northern Ireland concepts provide a good basis for policing with the community - a preferable term to the more ambiguous "community policing" - providing goals which are more feasible and promising than the extremes of either 'informing' or 'empowering'.

**Limitations on Effectiveness**

Pelser ends his review of the South African experience of community policing (Annex C) by concluding that "it is clear that implementation of the policy, through the establishment and functioning of CPFs, (Community Policing Fora), has facilitated generally positive contact and engagement between the police and those they serve. This engagement has resulted in an improved and strengthening political legitimacy for the police – a key objective of the policy". The review of the projects supported by DFID in our synthesis evaluation also provides evidence of their success in achieving partnerships and building trust between local stakeholders (police, provincial governments, NGOs and civic associations). (Biddle et al, 1999).

According to Jones and Maguire, (Annex D), the majority of evaluations that have been undertaken in the UK have found few positive effects in terms of crime prevention or reduction, but in many cases the waters have been muddied by problems of implementation. Considerable resistance has been found within police forces to the types of organisational restructuring and changes in working practices demanded by such a new philosophy of policing. Indeed, it has been argued, the majority of problems that have been identified have stemmed from programme failure rather than with fundamental flaws in the philosophy that underpins them.

Despite the limited and disappointing results that have been achieved thus far, there remains much faith in the community policing model. Fielding (1995:197) argues that: "the point is not that community policing routinely and generally delivers what is promised of it, but that, under some circumstances and in certain respects, some community police did deliver". The Northern Ireland report (Annex G) provides a good example: in a situation of great danger for the police in Belfast, a small local team was able to develop forms of policing reflecting the best of community policing.

**Lack of commitment**

As indicated above, there have been difficulties in engaging the full support of police forces for community policing. In the context of high rates of crime, senior police management, whilst recognising that community policing may be useful in image terms, frequently perceive it as a soft style of policing that detracts from other priority areas such as crime busting and internal security. Very often there is a problem of achieving a balance between priorities. Police may also fear that, as in S. Africa, community partners will see their role as control of the police, raising dangers of local
‘politicisation’ of policing and infringing what the police see as their need for operational independence.

Two cases examined in the synthesis evaluation of ODA/DFID supported police projects illustrate well the problems of gaining and retaining commitment. (Biddle et al, 1999).

In the Namibian case, there appears to have been an increasing disenchantment at senior levels with what they perceived to be the concept of community policing. Their first mission statement, produced with support of the project in 1992, noted the importance of sensitivity to public needs, consultation with and involvement of the public and stressed the idea of police/public partnership. However, the next Inspector General, near the end of the project in 1995, produced a revised mission statement which significantly changed the role of the community to that of “assisting and cooperating with members of the Force”, especially in terms of information gathering.

The evaluators of the Ugandan police projects concluded:

“...it seems doubtful if Community Policing, as currently practised, has yet to lead to any substantive change in the public image of the UPF. Indeed the obstacles to a full realisation of the benefits of Community Policing in Uganda remain formidable. In discussion with police and non-police sources alike we found clear signs that the police regard community policing primarily as a means of instructing local populations, rather than listening to them. They thus learn less than they might, whilst doing little to mitigate their authoritarian image.” (Biddle et al, 1999, Annex E3).

Pelser also concluded (Annex C), that the response of the South Africa Police Service (SAPS) to the development of community policing policy has, apart from fulfilling its legal responsibility of establishing Community Policing Fora, been "largely symbolic":

"That the attitude or mind-set of the police - expressed in its leadership style, training, and particularly, the commitment of junior members - remains a critical issue some five years after the first articulation of the policy, must surely be attributed to the lack of an informed and dedicated implementation strategy for the policy. This, one must assume, relates directly to the lack of authoritative leadership in the Department".

**Is community policing a core function?**

A major and almost universal limitation of community policing is that it has been interpreted as an “add on” function to the other responsibilities of the police. It is clear therefore, that one of the primary goals of community policing policy – the fundamental transformation of policing - has frequently not transpired as envisaged. Pelser notes that community policing in South Africa has been generally viewed as the responsibility of particular posts and sections within the SAPS and that this
responsibility is interpreted, at various levels, primarily in terms of the establishment and maintenance of the Community Policing Fora.

Despite relatively successful training inputs, in many cases the SAPS has been reluctant to mainstream community policing, seeing it as a separate area rather than a style or approach to policing that should be integrated into all police activities and which requires a radical change in organisational culture. Thus the focus on the CPFs has meant that there has been little, if any, understanding of the policy as an operational methodology impacting on all functions of the organisation.

Again, the Northern Ireland report (Patten et al, 1999) illustrates the point well. It says that:

“As presently organised the police service is not well geared towards community partnership policing, but rather to a more reactive style of policing. This is reflected in the allocation of resources. For example, at Musgrave Street police station … of a total complement of 168 officers, only 25 are assigned to community duties while the great majority are assigned to response duties”.

**Exclusion**

The most frequent implementation problem cited for community policing is the failure to involve all sectors of the community. The analyses in South Africa show clear evidence of the marginalisation or exclusion from Community Policing Fora of the poor, some racial groups and women. Problems of representativeness have been compounded by CPF becoming the sites of local struggle between political parties and civic associations and an independent local review of the Western Cape project concluded that political tensions still threaten the community policing structures.

One researcher has suggested that South Africa’s community policing model, because it does not define “community”, provides legitimacy to a form of ‘partnership policing’ in which the police engage with defined private interest groups – non-government organisations, business organisations and other interest groups. The Northern Ireland report's solution, of focusing on neighbourhoods rather than communities, does not necessarily overcome this problem of exclusion of some groups.

Pelser (Annex C) explores this crucial issue in some detail, suggesting that marginalised groups will be very reluctant to become involved and may become increasingly disadvantaged by community policing which works better in wealthier areas. Although the logic of community policing assumes the availability of inherent community resources – social capital – which may be tapped and enhanced to produce social order; very often such groups have, in practice, limited resources to offer.

Writing about the UK, Adam Crawford (1999) also emphasises the reluctance of some communities to become involved:
“Communities are often portrayed as the antithesis of violence and crime. On the contrary, however, the collective values of a community may serve to stimulate and sustain criminality”

Pelser argues that implementation of the South African community policing policy may well entrench the very societal divisions it was meant to help overcome. This, primarily, may happen through its relative success in wealthier (and whiter) areas and the consequent displacement of crime to those communities which, because of their relative poverty, are less able to deal with its effects. He quotes other South African researchers who point out:

“There can be little doubt that, in a country with as deeply embedded inequalities as SA, there are real moral and political difficulties with programmes which may increase inequality by skewing the distribution of policing resources and/or of crime in such a way that poorer communities, already more at risk of violent crime, become even more at risk of victimisation. These difficulties are real and, in the long-term, may become highly politicised.

The poor, lacking resources and more likely to be intimidated by the police, are often not well placed to sustain CPFs. Indeed, CPFs often work best in (white and wealthy) areas which require them the least, and remain fragmented and weak in poorer areas”. (Annex C).

Pelser concludes that the intellectual and physical resources available to community policing - both the resources of the people in particular localities and of the police themselves - remain crucial factors for the successful implementation of community policing. In the context of the lack of these resources, he asks a number of pertinent questions:

“Is it reasonable to believe, for instance, that, given the history of conflict between the police and communities, that a structure that was designed both to improve relations and oversee the police would succeed in both functions? Is it plausible that in communities where police were perceived to be oppressors and where the police believe that the most constructive crime prevention is police-led, that many members of the community would willingly give of their time and resources to assist the police in fighting crime?

Thus, is it plausible to assume that the personnel of the SAPS, developed in a disempowering, extremely centralised, hierarchical, and still largely insular organisational culture, have been equipped to deliver the decentralised, informed, innovative and proactive responses required by community policing? Clearly not.” (Annex C).

**Community policing and crime control**

An important consequence of the marginalisation of community policing is that it is perceived as "soft" policing. As such there is a tendency for it to be neglected,
especially as crime rises, despite the fact that one of its long term purposes is to assist in controlling crime.

This aim of crime control merits further discussion, given that the typical conclusion of evaluators is that there is no evidence that community policing has helped to control crime. In South Africa the evidence indicates no reduction in crime or increases in feelings of safety and security in community policing project areas. This is in line with research in the UK which indicates an absence of evidence for the effectiveness of community policing in relation to crime reduction.

In our view the jury is still out on this - the question remains to be answered. Analysis is not only complicated by the fact that implementation has been defective - we do not know whether 'good' implementation would have been more successful. In addition, community policing is likely to have the short term effect of increasing official crime rates, as the public become more willing to report crime.

Finally, as noted by Skolnick and Bayley (1988) it is clear that community policing cannot be a crime control panacea:

“The classic social and economic correlates of crime – high rates of youth unemployment, family breakdown, social dislocation, violence, gangs, drugs, illiteracy, and historical patterns of racial discrimination – will not be removed by community policing. Community policing is no substitute for social and economic change. As a crime-control measure, it must be understood in a limited perspective, not as a long-run or keystone feature of a successful anti-crime policy.”

Conclusions: the future

Given the above analysis, it seems unlikely that implementation of the policy of community policing, in its current forms, will facilitate achievement of its wider goals – improved service delivery and actual reductions in crime. However, there are grounds for optimism in the considerable agreement between different analysts on the real possibilities of increased effectiveness, and on ways of achieving it.

The key conclusions, which emerge from our survey of TCOs, advisors and consultants (Annex B), the Pelser analysis of S.Africa (Annex C) and the Northern Ireland report (Patten et al, 1999, and Annex G) are that successful community policing (policing with the community) can be achieved if:

- it is clearly recognised as the core function of policing and
- it is the product of long-term, sustained commitment.

There is also considerable agreement between the survey and Pelser’s analysis on the need for a progressive, phased approach to the development of community policing. This is elaborated in Annexes B and C, in which the survey refers to "stages" and "levels", Pelser to "challenges". There is room for debate about the contents of different stages, but the need for a progressive approach, in which some components need to precede others, seems clear.
It is useful here to summarise the key components identified by Pelser, which indicate that effective policing with the community requires a synthesis of police and other resources and actions.

The **first requirement** identified is the provision of the basic resources needed by both the police and the community.

- For the police, the provision of resources required for undertaking basic policing tasks, for example: basic education (literacy and numeracy in some cases), availability and functioning of vehicles, equipment and infrastructure appropriate for the topography and the means to gather and analyse intelligence.

- For the people in the community, overcoming factors that reduce their ability to contribute in a meaningful manner to police-community partnership institutions, for example: a lack of basic education, difficulty in getting to and from the police station, poor community communications, as well as the lack of basic infrastructure like roads, telecommunications and electricity.

The **second requirement** is a basic level of mutual trust. As Pelser implies, this is difficult, if not impossible, if basic resources are not yet available. It is also clear that gaining trust will be a long drawn out process in some communities. It is of interest to refer again to the views of Patten et al (1999) on the changes required in order to develop mutual trust:

"Partnership is a matter of policing style, but it is also an attitude of mind, both for police officers and for the public. It is at least as much a matter of philosophy as it is one of method, and it amounts to a profound shift in police thinking and community thinking".

Initially, it is likely that developing trust will stem from demonstrated police behaviour and this is not necessarily dependent on the inevitably drawn-out process of changing police culture and attitudes. Behaviour change may precede attitude change, if behaviour is controlled by a clearly set out and widely known set of rules and procedures guiding police conduct in contacts with community members, with accompanying procedures to deal with misconduct. To put it another way, perhaps control of police discretion is a priority in the early stages of developing trust.\(^{11}\)

The **third requirement** is full partnership in which the police and community policing institutions are able to develop an active relationship with other role-players, aimed at joint crime reduction. A central element here appears to be achieving critical mass: the mobilisation of all or most other relevant role-players - like other government departments and non-government and community-based organisations – to engage with social crime prevention programmes. Some of the key factors here appear to be:

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\(^{11}\) See Section III, 5 above on the experience of the Gloucester Domestic Violence project
• the extent of local activism,
• a co-operative synergy between a range of organisations,
• the continuity of progress on projects,
• the continuity of strong leadership at the local level in the police (police station) and police-community partnership institutions.

If such a full partnership is to be achieved then, clearly, it will often be necessary for government and civil society to provide especially strong support to less privileged localities, where both the community and, often the police, lack the basic resources referred to above.

The final requirements are:

• high level, authoritative and willing leadership in the police

• a coherent, integrated and actionable implementation strategy, developed through a critical and open review of the policy (its assumptions and its requirements) and of actual conditions on the ground which targets specific interventions at particular localities. Given some of the issues related to the lack of basic resources in various localities, the specific interventions outlined in such a strategy would clearly need to be multi-disciplinary and not limited to the police alone.

• an informed personnel recruitment, development, deployment and succession plan in which appropriate entrance criteria, an integrated training curriculum and an appropriate performance-based and incentive-oriented promotion system were specified. Accountability for service-delivery would be the key theme emphasised here.

• a review of the adequacy of police training to ensure that the principles of community policing informed, in a practical manner, all training and development programmes – including those of the specialised services, but particularly the management development programmes.

9. COMMUNITY SAFETY AND CRIME PREVENTION\(^{12}\)

Introduction

The present UK government has continued earlier concerns with crime prevention and 'safer cities', investing in Community Safety initiatives whereby responsibility for security is shared with by local partnerships of statutory, voluntary and commercial agencies. Newman et al (1999, ch 8) notes a wide variety of approaches to community safety, including:

\(^{12}\) This section draws especially on the following:
Annex F Graham Farrell and Ken Pease Crime Prevention in Developing Countries
Policy Guidance on Support to Policing in Developing Countries

- Situational crime prevention
- Problem oriented policing
- Promoting social control
- Investing in youth and family
- Promoting responsibility
- Breaking the cycle of violence

The first two approaches are included in this section, which focuses especially on more promising, practical initiatives outlined in Annex F, which appear to be useful sources of ideas for practice in developing countries. As the authors note, there is almost no recorded experience of crime prevention initiatives in developing countries to draw on. The UK material has particular value, however, because it gives special emphasis to action research, developing practice through monitoring experiments originating locally. This approach is strongly recommended as a basis for crime prevention practice in developing countries. It is centred on and published by the Home Office's Policing and Reducing Crime Unit.

Police involvement in crime prevention

The police need to be centrally involved in local partnerships and to recognise the development of crime prevention initiatives as a central feature of their work. In commissioning a paper from Farrell and Pease we gave insufficient emphasis to this. They say (Annex F):

"Part of the original request for this note asked whether some investments in prevention might provide higher returns than comparable policing investment. This is really the wrong question. Related to the seeding of crime prevention work, a further recommendation is that any projects aim to ensure that crime prevention is integrated into local police work in developing countries. This may be most appropriately introduced by the development of performance indicators for policing that relate to reductions in crime. In the UK, a national key performance indicator for policing is the level repeat victimisation. Since policing is typically a response to victimisation this is a logical performance indicator of the effectiveness of the response (since repeat victimisation is more likely once a crime has occurred). Using area crime rates as the performance indicator (also) seemed to produce innovative efforts to lower the crime rate. We stress this point here because it is not as obvious as it may appear – often the police are not oriented towards the prevention of crime."

Cost-effectiveness and crime prevention

Evidence is accumulating on the cost effectiveness of crime prevention initiatives, which may appear costly but often provide returns far exceeding costs. Farrell and Pease say:
"Crime prevention is currently viewed as a luxury policy of the developed world rather than a cost-saving measure. It is recommended that a process be set in motion whereby crime prevention is marketed to governments of developing countries as a cost-saving exercise rather than a luxury expenditure."

Although crime prevention often involves use of expensive technology, they point out that this is need not be the case. This is a good example of the need for local creativity and innovation, rather than following models too closely. To develop this local expertise effectively, it is suggested that specialist crime prevention units are needed, which would need to work very closely with the police although they might be sited, for example, in local governments or NGOs. To stimulate their work, DFID might compile an inventory of promising crime prevention techniques. Useful, initial sources for this suggested by Farrell and Pease are Clarke (1997) and Felson and Clarke (1998).

**Analysis and use of predictors**

As emphasised in the synthesis evaluation of policing projects, we share Farrell and Pease's focus on the need for greatly improved information and data analysis as a basis for crime prevention policies. In addition to systematic monitoring of effectiveness, this includes use of what Farrell and Pease call "predictors" of crime in resource allocation:

"A range of ‘predictors’ of crime have developed in recent years that can be used to allocate scarce crime prevention resources more efficiently. These include hot spots (targeting problem areas), preventing repeat victimisation (since the same places and people are more likely to be victimised again if already victimised) and targeting hot products (since the same high-risk items are targeted for theft if they are visible, accessible, valuable, portable and easily re-sold)."

Careful analysis of offences reported to the police, of course, provides one source of predictors. In addition, the use of independent victim surveys is strongly recommended in crime prevention planning, (as well as for evaluation of policing, as discussed in the synthesis evaluation). Although these surveys are both difficult and quite expensive to carry out, international support for them is available. It is suggested that full victim surveys should be carried out periodically in cities and large towns of developing countries. These should be interspersed by lower cost 'participatory justice assessments', using the methodologies of participatory and rapid appraisals, for which a great deal of expertise is now widely available, (for example, Holland and Blackburn, 1998; Rhodes et al, 2000). The experience of victims not only fills much of the gap of unreported crime; it also provides information on what is seen as most important and threatening.

Newman et al (1999, pp 207-209) provide good illustrations of the kinds of project which may be successfully based on detailed situational analysis:
"In the last decade, problem-oriented policing has been touted as a way for the police to focus on ways to tackle the underlying problems that create repeated demands for service. It is based on the theory that there will be a rigorous process of problem solving: identification, analysis, response and evaluation. .

What began as a demonstration project to test the effectiveness of implementing problem-oriented policing on an agency-wide scale in the city of Newport News, USA, soon turned into a model of best practice. In just three months, following a multi-agency effort on the part of the police, a state agency and local businesses, prostitution-related robberies were reduced by 39 percent. Eighteen months after the scheme had ended, neither prostitution activity nor reported incidences of robbery showed signs of returning to pre-intervention levels. Also, through a stepped up police enforcement strategy, thefts from cars in a shipyard parking lot were reduced by 53 percent after only a few months.

In June 1993, in the Netherlands, a Commercial Robbery Task Force of 5 individuals representing the police, local and central government, and the national associations of banks and shopkeepers was created for a term of three years to analyze the problem of commercial robbery and recommend solutions. The following strategies were identified to tackle the problem: regional coordination for tracking offenders; opportunity reduction prevention (e.g., CCTVs); social prevention (e.g., education and work programmes for young people at risk of delinquency and later criminal offending); and victim assistance (e.g., training of coordinators and volunteers to assist victims of robbery). It is reported to have achieved a 28 percent reduction in commercial robberies in one year. .

In response to high levels of victimization against women and under-reporting and inaction on the part of the police in Sao Paulo, Brazil, all-female police stations were set up across the city (Eluf, 1992). The police stations were empowered to investigate and counter such crimes by: attending to victims; writing official complaint reports; working to deter male violence directed at women; and providing counselling services and emergency shelter for battered women and their children. In the two years following the introduction of an all-female police station in Rio de Janeiro, reported threats against women dropped by 63 percent and reported rapes fell by 37 percent”.

Crime and opportunity

Evidence from victim surveys in some African cities has forced us to modify earlier, sweeping beliefs that development is associated with higher rates of property crime. When unreported crime is included from victim surveys, we know that both property and violent crime are at least as high in some cities of developing countries as they are in major cities of developed countries. Nevertheless, property crime in all societies is
linked to some extent to opportunity; as new and more expensive products become available they become targets for criminals as well as others.

A concrete recommendation from Farrell and Pease is that the market for stolen products be investigated (and related laws) as a potential weak link in the chain which, if broken, may result in the reduction of much crime. More broadly they suggest that the bitter lesson from developed countries is to adopt situational crime prevention measures, to prevent crime before it arises as a problem, as described by Clarke (1997) and Felson and Clarke (1998).

**Crime Prevention and the Poor**

Although the approaches discussed in this section are very promising, and we agree with Farrell and Pease that their introduction and widespread experimentation in developing countries are well justified, it is important to express a cautionary note.

As Gilling (1997) has emphasised in the UK, there is a considerable danger that community safety and crime prevention activities will be of primary benefit to commercial partners, and to better off sectors of the community, for very similar reasons to those already identified in Section 8 above as weaknesses of community policing. It is essential to focus specifically in the design of such projects on how they may best serve the interests of poor and disadvantaged groups.

The work of Louw and Shaw (1997) on the impact of crime on the poor in S. Africa emphasises how victimisation is associated with differential access to security measures. Whilst the more wealthy both benefit from better service from the police and are able to buy protection from private security companies, the poor are largely dependent on less well resourced police and their own, largely inadequate efforts.

In such circumstances prevention may require, in the first instance, provision of basic infrastructure like street lighting, telephones, roads and convenient access to basic resources and public services.

"Areas inhabited by the poor are less likely to have the kinds of infrastructural development – such as street lighting and urban planning – which facilitate crime prevention. For example, women in rural areas of Northern Province rated electrification as a high priority in improving their life circumstances, given that it reduced their vulnerability to physical attack and sexual assault. The same would apply to people living in urban and particularly informal settlements, where a lack of infrastructural development also places the poor at risk: the layout of squatter camps where access roads are absent have been linked to violence between households as well as more random attacks". (Louw and Shaw 1997, p.14).

They also point out the particular problems faced by women having to walk long distances to access basic necessities like water and firewood.

"Also, having to walk long distances to collect water and firewood in rural areas increases women’s chances of victimisation. In the former
homeland of KaNgwane, for example, most rapes which advice workers were aware of were committed while women were away from their homes performing these chores: they believed that ‘basic utilities would greatly increase women’s safety’. A similar problem has been reported in urban areas. In a squatter settlement outside Somerset West in the Western Cape, ‘stories of rape and attacks on women collecting wood fuel in the forests abounded, and each woman had at least one story to tell of being accosted by unknown men. The forests were renowned as places of evil and danger…” (pp14-15).

Without an adequate focus on crime prevention designed specifically for the poor, the interests of those who bear the burden of crime will continue to be ignored. Given the role that can be played by the provision of basic infrastructure in preventing crime and increasing feelings of safety, these need to be high on the list of crime prevention projects that are targeted to benefit the poor and vulnerable.

10. PUBLIC AND PRIVATE POLICING

The Police and Policing

Recent writing on the police has suggested that modern societies are characterised by an assumption that the police are a functional prerequisite of social order and that it is important to distinguish between the ideas of ‘police’ and ‘policing’. Reiner says, for example, that:

“The ‘police’ are a particular institution, whilst ‘policing’ implies a set of processes with specific social functions. ‘Police’ are not found in every society, but ‘policing’ is arguably a universal requirement of any social order, which may be carried out by a variety of different processes and institutional arrangements”. (Reiner, 1997, p1004)

Policing can be carried out by different people using different techniques. It may be carried out by professionals employed by the state with a general mandate (the classic modern idea of the police), by specialist private policing companies, by citizens in a voluntary capacity acting within or alongside the state or public police or as vigilantes.

A recent review of the development of the police concludes that the development of specialised police is linked to economic specialisation and the differential access to resources that occur during the transition from a kinship dominated to a class dominated society. Defining the ‘police’ and ‘policing’ in this way serves as reminder that for many developing societies the police are a relatively recent innovation, frequently imposed as part of colonialism, and that many forms of policing continue to coexist with the police. These forms of policing are often intimately connected with the institutions and processes of dispute resolution and sanctioning ‘offenders’ which were part of the mechanisms of social control before the advent of modern justice systems imposed under colonialism and which have continued to exist alongside them in many countries.
In this section we consider policing by a variety of organisations and systems other than national, state police forces, namely: non-formal justice systems; specialist NGOs; self-policing; private (for profit) policing and other public or quasi-public bodies. In considering these alternative approaches, we need to examine both advantages and disadvantages as compared with state police. It is also important to recognise, as we emphasised in Section II, the need for very different approaches in different contexts. In particular, some alternatives may be particularly cost effective in very poor countries, which cannot afford the kind of fully professionalised service which consumes such as enormous share of recurrent budgets. Furthermore the requirements of urban and rural areas may be very different. For example, whereas reliance on non-formal systems may be valuable in rural areas, it is likely to be less so in urban areas, where crime is far more prevalent. In the latter cases, however, it may be possible to construct alternatives which retain some of the advantages of non-formal systems.

**Non-formal systems of justice**

DFID policy is to support non-formal systems of justice where they do not contravene basic human rights standards, and to assist with bringing them into line with such standards so that they can play a full part in maintaining social peace. (DFID 2000). The objective of supporting them is by no means a new one. One of the central aspects of the British policy of indirect administration during the colonial era was the establishment of so-called native courts which functioned within a system of native administration largely controlled by local elites under the ultimate control of the colonial administration. Such courts were usually empowered to apply both imported statute law and customary law as long as it was not repugnant to British and civilised notions of justice. Contemporary arguments in favour of indirect administration stressed both the financial and political advantages of a system of governance and justice that reduced costs to the colonial administration and allowed native peoples to retain their traditions and thus conferred a certain legitimacy to colonial rule. (Clegg and Harding, 1885).

The overwhelming weight of research evidence is that the contemporary forms of traditional, customary and informal justice have evolved alongside and in response to the penetration of the state and associated colonial and modern forms of justice system. In this sense they are not traditional. Furthermore, many of such institutions and processes of dispute settlement often coercive and controlled by local elites. Research on forms of customary dispute settlement in regions like Sub-Saharan Africa and the Pacific indicates that more powerful members of the community construct and use tradition, custom and non-state justice institutions to maintain or reinforce hierarchy based on wealth, gender and age, to the disadvantage of the poor, women and children. This appears to have been the case even in the popular tribunals constituted in Mozambique during the FRELIMO period. (Sachs and Honwana, 1990).

Thus, in looking at the various forms of traditional, non-formal, popular, and community-based systems of justice, it is important to avoid making a facile
antithesis between ‘bad’ state and ‘good’ community. It is also necessary not to adopt the romantic myth of simple natural consensual communities with justice systems based on ideas of mediation and restorative justice.

**Police Discretion**

It is generally recognised that, especially in developing countries, a high proportion of crimes go unreported. This is particularly the case in situations where:

- there is no easy access to the police such as in remote rural areas
- there is a history of fear or distrust of the police

Sometimes, as in Papua New Guinea and the Pacific Islands, these conditions may coincide in communities which are both remote and where there is cultural resistance to outside interference by the state. (See Annex G). In such cases, it is likely that crime will be dealt with directly by local mechanisms for dealing with disputes and trouble in the community.

In many other cases, the police may receive reports of matters which involve the commission of penal code offences or of disputes and problems. In such cases the police may, lawfully or unlawfully, exercise discretion in the manner in which they respond. As has been noted in the sections of this report on children and women, many cases, even when they may involve infractions of the law, are seen to fall within the private rather than public arena. A common reaction of the police is to either reject complaints as not falling within their area of concern, to attempt mediation themselves or to pass cases on to a range of local informal dispute settlement institutions.

In this sense the police often act as gatekeepers to both the formal and the informal justice systems. The extent to which the police ought to exercise this discretion is much debated.

On the one hand there are arguments that the formal justice system frequently does not meet the interests of the victim and that channelling disputes towards more informal systems of resolution will serve these interests better, allowing the possibility of restitution, compensation and reconciliation. There is also the point made about the value of keeping minor offenders out of a justice system that is too often characterised by long delays and over-harsh punishments. In the case of juveniles in conflict with the law, the value of discretionary cautioning is frequently stressed. (See section III, 6 above).

The exercise of police discretion in the context of a wider policy of pre-trial mediation and dispute resolution can be seen in the work of the Dispute Resolution Foundation in Jamaica, (DRF). Since its inception in July 1994, the DRF in Jamaica has trained some 5000 persons in dispute resolution techniques including teachers, students, lay magistrates, community leaders, correctional service officers, young people, corporate executives, neighbourhood watch members and prison staff. They have already established ten centres which offer mediation services and coordinate work with the police, courts, schools and NGOs. The DRF has trained panels of mediators who work
on a voluntary basis on their behalf within each of these parishes. The DRF has also carried out training in Guyana, Belize and Trinidad & Tobago.

The work of the Community Dispute Resolution Trust in South Africa, referred to in section III, 6 above, is a similar example.

On the other hand a strong case has been made for the importance of removing discretion, particularly in relation to the abuse of children and violence against women. In such cases it is argued that only a consistent policy of criminalisation of abusers and taking proceedings in the formal justice system can provide adequate protection for victims and deterrence for perpetrators. (See section III, 5 above).

Self-policing

In some societies, one response to the inadequate protection afforded by the state or public police has been for communities (especially marginalised communities) to organise their own forms of policing. This has been particularly evident in societies where the police have taken a wider political role and have reduced the attention paid to the routine policing of ordinary crime and the maintenance of everyday order.

Apart from the examples of South African townships during the apartheid period and nationalist/republican areas in N. Ireland, the case of Latin America provides many instances of this type of self-policing or vigilantism. Such vigilantism can include:

- lynching, which involves citizen’s action against another citizen presumed to have committed a crime or violated some social norm; it may or may not result in the victim’s death;
- justice-makers (justicieros in Brazil) who assassinate criminals and alleged trouble makers and who may be off duty police/military or civilians;
- death squads or semi-formal para-military and para-police groups
- armed revolutionary political groups in areas under their control

Much such vigilantism is ostensibly aimed at controlling ordinary civilian crime in situations where public policing is perceived to be ineffective; however, it may also be used for the wider purposes of social control especially of marginalised groups or for political control. (Huggins, 1991). As noted in the section on policing and rights, such forms of self-policing, with or without the informal involvement of the police, can lead to gross abuses of the rights of citizens.

Partly for these reasons, until recently within liberal democracies most commentators assumed that policing was and ought to be an essential state monopoly. However there has been a growing recognition of the limits to the sovereign state in respect of crime control and security. Successive governments in the UK and the USA have used ‘responsibilisation strategies’ as a response to the recognition that the state alone cannot, should not bear sole responsibility for crime control and personal security. Central to such responses are appeals to the ‘community’ emphasising the responsibility of ordinary citizens in the maintenance of order and the prevention and detection of crime.
What was once thought of as vigilantism is now becoming popular as self-policing and is encouraged by the police in the form of neighbourhood watch, an enlarged Special Constabulary (in the UK) or citizen patrol (in the USA). Attention has also been focussed on street level policing through the provision of residential patrols by private security companies. The Labour Government has invested in Community Safety initiatives where responsibility for security lies with local partnerships of statutory, voluntary and commercial agencies.

Similar responsibilisation strategies are now being advocated in developing countries. To some extent these derive from a recognition that resource poor states cannot afford to provide full protection through the public police. However, they also reflect the view that effective protection can only be achieved if citizens are more fully involved in policing.

Examples of such an approach can be seen in the 1997 Lesotho draft White Paper on Police Reform which notes that members of the public have both a right and a duty to be involved in tackling crime through, for example, part-time policing. (Biddle et al, 1999, Annex E.6):

"The idea of local people actively helping to keep the peace in their neighbourhoods is not new to Lesotho. Our system of chieftainship has always involved a law and order function and chiefs continue to take very seriously their responsibilities to keep the peace and deliver offenders to the police.

The government believes that it is right to build on that tradition and also to give other local people the chance to take on a more formal law and order role, assisting the Chief in his traditional role and helping to achieve police objectives.

The new legislation will therefore enable local people to join the Lesotho Mounted Police Service as part-time officers, with powers to keep the peace in their neighbourhoods".

Similar proposals to revive special constable schemes, originally implemented during the colonial period, are under consideration in Vanuatu and Fiji. (See Annex G). Examples of self-policing, rather than community policing, would include a number of schemes operating in South Africa, such as the Anti-Crime Committees (ACCs) and the Community Peace Programme. (See Annex C). The ACCs are organised as part of civic structures in which each community is required to elect 10 volunteers who will engage in crime prevention and investigation. The volunteers are unarmed and pursue the solution of crime in the community or outside by eliciting the cooperation of residents. Their training emphasises learning and respect for human rights. The volunteers have also been taught about the rights of private citizens to arrest and limitations of this right. The interaction between the ACCs and the South African Police Service involves the exchange of support and experience in order to combat crime. The ACC’s have a very limited jurisdiction and they only address crimes of a socio-economic nature. Murder and rape are always referred to the police, whilst other matters are referred to civic structures.
The South African Community Peace Programme (CPP) was established at the end of the apartheid era to work on policy for policing in a democratic society. The aims were to expand the definition of policing to include issues relating to community security, including individuals and organised units other than police and formal structures and to train police in the philosophy and practice of community policing. After a few years of intensive policy work, and conducting retraining workshops for the police, the CPP decided it appropriate to move on and begin to address the issue of safety and security from the community perspective.

Since mid-1997 the CPP has been running a pilot project in Zwelethemba, the black township of Worcester, about 70 miles from Cape Town (funded by SIDA and the Raoul Wallenberg Foundation). The aims of the project are:

- to test the hypothesis that ordinary “non-expert” people in a poor community are capable of taking on responsibility for dealing with most matters of safety and security in their community;
- to develop the structures and procedures for carrying out dispute resolution (peace making) and tackling broader generic problems in the community (peace building);
- to empower individuals in the context of community-building;
- to develop a relationship of co-operation and equal partnership with the organs of the state, in particular the police and the courts; and
- to develop a model which is replicable, with appropriate local adaptation, in other communities.

The CPP is seeking to develop a model which can eventually be taken over by the government, not only in terms of principles and procedures but also in its administrative and financial aspects.

**Private Policing**

The most visible form of self-policing in western democracies has been the increase in the number of individuals and organisations prepared to pay for their own policing. This has led to the massive growth of the private security industry. Though it is difficult to obtain reliable data, it has been estimated that there are at least twice, and maybe three times, the number of private police as public police in the United States, and that this gap will continue to widen. As Newman et al report, (1999, Box 5.2), private policing is also becoming a major growth industry in developing countries.

With this growth has come the problem of dual policing in which private providers supply policing to those who can afford it and the poor, who live in deprived and dangerous urban areas, are policed by the public police. The growth of private ‘gated communities’ of middle and upper income residents who contract their own security and other services also further disadvantages residents of poorer communities as crime and disorder is displaced to deprived areas.
Research in S. Africa reflects a similar picture of the growth of preventive policing supplied by private companies in richer (and white) areas with poorer (black) areas being policed reactively by an enforcement oriented public police. The same research indicates that community surveillance networks in poorer areas do not necessarily provide adequate protection and security given that many geographically defined communities are socially divided and do not share the same interests. (Louw and Shaw, 1997).

**Other public policing organisations**

To distribute the burdens of public policing, a variety of specialist policing organisations have emerged. These include, for example, railway and forestry police, traffic wardens and, in step with the development of 'safer cities' programmes discussed in Section 9 above, local, municipal police. An illustration of the latter for Gauteng, South Africa, is described by Shaw (1997). The following principles were agreed after wide-ranging consultations and indicate the constraints felt necessary to ensure that city police officers play only limited roles, in partnership with the national police service:

- city police officers should be equipped with 'peace officer' status according to the provisions of the Criminal Procedure Act of 1977;
- city police services should be constituted from the existing traffic, security and civil defence structures and that additional training be provided where necessary;
- city police services should operate under a public safety umbrella at local or metropolitan council level;
- city police services should operate on a 24-hour basis;
- the primary functions of city police services should be traffic policing, crime prevention and the policing of municipal by-laws;
- city police services should not have investigative powers with the exception of investigations into traffic offences and into offences committed on council property; and city police services should not replace the South Africa Police Service but merely augment it.

**Conclusions**

This section has argued that any policy on the police and policing ought to start with a recognition that policing is carried out by a wide range of public, community and private agencies, not just by the state or public police. This is important in a number of ways:

- the responsibility for social order, protection of rights, safety, security and access to justice does not lie solely with the police
- in most societies, many citizens, individually and/or collectively make their own arrangements for security and safety
- the extent to which these arrangements meet the needs of citizens depends partly (or largely) on their market position and their social capital.
This situation is not new. As we have noted, the idea of policing as essentially a state monopoly is largely a nineteenth and early twentieth century construct. What is new is the increasing recognition by both governments and citizens of the limitations of the protection that can be provided by the public or state police.

The development of the ‘responsibilisation’ strategies referred to in this section provides a dilemma. On the one hand, they can be seen as means of increasing citizen participation in policing and empowering citizens to take a greater role in ensuring safety and security. On the other hand, it is the very vulnerable groups (which DFID seeks to target) who are least protected by both the public police and most of the new forms of non-public policing. They also suffer most from the more negative forms of self-policing and vigilantism.

As stressed throughout this report, policy does need to be based on the recognition on the range of agencies involved in the production of order and safety and does need to encourage partnership between them. This requires identifying those agencies involved and ensuring that they are able to work cooperatively with the police in ways which contribute both to the effectiveness of policing as a whole and, most importantly, which ensure greater safety, security and access to justice for the poor and vulnerable. Given the imbalance of resources between richer and poorer social groups, this, as argued in the section on Policing with the Community (III.8), will require measures to enhance the social and economic capital of the poor and vulnerable if they are to be able to participate effectively in this partnership.

11. CONCLUSIONS

The aim of this report has been to facilitate the process of elaborating policy and technical guidance on building effective and democratic police services in developing countries, in the context of DFID’s wider policy goals of the achievement of safety, security, access to justice and the reduction of poverty.

Our synthesis evaluation of ODA/DFID support to the police in developing countries reached a number of tentative conclusions about future directions based on the experience of the last decade. (Bibby et al 1999). Prominent amongst these were:

- The need to recognise that the impact of crime is not uniform, that the poor and vulnerable suffer disproportionately from its effects, particularly through the erosion of their assets and that addressing this will require radical shifts in resourcing, management and police ‘culture’

- The need for a more holistic approach which does not deal with the public or state police in isolation from the rest of the formal justice system and which recognises the role played by many other agencies, formal and informal, in policing

- The need to achieve a high level of commitment from police, government and all sections of civil society to the concept of police-public co-production of safety and order as well as ensuring that effective mechanisms for accountability are in place;
The need for longer term, strategic approaches grounded in stakeholder analysis and participatory planning, emphasising full involvement of disadvantaged groups.

To a large extent, this report has been concerned with providing ideas about how these general conclusions can be taken forward in terms of policy and implemented within projects supported by DFID.

Despite the report’s emphasis on partnership and the co-production of safety and security, we feel strongly that the improved efficiency and effectiveness of policing through the long-term institutional development of state police services, remains an important basis for strengthening the safety and security of all citizens. Detailed guidance on this and the management of police projects, based on the experience of TCOs, advisors and consultants, has been included in Annex B. However, the main section of the report, Part III, focussed on a number of areas which address issues of specific relevance to the question of ensuring the protection of the rights and interests of those groups most vulnerable to crime and least able to secure access to justice.

One major question for any policy on safety, security and accessible justice is the extent to which effective protection of rights and access to justice depend on the wider institutions of a democratic polity and the existence of a relatively egalitarian civil society. As Section III, 4 on police and rights indicates, we feel that the police alone (or even the wider justice system) cannot be responsible for the protection of rights. For this reason we have stressed that firm evidence of a strong commitment by government to implementing the range of international conventions and covenants on social, economic, cultural, civil and political rights should normally be a pre-requisite of any future policing project.

Following from this, three main components have been stressed in the report. These are:

- partnership between the police, the rest of the justice system, other GO and NGO agencies and the local community
- addressing issues of safety, security and access to justice at a local level as well as at a national level.
- providing adequate resources at a local level for the police, partnership organisations and the community

The main key to strengthening effective policing is to ensure that it is carried out through a variety of partnerships between the police, other government and non-government agencies, and citizens. Partnership is seen as major means of breaking down both the isolation of the police from citizens and the alienation from the police felt by many citizens, particularly the poor, the vulnerable and members of minorities – a problem not confined to developing countries. It is, however, essential that the state police are centrally involved in such partnerships and feel supported rather than threatened by them. Whilst formal, legal accountability of the police to elected government is vital, partnership is a way of ensuring wider accountability within civil society.
Whilst many governments are beginning to implement ‘responsibilisation’ strategies which recognise that policing and crime protection is not the monopoly of the public police, it is important to recognise that citizens vary in their capacity to access other forms of protection. The conclusion of most research is that the poor are most at risk particularly because they receive less protection from public and private policing and because their already limited assets make it difficult for them to deal with the consequences of crime and injustice. Members of other social categories such as women, children and ethnic minorities are equally at risk.

Given this variation in levels of vulnerability, a second main point in the report is that the identification of risk and the needs for protection and access to justice must be local and targeted on specific social groups. This implies that effective partnership in protection and prevention must also be local. The sections on community policing and crime prevention and community safety have argued that approaches that are not based on inclusive local partnerships are very likely to fail to meet the needs of those most at risk.

Consequent on these two points of partnership and the need for local and specific action is the third point – the question of resources. As is stressed in the section on policing with the community, frequently, neither the police nor members of local communities have the material or social resources to make partnership work effectively. This is especially the case in urban and rural areas characterised by poverty and low levels of social capital and where there is under-investment in the police, particularly in terms of infrastructure. Addressing this requires co-ordinated material and social investment in the public police, partnership organisations and local community infrastructure as well as in members of the community, especially the most vulnerable groups.

A final point is that, despite the apparent universality of the problem, there are no ready-made and universal recipes for good policing. The report has indicated a range of principles and policies which DFID could adopt and advocate, together with examples of more and less ‘good’ practice from different countries. But ultimately, both the nature of the problem and the development of appropriate solutions will specific to countries, localities and cultures between national regions and between urban and rural areas.
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Annex A

TERMS OF REFERENCE: POLICY GUIDANCE NOTE ON SUPPORT TO POLICING IN DEVELOPING COUNTRIES

The purpose of this work is to provide guidance on assistance to building effective and democratic police services in developing countries, in support of DFID's wider policy goals of the achievement of safety, security, access to justice and the reduction of poverty.

The policy note should take forward the findings of the synthesis evaluation of ODA / DFID support to police to broaden the concept and scope of policing beyond a narrow focus on institutional development and towards a more multi-disciplinary, pro-poor approach. The Draft Proposal document by the Centre for Development Studies, Swansea (attached) sets out the scope, aims and outputs of the project in detail. Broadly, the Policy Guidance Note will provide:

1. Clarification of conceptual issues by an examination of:

   • Why DFID should be involved in police projects.
   • When and how DFID should become involved in supporting policing projects.
   • The impact of insecurity, crime, violence and denial of rights on the poor and vulnerable.
   • The place of the Police Service within the justice system.
   • Ways of involving stakeholders in project design and management and ensuring a high level of commitment.
   • Why a multidisciplinary approach is needed.
   • What principles underpin the concept of community policing.

2. Technical guidance on good practice in order to target poorer and more vulnerable groups, provide them with increased protection from crime and violence, enhance their access to rights and change police culture and behaviour in relation to the poor and disadvantaged.

Analysis of evidence from poverty-focused projects and programmes from a range of societies (both developed and developing) should identify obstacles which limit the effectiveness of pro-poor policing by examining:

   • Mainstream policing activities, especially strategic planning, management and supervision of human resources, crime management, prosecution processes and exercise of discretion, recruitment and training.
• Gaining commitment (government and police).
  Public accountability.

• Indicators and methods for monitoring and evaluating performance.

• Community policing.

• The involvement of civil society, including both formal and informal linkages between external groups and agencies and police organisations. This would cover the wide variety of crime prevention projects, the involvement of the police in efforts to strengthen social capital, private policing, "prosecution" and punishment by community members and groups, and alternative means of conflict or dispute resolution.

• Country and regional variations.

• Family and child protection.

INPUTS

The research team will comprise Jim Whetton, lan Clegg, Bob Hunt and additional research assistance as required.

OUTPUTS

A draft text to be presented at a multidisciplinary DFID seminar and then finalised in the light of comments - by 30 November 1999.

Assistance in designing and implementing the process of dissemination of the final work - as requested

Guidance on relevant UK resources to support projects by 30 November 1999.
ANNEX B

PROVIDING TECHNICAL ADVISORY SERVICES AND TRAINING

INTRODUCTION

This Annex was drafted by Bob Hunt and draws heavily on a small survey of the experience of TCOs and consultants who have been employed abroad on DFID or other UK government contracts over recent years. These practitioners, who include some DFID personnel, have drawn upon personal knowledge, including exposure to the views of governments, police, public and media in a wide range of countries. Problems have been encountered, sometimes with seriously damaging impact on DFID projects; equally, there have been good experiences identifying factors which support and sustain projects.

These guidelines seek to show ‘best practice’ setting standards for project design and management. They do not purport to be tablets of stone, however, and flexibility is intended.

The first five sections which follow relate to stages to be dealt with before a cohesive programme of developmental projects take place in a host country. The first two are widely viewed as critically important. Then follow six sections which deal with project content and management. The emphasis is on human rights and related police issues which are essential ingredients in projects, pursuant to UK policy of poverty elimination.

A Multi-Agency Approach:

Policing does not take place in a vacuum. In the field of human rights, what happens in the remainder of the Criminal Justice System - the legal profession, the courts, prisons, probation, after care - is equally capable of supporting or denying human rights.

There is an interaction also between policing and the provision of other social services. These include housing, health, education and welfare or ‘caring’ arrangements, whether provided by central or local government, or by traditional extended family support. In the context of poverty elimination, progress needs to take place across a broad front, which includes policing.

A multi-agency approach, in accordance with a National Development Plan, which includes the Criminal Justice System may therefore be the ideal. A sector-wide approach to the whole of the Criminal Justice System is greatly preferable to a project which views policing in isolation. Those ideals may not always be achievable and non-police projects are outside the scope of these guidelines. It is achievable, however, to ensure that projects within the policing field contemplate traditional and informal systems of social control and justice, not just the full-time professional police force.
Customising to the Specific Country:

The policing problems which communities face may be similar from one country to another but are not identical. Traditional perspectives may cause the same problems to be differently viewed, one place to another. Furthermore, solutions which are both acceptable and available will certainly vary from country to country. Failure to make due allowance for this fact was repeatedly mentioned as a main cause of some past projects floundering. In particular solutions developed for problems in the UK do not often translate, unaltered, for problems elsewhere.

It is an equally significant psychological factor that there is a common reluctance to accept solutions developed elsewhere, unless they can be so modified locally, that 'ownership' is acquired. 'Ownership' is the critical factor in implementation and sustainability. The strength of the desire to find local solutions to local problems (perhaps with assistance on process) rather than to receive more directive guidance will itself vary from place to place.

It is therefore a fundamental principle of designing a project that it should be tailored, in partnership with the hosts, specifically to the country in question. Also, that it should be carried out with full sensitivity to local ambition to be independent and self-sufficient. These are the very qualities which projects aim to develop in specific fields. The approach to each project must reflect that it is custom-made to local circumstances.

1. ENSURING HOST GOVERNMENT COMMITMENT

Importance

The existence of strong, clearly articulated support from the Government of the host country emerges as the single most important factor in the success of a project. Its absence is quoted as the most frequent cause of problems or even failure to make any sustained impact.

How Government Views Policing

The following questions must be explored and conclusions agreed:-

- Is the role of policing clearly distinguished from the role of the military?
- Does the Government see police as the means of controlling the populace - which may have implications for undue interference and contravene basic human rights?
- Does the Government see policing as an important social service in society which should be responsive to public, rather than State, demand?
- Does the Government have something like a National Development Plan? If so does the Criminal Justice System feature within it? And the police within that, or independently?
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- Is there a constitutional statement on separation of roles between the responsible Minister and the Chief of Police?
- Is there a clear line of accountability for the Chief of Police to a Minister, or is there dual-track accountability eg to a Finance Minister also?
- Has the Government said, in priority terms, how policing is seen? Is this reflected in the allocation of finances? What is the financial management system which exists; how and by whom is it controlled?
- Does the Government have the economic resources to provide money for policing and sustain it at the promised level?
- Do public statements exist about policing, reflecting a will to embark on major change, including cultural, in a constructive and sustained way?
- Is the relevance of policing to stability and the latter's relevance to economic development and investment, including tourism, appreciated and articulated?
- Is there cross-party consensus about policing issues? Or is it a political football?
- Has the Government indicated a desire to reach a partnership with DFID and is prepared to be active in securing mutually desired outcomes?
- Has the Government given past support, on the public platform, to DFID or other donor country projects?

Means of Ascertaining

Past knowledge of a country, including that of the UK Embassy or High Commission, may make some of these questions appear unnecessary. There will, however, be gaps in available knowledge and unless there are special circumstances the questions should always be asked.

A partnership between DFID and the host Government must be based on frankness and mutual trust, and there can be no objection to asking the host Government for any published material (such as the annual budget forecast, or past plans) or other information which provides answers to these questions.

Where evidence from the past is not available, and in important matters even where it is, it will be necessary to exchange promises to the future.

A Memorandum of Understanding

It is strongly advocated that a formal agreement is reached, preferably enshrined in a written "Memorandum of Understanding" (or similar name) which implies an exchange of mutual undertakings, but is not intended by the parties to be an enforceable contract.
It is emphasised that this is not a one-sided promise but one which clarifies what mutual expectations exist and places obligations on both host and donor governments to honour the undertakings given. It has to be acknowledged that unforeseen circumstance may disrupt the progression of an agreed project.

Before drawing up the agreement, the host government should have the opportunity to see and contribute to any Logical Framework and the resultant 'Project Memorandum' should contain a reference to what has been guaranteed by the host government.

The host Government undertakings might specifically include: -

- The level of priority the government accords to policing issues.
- An undertaking to meet certain (specified) financial commitments made.
- An undertaking to give support for reform on the public platform and provide effective overview to ensure that the police force meets the expectations of it.
- What the effect on the agreement will be if either party fails to meet the undertakings given, defining the circumstances in which the project or aid provision would be halted or suspended.
- Refer to government intentions as regards the other parts of the Criminal Justice System.
- Give undertakings about meeting ongoing costs resulting from the project, such as operating costs for equipment donated.
- There will be other matters particular to each individual agreement.

The undertakings made by DFID would be those, based on any Logical Framework, which are set out in a Project Memorandum.

The agreement must ensure that the donor (DFID) and the host government have the same expectation of outcomes for the project being planned. This will overcome the danger that the parties have unrealistically high expectations of each other.

How the success of the project will be evaluated should be agreed in advance. This will also avoid unrealistic expectations on either side.

**Additional Considerations**

(1) At the stage when agreement is being negotiated and any written memorandum drafted, the DFID representatives will not yet have obtained UK government departmental approval. The representative of the host Government may also need to obtain Ministerial, Cabinet or Parliamentary consent also.

(2) The National Gross Product is some guide to a country's ability to pay, but other factors should be taken into consideration.
(3) If there is a change of Minister, host government or UK policy, steps should be taken to review and confirm any ongoing agreement.

2. ENSURING SENIOR POLICE OFFICER COMMITMENT

Importance

After the commitment of the Government of the host country, by far the most important, in terms of importance to success or failure, is that of the senior echelons - and especially the Chief Officer - of the host police force.

In the past, some indication of commitment from the Chief Officer of Police has usually been required and given. However, experience throws doubt on whether there was always a shared understanding of the meaning of 'commitment'. For some Chief Officers it seems, it merely meant that assistance would be welcome. A hidden agenda, even at very senior levels, might be the desire for hardware - cars, housing, computers etc - without serious intention to change the style of policing towards something more democratic and service orientated. Elsewhere, commitment has meant local 'ownership'. The desire for 'ownership' of change, and determination to pursue it whatever the difficulties, has a very positive impact.

Chief Officer and Senior Management Team.

Where there is a history of being a repressive 'State police' style, or even a strong para-military tradition, there may be such entrenched attitudes throughout the organisation that the Chief Officer will need at least a powerful nucleus of support, preferably majority support, in his Senior Management Team, if there is to be a major programme of change towards a more democratic style of policing.

Commitment at this level is so critical to success that its absence will militate strongly against the provision of UK assistance. It will normally be for the DFID Police Advisers to advise DFID Project Managers whether sufficient commitment exists.

The following are indicators of that commitment:

• Explicit past public statements of intent to embark on extensive change

• Strong interest shown by the Senior Management Team

• Willingness to dedicate good quality senior and middle ranking officers to accompany and learn from TCOs/consultants

• Willingness to provide suitable accommodation, vehicles and other scarce resources.

• Expressed willingness to contemplate major change, both structural and cultural, in order to support and implement operational changes.

• Creation of a 'vision' and production of a strategic plan, if none exists already.

• Willingness to be honest about sensitive issues like corruption.
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- Willingness in the Chief Officer and his Senior Management Team to meet regularly with TCOs/consultants, on a personal basis.
- Readiness to negotiate a TCO's role and be supportive on an ongoing basis.
- The desire to truly 'own' changes for the force.
- If necessary, a desire to move away from the trappings of a para-military style.
- A constructive attitude towards criticism of the existing situation.

Above all, the Chief Officer must be prepared to give wholehearted support personally, lead from the front in the management of change and be prepared to involve each and every member of his senior team in major developmental change.

Unlike at Government level, it will not normally be appropriate to incorporate the Chief Officer's undertakings into a formal memorandum. However, the fact that the Chief Officer has given undertakings along these lines should be incorporated into the Project Memorandum. The corollary of all this is that the Chief Officer, or a very senior officer who has ready access to the Chief Officer, should be fully consulted and involved in the project design, not merely presented with a document for agreement. The actual Chief Officer should be involved in signing off and agreeing to the design process.

In particular:

- should contribute to the articulation of the Logical Framework.
- should have a say in the selection of the TCOs or consultants.
- should contribute to and agree TORs of TCOs or consultancy work.
- should be allowed to make stipulations about the 'approach' of TCOs and consultants, especially on issues such as 'ownership'.

Such is the importance of dependable Senior Officer commitment that any important change in personnel, especially of the Chief Officer, should be followed by a DFID contact to ensure that commitment is ongoing.

3. GAINING OTHER STAKEHOLDER COMMITMENT

It is important to assess commitment or opposition, enthusiasm or apathy, throughout the police workforce, although here remedial processes are available if need be. The attitudes of the general public towards police and policing, of the media, of other Government Agencies and NGOs, are significant factors also.

'Rerank and File' Police Officers

The following are factors which may apply to the 'rank and file' and which may strongly militate against successful change in a police organisation:
• Personal emoluments and conditions of service poor, so that low level
  corruption may be a factor in filling basic needs for food, shelter etc. for the
  families of officers.

• A dictatorial style of policing may be difficult to change - in many ways it is
easier than a democratic, service-orientated style.

• Opposition to change (common to any institution) may be accompanied by
  resentment of the representatives of a former colonial power.

• Different cultural and ethical perspectives on issues such as corruption may
  apply.

• Communication, upwards and downwards, may be a problem, militating
  against what TCOs or consultants are seeking to achieve.

• Informal and traditional ways of doing things continue to survive long after
  structural change or new instructions.

• Some working police units may be on the periphery of a large geographic area
  and this may be the poorest section of the community - creating additional
  communication and supervision problems.

• Some officers, sensitive to offence, may withdraw full co-operation or lapse
  into apathy when TCO/consultant departs.

• It may be difficult for the workforce to keep up with the pace of change.

• Quality personnel in supervisory posts may be too few or under-skilled.

• The real need for hardware and 'basic' equipment may have had a totally de-
  motivating effect on the will to introduce changes in policing style.

Whereas the commitment of the Chief Officer and Senior Management Team is a pre-
condition for a successful project, negative attitudes in the rank and file should be
expected. The reality of policing in some developing countries is that there is a
complete lack of infrastructure - at the worst no pencils or paper, let alone integrity
and probity. The degree of opposition or antipathy may vary considerably but, given
the commitment at senior level, these are cultural and attitudinal issues which can be
addressed.

Public Expectations of Police

There are countries where the 'rule of law' and 'justice' are so widely abused that
public expectations of police are low. This may be reflected in a low level of reported
crime (contrasted with informal subjective assessments of fear of crime) especially for
crimes such as rape or domestic violence. An absence of complaints against police
may signal fear or lack of confidence, rather than satisfaction. Where corruption is
endemic in the country, police corruption may be accepted and expected, even if it has
some negative effects on the public's perception of police.
The poor particularly may see the police as more part of the problem than part of any solution for them. Cultural or tribal differences in society may further alienate some sections of the populace from police. Where trust of police is at low ebb, there will be an unwillingness to enter into any partnership with police.

In contrast, a public outcry for police to change or improve is a good background for a police force to respond and embark upon a major programme of improvement. In some countries the public demand for change will put police under pressure and may make rank and file officers defensive and resentful. This public interest is, however painful, something which can be harnessed and turned to positive effect.

The Media

Like the public's attitude towards police, that of the media can be a powerful stimulus or a barrier if unduly critical of police endeavours to improve. The extent to which there is a 'free press' will obviously be relevant. An 'open' policy by police towards the press will be helpful in ensuring a correct portrayal and secure support for change and improvement. The press cannot be manipulated, but an equally open and informative approach from TCOs and consultants - provided supported by the local police force - will help create the right atmosphere for a DFID project to succeed.

Government Agencies and NGOs

Not only other parts of the Criminal Justice System, but other Government Agencies, such as those in the fields of Social Services, Health, and Education, may be in competition for government support and money, resulting in them working against, rather than in partnership, with police. Non-government agencies can equally be supportive or otherwise and the perspectives of any with which police will need to work need to be ascertained and appreciated.

A 'Commitment Project'

The commitment of officers of the host force (primarily) and the attitudes of the public and media are of such importance that consideration should be given to an early specific project to make an assessment. This will also have the beneficial effect of engendering greater understanding and support. If TCOs and consultants report that commitment is an issue in countries where there have been past projects, the short-term remedy may be a belated Commitment Project.

This type of Commitment Project would only take place after the degree of commitment at Senior Officer level has been identified as sufficient. It is to be distinguished from comprehensive attitude-changing projects, as described below, although it will provide baseline information for such longer term projects.

'Hearts and Minds' Programmes

Changing deep-rooted cultural perspectives takes many years - perhaps a decade or a generation before the full benefits are felt. But the way police officers behave, (as distinct from what they think) can be changed and enforced more effectively.
Nonetheless, a major programme which reaches all serving officers, as well as new recruits, may well be necessary if other changes in policing are to be introduced. A police force determined to embark on change will wish to address these cultural attitudes at an early stage. It is an appropriate field for DFID assistance to develop a 'values and ethics', customer-orientated, through-service, police training programme and training trainers to implement it.

The public, as the customers of a police service, need to be courted and kept informed if they are to exert their considerable influence in supporting change in the police force and also be able to enter into worthwhile partnerships. By showing appreciation for improved attitudes and insistence on changing unacceptable attitudes, the public can support cultural change in its police service. It is important that the public has realistic expectations of what to expect and how soon, especially since they will be asked to enter into local partnerships with police. An appropriate programme for public presentation will be needed by the host force. This is another important area where DFID support may be given to help create a programme and train presenters.

4. WORKING TO A STRATEGIC PLAN

It emerged as a frequent criticism of the past that DFID projects were often too 'stand-alone', not strategically linked to others before or after. The use of a Logical Framework has partially overcome the problem of a fragmented approach. However, where a Strategic Plan, developed by the host police force, is in existence (usually a Five Year plan), the opportunity arises to link more closely a DFID project (or preferably a series of projects comprising a 'programme') to what the force is trying to achieve for itself.

It is a strongly held view of those who have had inputs at management level, as distinct from a technical professional level, that it is not until the host force has a proper Strategic Plan, that it has carried out the necessary fact-finding, analysis and prioritisation necessary, that donor aid can be applied where, when and how it will have the best benefit and impact.

Furthermore, a force which has gone through the process of developing and publishing a Strategic Plan (to which it will be held accountable by government and the public) is much more likely to have developed the mechanism to enable the Senior Management Team actively to pursue implementation. Implementation of good intentions is where the hard work begins and it is often the case that the existing management structure and decision making processes are quite inappropriate to introduce and sustain a period of change. And it is an extensive and comprehensive period of change - embracing culture, ethics, and management as well as professional technical systems - that is often needed by countries who may be recipients of donor aid.

The development of a Strategic Plan, and the secondary plans associated with it also implies improving financial management in the police force. The overall effect of having a plan is to focus commitment and amplify it. The development of the first Strategic Plan is an area where a DFID project can assist with process, although the host force will need to identify content. (This is an appropriate project to be combined with a Commitment Project).
Not until a Strategic Plan and the Implementation Plans, and arrangements concomitant thereto are in place, should DFID contemplate a comprehensive series of projects (or a programme) over a span of years.

The existence of a Strategic Plan, to which both the host country police force and any DFID aid can relate, is therefore of watershed importance in distinguishing between a fragmented approach, which has only limited legitimacy, and a more cohesive approach over a number of years.

5. PROJECT PLANNING

Introduction

Thorough planning of a project, or series of projects (a programme), is not enough, in itself, to secure success. But inadequate planning is enough to secure failure. It is generally acknowledged that this is an area where improvements have been made in recent years. What follows are the lessons to be drawn from past successes and inadequacies.

It is DFID Programme (and Project) Officers in Areas or Regions and Police Advisers, locally or centrally, who have the main responsibility for planning DFID projects. TCOs employed by DFID and consultants contracted to DFID are, however, very much part of the team and they have a valuable contribution to make in helping to design future projects.

For emphasis, one or two of the points already made from a different perspective are re-iterated here.

A Strategic Approach

For each country considered for receiving UK donor aid, there should, as soon as possible, be developed a strategic approach. Isolated, one-off projects, which have been the subject of considerable criticism, may be necessary before the host force has itself developed a Strategic Plan (of three to five years). When that watershed stage has been reached, it will be possible to draw up a Logical Framework which correlates with the locally owned Strategic Plan, and with DFID's own agenda for donor aid, identifying the areas in which a DFID project or projects can be targeted.

In some cases, where funds may be available, and there is advantage in having a programme of projects professionally supported by management consultants, it will be appropriate for the Project Memorandum to cover a number of years. In other cases, this long-term approach may be viewed as a 'provisional' programme, with projects (or several) being pursued (in accordance with DFID rules about the Project Cycle) individually. What is important is that approved projects form part of a master-plan, avoiding a wasteful fragmented approach.

This strategic approach of DFID will also be the point at which to address the integration of police reform with other social improvement programmes, especially if DFID aided also. The conditions under which the remainder of the Criminal Justice System operate are especially relevant.
TCOs and consultants, particularly those who may have been assisting the host force with drawing up its Strategic Plan, will have something to contribute in drawing up the Logical Framework. This may be included in their terms of reference but the main responsibility, including negotiation with the host force and other interested parties, remains vested in the DFID Area Programme (and Project) Officer and DFID Police Adviser.

Securing Commitment

Reference has already been made to ensuring that there is sufficient commitment from the host government and senior police officers.

So far as Government is concerned, the responsibility for securing the agreements, preferably in writing, rests with the DFID Programme (and Project) Officer, who will involve UK High Commissions or Embassies.

So far as the host force senior officers are concerned, the assessment whether there is sufficient commitment, would best be made by the relevant Police Adviser. Here again TCOs and consultants are often well placed to offer advice from their own experience.

As previously stated, these two ‘commitments’ are required before donor aid, or further donor aid, is provided. If such commitments have not previously been formally assessed, or there have been changes in key personnel, steps should be taken to do so.

Terms of Reference

The drafting of TORs is much improved in recent years, although it has been a real problem in the past. The following points are worth bearing in mind :-

- Host forces, TCOs and consultants should be encouraged to have an input.

- Clarity of TORs is essential and there should be the opportunity for TCOs and consultants to question any ambiguities they think they see.

- TORs should not be so tightly drawn that they are over-restrictive for professionals in the field - some flexibility ought always to be built in.

- In underdeveloped countries, DFID should not be too ambitious or sophisticated - the basics, such as human rights and a community oriented policing style may be priorities.

In-Country Arrangements

Arrangements should always be made for the support to be provided in-country, prior to arrival. This applies particularly to TCOs, but also to consultants. Although the latter will normally expect to make their own hotel arrangements - even here High Commission (Embassies) or DFID Area assistance and advice is valued - prior
arrangements should be made by the DFID Programme (and Project) Officer's staff for such matters as housing; schools; offices; car; equipment etc.

6. PROJECT MANAGEMENT

Introduction

DFID Programme (and Project) Officers do not normally have a technical policing knowledge. Nonetheless, the extent to which they maintain a close overview may have an important impact on the course of an ongoing project, especially one involving a TCO on a lengthy tour. It is apparent that there has been wide variation, one project to another, in the involvement of DFID Area or Regional Programme (and Project) Officers.

Briefing and Debriefing of TCOs and Consultants

This has been a problem area in the past. It will be useful to consider some of the points made by TCOs and Consultants about their briefing needs :-

- Ideally, there would be a 'Profile Report', kept up to date at least annually, for each country. It is not regarded as satisfactory to be given several, sometimes many, lengthy reports to read, all containing recommendations, from TCOs, consultants, DFID Police Advisers, or host force reports, particularly when there is no knowledge of the outcomes of recommendations made therein.

- A detailed briefing is needed about the country itself - culture, central and local politics, personalities, economic state, environmental issues, stability, society, technology. (This would be in the 'Profile', updated verbally).

- A detailed briefing is needed about the host police force (depending on whether the consultant has past experience of it), including the attitude of the Chief Officer and Senior Management Team and any relevant individuals, their approach to policy issues, past history of project implementation, other TCOs.

- Briefings are seen as necessary in the UK, by the DFID Police Adviser (unless there is an Area Police Adviser) and in-country by the Area Programme (and Project) Officers. Also by the High Commissioner or his representative.

- Clarity about reporting style expected should be achieved at briefings.

- The briefing should include information about the work of other agencies in the country. (To this end it would be necessary for DFID to liaise with Home Office, Foreign Office, ACPO, Police Colleges and other agencies working direct in those countries - again a matter for inclusion in a Profile)

In addition to any requirement in the TORs to report additional information, eg on future projects, separately to DFID, there should always be an informal de-briefing session at the end of a TCO’s or consultant’s engagement.
DFID Project Management

As regards the role of DFID Programme (and Project) Officers, the following may be viewed as 'good practice' :-

• Regular update meetings between TCOs and DFID Programme (and Project) Officers, where progress is reviewed and any support needs of the TCO are discussed.

• In the case of short-term consultants' inputs, an initial briefing, a mid-term meeting and a final debrief may be all that is possible or necessary.

• Where meetings take place between the DFID Programme (and Project) Officer and host Government or host Senior Officers, any TCO or consultant could usefully be involved to ensure professional viability of agreements on issues discussed.

• Some DFID Programme (and Project) Officers may have an unrealistic expectation of what an underdeveloped police force can achieve in a short time-span.

• The DFID Programme (and Project) Officer's role includes ascertaining whether a consultancy report recommendations are subsequently implemented, where appropriate, having up-date meetings with the Chief of Police. In the past, little or no information has been available about implementation and some host forces have no means of processing recommendations, which become 'lost' after an elapse of time.

• So far as it is possible, Area Programme (and Project) Officers should attempt to make projects in a specific country as seamless as possible, rather than have an erratic, go - stop - go, progression.

• DFID Area personnel and DFID Police Advisers should liaise between similar projects in different countries, accumulate a corpus of professional knowledge relevant to the region, and pass on 'good practice' between TCOs in different countries.

• It is DFID Programme (and Project) Officers on Areas, in consultation with DFID Police Advisers, who are best placed to make assessments about where a host police force stands in the context of human rights and poverty elimination, reviewing this after each major project input and on an annual basis.

Role of TCOs and Consultants

All persons involved in the management of a project should receive some basic guidance in the methodology being used. Shared understanding is an essential element to successful project management. The following are examples where TCOs and consultants have had undesirable side-effects in the past :-

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• In the absence of other help, responding to requests which extend them beyond their field of expertise.

• TCOs especially may allow, or even encourage, a dependence upon them to develop. Some host forces 'use' them rather than develop their own skills and TCOs, enjoying the post, may collude with this. Transfer of skills should be the objective.

• TCOs and consultants may, in their enthusiasm, raise unrealistic expectations.

• Consultants, finding that some early groundwork has not occurred, may go too far beyond their TORs.

• Consultants may be very police focused and not see other issues e.g. relating to finances, other parts of the Criminal Justice System, or other pro-poor projects.

• TCOs and consultants should avoid being too sophisticated and pitch their input to the appropriate stage of development and culture.

On the other hand :-

• TCOs and consultants should make their own assessments about where the host police force is as regards policing style, human rights etc., and make this information available to the DFID Project Manager and Police Adviser.

• TCOs and consultants should aim to brief (regularly in the case of TCOs) the High Commission, Permanent Secretaries, media, pressure groups and police Staff Associations, as well as senior officers, ensuring that this open policy is supported by the Chief Police Officer.

Training of TCOs

Newly appointed TCOs, unfamiliar with DFID’s Project Cycle Management, should receive UK based training before taking up their posts. They may also require training in reporting requirements and standards against logical frameworks. Additionally, skills may need to be developed in the use of DFID Information Technology applications, such as Prism.

7. HUMAN RIGHTS

Introduction

The next three sections, (Accountability, Community Policing and Community Programmes) all contain elements which are relevant to 'human rights' in its broadest sense. This section deals mainly, but not exclusively (victims and witnesses have rights also), with the integrity and respect with which persons are arrested and detained in custody. The steps introduced in support of human rights can be set on a progressive continuum. The characteristic elements, which may be taken as evidence of police pursuing 'human rights' policies, have been identified. They range from a
very basic to a more sophisticated level. For this reason characteristics have been divided into 'basic', 'intermediate' and 'advanced', which will be useful to identify how far developed a police force is, in the context of human rights.

The following are the ingredients of a sound 'human rights' policy :-

'BASIC' LEVEL

• A clear statement that ethical policing by consent is the aim of the force. This evidence may be found in a Vision Statement and/or incorporated into a Strategic Plan.

• Some reference contained in the oath taken by officers on appointment; or in the case of non-sworn officers, a similar statement in a contract of employment. The proposed new oath for Northern Ireland reads "...to act with fairness, integrity, diligence and impartiality, uphold fundamental human rights and accord equal respect to all individuals and to their traditions and beliefs".

• Lawful and just prisoner handling, the protocols laid down for arrest and detention and enforced by supervisory checks.

• Legal rights of prisoners to bail strictly honoured. Prisoners' rights displayed on notices and in leaflets.

• The existence of proper custody records (which should be comprehensive and include supervisory cell visits and a record of any removals from cells for interview etc) wherever persons are detained after arrest.

• Police support for 'victims' of all crimes but especially for vulnerable groups.

• Human rights impacted on training courses - all training, not just recruit training.

• Prisoners have access to legal advice which is free or ‘aided’.

'INTERMEDIATE' LEVEL

• Awareness of principles of human rights (in the police context) raised by a 'hearts and minds' type programme for all police personnel, sworn and unsworn.

• Strict rules (such as those contained in the UK Police and Criminal Evidence Act) in place and training of officers thereon given, or at least in progress.

• A system of independent access, such as a 'Lay Visitors Scheme', to police stations.

• Audio recording of interviewing of suspects introduced, at least on trial.
• Reduced reliance on 'confessions' as the main evidence tendered to a court.

• Increased use of forensic evidence or other corroboration of eye-witness evidence.

• Evidence that irregular police behaviour is punished (discipline) and good professional work is rewarded (commendations).

• Carriage (in non-confrontational roles) and use of police firearms (especially fatal shootings) reduced.

• Civil liberties, such as to march or demonstrate, not only tolerated but facilitated.

'Advanced' Level
• Police involved in inter-agency co-operation within the criminal justice system on human rights issues.

• Satisfactory facilities for Identification Parades.

• CCTV cover interviews with suspects.

• CCTV surveillance in Custody Suites (Charge Rooms) and cells.

• International standards of human rights observed by police, to an increasing level of satisfaction by a local outside body.

Performance Indicators

The elements or characteristics have been set out above so that existence (or lack of it) will itself be the principle indicators. In addition, some quantitative measures or targets may be tailored to the need of a specific country, such as :-

• The number of training courses with a human rights content.

• The number of people 'stopped' by police as suspects and the arrest rate therefrom.

• Public opinion surveys (preferably independently conducted) to reveal how police are seen to support or deny human rights. By correlating this to different economic groups, it will be revealed how the poorest sections of society, or any specific vulnerable group, see police.

8. ACCOUNTABILITY

Introduction

The extent to which a police force is held accountable for its actions (including individual officers within it) goes to the heart of whether it is required to operate strictly in accordance with the rule of law, fully respecting and supporting human
rights of citizens. If there are no firm checks on how police behave, human rights are likely to be a casualty.

It is necessary, first and foremost, to ensure that police officers are subject to the law of the land, which contemplates that systems exist to bring police wrongdoers to justice. Police must also be answerable politically, although not directed on a day-to-day basis to politicians, which itself has negative implications for democracy. Finally there needs to be real accountability to the public, both direct and through the media, which contemplates openness and willingness to respond positively to criticism.

Again, there is an ascending scale of accountability, so that the 'basic', 'intermediate' and 'advanced' level classifications are employed. The following are to be regarded as evidence of accountability:-

'BASIC' LEVEL

- A credible complaint investigation system, which is independent of line command, for complaints made by the public.

- Evidence that officers are brought before the ordinary criminal courts for wrongdoing, and are not merely allowed to leave the force.

- Statements in documents published, such as the Strategic Plan, of willingness to respond positively to criticism and evidence of it.

- A requirement, which is enforced, for the Chief Officer of Police to complete retrospective Annual Reports which are made public.

- Redress available in civil courts against individuals and vicariously against the Chief Officer, for abuse of powers.

- Training of senior officers who sit in judgement.

'INTERMEDIATE' LEVEL

- An internal investigatory capacity developed to pro-actively root out corruption and other serious illegal behaviour by under-cover means.

- An effective Police Authority or other independent overview of the complaint and internal investigation processes.

- Some evidence - internal tensions are symptomatic initially - that investigations are impacting on corruption and police behaviour which denies human rights.

- Evidence of increasing confidence (such as increase in the number of complaints initially) that police will investigate, internally, with integrity.

- Improved quality of investigations - the proportion of 'not substantiated' and 'resulting in discipline' monitored to achieve consistently high standards.
'Advanced' Level

- Independent (non-police) investigation for serious cases, (e.g. gross abuse of human rights, deaths in police custody or as result of police action) with no duplication of investigation by police, which may impede or delay independent review, permitted.

- Integrity of police accepted as 'non-negotiable', as reflected by internal discipline cases, statements by police at all levels, and canteen culture.

- Public opinion surveys reflect an increasing confidence in police integrity and openness in dealing.

- Political accountability, not amounting to improper interference, is effective in matters of effectiveness, efficiency and, especially, legitimacy and the support of human rights.

- Reduction in complaints from the public in important areas such as assault or illegal arrest; although there may be a continuing increase in complaints of attitude, until this too levels off.

- Greater openness towards the media is perceived by police as resulting in fairer reporting about police.

- Human resource management systems which assess ethnical standards

- Coherent equal opportunities policy and practices.

Performance Indicators

The existence or otherwise of the characteristics referred to above are indicators in themselves, but some quantitative measures may be tailored to local use :-

- Favourable media comments, measured in frequency and/or column inches.

- Numbers of letters of appreciation.

- Numbers of complaints (subject to interpretation as indicated above) on a comparative basis, place to place, as well as over time.

- Number of meetings of Chief Police Officer with Minister and/or Police Authority.

- Average time taken to investigate all complaints.

- Average time for erring officers to be brought before the courts or discipline.

- Public opinion survey ratings measuring satisfaction with accountability and openness.
9. COMMUNITY POLICING

Community Policing is such a malleable term that it may properly be employed to describe any policing style which has been tailored to the needs of a community, whether rural or urban. It allows for variation of approach from one country to another and, even within one country, from one district to another. In essence, it allows the public to have an input and thus influence policing locally.

There are certain characteristics, which are intrinsic, such as :-

- A partnership is created between police and public.
- Responsiveness to local circumstances and needs.
- Emphasis on pro-actively addressing causes of problems, rather than symptoms.

A style of community policing customised to local needs, may take many years to introduce to the degree that it has become the style of policing and not just some adjunct to an existing style. Because it is flexible, it can develop and modify long after its initial introduction, responsive to a changing society. There may be the need to periodically inject new invigorating initiatives to ensure that it retains vibrancy and impetus.

The categories of 'basic', 'intermediate' and 'advanced' levels are still relevant, but first some definitions of community policing are given. Taken together, these definitions give a better comprehension of what 'Community Policing' is (and, equally important, is not) than any one definition can do.

Some Definitions

(1) "Community Policing is a concept. It is not a particular model which can be transferred mechanically from one context to another. It is a series of principles which underpin policing and the application of those principles will differ from place to place, even within one county, to take account of different cultures, religions, social mores, traditional and informal social structures".

(2) "Community Policing can be defined as the extent to which a police force is free to respond to the needs and expectations of the community at large, without interference from the political masters of the country concerned".

(3) "Community Policing is police and public working in partnership towards the prevention of crime and improving public safety, within an internationally acceptable system of ethics, law and justice".

(4) "Community Policing is a policing philosophy, not a tactic. It is based on the democratic principle that everyone who exercises authority on behalf of the community should be accountable to it. It therefore provides the community with a role in both defining and guiding the performance of local policing".
The following are some of the characteristics to be assessed :

'Basic' Level

- A policy decision taken to introduce Community Policing and responsibility assigned to a senior officer to develop the concept to the diverse needs of different areas.

- Publicity given, within force and in the public domain, to create realistic expectations and allay fears.

- A pilot site for rural community policing model and a pilot site for urban community policing (or more than two) identified and enthusiastic and enlightened local police commanders appointed.

- Existing links with community (on pilot sites) used to identify community needs and expectations, analyse policing problems, sound out views on internal boundaries etc.

- Training given to training officers in Community Policing.

- A joint consulting and training programme introduced on pilot sites, ensuring officers contribute views (acquire ownership) and gain a clear understanding of objectives and roles.

- Inaugural meetings of community forums (Consultative Group) introduced and some initial prioritisation of issues to be addressed.

- A community education programme developed and delivered on pilot sites, facilitating public interpretation of information supplied by police, role of public representatives, feedback etc.

- Analysis of crime statistics, road accident incidents and other workload completed and the model of Community Policing agreed with community and introduced.

- A check that emphasis is on addressing causes of problems, not just symptoms.

- A check that community representation has a wide span, giving access to police to all, not just the rich and powerful in the local community. (The main defining characteristic of 'community' may be geographic, but there are overlapping 'communities', such as those associated with work (businesses, trade unions etc), or with age groups (youths or the aged), or vulnerable groups (women or children) or sexual orientation (homosexuals). Ideally, all such community interests need to be represented.

'Intermediate' Level

- Experience of pilot sites analysed, lessons learnt, modifications made.
• Concepts of local divisions as 'primary unit' of policing, with other parts of the force in support, introduced.

• Infrastructure for supporting community policing force-wide put in place, with arrangements for identifying and promoting good practice.

• Integrated command structure (uniform, CID and other divisional based specialists) introduced.

• Remaining divisions in force area required to introduce a locally devised model after following through the steps refined on the pilot sites.

• Specialist units (away from divisions) developing a 'support role', maybe using 'service level agreements'.

• Para-military style (if present) undergoing some moderating changes. Appearance and behaviour are both relevant.

• Community projects begin to develop on all divisions.

'Advanced' Level

• Local public and local police both feeling empowered, having control over local policing issues.

• Community involved in selecting local priorities which are given proper weight alongside force-wide (or national) priorities.

• Strategic (longer-term) inter-agency partnership being developed.

• Public appreciation, as reflected in local opinion surveys, high.

• Liaison with civil liberties and minorities (racial, homosexual etc) groups established locally.

Performance indicators

Again it is possible to add quantitative indicators to the existence of characteristics or passing of the 'milestones' referred to above. Some of these may be monitored force-wide but others may be of a more local nature, involving the community in selection and information gathering and analysis :-

• Quantity (and quality) of feedback from the public through forums set up.

• Number of police/community forums.

• Number of meetings held.

• Number of persons attending meetings.
Common Misconceptions

Community Policing is frequently seen as some kind of panacea for policing problems, so that expectations of it are too high. The reality is that it takes a great deal of hard work, from police and community alike, to make it a success. But the prizes - social control over policing and a real impact on what the local community feels are its problems - is well worthy of the endeavour. Detractors of community policing, misconstruing it entirely, present it as the 'soft side' of policing, not 'real' policing like arresting criminals and dealing with disorder. This misperception is usually the product of piecemeal implementation of local community liaison officers or similar, as a 'bolt-on' to existing systems. The Community Policing model should cover all aspects of policing the geographic area.

It is sometimes said that community policing only works in rural areas, whereas in tough urban areas a more assertive approach, using pro-active squads, rules it out. The reality is that urban community policing may have very different elements (even joint army patrols) but still retain the characteristic of a style adapted to local needs, community-close, addressing causes as well as symptoms. It is reality that the public in some urban areas, especially where there is a history of alienation from police, and where poverty may be at the root of social problems, have greater reluctance to join a partnership with police or participate in forum meetings. This is a difficulty to be overcome, not a reason for abandoning the principles of community policing. This information is provided in some detail to enable DFID Programme (and Project) Officers and police to share the same perspectives on these issues.

10. COMMUNITY PROGRAMMES

The term 'Community Programmes' is intended to cover all those areas where the police force enters into a partnership, whether formal or not, with a local authority, an NGO, or with community representatives direct. This section also covers special units set up by police, such as those established to assist vulnerable sections of the community and independent bodies set up by the public, such as Victim Support Schemes, which bring them into close contact with police.

Some of these bodies or special relationships may be set up within the framework of community policing, involving the community/police forum. Others may pre-date the introduction of community policing. There are advantages in integrating existing bodies or programmes within that framework, by representation on the community/police forum, but they may work well independently. Again it is possible
to use the categories of 'basic', 'intermediate' and 'advanced' although which programmes are already up and running may vary considerably.

'Basic' Level

- The active deployment of patrol officers, responding to the needs of citizens.
- A Domestic Violence Unit (or similar) in place on the police division, developing expertise in dealing with violence within families (usually against women and children) and sexual abuse.
- A police strategy developed and published for giving practical support to the victims of all crimes, especially repeat victims, liaising with non-police bodies where appropriate.
- A policy developed to give special help to the problems of youths, drug-takers, racial or tribal issues.
- Conflict management training given to officers.
- Crime prevention officers trained both in target-hardening and other aspects of community safety, including designing out crime on new building developments.
- Other forms of customary or traditional policing identified and the police stance in relation thereto decided and published.
- Baseline for public approval levels established.

'Intermediate' Level

- An independent (volunteer) Victim Support Scheme in place, actively supported by police and working closely with police.
- Crime prevention activities, jointly with the public, in hand locally. Crime Prevention Panels may spin off from the community/police forum.
- Police involved in a drugs education programme, to reduce demand, in conjunction with any Health Authority, schools and other interested parties.
- Liaison established locally with other parts of the Criminal Justice System - prosecutors, courts, probation service, prisoners’ after-care groups.
- Partnerships with local authority under consideration - such as developing a joint strategy on crime prevention, homelessness, noise abatement etc.
- Partnership with other donor countries, jointly with the host police force in existence.
• Use of auxiliaries, such as part-time or volunteer officers, traffic wardens, civilian support staff - all well in hand.

• Intelligent deployment of patrols to target priority problems.

'Advanced' Level

• 'Neighbourhood Watch' schemes or similar, introduced. Other extensions of this are Business Watch and Hotel Watch.

• A Schools Programme developed (jointly with schools) for police to address schoolchildren on road safety, personal security, crime involvement, drugs etc., depending on age groups.

• Publication of 'Standards' for performance set, (involving public views on priorities and targets) over a range of police duties.

• Public involved in regular satisfaction surveys to test the quality of police response, e.g. to crimes reported, to accidents, to emergencies, when the public attend police stations.

• Facilities for public at police stations conform to user-friendly criteria.

• Liaison with other organisations with a policing type role, eg security companies, established and interface clearly defined.

• The measurement of performance and effectiveness

• The measurement of quality of service

• The use of human resource management systems to measure professionalism.

Performance indicators

The following quantitative indicators may also be appropriate:

• The number of formal inter-agency partnerships

• The number of new community initiatives.

• The number of Neighbourhood Watch schemes or (better) the number of dwellings covered by such schemes.

• The number of public education programmes police involved in, under headings, eg drugs, road safety.

• The number of police trained as mediators or conflict resolution negotiators.

• The numbers of school visits.
11. MANAGEMENT AND INFRASTRUCTURE

The point has already been emphasised that none of the developmental improvements in policing dealt with in this document will take place unless the senior management of the host police force has the intent to do so and the determination to see it through. Intent and determination are not enough in themselves. To be effective during a period of major change, the force will need an appropriate management structure - one which will enable it to involve the whole police workforce as well as the public in deciding what is to be done and how, the only viable platform for successful implementation.

Whilst some of the improvements in management are a condition precedent to making other improvements, most can go ahead abreast of other changes so that the 'basic', 'intermediate' and 'advanced' levels are still a useful categorisation. As regards infrastructure, it has to be recognised that although DFID donor aid normally relates to technical assistance and advice, there may be occasions when an initiative, highly relevant to human rights, poverty elimination or management, will be frustrated unless some basic equipment is forthcoming.

'BASIC' Level

- A vision of the style of policing desired is published. This is sometimes called a Statement of Common Purpose and Values.

- A Strategic Plan is published, covering a three to five year period, with the first year priorities identified for the Annual Plan.

- The force structure has been reshaped to support management change, tailored to the needs of the country.

- Clear role definition for senior and middle ranking managers laid down, with assigned responsibilities for policy development and co-ordination of change.

- Gender issues dealt with in an equal opportunities policy.

- In-force communication addressed, both formal and informal, to improve two way flow.

- Liaison with Staff Associations established on a viable co-operative basis.

- Training facilities efficiently and economically organised.

- Basic inter-unit communication in place - strategy identified.

'INTERMEDIATE' LEVEL

- Financial management and budget cycle integrated with use of Strategic Plan.

- Strategic Plan is driving both development (or reform), and resource utilisation.
Policy Guidance on Support to Policing in Developing Countries

• Policy in place for Human Rights Management, reflecting workload, e.g. a manpower allocation formula underpins distribution.

• Policy is in place for Human Resource Development - fair and visible recruiting, selection and promotion procedures.

• Embryonic Management Information System in use, based on M.I. Strategy.

• Internal Inspection and Review established.

• Police emoluments and conditions of service on the Government agenda (where a crippling factor).

• Principles of civilianising posts where neither police powers nor experience needed recognised and being implemented.

• Vehicle fleet (purchase and maintenance) strategy in existence.

• A medium-term building amelioration programme and a longer-term new building programme published.

'Advanced' Level

• A more sophisticated, workload - related, total resource allocation system developed.

• A devolved budget system in place.

• Central units required to justify existence and specify their support role.

• Force structure streamlined, low management on-costs.

• Participative management thought by workforce to be working at all levels.

• Performance culture developed.

• Quality assurance (right-first-time) replacing quality control mechanisms.

• Privatisation of some support functions addressed.

• A strategy for computer usage, including for the full Management Information Strategy, in place.

Performance indicators

In most cases the existence of the elements referred to above will be the significant milestones by which performance can be judged. However, some quantitative indicators should be considered:-

95
• Percentage of supervisory posts.
• Ratio of supervisors to constables.
• Number of posts identified but not yet civilianised.
• Ratio of police to civilian staff, or sworn to non-sworn.
• The number of local policing plans.
• The percentage of (post recruit) time spent training.
• Percentage of roles not having job descriptions
• Percentage of units not having defined TORs.
• Level of recorded sickness - annual average rate.
• Number of 'good ideas' contributed from junior ranks.
• The cleanliness of buildings - absence of graffiti.

12. POLICE OPERATIONS

It is impossible here to consider all the stages of professional development in the fields of crime, public order and safety, traffic, and response to emergency calls. Suffice to say that the public has an expectation that police forces will deal effectively with these operational fields and will certainly be judged by their success or otherwise. It would be quite inappropriate for a police force to improve the way it enters into partnerships with the public and others, improve the way it treats the vulnerable in society, give greater emphasis to human rights, unless it also improved its overall performance in the operational field.

It is entirely compatible for improvements in technical professional areas, such as crime investigation, to go ahead at the same time as improvements in the way, for example, prisoners are arrested, interviewed and detained. For that reason the same 'basic', 'intermediate' and 'advanced' levels are used hereunder but at a higher level of generality.

'Basic' Level

• Ensure strong law enforcement emphasis (with 'justice') survives all the other changes of style.

• Ensure that the 'basics' in police work are done well, such as first steps at the scene of a crime, accident, incident etc. Initial training in police skills (rather than para-military ones of marching and firearms) is critically important but so also are through-service training and front-line supervision.
A problem orientated approach adopted - those social ills which are hurting the public most, should be addressed as priorities.

The emphasis should be on public safety and security.

'Intermediate' Level

- Gap analysis for all areas of operations completed, shortfalls identified, priorities for remedy in each field defined and remedial strategies developed.
- Operational systems should be reviewed and the process of improvement be embarked upon.
- By this time emphasis may be expected to have moved from property crimes of the rich) to 'people' crimes (especially the poor and vulnerable).
- Forensic and other back-up developing.
- Improved specialist in-house training.

'Advanced' Level

- Human resources deployed to address national, regional and local priorities.
- Technical support (fingerprints and other forensic) and hardware (radios, vehicles, computers etc) in place and well managed.
- Emergency and contingency plans are in place.
- Performance culture developed, driven by public satisfaction levels.

Performance Indicators

There are many statistical and qualitative indicators to select from in the operational field. There is a risk of having too many but the following can be considered:

**Deployments:**

- Percentage of officers on operational duties (mainly employed in direct contact with the public).
- Percentage of constables on uniform foot and mobile patrols.
- Average number of officers deployed per 24 hours, by divisions and force.
- Percentage of women police officers.
- Percentage of women in middle and senior ranks.
- Percentage of women deployed to frontline operations.
• Ethnic groupings, where it is an issue.

**Crime**
• Arrests for crime per uniformed officer in force, and by division.
• Arrests for crime per detective, force and division.
• Violent crime statistics - reported crime and clear up.
• Crime caseload per detective.
• Ratio of police to reported crime.
• Satisfaction with action at scene of crime.
• Percentage of case papers prepared to satisfactory level (rejection rate).

**Response (24 hour)**
• Number of response calls attended in 24 hours, by division and force.
• Incidents per officer, division and force.
• Satisfaction with police action at scene of incident.
• Community satisfaction with response time to incidents.

**Public Order and Safety**
• Foreign investment in country as measure of safety and security.
• Tourism figures, as measure of confidence in safety
• Incidents of disorder in 24 hours.
• Incidents of serious disorder (riot).
• Number of firearm discharges by police.

**Traffic**
• Number of fatal and serious personal injury incidents.
• Satisfaction with police action at scene of accident.

**Performance Generally**
• Percentage of times target in annual plan is met.
• Percentage of 'standards' met, eg response time.
• Satisfaction with service at police stations.
• Satisfaction with response time to letters received.
13. TOWARDS A PROGRAMME OF PROJECTS

The purpose of this final section is to suggest a logical sequence of 'Stages' which, ideally, would be followed before arriving at a comprehensive 'provisional programme of projects', or (alternatively) a multifaceted single project spread over a number of years.

The sequence of stages contemplates that nothing has yet been attempted in the country in question. The reality is that there have already been projects, often major ones, in some sixty countries. There is reason to suppose, however, that difficulties have arisen in the past because some of these stages have been missed, or inadequately dealt with. Often, it will not be too late to consider backtracking on stages omitted, before any additional donor aid is given. In that sense, therefore this sequence of stages may be seen as a checklist, not one to be followed slavishly, but worthy of consideration before drawing up new 'terms of reference', especially where TCOs or consultants have identified past problems.

This note is underpinned by two premises for which there is ample support based on past projects:-

- The first is that it is better to conduct DFID projects as part of a cohesive planned approach to development, rather than have a series of disconnected, stand-alone, projects.

- Second, that a Logical Framework which correlates to a local Strategic Plan is of watershed importance in this context.

Most of the stages referred to below relate to preparing the ground for a successful (provisional) programme of projects or a single project spread over a number of years.

Stage One - Preliminary

There are two preliminary assessments to be made by DFID Programme (and Project) Officers and Police Advisers:-

- The attitude of the Government should be ascertained (see section on 'Ensuring Government Commitment', although at this stage a formal 'Memorandum of Understanding' will not be necessary).

- The commitment of the Chief of Police and his senior management team should be ascertained, ensuring common understanding of the word 'commitment'.

Absence of a fully co-operative response in either of these quarters will militate against further DFID involvement at that time.

Stage Two - Diagnostic

There should be a thorough fact-finding and analysis, to ascertain the then state of development of the host force. Representative groups of the general public and other
specific stakeholders should be involved. This fact-finding may have been conducted already by the host force, but (if not) it is a proper subject for a DFID project, working with the host force. Having regard to DFID policy, there will need to be emphasis on those aspects of human rights and pro-poor policing referred to in the guidelines. (The suggested Basic Standard list will be relevant). Ideally, this diagnostic project should be conducted on a multi-discipline basis including, at the least, other parts of the Criminal Justice System as well as police.

This initial analysis should report on a pre-set range of issues, eg environment scan relative to policing; the Criminal Justice System background; human rights (benchmarking, even if crudely at this stage); community programmes which support the poor and vulnerable; management; human resource management etc. etc. Essentially, this is fact-finding, assessing the issues, attempting to quantify them, identifying the baseline status - not endeavouring to solve problems at this stage.

**Stage Three - Vision of Future**

The diagnostic project should lead to a vision (the host country's vision) of the future for policing. If the diagnostic stage was for all the Criminal Justice System, there may be separate but complementary and mutually supportive visions. The vision of policing is a matter for the highest level discussion - Minister, Chief of Police, High Commission, DFID. From the UK perspective, these long-term visions would have to meet UK (DFID) criteria on human rights and pro-poor policing if donor aid is to be attracted.

**Stage Four - Strategic Plan**

The purpose of a Strategic Plan is to help the host force to decide where to concentrate its efforts and where to spend its resources, however limited, on a prioritised basis, in the years ahead. It is essential that the plan should be owned by the host force, albeit that DFID consultancy help may be needed to construct the first one. Members of the community also must come to feel that they have had a full input into the Strategic Plan, hence the need for thorough and genuine consultation. When published, the plan will provide the framework for the force's own developmental change programme. The process of developing Implementation Plans, will reveal those areas where there is a shortfall of skills or knowledge and where DFID or other donors may be asked to assist.

Implementation plans will require the commitment of sufficient management level resources to carry through a programme of change. DFID help may be needed to get Implementation Plans launched but the real endeavour must come from the host force. A dedicated (full time) team will be needed but all the senior officers must also be involved, co-ordinated by one of them. Thus the three stages of a Strategic Plan (consultation; publication; implementation) are all areas where a DFID project may be appropriate, with a series of inputs to assist the host force.

**Stage Five - the Logical Framework**

It is not until the context provided by a force Strategic Plan is available that a purposeful Logical Framework can be formulated which bears a complementary
relationship to what the force will be doing for itself in pursuit of the plan. The Logical Framework will of course bring to the fore the requirements of UK policy, in the shape of the higher order of goals and purpose. (DFID internal instructions already exists as regards Logical Frameworks).

**Stage Six - a Provisional Programme of Projects**

It will not always be possible or desirable to construct a large, long-term project, covering a span of years, which will take the force from the current stage of development to an exit strategy for DFID.

It may, however, be possible for the DFID Programme (and Project) Officer to sketch a Provisional Programme of Projects, which will ensure that any future projects are, at least, addressed in a logical sequence. There may, of course, be other donors available who will undertake responsibility for some of the needed donor projects. A provisional programme drawn up jointly with other donors and the host force would be most valuable. It is necessary that this be a Provisional Programme where there is insufficient clarity about whether funds will be available for a single, complex project with inputs spread over a number of years.

**Stage Seven - a Project Memorandum**

Once a project is at design stage, whether a single, complex project over a number of years, or a single project (the next in line on a Provisional Programme, perhaps), a full Project Memorandum should be regarded as necessary, putting the actual terms of reference in proper perspective.

Immediately before the Project Memorandum, the more formal agreement of Government and some specific undertakings from the Chief Officer (as described in the draft guidelines) should be ensured and incorporated into the Project Memorandum.

**Stage Eight - Management Structure**

One of the first issues to be addressed before embarking upon major institutional change is whether the force structure, especially at senior level, is appropriate to cope with a period of sustained change. This may well be an early project for DFID, as a major stakeholder in the process, to provide guidance, albeit that the host force must be comfortable that it has made the changes for itself.

**Stage Nine - 'Hearts and Minds' Programme**

Another important early project is one designed to impact on the hearts and minds of the police workforce. The emphasis may be to bring the force nearer to a 'service-orientated' policing style, one which accepts the need to be accountable to the public. There will always be opposition to change to be overcome and this hearts and minds programme may also be the means by which the workforce can contribute its own ideas on how to improve policing.
INTRODUCTION

This paper is intended to provide an overview of the development and implementation of community policing in South Africa.

The paper begins with a background section providing a brief analysis of the origins of community policing in South Africa and how this influenced the conceptualisation of the later community policing policy. This is followed by a descriptive analysis of the development and content of the policy that guides community policing in the country and the assumptions informing that policy. Next, the manner in which the policy has been implemented and the impact of this implementation is considered. To conclude the paper, an outline of some of the key lessons learned in the South African experience of community policing is provided.

BACKGROUND

It is easy now, as South Africa’s infant democracy begins to grow and strengthen, to forget the pain of its birth. However, to form a full and coherent understanding of community policing in South Africa, it is necessary to look back at that experience. For it is here, in the vicious political violence that engulfed the country shortly after the legalisation of the liberation movements in February 1990 that the shape of South Africa’s community policing was set.

During the first months of 1991, under attack by increasing violence which was destabilising KwaZulu-Natal and large areas of the Transvaal (now Gauteng), and having increasing evidence of police collusion in this violence, the African National Congress (ANC) began to motivate for a peace summit at which a formally binding agreement between themselves, Inkatha and the government could be struck.

Following lengthy and often bitter negotiations, the ANC, Inkatha and the government signed a National Peace Accord on the 14th September 1991. This agreement, contained in its “general provisions” the following:

1 A slightly revised version of this paper has been published by the ISS as an occasional paper, 'The challenges of community policing in South Africa' ISS Paper No. 42, November 1999, Pretoria: Institute for Security Studies. <www.iss.co.za>.
2 Eric Pelser joined the Institute for Security Studies as Senior Researcher for the Crime, Policing and Prevention Programme in October 1999. Before joining the Institute he worked in the Department of Safety and Security, first as a communications officer for the new South African Police Service and then, for the next three years, as the Deputy Director of the Policy Planning Division of the National Secretariat for Safety and Security. There, his work initially centred on the development and finalisation of the Department’s Community Policing Policy and, after this, he worked with the Secretariat’s policy team on the White Paper on Safety and Security – approved by Cabinet in September 1998. Before this, he worked on the editorial board of the ANC’s Mayibuye magazine, as a researcher for the Human Rights Committee and as a communication officer for the Independent Electoral Commission in 1994.
3 See the Human Rights Commission (1993) Three years of destabilisation: a record of political violence in South Africa from July 1990 to June 1993. HRC: Johannesburg. This records close to 10 000 deaths in that period.
“The police shall endeavour to protect the people of South Africa from all criminal acts and shall do so in a rigorously non-partisan fashion, regardless of the political belief and affiliation, race, religion, gender or ethnic origin of the perpetrators or victims of such acts..."

“...The police shall be guided by the belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public. Through such accountability and friendly, effective and prompt service, the police shall endeavour to obtain the co-operation of the public whose partnership in the task of crime control and prevention is essential...”

In addition to these provisions, the National Peace Accord provided a code of conduct for the police, which emphasised that:

“...the police have an obligation to ‘preserve the fundamental and constitutional rights of each individual in South Africa, to ‘secure the favour and approval of the public’, to use the least possible degree of force, to ‘be sensitive to the ‘balance between individual freedom and collective security’ and to act in a professional and honest way”

A core criticism of the code at the time was that while it set out the principles appropriate for policing it did not provide “concrete mechanisms of enforcement” Nor, for that matter, did it provide incentives for compliance.

Be that as it may, there can be no doubt that together, the provisions of the Peace Accord and the code of conduct provided a vision for the fundamental transformation of policing in the country. The key principles outlined in these documents - accountability, integrity, effective service – are those that inform all models of community policing.

However, a number of authors have pointed out that the political popularity of community policing is attributable to the flexibility or definitional vagueness of the concept itself – it incorporates a variety of differing or even conflicting definitions, the interpretation of which may be embraced and promoted by role-players across the political spectrum.

This may well account for the willingness of the police to accept the provisions of the Peace Accord and the code of conduct. Faced with a major and growing legitimacy and credibility crisis, senior officers had begun to see the need for change. Indeed, even before the Peace Accord was signed, the police were arguing that a new approach had been adopted. As the then Deputy Commissioner of the South African Police, Lieutenant-General Mulder van Eyk, put it:

“The South African Police realises that the organisation must not only be attuned to the community but also function in the context of the community. Effective policing therefore means the strengthening of relationships through which co-operation and voluntary

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4 National Peace Accord (1991) Sections 3.1.1 - 3.1.4
6 Cawthra, ibid. p. 185.
obedience to the law will be maximised. ... An attempt is being made to implement this principle of partnership with the public in every facet of policing."\(^8\)

Part of this attempt was the creation of police-community liaison forums at local level which were established, run and chaired by police officers for “consultative” purposes. The limitations of these structures were soon apparent. As noted by researchers at the time:

“There is little evidence that the police are generally aware of the issues of representativity, or that forums lead to substantive input and positive responses on the part of the police. This is borne out by the experiences of those involved in the Local Dispute Resolution Committees of the National Peace Accord. “As with many liaison forums the police are often unwilling (or unable because of organisational policy) to regard the views of the ‘community representatives’ as necessarily relevant or deserving of an organisational response”."\(^9\)

However, the National Peace Accord also established structures by which a more representative and legitimate input from political and community organisations could be acquired at local, regional and national level. These included Regional and Local Dispute Resolution Committees which reported to a National Peace Secretariat as well as a Police Board. The mandate of these structures was essentially one of monitoring and advice – they were expressly excluded from any formal role in the “day-to-day functioning of the police.”\(^10\) Despite this limitation, these structures did provide the means, for the first time, by which political and community organisations could input, in a limited manner, in police planning.

At a national level, the National Peace Accord provided for a Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation (popularly known as the “Goldstone Commission”) with a broad mandate, which included formal investigation of police misconduct.

The National Peace Accord thus initiated, for the first time in South Africa’s history, a structured framework for police accountability. However, the issue of the legitimacy of the police remained one that required attention. As one observer noted:

“... the structures of the National Peace Accord will go only part of the way to making police accountable to the communities they serve. Only when an authority which is perceived as legitimate and representative of the majority of the population has control over the SAP will conditions be established for democratically accountable policing.”\(^11\)

It is these two inter-related issues – democratic control or accountability and through this, improving the legitimacy of the police that, above all, shaped the nature of the community policing policy that was to come.

**SOUTH AFRICA’S COMMUNITY POLICING POLICY**

The first formal reference to “community policing” as the prescribed approach, style or methodology for policing in democratic South Africa is found in the Interim Constitution, Act 200

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\(^8\) Quoted in Cawthra, ibid. p.185


\(^10\) National Peace Accord, Section 3.3.

\(^11\) Cawthra, op cit. p.80.
of 1993. In Section 221 (1) and (2) the Interim Constitution directed that the Act was to “provide for the establishment of community-police forums in respect of police stations” the functions of which would include:

a) “the promotion of the accountability of the Service to local communities and co-operation of communities with the service
b) the monitoring of the effectiveness and efficiency of the Service;
c) advising the Service regarding local policing priorities;
d) the evaluation of the provision of visible policing services, including -
   i. the provision, siting and staffing of police stations
   ii. the reception and processing of complaints and charges;
   iii. the provision of protective services at gatherings;
   iv. the patrolling of residential and business areas; and
   v. the prosecution of offenders; and

e) requesting enquiries into policing matters in the locality concerned”

Then, in Section 222 the Interim Constitution directed that an Act of Parliament was to provide for the establishment of an independent complaints mechanism to ensure that police misconduct could be independently investigated.

Thus the political prerogative informing community policing was one of democratic accountability - the police were to be democratised and legitimised by enhancing oversight and accountability generally, and particularly by enhancing interaction, consultation and accountability at local, or police station, level. Informing this prerogative, of course, was the concern of the ANC regarding the politics of the police. Preparing to inherit an extremely powerful, organised and armed organisation hostile to democoratisation and, as had become clear, thoroughly implicated in the violence, the primary issue was neutralising the potential of the police to destabilise the new democracy.

This emphasis on accountability was continued with the publication of the new Government’s first formal policy statement on safety and security in mid-1994 - the Minister’s Draft Policy Document entitled “Change”. This placed particular emphasis on the democratic control of the police service and community consultation and involvement in safety and security issues. In doing so, the policy statement contextualised the transformation of the police service within the ambit of community policing. As the new Minister put it, community policing “… must be made to permeate every aspect and level of policing”.12

These principles were then legislated in the South African Police Services Act of 1995 which formalised the rationalisation and amalgamation of the 11 existing police agencies into a single national SAPS with a single budget and command structure. The Act formally established a civilian Secretariat for Safety and Security with oversight and monitoring functions and created an Independent Complaints Directorate to ensure independent investigation of complaints of police abuses. Furthermore, the Act formally established and detailed the functioning of Community Police Forums (CPFds). In terms of this Act, the functions of the CPFs remained those outlined in the Interim Constitution and it became the responsibility of the police, particularly, the Station, Area and Provincial Commissioners to establish CPFs at police stations, and Area and Provincial Boards. Community consultation and input was therefore structured throughout the command structure of the new SAPS.

Then, in April 1997, the Department of Safety and Security published its formal policy on community policing - the *Community Policing Policy Framework and Guidelines*. Developed through a consultative process over a three-year period, the Policy Framework defined community policing in terms of a collaborative, partnership-based approach to local-level problem-solving.

This policy marked a watershed in the development of community policing in South Africa. It articulated a shift in priorities – from an emphasis on oversight and accountability to an increasing concern with issues related to improving service delivery and crime reduction. This was the first explicit expression of community policing as a methodology for reducing crime by improving the service provided by the police. This policy therefore articulated a drive towards the transformation of the SAPS into an effective organisation, accountable at various levels and responsive to the needs of those it served.

Written retroactively, in response to developments on the ground, the policy document was intended mainly to provide direction for police managers. The document therefore detailed step-by-step guidelines for establishing CPFs, a guide on change management, guidelines for demographic and local level crime analysis, the development of partnerships and local-level problem solving.

The five core elements of community policing in South Africa were defined as:

- **Service orientation** – the provision of a professional policing service, responsive to community needs and accountable for addressing these needs
- **Partnership** – the facilitation of a co-operative, consultative process of problem-solving
- **Problem solving** – the joint identification and analysis of the causes of crime and conflict and the development of innovative measures to address these
- **Empowerment** – the creation of joint responsibility and capacity for addressing crime
- **Accountability** – the creation of a culture of accountability for addressing the needs and concerns of communities. This was outlined primarily in terms of the functions of various structures like the National and Provincial Secretariats, the Independent Complaints Directorate and the members of the Provincial Legislatures responsible for safety and security (the MECs).13

It has been argued that this definition corresponds with the distinctive features of the neo-liberal model of community policing as it developed in Western Europe, particularly in the United Kingdom (and articulated there by the New Right). According to Clifford Shearing14, this definition correlates with a “second phase” in the development of community policing in the West – a phase, following an earlier “bandit-catching” one in which community consultation was used primarily for gathering crime intelligence, characterised by two distinguishing features:

1. The first is a change in definition of the police from a “force” a “service”. An important expression of this change has been the development of “consultative forums” designed to permit communities to make their policing concerns known to the police and to provide a vehicle for holding the police accountable to them. ...
2. Second, is the reconception of the police as people who enable communities to solve their own problems rather than as people who solve problems on their own. Policing for the state police, has become “everybody’s business” rather than simply “police business”

Shearing and McMahon\textsuperscript{15} argue that this model incorporates the neo-liberal agenda through three related initiatives:

“First, the promotion of a community-based mode of policing that shifts the business of policing to the civil realm while establishing the police as facilitators and brokers of civil policing. Second, an advocacy of problem-solving strategies that promote the use of non-state resources and knowledge through the establishment of an “enterprise culture” that will mobilise the entrepreneurial efforts of citizens. Third, an exploitation of the commodification of security that the emergence of private security has made possible. … What, it is argued, is required to accomplish this transformation of South African policing is the retraining of police and communities so that they can accomplish the performances that a partnership of state steering and civil rowing requires.”

Two critical assumptions regarding the prerequisites of such a model merit some analysis – these assumptions relate to “community” and to capacity.

The first and most important assumption of relevance here is that of “community”. As Michael Taylor\textsuperscript{16} has observed

“It is clear that community is an open-textured concept; that is to say, there cannot be an exhaustive specification of the conditions for the correct use of the concept. … . There are, however, three attributes or characteristics possessed in some degree by all communities. … . The first and most basic of these “core” characteristics is that a set of persons who compose a community have beliefs and values in common. … . The second characteristic is that relations between members should be direct and they should be many-sided. Relations are direct to the extent that they are unmediated – by representatives, leaders, bureaucrats, institutions such as those of the state, or by codes, abstractions and reifications. … . The third and final characteristic of community is that of reciprocity”

This definition is useful in that it places “community”, concretely, as a form of association that may exist to varying degrees, in and across various localities. However, given South Africa’s highly politicised, divided, hostile and fragmented society, it is a moot point whether such relationships existed, or have today developed in any one locality, to the extent that one may actually identify a “community”.

And while a specific locality is not relevant in terms of this general definition, it is critical to South Africa’s community policing policy, as the policy had specifically located public input at each police station’s CPF and then up through the police command structure. Indeed, the CPFs had been established for the express purpose of mediating a relationship between the police and those they were meant to serve. The point therefore is whether one could, or can today, speak sensibly of identifiable “communities” outside of specific interest groups.

A local policy analyst, Steven Friedman, has outlined the importance of the absence of a clear definition of “community”:

“This is no semantic quibble, given that ‘communities’ are meant to set priorities, to engage in decision-making, and to engage the police in Community Police Forums. In reality ‘the

\textsuperscript{15} op cit. P.5.

community is not a uniform, definable entity: communities are extremely divided with little commonalities in terms of needs and aspirations. It is, therefore, by no means clear to whom safety and security strategists are responding when they invoke ‘the community’: this is of crucial operational importance .... More generally, if one measure of the effectiveness of safety and security strategies is to be their acceptability among the ‘community’, the result could be approaches which are sensitive to the needs of particular interests, but not all or even most citizens”.

Thus the clear danger of assuming, without rigorous assessment, the existence of “community” in a particular locality lies in the potential of this assumption to result in the exclusion of input and, because of this, the politicisation of the community policing initiatives. As Van der Spuy has put it: “Which groups may lay claim to the policing mandate on behalf of the community?”

Indeed, one researcher has suggested that South Africa’s community policing model, because it does not define “community”, provides legitimacy to a form of ‘partnership policing’ in which the police engage with defined private interest groups – non-government organisations, business organisations and other interest groups. Friedman notes that while this does begin to “define the nature of the ‘community’, it confirms the exclusion of, for example, grassroots citizens”.

This is of direct relevance to the success or failure of community policing initiatives for, as William Lyons points out:

“The logic of community policing assumes communities to be a form of association capable of informal social control”.

Informal social control may here be read to refer to the ability of “communities” to generate a coherent set of norms and values, which when realised in every-day interaction, function to regulate individual activities for the common good. In other words, the logic of community policing assumes the availability of inherent community resources –social capital – which may be tapped and enhanced to produce social order.

The key issue here is that of reciprocity, the ability of people sharing a residential area to engage with, receive and contribute to the generation of social capital. Thus, for Lyons:

“Reciprocity is a structural condition for the generation of social capital. The structures and agency supported by community policing ... must take into account the importance of intracommunity reciprocity for the effective operation of the informal social controls police seek to mobilise”.

This is because, for Lyons:

18 Van der Spuy, op cit. p.25.
20 Friedman, op cit.p.9.
21 op cit. p.16.
23 op cit. 29.
“A core assumption in the logic of community policing is that innovative police practices can mobilise now latent informal mechanisms of social control embedded within community life. Advocates argue that community policing will be more effective because it revitalizes communities with these capacities. Police community partnerships are expected to empower citizens to overcome their fears and contribute to the co-production of social order”.  

However, the key assumption here is that the reciprocal relationships which build the social capital to be contributed by a “community” are, generically, crime preventive.

The extent to which this holds true for South Africa is questionable. Recent research by the Community Agency for Social Enquiry notes that:

“The focus groups from the African townships told a story about powerlessness in the face of poverty. There was a very open acknowledgement a communal complicity in crime from both men and women.”

This observation appears to be supported by the recent, albeit limited, research into the motivations of youthful perpetrators of violent crime, done by the Centre for the Study of Violence and Reconciliation. The research indicates, amongst other things, that while the “youth involved in crime – or amagents as they are popularly referred to in the townships – all had complex narratives to tell …:

“... it is clear that crime is one of the new forms of initiation into manhood for the young boys in the urban setting of the township. The age-old institutions and traditional rituals that once governed young boys’ entry into adult life have been replaced by rites of passage that are often brutal and deadly”

Thus, these research findings problematise the assumption that the social capital generated through reciprocal intracommunity relationships will, necessarily, be positive and crime preventive. As Adam Crawford puts it:

“Communities are often portrayed as the antithesis of violence and crime. On the contrary, however, the collective values of a community may serve to stimulate and sustain criminality”

This particularly, one may argue, in those situations in which the generation of “vertical social capital” - that resulting from the “reciprocal relationships between citizens and state agencies” – is either inadequate or corrupt. This relates directly to the integrity, both actual and perceived, of the criminal justice system, including the police.

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24 op cit.p.16
27 Which William Lyons refers to as “horizontal social capital”. op cit p.29.
28 Crawford, A. op cit. p158.
29 Anlaysis by Lyons, W. op.cit. p 29.
Thus, questioning the assumptions informing conceptualisation of “community” leads, inevitably to a questioning of the capacity requirements needed for successful community policing. This is because, in Lyon’s words:

“... the most basic reciprocal exchange at the heart of stories about community policing is a police / state commitment to perform their duties in a way that enhances the generation of social capital in communities and a community commitment to invest a portion of that capital in cooperative efforts with the police to improve public safety.”

Just how much South Africa’s disadvantaged and fragmented communities are able to contribute, remains, given the analysis above, a moot point.

However capacity here also refers to that of the police and whether the police are really able to engage with the “innovative practices” required to “revitalise” or “empower” such “communities” must, given the severe capacity constraints facing the police organisation, be even more questionable.

First among these constraints is the personnel profile of the organisation which is still largely under-trained and under-skilled. – thousands remain functionally illiterate. What this reflects, most clearly, is the lack of a coherent and integrated recruitment, training, deployment and succession strategy. That this continues may well be a result of a prejudiced view of those who those who choose to join the police – a view most cynically put by the present Chief Executive Officer of the SAPS, Meyer Kahn, who reportedly believes that:

“...a certain type of person will always become a policeman. He is not a genius. The best we can hope is that he is honest and hardworking”

Thus, is it plausible to assume that the personnel of the SAPS, developed in a disempowering, extremely centralised, hierarchical, and still largely insular organisational culture, have been equipped to deliver the decentralised, informed, innovative and proactive responses required by community policing? Clearly not.

This is, in the main, an issue of leadership and management and implies a great deal more than the “retraining” of the police as has been done elsewhere. And it begins with the most senior leadership.

Given the political prerogative of neutralising the potential of the police to undermine the fledgling democracy, the new government instituted a variety of measures to weed out those most closely associated with the SAP’s last commissioner, General Johan van der Merwe. However, because of the constraints of the Interim Constitution’s “sunset clause” which protected civil service jobs, other SAP personnel had to be found to fill the vacancies. These senior officers were selected mainly on the basis of the distance they had managed to keep from Van der Merwe and, particularly, his Security Branch or, if this was too close for comfort, by the relative cleanliness of their hands.

As one researcher has noted:

“Selecting people negatively, for what they have not done rather than for their proven ability is unlikely to produce an inspiring leadership”

30 ibid
32 Steinberg, J. ibid. p.6
Furthermore, the measures used to encourage the tainted to leave – mainly lucrative severance packages – were applied across the organisation which, of course, also encouraged some of the brightest and the best, those who were qualified for and confident of making it outside the police, to also leave. This, arguably has left the police without an authoritative or sound management cadre by which to drive the transformation of policing practice required by community policing.

That two critical assumptions informing South Africa’s community policing remain largely hidden and unpacked, and therefore, that the appropriateness of South Africa’s community policing policy model is also assumed, may well be attributable to what one researcher has termed the “seductive quality”\(^{33}\) of its core tenets. Given its conceptual flexibility and, particularly, its close association with democratic governance, its potential to legitimise the new SAPS, and its popular acclaim, who would say it may be inappropriate?

Thus, the policy document was distributed to all police training institutions and stations and informative workshops with police officers were held throughout the country. In addition, a user-friendly comic – entitled “Safer Streets” – which incorporated the Community Policing Policy Framework and provided guidelines for the functioning of CPFs was published by the Department for use at local level.

Two years later, the Department of Safety and Security’s White Paper - approved by Cabinet in September 1998 – affirmed community policing as the appropriate methodology for enhancing policing in South Africa and outlined a significant role for the structures of community policing in the provision of local level crime prevention, particularly social crime prevention, programmes.

Community policing was thus placed firmly on government’s agenda.

4. THE PRACTICE OF COMMUNITY POLICING

The response of the SAPS to the development of community policing policy has, apart from fulfilling its legislative responsibility of establishing CPFs, been largely symbolic.

The organisation has formally changed its uniform symbols and “demilitarised” its rank structure. It has also upgraded the status of senior management positions outside the central Head Office in Pretoria, most notably by allocating senior ranks to particular police stations (largely on the basis of population density). In doing so, it has devolved some, albeit very limited, authority to these positions. Other than these changes, perhaps the most obvious expression of the SAPS’s symbolic response is the structural approach adopted for implementation of the community policing policy. The organisation has attempted to “align” existing (and changing) structures to the requirements if the policy.

With the appointment of a new management echelon in 1994 and the restructuring this entailed, the “function” of community policing became “the responsibility” of the National Policy and Strategy Component of the Division: National Management Services. This was led by the former head of the old SAP’s Community Relations Division, which had set up the liaison forums and deployed community liaison officers (often of Security Branch experience) throughout the country.

\(^{33}\) Van Der Spuy, op cit. p. 23.
Then, in 1997, following a further restructuring of SAPS Head Office, a Partnership Projects sub-component was established as part of a new Division, the National Crime and Prevention and Response Service. This sub-component, headed by a Director, created a National Community Policing Desk, managed by a Superintendent. The responsibility of this Desk was described as “guiding and facilitating the institutionalisation of Community Policing in South Africa”.

The primary functions of this Desk were seen as:

- The development of the existing Policy Framework on Community Policing
- The issuing of Regulations, National Orders and additional Guidelines on Community Policing
- To initiate National Workshops on Community Policing and to empower National and Provincial role-players to this end
- To manage a Community Policing Programme Forum effectively
- To take part in practical projects aimed at achieving Priorities 3 and 5 of the Policing Priorities and Objectives for 1997/1998
- To assist with the development of the training curriculum on Community Policing ...
- To contribute on regular basis to the reviewing of all training curricula and to integrate Community Policing into all levels of training
- To contribute to the Service Delivery Improvement Programme
- To establish continuous and regular communication on Community Policing down to police station level.
- To develop a Framework and Guidelines on Partnership Policing

These facilitation functions result primarily from the view in the SAPS that the implementation of community policing is, apart from the national training function, a Provincial “responsibility”. This is a direct result of the onus, placed by the South African Police Service Act (Section 19 (1)), on the Provincial Commissioners to ensure the establishment of CPFs.

Thus, Provincial Community Police Co-ordinators have been appointed at the nine Provincial Head Offices who function, often in liaison with members of the Provincial Secretariats, to co-ordinate projects and workshops intended to enhance community policing at the Area and Station levels of the SAPS.

A similar “responsibility” has been allocated to Area and Station level Community Police Officers. However, here this responsibility focuses almost wholly on the functions and requirements, particularly logistical, of the CPFs.

It is apparent from the above, that community policing has been generally viewed as the “responsibility” of particular functions within the SAPS and that this responsibility is interpreted, at various levels, primarily in terms of the establishment and maintenance of the CPFs.

The CPFs have thus often become seen as more than a vehicle for community participation – rather, a trend has developed, within and outside the SAPS, in which community policing is seen as synonymous with the functions of the CPFs. This had been warned against as early as 1995. A Departmental Technical Team on Community Policing, which had initiated the process that was to result in the Community Policing Policy Framework and Guidelines, had cautioned then that such a focus would be detrimental to the development of alternative local mechanisms and, importantly,

35 Interview with IDASA Community Safety Unit, 9 April 1999.
“the empowerment of individual police officers to practice community policing as part of their day-to-day responsibilities”\textsuperscript{36}

Thus the focus on the CPFs has meant that there has been little, if any, understanding of the policy as an operational methodology impacting on all functions of the organisation. This despite the dedicated programmes – such as the Belgian sponsored Community Policing Pilot Project, the privately sponsored Operation Lifeline, the many DFID sponsored projects and the current police initiated Service Delivery Improvement Programme - run essentially for the improvement of community policing.

This assessment is justified by the lack of evidence pointing to the actual operational integration of police patrol and specialised functions at station level. Indeed, there is some evidence pointing to real antipathy and resistance to integration between the patrol or proactive functions and the detectives or reactive functions.\textsuperscript{37} Thus, it is not surprising that the Community Agency for Social Enquiry found, in its research, that:

\begin{quote}
“Many of the police personnel we interviewed could speak the language of community policing, but had not internalised the practice, or the practice was limited to one-off displays of goodwill”\textsuperscript{38}
\end{quote}

Generally then, community policing has been interpreted as an “add on” function to the “other responsibilities” of the police. It is clear therefore, that one of the primary goals of the community policing policy – the fundamental transformation of the SAPS, has not transpired in the manner envisaged by the new policy-makers.

Thus, the CPFs remain the most visible expression of community policing in South Africa. The issue, then, is to assess the shape of the implementation of community policing policy through the CPFs.

The mandated functions of the CPFs, as outlined above, may be categorised into three key responsibilities:

\begin{quote}
“... (I) the improvement of police-community relations; (ii) the oversight of policing at local level; and (iii) the mobilization of the community to take joint responsibility in the fight against crime”\textsuperscript{39}
\end{quote}

These responsibilities are dichotomous and, in fact, contradictory. The challenges this poses for the practical functioning of the CPFs, have been pointed out as follows:

\begin{quote}
“Is it reasonable to believe, for instance, that, given the history of conflict between the police and communities, that a structure that was designed both to improve relations and oversee the police would succeed in both functions. Is it plausible that in communities where police were perceived to be oppressors and where the police believe that the most
\end{quote}


constructive crime prevention is police-led, that many members of the community would willingly give of their time and resources to assist the police in fighting crime.”

To add to this, one may ask whether it is plausible to believe that in other localities, those in which the police had been supported, people would care about oversight?

Given these differing and contradictory functions, it is not surprising that the experience of the CPFs, and, therefore of community policing, has differed considerably across the country.

However this experience, it appears, is not random. Rather the experience of community policing appears to be determined by an identifiable and specific set of challenges faced by the police and the people they serve in particular localities. Furthermore, it is the extent to which these challenges have been overcome that determines the impact of community policing in a particular locality. This was the key finding of a recent pilot project conducted by the National Secretariat for Safety and Security as a feasibility study for a comprehensive review of the development and implementation of South Africa’s community policing policy.

The results of the study posit a conceptual framework or “continuum of implementation” consisting of five, consecutive and cumulative “thresholds” or challenges which are faced in particular localities as they develop community policing – these are, namely, “basic resources”, “trust”; “(policy specific) education”; incremental resources” and, finally, “full partnership.” The study therefore suggests a trajectory in the practice of community policing in South Africa.

The starting point on this trajectory, or the first and most obvious challenge for community policing, is the availability of the basic resources required by the police and those they serve in a particular locality. For the police, this challenge refers to a lack of those resources required for undertaking basic policing tasks – thus a lack of resources such as basic education (literacy and numeracy in some cases), availability and functioning of vehicles, equipment and infrastructure appropriate for the topography and a lack of the means to gather and analyse intelligence. For the people in these localities, the lack of basic resources refers to their inability to contribute in a meaningful manner in the CPFs. This relates to a lack of basic education, difficulty in getting to and from the police station and a lack of communication means. The lack of basic infrastructure like roads, telecommunications and electricity are also relevant factors. In these localities there is very little policing of any kind. The primary cause of this is the historical legacy of under-development and it may be expected that many of the police areas situated in the former homelands are affected.

The effect of this lack of resources for community policing has been succinctly analysed by the Community Agency for Social Enquiry:

“We found widespread empathy for the lack of resources in the police from community leadership and in the focus groups from the community more broadly.

“This situation highlights the need for community involvement as an added resource to participate in policing. However, it also threatens the process of community involvement as SAPS is physically unable to meet community expectations and needs in some cases. The

40 Altbker, A & Rauch, J. op cit. P.2
42 Analysis in Secretariat for Safety and Security, ibid. p.3-11.
However, in those localities in which the basic resource requirements have been acquired, the primary issue or challenge becomes that of developing a basic level of trust. This is a complex issue as it functions both as a measurement of policy impact as well as pre-condition for community policing. Obviously, given South Africa’s history, the historical relationship between the police and the people in a particular locality is relevant. Perhaps even more relevant is the prevailing perception of the integrity of the police – perceptions of police competence and corruption have a significant effect on levels of trust. So too, does public understanding of the roles of broader criminal justice system – the granting of bail, the withdrawal of charges or a lack of conviction in cases gone to trial are often blamed on the police. Political and racial stratification also impact on developing trust as police actions are perceived to protect or promote the interests of one or another political or racial group. For the police, the most critical factor relevant to building trust is the prevailing attitude toward change – as relevant for station management as for junior personnel. One or more of the issues related to trust negatively affected almost 50% of the localities accessed in the research. Also, because of the range of issues impacting on the development of trust, these were spread across the country in rural and urban areas as well as predominately white and predominately black areas.

While the pilot project was too limited to extrapolate its findings generally— it does appear to indicate that the issue of trust remains the primary challenge faced by the majority of South Africa’s police stations and the people represented at the CPFs. Of importance here is that in areas of low trust there is a real potential for the CPF to be used as a platform for political interest groups. Of equal importance is that at these localities, the continuous grappling with developing trust results in little or few improvements to actual service delivery; increasingly negative public perceptions of safety and security (because more information becomes available) and little actual reduction in crime.

The danger here lies in the likelihood that, should a basic level of trust fail to be developed, the police will become increasingly marginalised through either the development of self-policing or its stronger form, vigilantism.

However, once a basic level of trust has been achieved, it is apparent that the challenge becomes one of understanding the actual requirements of the policy. This refers mainly to the clarification and agreement on clear roles and responsibilities. Of relevance here, therefore, is the extent to which CPF representatives and police personnel have received education and training on the core elements and objectives of community policing as well as on an appropriate demarcation of roles. In more than half of the police stations accessed in the study, less than 25% of the personnel had had any formal training in community policing. An interesting finding here was that the personnel at those police stations which had received little or no training, which were predominately black and disadvantaged, perceived the available SAPS training to be more effective than those who had actually received formal training. Respondents indicated a need for training to be frequent, consistent, operationally practical and standardised. Localities in need of further policy specific education had dealt with some of the issues related to trust, had begun to see limited improvements to service delivery, but no improvements to the prevailing perceptions of safety and security and no

45 Analysis in Secretariat for Safety and Security. op cit, p.3-12. The criteria for assessing the impact of implementation of the policy - building relationships and trust; improving service delivery; public perceptions of safety and security and reduction in crime – were derived from the requirements of the policy.
impact on actual crime levels. However, should the education and training needs of the police and members of the CPFs not be met, it is likely that the CPF at these localities would either regress to become, simply a forum for complaints or, of more concern, the means by which CPF representatives come to dominate and wrest control over police operational procedures.

Moving up the continuum of implementation then, once trust has developed and roles and responsibilities clarified, equity, or rather the inequity of the distribution of policing resources appears to become the major issue. The CPF then begins to function as the means by which incremental resources are provided to the police to enable them to enhance their service delivery. Although the nature of these incremental resources differ from area to area, they often take the form of funding for vehicles, computers and other equipment, but also the provision of support personnel to assist administrative tasks and for patrolling through the Police Reservists. Thus, the relative wealth of the area’s residents, the engagement of private business and the ability and willingness of the residents to contribute time or other resources are key factors here. For the police, the key factor appears to be the ability of the station and area management to deal with the bureaucratic procedures required for accepting donations – either financial or in-kind. However, this threshold describes, for the more privileged localities, an involvement usually limited to financial donations and for disadvantaged localities, a considerable investment in time and energy. Some 16% of the localities assessed in the research were identified at this threshold and most of these were located in the more privileged areas.

In these localities, there had been significant improvements in the relationship and trust between the police and CPF, significant improvements to service delivery as with perceptions of safety and security, but no significant impact on levels of crime.

The final point on the trajectory is that of “full partnership” which describes a situation in which the police and the CPFs are able, it appears, to develop an active relationship with other role-players aimed at joint crime reduction. The distinguishing element here appears to be the critical mass achieved, that is, the mobilisation of all or most other relevant role-players - like other government departments and non-government and community-based organisations – to engage with social crime prevention programmes. This situation therefore describes the situation articulated as a key objective of the policy. The key factors driving these relationships appear to be the extent of local activism and a co-operative synergy between a range of organisations. Also important here is the continuity of progress on projects which is related to the continuity of strong leadership at the police station and CPF. Just 6% of the localities accessed in the research could be classified at this level – all of them in privileged localities.

That very few CPFs are actually involved in networking relationships aimed at actual crime reduction is a finding which seems to be supported by research done in the Western Cape - where many CPFs have developed into “Community Safety Forums” aimed at ensuring greater interaction and co-ordination with other agencies of the criminal justice system and ensuring greater community participation. Despite this development further research has indicated that:

“... 60% of the CPFs currently in place in the province were not engaged in problem identification or prioritisation; and that 65% were not engaged in problem-solving. This finding was based on an analysis of the content of CPF meetings, agenda’s and minutes.”

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46 Analysis in Secretariat for Safety and Security. op cit. pp ES2 & 4-3
49 Research by Jane Connelly of the Western Cape Community Policing Project, quoted in Altbeker & Rauch ibid. p.3
However, it is significant that it is only in these localities, where there has been a dedicated effort at involving other role-players in active prevention projects that there appears to be some reduction in actual crime. However, given the range of methodological problems associated with measuring actual levels of crime and the number of variable factors that influence crime rates, it is not clear that any real reduction in crime, if this has actually occurred, can be solely attributed to successful implementation of the core elements of South Africa’s community policing policy. What certainly may be attributed to this, though, is the significant level of trust between the police and the CPF, a comparatively high level of service delivery and positive perception of safety and security in these localities.\footnote{Analysis in Secretariat for Safety and Security. op cit. pp.ES-3 & 3-16.}

The findings of other researchers, appear to support the findings of the Secretariat’s limited research study. For instance, Altbeker and Rauch\footnote{ibid. p.2}, note that:

“In communities in which levels of conflict with the police were high, there has been, for obvious reasons, more emphasis placed on the importance of overseeing the police and building relations. In other communities, emphasis within CPFs appears more focused on improving safety and security through assisting, and collaborating with, the police. This pattern has been reinforced by a difference between these communities in the role they accord the police in preventing crime, with black communities typically more concerned with ameliorating socio-economic causes of crime and white communities more concerned with keeping crime and criminals out of their areas. Because this pattern is also matched by very dramatic differences between levels of income, community participation in rich areas appears to focus on assisting the police in keeping crime out. While there is space for honest differences on the degree to which this is a legitimate strategy, it has had the consequence that the development of community-centred crime prevention programmes involving the police are much more developed in rich areas than in poor, black areas.”

Research by the Community Agency for Social Enquiry\footnote{CASE (1995) Evaluation of the Gauteng Community Policing Project, CASE, Braamfontein, p.38.} has also reflected this theme:

“Firstly, whites generally had more skills and resources and were therefore more successful at fundraising and initiating projects. ... Secondly, the kinds of issues white forums concentrated on differed from those of black forums. Some of the former were little more than anti-crime fora, whilst many of the latter had a broader social and developmental focus.”

An ironic potential of this pattern, which is a danger inherent in the continuum posited by the Secretariat’s research, is that implementation of the policy may well entrench the very societal divisions the policy was meant to help overcome. This, primarily, through the displacement of crime to those communities that, because of their relative poverty, are less able to deal with its effects. As Altbeker and Rauch\footnote{op cit. p2} point out:

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\footnote{Analysis in Secretariat for Safety and Security. op cit. pp.ES-3 & 3-16.}
\footnote{ibid. p.2}
\footnote{op cit. p2}
“There can be little doubt that in a country with as deeply embedded inequalities as SA, there are real moral and political difficulties with programmes which may increase inequality by skewing the distribution of policing resources and/or of crime in such a way that poorer communities, already more at risk of violent crime, become even more at risk of victimisation. These difficulties are real and, in the long-term, may become highly politicised”

This is supported by Shaw and Louw\textsuperscript{54} who have noted that:

“The poor, lacking resources and more likely to be intimidated by the police, are often not well placed to sustain CPFs. Indeed, CPFs often work best in (white and wealthy) areas which require them the least, and remain fragmented and weak in poorer areas”

Thus the resources – both intellectual and physical - available to the CPFs and of the people in particular localities remain a crucial factor for the successful implementation of community policing.

This is problematised by the contested legal status of CPFs. The crux of the issue is whether or not the CPFs may be considered formal “organs of the state” and therefore, whether or not the state has an obligation to sustain them. There is a reasonable argument to be made that the CPFs meet the criteria outlined in South Africa’s Constitution (Section 239) for such organisations:

\begin{enumerate}
\item \textit{any department of state or administration in the national, provincial or local sphere of government; or}
\item \textit{any other functionary or institution}
\begin{enumerate}
\item exercising a power or performing a function in terms the Constitution or a provincial constitution; or
\item exercising a public power or performing a public function in terms of any legislation but does not include a court or judicial officer”.
\end{enumerate}
\end{enumerate}

Clearly the CPFs were created by legislation and exercise public functions in terms of that legislation. At issue then is the nature of the support required to sustain the CPFs. While the state was clearly obligated to establish the CPFs, it was surely not the intention of the legislation to create a state-subsidised profession. Certainly, the \textit{Community Policing Policy Framework and Guidelines} is clear on this point – Section 7.6 states that:

“Membership of and participation at Community Police Forums and Boards is a voluntary community service”\textsuperscript{55}

The formal legality of this position is, given the argument above, open for debate and state funding for the CPFs remains a constant theme expressed often at seminars, summits and other gatherings. The key purpose of such funding would be, it appears, to enable CPFs to meet their basic administrative requirements, which often include telephones, stationary transportation and the remuneration of permanent administrative posts in the CPFs.\textsuperscript{56}

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{55} Department of Safety and Security, op cit. P.5.
\end{itemize}
\end{footnotesize}
However, there now appears to be a growing recognition that CPFs should be project-driven and that if funding is to be made available from the state, then it will be allocated to crime prevention projects. This correlates directly with the direction provided in the White Paper to the facilitation of local level crime prevention.

Apart from the issues of resources, and the specific factors pertinent to the development of community policing outlined above, four general factors have been identified as critical to the implementation of community policing in South Africa. The Secretariat’s pilot project identified four “common drivers” that appear to have an influence at all localities across the proposed continuum. These “common drivers” are defined as:

- **Level of activism in the community** – refers to the degree to which members of the community are able and willing to engage with issues of safety and security
- **Leadership style and commitment** - refers to both that at police stations and in their communities, particularly at the CPFs
- **Relevant education and training** - refers to the level of basic education and training in the police and in the community
- **Commitment of junior members of the SAPS** - refers to the willingness of these members of the SAPS to engage with the requirements of the policy

That the attitude or mind-set of the police - expressed in its leadership style, training, and particularly, the commitment of junior members - remains a critical issue some five years after the first articulation of the policy, must surely be attributed to the lack of an informed and dedicated implementation strategy for the policy. This, one must assume, relates directly to the lack of authoritative leadership in the Department.

To sum up then, it is clear from the analysis above that the core elements of South Africa’s community policing policy have not been “main-streamed” as the operational methodology of the police.

Despite this, however, it is also clear that implementation of the policy, through the establishment and functioning of the CPFs, has facilitated generally positive contact and engagement between the police and those they serve. This engagement has resulted in an improved and strengthening political legitimacy for the police – a key objective of the policy.

However, given the analysis above it seems unlikely that implementation of the policy, in its current form, will facilitate achievement of the policy’s wider goals – improved service delivery and actual reductions in crime.

**CONCLUSION**

This paper has outlined the origins of community policing in South Africa and the manner in which this influenced the later community policing policy. It has been argued that the key factors informing this policy were the political prerogatives of ensuring democratic control or accountability and through this, greater legitimacy for the police. However, initially focussed on facilitating contact between the police and a predominately antagonistic public, the goals of the policy were extended in 1997 to focussing on enhancing service delivery and the reduction of crime. That great difficulty has been experienced in the pursuit of these greater objectives may well be attributed to the lack of open and critical assessment of the prerequisites required for achieving these

goals. Nevertheless, the analysis of the manner in which community policing has developed does, by identifying the general and specific factors which either facilitate or inhibit implementation of the policy, provide cause for optimism that meaningful action could be taken to enhance community policing in South Africa.

The requirements for such action, derived from some of the lessons learned over the past five years are outlined below.

The first requirement would be that of authoritative and willing leadership in the Department of Safety and Security. This may well be on the cards, given the intention of the new government to recruit qualified lateral entrants to senior managerial positions in the police - announced by the new President in his opening address to parliament on the 25th June. Furthermore, as pointed out by an observer, President Mbeki:

“... coupled these statements with the appointment of the bellicose and combative Steve Tshwete as Minister of Safety and Security, a sign that he is preparing to take on vested interests in police management.”

The second requirement would be a coherent, integrated and actionable implementation strategy, developed through a critical and open review of the policy (its assumptions and its requirements) and of actual conditions on the ground and which, based on this analysis, targeted specific interventions at particular localities throughout the country. Given some of the issues related to the lack of basic resources in various localities, the specific interventions outlined in such a strategy would clearly need to be multi-disciplinary and not limited to the functions of the Department of Safety and Security.

Related to this, or rather, an integral component of such an implementation strategy would need to be an informed personnel recruitment, development, deployment and succession plan in which appropriate entrance criteria, an integrated training curriculum and an appropriate performance-based and incentive-oriented promotion system were specified. Accountability for service-delivery would need to be the key theme emphasised here. Therefore, the adequacy of police training would need to be reviewed to ensure that the principles of community policing informed, in a practical manner, all training and development programmes – including those of the specialised services, but particularly the management development programmes.

Clearly, such an implementation strategy implies a review of the organisational structure of the police – a review aimed at assessing the manner in which the organisational design either impedes or facilitates the delivery of a policing service responsive to local needs.

These requirements, unsurprisingly, imply an informed and fundamental transformation of policing practice in South Africa – a key objective of community policy as it has been articulated over the past five years.

It can only be hoped that this is what the President had in mind when, in his address to the opening of parliament, he said:

“We will make multi-disciplinary interventions ... , starting with a few pilot areas, drawing in all spheres of government and engaging the people themselves in an offensive to ensure that we reduce the levels of crime in those areas which are characterised by a high incidence of crime.

“Measures will also be taken to strengthen the Community Police Fora to improve their capacity to mobilise the people against crime and to improve co-operation between the people and the law enforcement agencies. “As we have said, the partnership between the Government and the people will be one of the hallmarks of the national offensive against crime and violence.”
ANNEX D

CRIME, COMMUNITY SAFETY AND THE POLICING OF MARGINALISED POPULATIONS: A REVIEW OF RESEARCH

Trevor Jones and Mike Maguire (Cardiff University)

Introduction

This paper draws upon the very large body of research into the relationship between policing and ‘marginalised’ communities. It draws primarily upon research literature from the UK and USA, although where appropriate some references will be made to evidence from other countries. The overall aim is to draw some broad conclusions about what kinds of policing and security provision best promote equity, safety and access to justice for all parts of the population. The paper is divided into four main sections. The first provides some broad definitions, briefly outlining the meaning of the term ‘policing’ in this context, as well as the groups we include under the mantle of ‘marginalised communities’. The second section examines the nature of relationships between policing and marginalised groups across a number of different dimensions, addressing in particular the complementary problems of ‘under-protection’ and over-policing’. The third section looks at the measures which have been adopted to address problematic relationships, and includes some examples of innovation and good practice. The final section summarises the overall themes and provides some general conclusions.

1. Some key terms and concepts

Policing and the police

Policing involves the regulation and control of social conflict, and thus inevitably involves adversarial contacts with some members of the population at certain times and in certain places. Almost by definition, the job of policing can never receive total universal approval in any society. However, it clear that there are very significant differences in both the nature of police organisations and in the nature of policing between totalitarian dictatorships and liberal democracies, between poorer developing countries and richer industrialised ones, and between relatively homogeneous and integrated societies and those which are deeply divided. Indeed, it is possible to argue that the behaviour of the police is a critical indicator - perhaps the definitive one - of the essential character of a state. As Reiner (1993) has pointed out:

The police are the specialist carriers of the state’s bedrock power: the monopoly of the legitimate use of force. How and for what this is used speaks to the very heart of the condition of a political order. The dangers of abuse, on behalf of particular partisan interests or the police themselves, are clear and daunting (Reiner 1993: 1)

Until recently, criminologists tended to focus exclusively upon the public police; that is: ‘institutions or individuals given the general right to use coercive force by the state within the state’s domestic territory’ (Klockars 1985: 12). However, there has been growing interest in the enforcement, investigation and peacekeeping activities of a range of bodies outside of the public police (Jones and Newburn 1998, Johnston 1992, South 1988, Shearing and Stenning 1987). This work has shown that ‘policing’ actually refers to a number of interlinking activities undertaken by a range of bodies.
These include state police forces, but also the private security industry, and public officials with specific regulatory and law enforcement functions. Although the primary focus of the current paper is upon the activities of state police forces, we will make some reference to ‘privatised’ forms of policing, and discuss their implications for members of marginalised or deprived communities.

**Marginalised communities**

The concept of accountability to ‘the community’ has been a central theme in British police rhetoric. Indeed, the idea of ‘community’ has been invoked in recent years by the police - and by a number of other criminal justice agencies – as a important vehicle for redefining their roles and recapturing lost legitimacy (Lacey and Zedner 1995; Crawford 1998). In particular, ‘community policing’ has become a fashionable term to describe a range of initiatives in the USA and Europe aimed at improving relationships between police and public (Fielding 1995; Rosenbaum 1994). However, although this is superficially an attractive concept, it has a number of inherent problems. For example, many of the functions of policing are by definition adversarial, and difficult to reconcile with the notion of consensus. Moreover, it is now quite widely recognised in Britain and other European countries that the police operate within an increasingly diverse and heterogeneous society made up of a range of different ‘communities’: in any locality they have to deal not with one community but with several, which may hold sharply conflicting views and may have very different experiences of the police.

This last point has been made strongly, among others, by Willmott (1987), who outlined various different notions of ‘community’ which require consideration. The *territorial* community is defined by geographical location, and refers to the people who live in a particular area. Second, there is the *interest* community, which means a set of people with something in common other than just territory (e.g. the Gay community, the black community). Third, there is the more elusive *attachment* community, which is built on social interaction or a shared sense of identity.

The urban unrest which occurred in many US cities during the 1960s, and similar disturbances in Britain during the 1980s, focused attention on deteriorating relationships between the police and some ethnic minority communities. Thus, much of the research and writing examining problematic relationships between the police and the community, both in the UK and USA, has focused on ethnic minority groups. More recently there has been a growing interest in other distinctive populations which habitually experience difficult relations with the police, including the Gay community, New Age Travellers, environmental protesters, young people, and trade unionists. The primary focus of this paper is upon research about ethnic minority groups and policing. However, where possible, we also make reference to research on other ‘marginalised’ groups, including the gay community, and victims of domestic abuse.

**2. Relationships between policing and marginalised groups**

*‘Under-protection’*

Crime and disorder significantly diminish the quality of life for many citizens. Since the mid-1980s, there has been a growing awareness that crime (and the fear of crime) impacts most harshly on already disadvantaged groups in society (Jones *et al.* 1986). Crime surveys have found that the pattern of victimisation is strongly skewed towards certain geographical areas, and certain groups of people within those areas. Successive British Crime Surveys have indicated that the risk of victimisation is substantially higher for people who already suffer from social/economic disadvantage. People who live in deprived inner-city areas, council housing, members of ethnic minority groups, and lone
parents are particularly vulnerable to criminal victimisation. These findings apply across most offence groups, but members of these groups have particularly high risk of being victims of burglary, car crime and violence. Recent research has further shown that not only are people living in areas of high social deprivation generally more likely to be victims of crime, they are more likely to be victimised again and again. Multiple victimisation is significantly more common in high crime areas (Trickett et al. 1992).

Victimisation studies also show that people from ethnic minorities are substantially more likely than white people to be victims of crime, and have substantially higher levels of fear of crime. In particular, analysis of the British Crime Survey has shown that black and Asian people have persistently high rates (compared with white people) of victimisation in the case of burglary, car and bicycle theft, assault and robbery (Mayhew et al 1989; Smith 1997). Researchers have tried to shed light on the factors behind these patterns. The general conclusion from this research is that high rates of victimisation of ethnic minorities are strongly related to the socio-economic characteristics of specific minority groups, and the spatial distribution of the ethnic minority population. They are relatively highly represented in ‘high risk’ groups such as the unemployed or low income-earners, and on the whole are more likely to live in higher crime areas (Fitzgerald and Hale 1996). Thus, higher overall rates of victimisation cannot be entirely explained by racial hostility, in that high risks of victimisation are shared by white people living in similar social and economic circumstances. However, particular concerns have been raised over recent years about an apparently growing incidence of crimes and harassment directed specifically at ethnic minority people.

There is a widespread perception that racially-motivated crimes in general, and racial violence in particular, have been growing over recent years (Virdee 1997). There are a number of difficulties in measuring the true level of such crimes. Many such incidents are not reported to the police, and many incidents that the victim regards as racially-motivated are not recorded as such by the police. Although there has been a large increase in the numbers of racially-motivated crimes recorded by the police since the mid-1980s, it is difficult to know how far this represents a ‘real’ increase, or how far it simply demonstrates increased willingness on the part of victims to report such crimes, and on the part of the police to record them. Victim surveys have indicated a much higher overall level of racial harassment and violence than the police figures indicate, but a lower rate of increase. However, victim surveys also have a number of important limitations with regard to measuring the extent and nature of racial harassment. For example, Bowling (1993) argues that the ‘snapshot’ provided by crime surveys by its very nature ignores the processual character of much racial harassment and violence. Ethnic minority people are victimised by a sequence of racial incidents, not all of which, taken individually, would count as ‘crimes’, but the cumulative effect of which is to substantially reduce the quality of life of the victims.

In the early 1980s, research based on police records suggested that black and South Asian people were substantially more likely than white people to be victimised in incidents of racially-motivated assault (Home Office 1981). On the basis of these calculations, the authors estimated that there were 7,000 racially-motivated incidents reported to police forces annually in England and Wales. The 1982 PSI survey of ethnic minorities in Britain suggested a very much higher level of racial assaults than was estimated from police records (at least 10 times as high). Moreover, the survey showed that a majority of black people, and a substantial minority of South Asian people, believed that the police could not be relied upon to protect them (Brown 1984). A number of local studies have been undertaken since that time. Research in Newham (London Borough of Newham 1987) found that approximately one quarter of ethnic minority council residents in the borough had experienced racial harassment in the previous year. Two years later, Home Office researchers working in the borough found that one fifth of African Caribbean men and a slightly smaller proportion of Asian men had experienced a racial attack in the previous year and a half (Saulsbury and Bowling, 1991). Crucially,
these surveys found that only a very small proportion of the incidents (five per cent in the 1987 survey) had been reported to the police. A key reason given for this was the view that the police would not be able to, or would choose not to do, anything in response. Such a view was put forward by the Institute of Race Relations in their evidence to the Royal Commission on Criminal Procedure in 1979 when they argued that ‘the failure of the police to protect the black community leaves it exposed to racial violence. At its worst police practice reinforces that violence’ (quoted in Holdaway, 1996:58).

Given higher levels of overall victimisation, and the growing focus on racially-motivated crimes, this concern about the lack of police protection for minority communities has been a constant source of criticism of the police over recent years. It has been suggested, for example, that racial attacks have been subject to police indifference or even hostility. Some sources have suggested that not only have the police failed to deal effectively with those who perpetrate such crimes, but compound this by taking action against those people who attempt to defend themselves (Greater London Council 1984). The police have also been criticised for the way they define and conceptualise the problem of racial violence and harassment. In particular, it has been argued, they have tended to overlook the crucial element of racial motivation in incidents. Thus, racially-motivated attacks are not aimed purely at individuals, but constitute attacks against members of a particular category or group. The police have therefore been criticised for subsuming racial attacks under a general category of any criminal incident when the victim and offender happen to be of a different ethnic group (Virdee 1995).

The police have attempted to address some of these criticisms, including modifying their definitions of racial incidents. ACPO published a standard definition in 1985, which was based the reporting officer or the victim perceiving some racial motivation. However, more recently this definition has itself come under criticism for its subjectivity. Despite heightened official concern about the police response to racial attacks and a number of attempted reforms of police practices, the death of the black teenager Stephen Lawrence in April 1993 and the subsequent public inquiry have once again focused public attention on fundamental inadequacies in the police response to racially-motivated crimes (Macpherson 1999). This report has been seen as a potential watershed in police-ethnic minority relations in Britain, and has directly or indirectly fostered a flurry of activities intended to improve the response of the police service to the needs of ethnic minorities and other marginalised communities.

Although public concerns about police responses to racially motivated crimes have been voiced for some years, a more recent focus has been upon the relative under-protection of another marginalised group, the gay community. Derbyshire (1990) notes that the police have been strongly criticised for failing to take steps to protect gay men against violent assault. Whilst gay men in particular have complained of being unfairly targeted by law enforcement (see below), they also feel that the police fail to provide proper protection for gay people who have been victimised. There are no reliable sources of information about homophobic attacks, but there is a strong impression among the gay community that the incidence of such attacks remains high. It remains the case that many victims of ‘gay-bashers’ do not have confidence to come forward to the police partly for fear that they themselves will may be abused, disbelieved or even prosecuted, rather than have their complaints taken seriously. Derbyshire reports three linked sets of problems: ‘The first is that violence against gay people is not taken seriously by the police and... officers often express the attitude that “they had it coming to them”’ (1990:1145). The second is that when assaults are reported either no action is taken or the officers are more concerned with the possibility that the victim has committed an offence. Finally, ‘in the case of the murders of gay men, it is a recurrent criticism that the police act in an insensitive and cavalier fashion toward witnesses, friends or sexual partners of the deceased;
have a prurient regard for the victim's sex life; harass men in the victim's circle; or disclose sensitive or confidential material to employers or the press’ (ibid).

Another area in which the police in a number of countries have been criticised for ‘under-protection’ concerns women victims of domestic abuse and sexual assault. The last 20 years or so have seen increasing attention paid to the difficulties faced by female victims within the criminal justice system (see Jones et al. 1994). During the 1980s, this reached a high-point following the 1982 BBC Television documentary about Thames Valley police which showed the victim of an alleged rape being subjected to particularly insensitive treatment by interviewing police officers (Edwards 1994). It is widely accepted that domestic violence poses extremely complex problems for the police. Investigation of such cases can be hugely time-consuming, and ultimately frustrating for the police in that a number of factors discourage full cooperation by the victim. Sensitive handling of the victim is essential, given that the gathering of evidence often takes place at a time when the victim is still living with, or economically dependent upon, the offender (Edwards 1994). However, the overwhelming conclusion of research into the policing of domestic violence, in both the USA and the UK, has been that the police do not treat victims with the required degree of sympathy and understanding, they do not take a sufficiently serious view of the behaviour (indeed, they may not regard it as a criminal offence at all), and they may regard the victim as in some way responsible for what has happened to her. On the positive side, the high degree of criticism levelled in this area has resulted in sharp government circulars requiring reforms, and the topic is now given relatively high priority by senior officers.

‘Over-policing’

Whilst members of many marginalised and disadvantaged communities feel under-protected by the police, a parallel difficulty is that these communities often feel ‘over-policed’, in that they are more likely than others to be the targets of adversarial police attention. Research evidence from Europe and North America shows that members of certain groups have a far greater than average likelihood of having adversarial contact with the police. Whilst much of this work has focused upon policing and ethnic minority groups, it is clear that other social characteristics can also have an important influence on the likelihood of being on the receiving end of police powers. For example, Smith and Gray (1985) observed a large number of police stops and assessed differing factors affecting the police decision to stop. Where there was no specific reason, the criteria that police officers used were ones associated with the chance of ‘getting a result’ (i.e. finding evidence of a criminal act). ‘They tended to choose young males, especially young black males, people who look scruffy or poor; people who have long hair or unconventional dress; and homosexuals’ (Smith and Gray, 1985).

There is a large body of research from both the US and Britain which shows that black people are substantially more likely than white people to be stopped, searched and arrested by the police. The most recent research from Britain suggests that this general pattern continues to be the case. Surveys have consistently shown disproportionate police stop rates of some (but not all) ethnic minority groups. In the US and UK, the primary focus of this has been upon black (African-American or African Caribbean) people, rather than members of other visible minorities. By contrast, most British studies have shown that people of South Asian origin have lower overall stop rates than all ethnic groups (including whites). Local studies also show that black people form a much higher proportion of people arrested than they do of the general population (Jones 1997). This pattern varies between different kinds of offence, but is particularly marked for robbery and drug offences.
A number of factors might explain these very marked differences in stop and arrest rates. The most frequently-cited explanation relates to racial discrimination on the part of police officers. A central theme within a large number of studies of police ‘occupational culture’ has shown that negative, stereotyped and hostile attitudes to black people are rife amongst police officers (this consensus is visible across all the main North American and British studies of policing). Despite almost two decades of official concern about this issue, there is still strong evidence that racial prejudice amongst working groups of police officers remains remarkably persistent (Graef 1989; HMIC 1997; HMIC 1999).

What causes racially-prejudiced attitudes is clearly important from the viewpoint on what can be done practically to counteract them. However, views about the origins of such attitudes differ. Some argue that the police occupation attracts unusually conservative and authoritarian personalities (see for example, Coleman and Gorman 1982). Others argue that police officers simply reflect the prejudices of the social classes from which most police recruits are drawn. A number of studies suggest that police occupational culture tends to reproduce intolerant attitudes. And Holdaway (1983) and Smith and Gray (1985) argue, with strong empirical evidence, that the day-to-day experience of police-work in societies characterised by racial disadvantage, in tandem with the strong occupational culture of work colleagues, imparts prejudices to those recruits who do not initially have them, and reinforces them amongst those who already. These explanations are clearly not mutually exclusive, and perhaps the most plausible conclusion is that of Reiner (1992) who argued that police prejudice is most likely to be ‘a reflection of the racism prevalent in British society and the social groups from which the police are drawn, as well as the situations in which many police-black encounters occur (themselves the product of racism within Britain)’.

The high levels of stated racial prejudice amongst working groups of police officers strongly suggest that direct discrimination is a key factor behind differential stop and arrest rates. However, it has also been argued that the relationship between attitudes and behaviour is not a straightforward one. For example, some observational studies of police officers (e.g. Smith and Gray 1995, Norris et al. 1992) have suggested that, despite the apparent pervasiveness of racial prejudice within the police organisation, many police officers appear in practice to interact with black people in a relaxed and unbiased manner. Such studies have been criticised for ignoring the possibility of an ‘observer effect’ upon police behaviour, but nevertheless suggest that we cannot make assumptions about behaviour based purely on stated attitudes.

It is also important to note that there are factors aside from direct discrimination on the grounds of colour, which may play a part in explaining differential rates of stop and arrest. Jefferson and Walker (1993) pointed out that many of the studies finding proportionately higher police stop and arrest rates for black people have failed to control for the housing and social characteristics of the area of residence. They noted that black people are more likely to live in areas of greater social deprivation when compared to whites, which may account for higher stop and arrest rates and different attitudes towards the police. A study in inner city Manchester, too (Tuck and Southgate 1981), found little difference between stop and arrest rates based on ethnic group. This suggests that differential police action is strongly related to class as well as race. Indeed, Jefferson and Walker go as far as to claim that the differences found in other surveys ‘are almost certainly accounted for by the fact that whites tend to live in more well-to-do areas, and are likely to have fewer experiences of the police of any kind (and certainly fewer unpleasant experiences) than non-whites’ (1993: 265). It is difficult to come to an absolutely firm conclusion on this point. Undoubtedly, as is the case with high relative levels of victimisation, certain key structural features exert an important influence on the nature of police relationships with some ethnic groups: in particular, the greater likelihood that members of some ethnic minority groups will be poor, unemployed and live in high crime areas increases their likelihood of coming into conflict with the police, independently of their ethnic group.
Even so, difficult as it is to untangle the effects of race, class and area, it should be added that, given the evidence about attitudes prevalent in police occupational culture, it is highly probable that there is also an element of direct racial discrimination.

Finally, a number of studies in the USA have highlighted adversarial relationships between the police and gay people, as well as a similar tendency towards ‘over-policing’ (Bayley, 1974). Poor relationships between the police and gay community in London have been highlighted by GALOP (the Gay London Policing Group), while Derbyshire (1990) has noted how police officers stigmatise gay people, often assuming that an offence is being committed when there is no real evidence. He also detects a tendency to feel contempt and distaste for gay people, which is used to justify harassment. The enforcement of the Sexual Offences Act 1967 is at the discretion of the police and, the author claims, they exercise this discretion in such a way as to discriminate against the gay community. Particular criticism is made of the police policy of engaging in surveillance operations of public toilets, acting to entrap offenders rather than deter criminal acts. There have been allegations of the police acting as _agents provocateurs_, and also fabricating evidence.

**Negative views of the police**

We have seen that there is strong evidence of hostile police attitudes towards some minority groups within police culture. There is equally strong evidence of negative attitudes towards the police on the part of members of such groups. For example, Smith (1983a) found anti-police attitudes relatively common among black people (and especially young black people), noting that the higher the number of contacts they had had with the police – many of which were ‘stops and searches’- the more critical they were likely to be. Public satisfaction surveys also suggest that black people hold far more negative opinions of the police in their ‘service’ role than members of other ethnic groups. The 1988 British Crime Survey found that, of those who had contacted the police, 14% of whites, 31% of Afro-Caribbeans and 31% of Asians gave them low satisfaction ratings. In attempting to explain these very large differences Wesley Skogan (1990), who undertook the analysis, suggests that ‘the aggregate effects of why they contacted the police, the police response, and the character of their encounters, were divisive in nature’. Similarly, in a series of surveys on public attitudes to the police, conducted at three monthly intervals beginning in August 1991, Southgate and Crisp (1992) found that three quarters of whites thought the police did a ‘very’ or ‘fairly good’ job, whereas only six out of ten Asians and five out of ten Afro-Caribbeans held this view. The surveys showed that not only did ethnic minorities initiate fewer contacts with the police, but they were less often satisfied and more often dissatisfied with the results of the contact they did make. There is also some limited evidence, on the basis of hypothetical questions, that black people are less likely to help the police in terms of reporting observed incidents or appearing as a witness in court (Smith 1983a, Jones et al. 1986).

There is little direct research evidence about the attitudes of gay people towards the police, although it is generally accepted that relationships tend to be characterised by suspicion and lack of trust. Police forces are increasingly focusing upon quality of service delivery across a range of areas, and are currently being pressured to revise their approach to the gay community, both in terms of responding more effectively to homophobic attacks, and in a more sensitive approach to the policing of public sex environments (HMIC 1999). Research currently being undertaken by one of the authors indicates that a substantial number of police forces in England and Wales are making attempts to set up specific consultation arrangements with the gay community.
A further possibility to consider is that more negative attitudes towards the police on the part of some groups within the population are not a direct reaction to the way they are policed: rather, that they are simply a reflection of more broadly-based disaffection with society and its institutions, within which the police are targeted as a particular symbol of social authority. The outbreaks of serious public disorder in inner-city areas of Britain during the 1980s contributed to a growing sense that, at least among some elements of the population, the legitimacy of the state itself was coming under question. Researchers examined how far negative attitudes towards the police among young black people simply reflected a more generalised negativity towards society as a whole. This research has tended to find that negative views about the police can be explained within a police-specific rather than a ‘generalised disaffection’ framework. For example, Gaskell and Smith (1985) found that young black people actually expressed more positive views than their white counterparts about a range of British institutions such as parliament, local government and the courts. Smith (1991) further found that even among young black people who expressed strongly negative views of the police, there was little evidence of a complete rejection of the police as an institution. In practice, most people accepted the need for a police force, and were prepared to use its services when necessary, even if they remained strongly critical of its actions. Nevertheless, it should be noted that both these studies found that young black people’s negative views about the police were not totally based on direct personal experience. They were often based on shared stereotypes, formed on the basis of information from family, friends, newspapers and television. Smith, indeed, detected a strong ‘cultural’ element in such views, describing them as more ‘akin to a political force: it is part of the assertion of identity by a social and cultural group’.

**Involvement in crime and disorder**

A more controversial explanation for the more adversarial relationships between the police and certain sections of the community is that the latter are more likely to come into conflict with the police through a greater involvement in crime and disorder. Robert Reiner has argued that the disproportionate black representation in the criminal justice system has become ‘the single most vexed, hotly controversial and seemingly intractable issue in the politics of crime, policing and social control’ (1985: 5). He contrasted two positions at the opposite ends of the political spectrum: on the one hand, the suggestion that there is a growing black criminal class (Powell, quoted in Solomos 1988) and on the other, the suggestion that young black people are being criminalised by a racist criminal justice system. In the middle, the ‘left realists’ (e.g. Kinsey, Lea and Young 1986) have suggested that an interaction between the two processes is the basis for a more thorough (and realistic) explanation. The police perceive the higher rates of attention given to certain groups as justified by higher rates of offending amongst those groups. In both the UK and USA, as we have seen above, black people are far more likely to be stopped, searched or arrested by the police than white people. These patterns are visible at all stages of the criminal justice system, with black people disproportionately charged, prosecuted, convicted and sentenced to prison for criminal offences (see Smith 1997). The degree to which this difference arises from cumulative discrimination at each stage of the criminal justice process, or elevated rates of offending among some ethnic groups, has been hotly contested.

Reiner (1989) claims that the argument about greater black involvement in crime is impossible to resolve conclusively, because of the limitations of crime statistics. Drawing any conclusions in relation to the two distinct positions - criminal over-involvement versus racial discrimination - have therefore to be treated as ‘tentative speculation’. In his view, prejudice and discrimination by the police and criminal justice system on one hand, and black crime on the other, reinforce and feed off one another in a ‘vicious circle of amplification’ (Reiner 1989: 17); the basic trigger for this circle is societal and institutionalised racism, which places members of some ethnic minorities in
circumstances where they acquire those characteristics upon which ‘normal’ policing bears down most heavily.

Subsequent evidence from self-report research has given further life to the debate. In particular, a Home Office study of crime and young people (Graham and Bowling, 1995) questioned the assumption that black people are disproportionately involved in crime. The study found that white and Afro-Caribbean respondents reported very similar rates of overall participation in offending, and each of the South Asian groups had substantially lower rates of participation. There was, however, wide variation in the types of offences committed by each group. Young white people, for example, were considerably more likely to be involved in fraud and theft from the workplace. Respondents from ethnic minority groups were significantly less likely than whites to have used drugs.

Research in the Netherlands on the relationship between the police and ethnic minority people has found similar developments to those in the UK and USA. Bovenkerk (1993) examined new developments in criminality arising from the development of multi-ethnic societies within a broad framework, including not only crimes committed by members of minority groups, but also crimes of racial violence against them. Like other authors, he attributes much of the crime associated with multi-ethnic societies to interaction effects between various segments of society. He places the interest in race and crime in a historical context, noting that the ‘gloomy predictions’ which were made across Europe during the early days of immigration were largely based on the US experience, and reflected US dominance over criminological theory. He reminds us that ‘the remarkably low crime figures among first generation immigrants have never attracted as much scientific interest as the always-expected second generation explosion’ (1993: 274). Differential recorded crime rates between immigrant groups, he states, were interpreted in different ways. From the radical viewpoint, they were presented as police/media inspired moral panics, which both reflected police bias and underplayed the atypical age and gender distributions of some groups, the effect of social class, and the crime profile of the neighbourhoods in which ethnic minorities tend to live. At the same time, they were taken by others as clear evidence of a ‘real’ difference in criminality between different ethnic groups. For example, Jungar (1989) concluded that Dutch people of Moroccan or Turkish descent were disproportionately involved in certain kinds of crime, especially property crimes and violence against the person, even when such factors were taken into account. Bridging these two views, Bovenkerk himself concluded that ‘there is evidence of both higher crime rates and discrimination, the problem being to determine the relative contribution of each’ (1989:275).

Although some authors in the UK and US literature do note that it is only in certain kinds of crime in which recorded rates for some groups are higher, this often seems to be overlooked in discussions about race and crime. The overall picture is highly dependent upon the kind of offence being considered, and as Bovenkerk found, ethnic minority groups often score disproportionately low on many kinds of offence. For example, he writes, ‘How many members of ethnic minorities engage in white collar crime, in fraud or the violation of environmental regulations, how many of them can be held responsible for acts of corporate crime?”. Bovenkerk also noted some parallels with the emancipation hypothesis; that as women have participated more fully in public life, the labour market and other spheres, their crime profile has become more similar to that of men. The same interpretation can be applied to differences in crime rates between ethnic minorities and white people.

Indeed, it would not be surprising if there were higher overall rates of criminal offending amongst some ethnic groups, given the link between certain kinds of crime, deprivation and unemployment, and the over-representation of black people in such disadvantaged groups. Thus, there is a vicious circle in which both police and black youth deviance are amplified:
Police enter encounters expecting trouble and act aggressively to pre-empt it. Black youth similarly expect trouble and create the necessary (‘disrespectful’) mind set to cope. The resulting ‘trouble’ demonstrates well how the increased racist oppression of a society in crisis is reproduced, in street level encounters, between the state's agents and a chosen folk devil, in what can be a deadly dynamic of mutual distrust, tension, hostility, and, eventually, hatred (Jefferson, 1987: 537).

Turning finally to the gay community, it is true that in Britain and many other countries, the criminal law has provided a framework which makes it likely that high proportions of gay men will commit sexual offences. The Sexual Offences Act 1967 provides that ‘homosexual acts’ between males may still be offences unless certain conditions are observed. Section 28 of the Local Government Act 1988 prevented the ‘promotion’ of homosexuality (Newburn, 1991), and Section 31 of the Criminal Justice Act 1991 made provision for the imposition of harsher sentences on those convicted of ‘serious sexual offences’. Perhaps unsurprisingly in this context, it is still argued that many police officers see homosexuality as synonymous with criminality, and as a legitimate target for suspicion. McKenzie (1993) linked the resistance to the notion of openly homosexual officers in the police force to a number of factors; ignorance about sexual orientation and fear of HIV, concerns about ‘corruption’, and associations with illegal sexual behaviour.

3. Improving the policing of marginalised communities

Social reform

Policing does not occur in a vacuum, and in societies characterised by institutionalised inequalities and discrimination, it is perhaps inevitable that reforms which focus upon the police organisation alone will ultimately be superficial measures which fail to address fundamental sources of disaffection and hostility. Where fundamental structural inequalities exist, large scale social, political or cultural reform is likely to be required. This applies most obviously in the case of fundamentally divided societies, such as pre-democracy South Africa, or, to a lesser extent, Northern Ireland. However, even in the case of more stable liberal democracies, it remains important to understand the degree to which the problems and prejudices of ‘wider society’ are simply reflected in the policies and practices of policing organisations. Without attempting to divorce the practice of policing from the realities of stratified unequal societies, it is important to note that certain styles or aspects of policing can exacerbate already-present sources of inequality and conflict and lead conflict to become entrenched and endemic. As Reiner (1992: 479) has argued: ‘The police are reproducers rather than creators of social injustice, although their prejudices may amplify it’. It is to this amplification effect that reformers must address their efforts.

In some societies, such as pre-democracy South Africa, the conflictual relations were so deeply institutionalised that substantial reforms within the then existing political context were unthinkable. To a lesser degree, the example of Northern Ireland shows that police reform is severely constrained by the wider political context. The problems faced by liberal democratic societies in which there is increasing alienation of certain sections of its population are not unrelated to the conditions for reform in divided societies. In all cases it is important to recognise the basis of problematic relationships and introduce reforms which are relevant to them. In this section we consider a range of responses to problematic relationships between policing and deprived communities. In general, such responses have attempted to increase the equitable distribution of policing services, to improve the quality of service of policing to marginalised communities, and ultimately reduce the basis for hostility.
Poor relationships between the police and marginalised communities, in particular, can only be adequately understood in the context of developments in the wider society. It is generally accepted that prejudice and discrimination in wider society act as the crucial trigger which sets the vicious circle of discrimination-alienation-hostility-offending into operation. In Britain, although on many indicators the nation reached unprecedented prosperity by the 1990s, it was clear that this prosperity was not equally shared. From the 1950s to the 1970s, economic inequality as measured by the distribution of income increased markedly. Whilst average incomes have continued to rise, low income households have become ever more geographically concentrated in certain areas, leading to concern about the social exclusion of particular disadvantaged groups which suffered from a linked set of social disadvantages. Concern about ethnic minorities has been a key part of the discussion on social exclusion. Although there was evidence at the end of the 1980s of improvements in the socio-economic circumstances of some groups (Jones 1993), these did not include the ‘black’ groups who tend to be the focus of problematic relationships with the police. Research has shown that Muslim Asian people - in particular Pakistanis and Bangladeshis - on average live in substantially poorer conditions than any other ethnic groups. On a more positive note, whilst the problem of racism clearly persists, there is evidence that social attitudes towards ethnicity (and also towards sexuality) are becoming more informed and less conservative. This must have some impact upon the police organisation in the longer term.

**Self-policing initiatives**

In some societies, one response to the inadequate protection afforded by the state police has been for marginalised communities to organise their own forms of policing. This has been particularly evident in fundamentally divided societies, where because of their wider political role, the police may not be used for dealing with routine policing of ‘ordinary crime’ and order maintenance. For example, there has been a long tradition in South African black communities of vigilantism, self-policing and informal social ordering (Brogden and Shearing 1993). Similarly, in relation to Northern Ireland, Hillyard (1997) has described the rise of self-policing forms in areas where the RUC has been largely absent from routine policing activities. Clearly, such areas still suffer ‘normal’ crime, but the ability (and the inclination) of the RUC to do anything about such crime is, he argued, strictly limited.

Within liberal democracies, until fairly recently most commentators assumed that policing was an essential state monopoly. However, recent decades have seen a growing recognition of the ‘limits of the sovereign state’ in respect of crime control and security (Garland 1996). Successive governments have employed ‘responsibilization strategies’ in response to the growing recognition that the state alone cannot, and should not, bear exclusive responsibility for the crime control and for the maintenance of personal security. Central to such governmental strategies are appeals to ‘community’ which seek to emphasise the responsibilities of ordinary citizens in the maintenance of order and the prevention and detection of crime.

It is undoubtedly true that policing has been subjected to strategies of dispersal, one aim of which has been to enhance citizen participation. This much is confirmed in a recent comment about the development of citizen patrol and neighbourhood watch in North America: ‘While once [volunteer policing] was thought of as vigilantism, it is now popular with the public and actively encouraged by the police’ (Bayley and Shearing 1996: 587). In Britain it is also clear that those who once regarded themselves as passive recipients of a public service are now prepared to contemplate alternative modes of service delivery. A 1993 MORI poll found that 55 per cent of respondents supported residents setting up, or paying for, local security patrols, while 27 per cent expressed a willingness to take part in such patrols (*Police Review*, 6th August 1993).
Yet, the more citizens participate in the dispersed provision of security, the more policy-makers will be faced with dilemmas about the legitimate boundaries of citizenship. In the field of crime control this process of devolution has involved a wide and developing range of activities geared towards increasing public participation. Thus, in the 1980s indirect participation (through involvement in consultative groups and crime prevention panels) was encouraged, while in the 1990s more direct forms of participation (through membership of new forms of neighbourhood watch and through the recruitment of an enlarged Special Constabulary) was emphasised. Attention has also been focused on ‘street-level’ policing through the provision of residential patrols by commercial security companies (Milne 1997; Jenkins 1998) and through citizens’ direct membership of street patrols and vigilante groups. More recently, the Labour Government has invested in Community Safety initiatives where responsibility for security lies with local partnerships of statutory, voluntary and commercial agencies.

The most visible form of ‘self-policing’ emerging in western democracies has been the growing tendency of individuals and organisations to pay for their own policing, resulting in a burgeoning private security industry (Johnston 1992, Jones and Newburn 1998). The growth of private security has raised the spectre of a ‘new feudalism’ (Shearing 1992) in which private providers supply policing to those who can afford it, whilst the public police are increasingly drawn into conflict with the criminalised poor in deprived and dangerous urban areas (Davis 1990). In the USA, Bayley and Shearing (1996) highlighted what they see as a growing ‘dualism’ in the provision of policing, a key part of which is the growth of privatised forms of security provision. They argue that the restructuring of policing poses significant problems for its equitable distribution. In short, poorer communities are excluded from the ‘security market’ and increasingly subject to harsher forms of policing by the public police, whereas richer communities purchase their own policing from private providers. Other research in the USA has highlighted the growth of privatised ‘gated communities’ whereby middle and higher income residents retreat behind the walls of privatised communities, and contract in their own security and other services (Blakely and Snyder 1995). This exacerbates the disadvantage of poorer residents, by displacing crime and disorder further towards deprived areas, and by reducing available resources for publicly-provided services in these municipalities.

For humane systems of just, equitable policing to develop, Bayley and Shearing argued that poorer communities need to be enabled to participate in the ‘market’ for security. Thus, they argued that funding for policing should be reallocated to allow block grants to be given to poor communities, perhaps under a ‘voucher’ system, enabling them to purchase policing services from a range of providers, both public and private. This is, in effect, an explicit recognition of the mixed economy in policing. However, other authors continue to argue that many aspects of policing are inherently ‘public’ goods (Jones and Newburn 1998, Loader 1997) and that there remain significant problems with a model based primarily on market provision, even with the redistributive reforms suggested by Bayley and Shearing.

Community policing

Whilst debate continues about the growth of self-provision and other policing forms, a significant amount of energy continues to be devoted to reforming the organisation and character of the public police. One of the key reforms on both sides of the Atlantic, is the development of what is termed ‘community policing’. In the United States, the origins of community policing lie in a number of attempts to repair what were perceived to be poor, and declining, police-minority relations. Its development was also influenced by a search for ways of increasing police effectiveness in crime
control. As crime continued to increase, one of the key messages emanating from the police was they could not be expected to carry responsibility for halting its rise unaided. As a result, increasing emphasis came to placed upon the ‘community’ both in relation to policing generally and, more specifically, in relation to crime prevention (Willmott 1987). In Britain, the development of ‘community policing’ approaches is most closely associated with John Alderson, the one-time Chief Constable of Devon and Cornwall, who emphasised the importance of close relationships between police and public and, consequently, the broad service role of his constabulary (Alderson, 1979).

The whole history of community policing has been characterised by definitional problems and there is rarely agreement about what should be included under its rubric. Indeed, as Eck and Rosenbaum (1994) have pointed out, its popularity derives in part from the fact that it is a plastic concept, meaning different things to different people at different times. Fielding (1995:25) suggests three conceptual possibilities for community policing: that ‘it may mean a contrast to rapid response and enforcement-oriented policing, so that constables are closer to the community and can represent its norms; a process by which crime control is shared with the public, as in neighbourhood watch; or a means of developing communication with the public and interest groups’.

Given the pliability of the term, it is perhaps not surprising that there is little hard and fast information that allows the effectiveness of community policing to be properly assessed. The majority of evaluations that have been undertaken in the UK have found few positive effects in terms of crime prevention or reduction, but in many cases the waters have been muddied by problems of implementation. Considerable resistance has been found within forces to the types of organisational restructuring and changes in working practices demanded by such a new philosophy of policing (Dixon and Stanko 1994). Indeed, it has been argued, the majority of problems that have been identified have stemmed from programme failure rather than with fundamental flaws in the philosophy that underpins them (Hope 1985). On the other hand, Smith (1987) takes a more pessimistic view, identifying five sets of more general problems which he suggests underlie the relatively poor results of community policing. These are that: ‘police-initiated activity is mostly adversarial: consensus-building activity is hard to plan; policing impinges on different sections of the community in contrasting ways; decentralisation conflicts with the universal framework of law; formal controls are hard to control formally; and the ideal of community cannot cope with the distribution of resources’ (Smith, 1987:61). Nevertheless, despite the limited and disappointing results that have been achieved thus far, there remains much faith in the community policing model. In his introduction to a collection of quite critical pieces about community policing, Wilmott (1987:4) asserts that ‘there is no real alternative to a community-based approach to policing’; and Fielding (1995:197) argues that: ‘the point is not that community policing routinely and generally delivers what is promised of it, but that, under some circumstances and in certain respects, some community police did deliver.’

**Improved accountability of public policing**

Inequitable or poor policing of marginalised communities may be exacerbated by ineffective mechanisms of police accountability, so that the voices of their members remain unrecognised by the police policy-making process. The need for policing to be broadly congruent with the needs and wishes of the community has been recognised for many years, with the debate surrounding police accountability reaching a height in the 1980s. In England and Wales, radical authors argued that the police needed to be made more directly accountable to local representative bodies, with special provision for inclusion of the voices of marginalised or disadvantaged groups (Jefferson and Grimshaw 1984). However, these kinds of models have been criticised for failing to include
adequate safeguards to ensure proper law enforcement and to prevent control over policing by partisan interests (Jones et al. 1994).

There is strong evidence that certain policing policies and practices have tended to bring the police into more conflict with the black community. This was particularly apparent prior to the Brixton disorders in 1981, when a major stop-and-search operation randomly targeted black youths, and heightened hostility and tension. Stop-and-search and its disproportionate impact on black youth continues to be a source of tension between the police and black community. With regard to racial attacks and harassment, we noted above that the police have also been criticised for what is seen as a failure to take effective action against these crimes. It is possible to argue that if the police were properly accountable to the community, then they would be forced to take appropriate action to review the use of policies such as stop and search, and to respond more positively as an organisation to racial attacks.

There is a large body of research on police accountability, and the main conclusion seems to have been that the opportunities for external bodies to influence the pattern of policing are rather limited. This is related primarily to the nature of police-work, which is an often hidden process taking place away from the gaze of both senior police managers and external bodies. One of the key features of the police organisation is that discretion increases at the lower ends of the hierarchy. In both the US and UK police systems, there is a degree of accountability to external bodies. In England and Wales, for example, Chief Constables are ostensibly accountable for the policing of their area to a Police Authority consisting of a combination of elected representatives and appointed independent members. However, not only do Chief Constables remain relatively autonomous in deciding the operational policy of the force, but in any case, minority representation on external bodies is rather low. In the US, a more direct form of accountability exists in city police departments where the chief of police is answerable to an elected mayor, and can be removed from office relatively easily. The political mobilisation of the black population in many US cities has resulted in growing black influence in local government, and some commentators have argued that this has led to a noticeable improvement in police-black relations in many cities (Sherman 1983).

In addition to such statutory and constitutional mechanisms, there has been growing pressure upon the police to develop consultative mechanisms to provide a regular forum for discussion of policing strategies and priorities and an exchange of views with local communities. Police Consultative Committees (or, as they are called in some areas, Police Community Consultative Groups), which were set up in the 1980s under s.106 of the Police and Criminal Evidence Act 1984, have provided one such forum; however, research on these committees indicates that, on the one hand, they have included – and thus given a voice to - relatively few members of groups who tend to be critical of the police and, on the other, that they have had too few resources, experience and knowledge to effectively influence local policing policy (Morgan 1992). In recent years, however, special consultative mechanisms have been developed to liaise with particular marginalised communities, such as ethnic minorities and the gay and lesbian community. The police organisation has also begun to adapt standard market research techniques to tap into views of ‘hard-to-reach’ populations. There is currently a growing programme of activity within forces, in which such developments as citizen’s panels, focus groups, and regular customer surveys, are increasingly being used to shape and inform policing priorities (Elliot and Nicholls 1996).

**Changing organisational culture**

As noted before, the over-policing and under-protection of some communities has been associated with the pervasiveness of prejudiced attitudes within the police organisation. In general, attempts to
address the negative aspects of police occupational culture have focused upon two main types of approach. The first involves trying to improve recruitment procedures in order to remove prejudiced individuals at an early stage in the process, as well as to increase numbers of police officers from specific minority groups. The second type of approach involves the introduction of a range of training programmes designed to challenge and change prejudiced attitudes among both serving officers and new recruits.

In Britain, concerns about the relatively low levels of ethnic minority representation in police forces dates back over two decades, but gathered pace following the inner-city disturbances of the early 1980s. A raft of initiatives has been introduced to try to encourage the recruitment of more ethnic minority officers. For example, special recruitment drives have been targeted on areas of high ethnic minority population, forces have removed minimum height requirements which indirectly discriminated against some ethnic groups, and others have introduced special access courses to increase the numbers of ethnic minority people who pass the initial recruitment test. Despite a range of activities, progress has been rather slow, and in the late 1990s, ethnic minorities remain significantly under-represented in British police forces. In the aftermath of the Stephen Lawrence Inquiry (Macpherson 1999) the Home Secretary has announced that police forces in England and Wales will be required to meet specific targets for recruitment of ethnic minority officers.

Research has suggested that one of the key factors discouraging applications to the police from ethnic minority communities is the widespread expectation of racial prejudice from future colleagues. These expectations are largely supported by research into the experiences of ethnic minority police officers (Holdaway 1996). Nevertheless, many ethnic minority officers oppose positive discrimination, fearing that such developments will stigmatise them as second class police officers in the organisation. Increased recruitment of ethnic minority officers will therefore crucially depend both on improved race relations within the police organisation and on better relationships with local black and Asian communities. In any case, it is important not to place too much faith in an increased representation of ethnic minority officers as the secret to the reform of police ‘culture’ or to better police-community relations. Such an increase is probably best justified as a self-evident good in itself (i.e. that police forces should broadly represent a cross-section of the communities that they have to police), and as part of improving equal opportunities in employment in general for ethnic minority people. Research suggests that increased recruitment of ethnic minorities (or for that matter, other groups such as women or gay people) would have to be done at very significant levels indeed before any effect on occupational culture could be detected. It has been shown how officers who are members of stigmatised groups and who feel marginalised by the dominant working culture of their colleagues, tend to adopt coping strategies which, paradoxically, may involve an exaggerated embracing of some of the more negative aspects of that culture. Thus, there are examples of female officers being ‘tougher’ on rape victims in order to prove themselves to cynical male colleagues, and of black officers being derogatory about fellow black people. Over half of the gay police officers interviewed by Burke (1993) reported that they were leading double-lives. This, naturally, leads to considerable tensions for the officers concerned. Indeed, some lead ‘double-double’ lives because of mistrust from both their fellow officers and other members of the gay community.

In terms of training, there has been a general trend in police forces in Europe and the USA, visible over the last twenty years or so, away from training centred closely around enforcement and the criminal law, and towards a more socially aware interpretation of the police role. Especially since the 1980s, a range of training initiatives have been introduced which attempt to address prejudice and ignorance and make officers more culturally aware. Indeed, the central core of the police response to criticism of prejudiced attitudes towards women, ethnic minorities or gay people has been the introduction of training designed to counter this ignorance. Although this may be beneficial in many respects, both research and experience suggest that it is wrong to expect too much from training
alone in terms of challenging occupational culture (see, for example, Bull and Horncastle 1986; Oakley 1994). In particular, training tends to individualise prejudice, and view it as primarily a product of personal dispositions that the individual brings to the job. In fact, research on cop culture presents such prejudice as a more complex collective phenomenon, being produced and entrenched by the practice of working within groups of fellow police officers in a socially stratified society (Holdaway 1983; Reiner 1992). In other words, although better training may play an important part in improving service delivery, training cannot be effective in isolation from wider organisational commitment within a positive framework of equal opportunities. Finally, we should again note that there is no simple or direct relationship between attitudes and behaviour. Even if training is successful in improving stated police attitudes towards marginalised communities, this will not automatically translate into improved behaviour towards them.

**Redress**

Another possible way of improving police approaches towards marginalised minorities concerns having effective systems of redress against police misconduct. Much attention in Britain has focused upon the formal system of police complaints. In common with many Western police complaints systems, that in England and Wales has been criticised as having only a limited and indirect impact on the police organisation. They key feature of complaints systems is that they tend to mimic the criminal justice system in being individualistically-based. They operate reactively to complaints from individuals, and try to solve problems by blaming and punishing individual officers. Critics have argued that such systems need to find ways of impacting more directly upon the police organisation, rather than simply upon the individuals within it (Maguire and Corbett 1991). In Britain, the Police Complaints Authority (PCA) was established by the Police and Criminal Evidence Act 1984. This is an independent body that supervises the conduct of investigations (carried out by police officers) into the more serious complaints of police misconduct. Investigations into certain incidents, too, such as deaths in police custody, or the use of lethal force by police officers, are automatically subject to PCA supervision. The PCA can also comment on a regular basis upon certain police practices and policies. However, because the standard of proof was for many years that of ‘beyond reasonable doubt’, it was extremely difficult to substantiate a case against a police officer. This has recently been changed to a standard of ‘reasonableness’, although it has yet to be seen whether the change will have a significant effect on the substantiation rate. Research into the police complaints system has cast doubt upon the whether it actually applies sanctions which genuinely deter rude or overly-aggressive behaviour by police officers. Most police-public encounters continue to occur in low-visibility situations, and complainants and potential witnesses still tend to be people with low social standing. Moreover, the system is still perceived as police-dominated, since the investigation itself is conducted by police officers, albeit with independent supervision. Such criticisms have recently (1999) led the government to look more seriously at the possibility of introducing a system of fully independent investigation, and the Home Office has commissioned a feasibility study. A parallel inquiry is also being conducted by Liberty.

Regarding use of the police complaints system by marginalised communities, the only systematic information available relates to ethnic minority people. Surveys have suggested that the level of knowledge about the complaints system is lower among ethnic minorities than among white people (Reiner 1992). There is also evidence that ethnic minorities have less confidence in the effectiveness and impartiality of the system, and that complaints by black people tend to have a lower substantiation rate than complaints from other ethnic groups (although rates for all groups are low).

Another form of redress, and one which is increasingly used in Britain and the USA over recent decades, is civil litigation. This trend has been cited as a major reason behind improvements in
police behaviour towards ethnic minority groups in the US (Sherman, 1983). In Britain, there is a growing tendency for people who feel they have been mistreated by the police, to take legal action rather than use the formal complaints system. Large amounts of money have been paid to complainants by police forces, especially the Metropolitan Police, either in civil damages or out-of-court settlements. If high profile damages cases continue to be successfully pursued by complainants from minority groups, this may have the effect of further pressuring the police service into organisational reform. In addition, there have been a number of high profile cases in which black officers and women officers have taken their forces to a tribunal, alleging racial or sex discrimination. Again, many of these cases have been settled out of court. Whilst it remains the case that legal redress is possible for only a few, given the amount of resources that legal representation may cost, this may be a growing avenue of redress in the future (for a general discussion, see Clayton and Tomlinson 1987).

4. Conclusions

There is clear evidence, over a long period, of problematic relationships between the police and disadvantaged communities in western democracies. As many writers have emphasised, this is in many ways a reflection of structural inequalities in wider society. For example, Reiner (1992: 101) pointed out that ‘police activity has always borne most heavily on the economically marginal elements in society’, while Cooper (1980) wrote, somewhat more poetically, with regard to the conflictual relationships between the police and residents in deprived urban areas in the US: ‘The police are but a cog in a much larger wheel. As goes the wheel, so go the police...the police, like the people of the ghetto, are locked into a social constellation that predicts, if not requires, a certain behaviour from them’. In the latter part of the 20th Century, we have seen how groups who are marginalised or disadvantaged in other ways - in particular because of their gender, ethnic group or sexual orientation - may also be inadequately protected and/or over-targeted by the police. Such problems, too, are clearly shaped to a large degree by factors outside the direct domain of the police organisation. Thus, an essential precondition for improved relationships between the police and many marginalised communities is a reduction of sources of inequality and disadvantage in society as a whole.

However, this is not to argue that significant improvements cannot be made within the framework of policing alone. As outlined in this paper, there is clear evidence of discriminatory police behaviour in relation to ethnic minorities, including the disproportionate stopping and arresting of young black men, and inadequacies in responses to racial and homophobic attacks. The strong evidence of past studies of police culture suggest that direct discrimination continues to be an important factor in such patterns, and that prejudiced attitudes tend to be fostered and entrenched by occupational cultures. Whilst major improvements in police relationships with marginalised communities depend crucially on structural change and the easing of antagonism in other parts of society, serious attempts to address these ‘cultural’ problems within the police service itself could potentially themselves bring about considerable improvements. We have seen a number of developments intended to address problematic relationships. Although much faith has been placed in new forms of recruitment procedure and more and better training, and although these are clearly beneficial in other ways (not least in their symbolic significance), research suggests that taken alone such reforms can have only a rather marginal impact in changing police culture. They need to be part of a much broader commitment to equal opportunities within the police service, and in particular greater efforts to control and shape the pattern of policing in terms of improving service delivery to disadvantaged groups, and to reduce as far as possible the number of adversarial contacts between the police and members of such groups.
Finally, while this paper has inevitably focused on areas on conflict between the police and marginalised communities, and has pointed out moreover that initiatives like ‘community policing’ and police-community consultative processes face major problems in the lack of consensus among the public about how their area should be policed, it is important to add that there are some grounds for cautious optimism about the possibility of building up consensus about policing issues. Local crime surveys are particularly useful in this respect. While confirming that different groups place different demands upon the police, they also illustrate that common ground often exists. For example, the Islington Crime Survey (Jones et al 1986) found that most groups agreed on the basic need for order and safety and the need for the police to respond promptly to crime and to deter it effectively. A central task for police forces therefore is to determine what common ground exists locally and to build upon it, while at the same time enforcing in an equitable manner what it determines to be its essential operational priorities.
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INTRODUCTION

This paper examines the relationship of the police with children and their families in developing countries with emphasis on Africa. Information and illustrations are included from countries in Africa and from more developed countries as they provide examples of future problems that may need to be tackled. For example; urban populations in the rest of Southern Africa quickly copy trends and youth cultures from South Africa. In many cases the illustrations highlight poor practice, and need no further comment or explanation. Some of the problems that face the police in their relationships with juveniles emanate from stagnated social policies and systems of juvenile justice that are in a state of near collapse. Only changes to policy and law will affect these issues. Other problems such as violence and intimidation appear to be an issue for the police services, and considerable improvements are needed to codes of conduct.

The juvenile justice administrations in British ex-colonies are very similar and experiences and information from one country may be transferable to another Anglophone country. The same is probably true for Francophone countries.

There is not a great deal of literature available on this topic, and for Africa much of the work in this area is unpublished. The United Nations Conventions, Rules and Guidelines that affect children can be obtained from Unicef country offices or Defence of Children International (DCI) in Geneva.

Unicef International Child Development Centre, Florence have collated a number of case studies from the Innocenti Global Seminar October 1997. Exerpts are used extensively below. These can be found at [www.unicef-icdc.org](http://www.unicef-icdc.org). Child Rights Information Network (CRIN) also provides an extensive set of information and links. They can be found at [www.crin.org](http://www.crin.org). Justice for Children edited by Celia Petty and Maggie Brown - published by Save the Children (UK) provides information of the practical relating to youth justice in sub-Saharan Africa. It includes several articles by practitioners in the field. The Children In Conflict with the Law reports published by Radda Barnen (Swedish Save the Children) provide useful surveys of the situation in 8 developing countries.

SOCIAL POLICY, LAW AND CRIME BY CHILDREN

In many developing countries juvenile justice administration is governed by social policies and legislation inherited by from colonial administrations. The legislation currently in use in several Anglophone African countries is based on laws passed in Britain in the 1930s – 1950s. Emphasis was placed on social control, deterrence and retribution, with borstals, approved schools, industrial schools, and remand homes a strong feature of social policy. It was believed that providing a child with a trade would prevent further offending. The absence of systems for monitoring or collecting...
information means that this belief cannot be substantiated one way or another. Probation Services and Personal Social Services were formed to provide for children’s welfare but were rarely properly funded.

The changing economic and social contexts in developing countries since Independence has shown that the systems put in place were not sustainable or relevant to the problems facing the countries. The systems with which the police interact with are out of date, under funded, and near collapse. There has been very little change to practice or amendment of legislation to take account of the enormous social changes that have taken place. Whereas in the West policy and legislation are constantly being adjusted and reformed in response to new theories, societal change and political pressures.

In many countries that laws governing child care and protection and children who commit offences are contained in the same piece of legislation. Children who have committed an offence, are beyond parental control, in need of care and protection, are orphans, or who are found begging are dealt with in the same manner. In the legislation the police were given a considerable role in the care and protection of children, and in countries like Lesotho have the statutory responsibility for bringing children in need of care and protection to court.

The lumping together of child protection and justice has not brought about a deeper concern for welfare. What emerges are “status” offences - behaviour that would not be considered criminal if committed by an adult and a child’s survival behaviour becomes a criminal offence. Street children, children found begging, or just wandering the streets can be arrested by the police and dealt with by the criminal justice system. Few lessons can be learnt from western countries as the concept of street children is reserved almost exclusively to identify children in the South who regularly engage in economic activity in public.

The police are left with the unenviable task of implementing outdated legislation designed by colonialists for rural and agrarian societies or small urban areas in a society that has changed and where juvenile justice systems are not functioning.

The absence of reliable information.

It could be anticipated that the problems facing children and their families in developing countries would have led to a considerable increase in juvenile crime, but unfortunately apart from a few countries there is no reliable official data. The available data usually comes from studies of children remanded or convicted by courts. Apart from in South African cities there has been no reported dramatic rise in juveniles convicted for engaging in criminal activities, though informal observation and anecdotal evidence suggests that drugs related crimes and arrests of street children are on the increase. Another example of crime increase is Rwanda where 2,000 detainees alleged to have committed crimes of genocide as children in 1994 still need to be tried.

There are few reliable statistics on levels of crime even where data is collected. Many African populations do not report crime to the police, as there is little public confidence in the police to detect crime or control criminal behaviour. In Nigeria it is estimated that 87% of crime is unreported (Adeyemi 1994).

The UN carried out the more reliable method of ascertaining levels of crime by interviewing a cross section of the public to see if they were victims of crime between 1989 and 1992. This was a
Policy Guidance on Support to Policing in Developing Countries

worldwide survey that included South Africa, Uganda and Tanzania. The results showed that levels of crime and fear of crime in these countries were among the highest in the world for all types of crime (UNICJIN 1993). What is even more difficult is obtaining information on levels of crime committed by children. The low number of children arrested or remanded in many African countries suggests that juvenile crime is not at a high level and many police officers in Ghana did not see juvenile crime as a problem or as a social issue. Rarely do the press report on juvenile cases.

One of the major difficulties in compiling data is that the ages of criminal responsibility and the various age ranges defined as minor, juvenile, young person or child are different in the various pieces of legislation and cannot be compared. Statistics are not disaggregated by age and in many countries the system of registering births is not working.

Ghana has no statistics immediately available on juvenile crime. The capital city – Accra with around two million inhabitants had totals of 53, (1992); 59, (1993) and 57, (1994) children that had been remanded in custody.

Department of Social Welfare, Accra

In Ghana statistics are only available on offences of people who have been to court and been convicted. In Accra, during 1992, the “worst” recorded crime committed by a child was the theft of a video. Serious offences (arson, rape, murder. etc) are not being heard in the juvenile court, and it is difficult to obtain information on sentencing by magistrates and higher courts.

The remand homes are virtually empty in Ghana, and very few children are serving custodial sentences in industrial schools or borstals. In 1996, when reviewing all the prisons in Ghana, the Commission on Human Rights and the Administration of Justice (CHRAJ) found within the prison system only 60 children believed to be less than 17 years. This number was later reduced to 15 after medical examinations showed the majority of children to be 17 years or older. It appears then that juveniles are neither in custodial centres for children, nor in adult prisons.

Justice for Children - Celia Petty and Maggie Brown

According to the South African Department of Welfare, child and youth crime is on the increase. Recent figures from the Department of Correctional Services have revealed that the number of children awaiting trial in prisons and police cells has been steadily increasing. The number of children awaiting trial in prisons and police cells increased from 537 at the end of July 1996 to 98 at the end of September 1996, to 788 at the end of March 1997 and to 931 at the end of May 1997. Further, the number of children sentenced to imprisonment rose by 29.9 percent between July 1996 and July 1997. Alarmingl, the imprisonment of children in the 7-14 age group, many for economic offences, has risen by 400 percent and accounts for by far the greatest imprisonment increase among all age groups. In addition, crimes committed by children and youth have become more violent, including offences such as murder, rape and armed robbery.

It is difficult to determine the numbers of children involved in the system of juvenile justice in Nigeria. Crime statistics only relate to juvenile offenders and statistics from juvenile detention facilities represent only those children who are deprived of their liberty, which is, but one of several intervention options available to the courts. Perhaps the most comprehensive data would be that compiled by the courts, but record keeping in the court system is in a shambles and such data are generally not available.

In respect of children in conflict with the law, the juvenile share of total criminality has remained below 10%. (The 1994 Annual Police Report details the arrest of 295 juveniles nationwide in that year, down from 717 cases the previous year.) Most of the offences are male dominated, although hawking is predominantly a female offence. In the Institute study, out of a sample of 351 children in criminal custody 84.3% were male. The sample was limited to children between the ages of 8-17 and more than four-fifths (81.5%) of the respondents were between 14-17. The offences they had been accused of were stealing/burglary (57.3%), assault/fighting (9.7%) wandering/truancy (8%) and murder/manslaughter (4.9%). Other offences included illicit drug use (1.7%), prostitution (0.9%) and rape (0.3%).

Children in Conflict with the Law: The Nigerian Experience - Professor Isabella Okagbue, Nigerian Institute of Advanced Legal Studies, Lagos Case Study, Innocenti Global Seminar October 1997, Unicef International Child Development Centre, Florence

Comprehensive and nationwide data on the levels and nature of crime committed by children in Uganda is not available. However information obtained from some studies and from practice experience, indicate that the majority of children are charged with minor offences, the most predominant being theft. For the minority of children, the more serious charges include defilement, murder, and robbery. The predominant major offence is defilement. The figures below are indicative of the situation.

In the study of children in conflict with the law in 10 districts (1997), out of 174 charges, only (12.6%) were of capital nature.

In yet another study of 83 children at Naguru remand home (1999), minor offences accounted for 59.1% while major offences constituted 40.9 %. Note however that defilement represents 25.3% of all major offences and theft constitutes 30.1% of all the minor cases.

Levels and types of offences committed by children – PT Kakama SCF Uganda

**International Standards**

In the past two decades various treaties, conventions, international rules and guidelines have been developed to protect human rights and children. They provide minimum standards that should govern systems of juvenile justice and the relationship of the police with children in conflict with the law:

- UN Convention on the Rights of the Child
- UN Standard Minimum Rules for the Administration of Juvenile Justice – the Beijing Rules (especially Articles 10,11& 12)
- UN Guidelines for the Prevention of Juvenile Delinquency – the Riyadh Guidelines
Policy Guidance on Support to Policing in Developing Countries

- UN Minimum Rules for Non-Custodial Measures – the Tokyo Rules
- UN Rules for the Protection of Juveniles Deprived of their Liberty
- UN Code of Conduct for Law Enforcement Officials
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

Developing countries are not always aware of these instruments, and frequently do not have sufficient financial or human resources to meet all of the conditions. However all countries in the world except the USA and Somalia have signed the Convention on the Rights of the Child. This convention is monitored through reports to the Committee on the Rights of the Child by state’s parties and other bodies such as NGOs or human rights organisations. Repeated fundamental breaches of the convention by the police are now likely to be brought to the attention of this committee and become widely known. The other conventions etc do not have the same status, but they represent international standards of minimum good practice and need to be made widely available to police services.

In summary it can be said that:

- The socio-economic environment has changed in many developing countries but policy, law and practice has not changed.
- The juvenile justice systems were inherited from colonial powers and are based on social control. They do not meet the specific needs of developing countries and are not sustainable
- Very little information exists on the nature and extent of crime committed by children.
- International standards, a focus on human rights as a development issue are bringing the issue of justice for children into greater focus.

DIRECT INTERACTION OF POLICE WITH CHILDREN

The above context provides an explanation of some of the problems experienced by police and children in developing countries. Less easy to understand are the reports of violence, abuse and corruption that are illustrated below.

Relationship of Police with Street Children

The police and local government authorities appear to be at a complete loss as to what to do with street children. The numbers are on the increase and the reactions of authorities and the police dictated by policy and laws are the same; street children are either arrested individually or en masse for vagrancy or “status” offences. For example:

In Rwanda in 1998, 1200 children were “cleared from the streets” during an early morning exercise in Kigali and taken to re-education centres where they were detained for at least 3 months without trial.

Stories are told by some children in Accra of being rounded up in dawn raids when important dignitaries are visiting, being driven off in lorries for 50 miles and then dumped at the roadside.
The children then walk back to the city. In other countries street children are processed through the criminal justice system.

NGOs and other organisations trying to assist street children are not informed of the police operations and find that their projects are temporarily disrupted, and the patient work of gaining the trust of the children has to begin again.

Violence, abuse (physical, sexual and mental), and extortion by police are common in many developing countries and the use of lethal force is not unknown. Abuse by the police is frequently just the beginning of a succession of rights violations that occur within juvenile justice systems.

*Juvenile Injustice Police Abuse and Detention of Street Children in Kenya*, a report by Human Rights Watch, is a comprehensive report, cataloguing all the problems and issues of children on the streets and policing in Kenya.

Law enforcement officials who police the streets and carry out arrests of street children demonstrate brutal attitudes towards street children and abuse and exploit the children with impunity. Children reported that on the street they are often harassed and beaten by police, and have to pay bribes to police in order to avoid arrest. Street girls reported being sexually propositioned by police in order to avoid arrest or to be released from custody, including rape.

Often regarded by police as petty criminals, or vagrants at best, street children are often rounded up, for no reason other than the fact that they are on the streets. Although police and government officials may state that street children are rounded up for the alleged purposes of identifying and reuniting children with their families or placing them in appropriate institutions for their care. The manner in which the children are subsequently treated, both by police and within institutions, belies such intentions; these children are arrested and dealt with as criminals.

Police roundups are conducted with brute force and with little regard for the welfare of the children, who are often taunted, scolded, manhandled and beaten at the time of arrest. Twenty-five out of forty-five children, whom we interviewed and who were arrested, said police had beaten them at the time of arrest and/or at the police station. Seven out of the forty-five said they had not been beaten. Once arrested, street children are held under deplorable physical conditions in crowded police station cells, often without toilets or bedding, with little food, and inadequate supplies of water. They are almost always mixed with adults, beaten and harassed by police in the station, and held for periods extending from several days to weeks without any review of the legality of their detention by judicial authorities. One child reported being held in a police lockup for two months without being charged with an offence and without any review of the legality of the detention before he was finally released by police.

*Juvenile Injustice: Police Abuse and Detention of Street Children in Kenya. Human Rights Watch 1999*

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2 Human Rights Watch, 1999
Similar illustrations can be drawn from other countries as the following reports from Central Asia and India show.

Militia inspectors and their staff in all three countries have responsibility for monitoring unaccompanied minors on the streets, apprehending them, interviewing and caring for them while in reception and transit centres. Codes of practice exist but are rarely followed. There is real concern that children’s rights are regularly abused by individual officers and the system generally. When a young person is apprehended, he/she is taken to the militia station; in the larger markets, the militia have an interview room. Although there are codes which state that a child should only be interviewed in the company of a parent or teacher, it is clear from talking to children and adults that this rarely happens. Children regularly spoke of being forced to agree to crimes they had not done, being isolated in a room for long periods, and sometimes beaten. Alternatively, other young people spoke of officers who had given them food and drink and had been kind to them.

There often appeared to be no pattern or clear reason for the militia to arrest children. Some children who had been on the streets or working for years said that although militia officers regularly spoke with them, they were never arrested. Other children spoke of being picked up many times.

“I have been interviewed many, many times - sometimes they beat me. I am asked many questions about what is happening in the market and when I give them information, they let me go. Sometimes I tell lies.” Street child, Dushanbe

Report On Vulnerable Children In Central Asia (Kyrgyzstan, Tajikistan, Uzbekistan ) Peter Blackley, Consultant/Trainer (July 1998)

The Bengal Vagrancy Act, 1943, a law originating in 14th century English laws, is often applied to children. "Vagrants" are people who do not work and live on alms or charity, causing annoyance to others. A child, under this law, is anyone under the age of 14. Children who live on the streets with or without legitimate means of livelihood may be picked up by the police. On verification of the status of vagrancy through a short summary hearing by a Special Magistrate, a child may be put in one of the closed residential facilities maintained by the Government. The period of incarceration is generally so long as the authorities are not satisfied that the child would not resort to vagrancy if released.

Both boys and girls are vulnerable to being incarcerated on grounds of vagrancy. Young girls suspected of being involved in prostitution are sometimes picked up by the police and forwarded to the Special Magistrate's Courts, where they are declared vagrants and sent to one of the homes.

Chanda was 7 when she lost her way while riding her bike. She was picked up by the police and taken to the reception centre for vagrants in Mirpur. After all attempts at tracing the relatives whom Chanda was visiting failed, she was declared a vagrant. Chanda stayed three years in this centre with people of all ages and origins and was then sent to another home for vagrant girls. She receives education and vocational training, but is extremely conscious of and unhappy about her status and lack of liberty. An orphanage, she believes, is even worse, for she knows that her relatives are alive and enjoying the property her parents had left her when they died.

**Arrest**

It appears that arrests for minor offences are usually made by members of the public who having apprehended a suspect, take him to the police station. The victim's desire for retribution or more usually mob violence and lynching mean that a child suspected of committing an offence is badly beaten before arriving at the police station. In fact he may be lucky to reach the police station as sometimes the suspect is beaten by the mob and just left. The police station may offer the only sanctuary to an offender. In Ghana and Uganda very few children actually appear before the courts, either because they are not arrested or because the processes that take place after arrest have become an informal system of diversion.

In Ghana, the Child Law Reform Report 1995 considered that the police played an important role in informally dealing with the majority of minor juvenile crime at the police station through negotiation between victim, the child and his family, and then arriving at an agreed settlement. More problematic to the police were frequent offenders, children whose parents could not be found or children taken to the police by parents because of theft within the home. In these cases the informal processes could not be used and formal proceedings had to be instigated.

The police rarely interview children in the presence of a parent or independent adult and it is even rarer for a child to have legal representation at any stage of his/her involvement with the justice system.

In rural areas informal reports suggest that the police are not usually involved in crime committed by children unless it is very serious and action when needed is taken by traditional authorities.

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During a visit by the consultants to the Borstal Institute a prison officer present also broached the subject and requested that measures should be put in place to stop the practice by which children in conflict with the law are actively encouraged by the police to increase their ages so as to be sentenced to shorter terms in adult prisons.

The subject came into a sharp focus again during the workshops. The Committee has concluded that the factors which account for this phenomenon include the following:

- Children are advised by the police that if they increase their age and plead guilty they would be sentenced to shorter terms in adult prisons than if they were committed to an institution or industrial school.
- The absence of juvenile courts in the districts.
- Insufficient budgetary allocation.

The Committee takes the view that it is unfortunate and regrettable that legal provisions for the protection of children from exposure to crime should be trampled upon so carelessly by the police.

Where the juvenile is committed to a school or institution, the law provides under section 378 of the CPC that he shall be detained for three years unless released earlier under license. (CPC section 383,1). As a result of this provision juveniles are often detained or given custodial sentences for periods longer than would be legally available for adults. There are instances, for example, where an offence which would attract for an adult first offender, a fine or a 6 months prison sentence earns the juvenile a 3-year term in an Industrial School or the Borstal.

While the CYPL (*Children and Young Persons Law*) is silent on the mode and procedure for the arrest of children, the 1979 Constitution prohibits torture and inhuman or degrading treatment and requires that every person must be informed in writing and within 24 hours of the facts and grounds for his arrest. All arrested persons have the right to remain silent until after consultation with a legal practitioner or any other person of their choice and must be brought before a court of law within 24-48 hours of arrest. Any person who is unlawfully arrested or detained may sue for his liberty either through habeas corpus proceedings or by means of a constitutionally based procedure provided under the Fundamental Rights (Enforcement Procedure) Rules.

Most of these constitutional provisions, especially those related to time requirements, have been suspended by military decrees... the Institute study which found that 40% of children in criminal custody stated that their arrest involved the use or threat of physical force while almost 45% stated that they were subjected to various forms of pressure to admit to the offence they were charged with,

The CYPL enjoins the police (subject to certain exceptions) to grant bail to arrested juveniles who cannot immediately be brought before a court, but children commonly spend long periods of time in police custody while the charge is investigated. In the Institute study only one-fifth (21.9%) of the respondents spent less than 24 hours in police custody before their first appearance in court. Almost three-fifths (59.3%) spent from a few days to one month in police custody; 12.6% spent from 1-3 months, while 5.6% spent from 3 months to one year in custody.


**Remand**

Generally the police have the choice of bailing a child from the police station and issuing a summons for an appearance at court, or going to court and asking for bail with conditions or a remand in custody. In practice the police do not bail many children. They believe the children will not appear in court or because parents or relatives cannot be found to take responsibility for the child. This is usually an administrative problem of insufficient transport compounded by the absence of distinguishable addresses in new urban areas. Sometimes the children are kept for long periods in police stations while enquiries are made. The police know this practice is wrong but they frequently lack space and are not sufficiently organised to take the case to court. To be fair many policemen and policewomen take arrested children to their family homes at night to avoid contamination in the cells.

After the children are taken to court and bail is refused they are remanded to a remand home if there is one nearby. If there is no available remand home then a child can be remanded in an adult prison. Sometimes a child is remanded back to the police station.

Some frequent complaints are the police neglecting to collect children from remand homes to take them to court when it is their duty to provide transport; or asking for large financial sureties for bail that cannot be afforded by parents; or taking a child direct from the police station to the remand facility and “forgetting” about the child.
The problem can be summarised by looking at the research carried out by P. Dufite-Bizimana in Uganda. In 1989 and 1990 an average of 215 children a year appeared before nine courts. Only 51% were convicted but 25% had been remanded in custody for over 6 months. There is similar evidence from Ghana and South Africa, as the boxes below show.

Children by law are not to be kept with adult suspects however there is evidence that in practice this provision is not being observed. There is also evidence that children are often kept on remand for an inordinately long time either in remand homes, or with adult prisoners. According to the police the reasons for these lapses are that:

- child suspects could not be prosecuted until their parents have been found, but it is difficult in most cases to trace their parents.
- social welfare and probation officers do not cooperate with the police.
- because there is a lack of juvenile remand homes for juvenile offenders they are mixed up with adults in cells pending trial. (Source: Report on the Workshops for Police Officers on Children's Rights and the Administration of Juvenile Justice - 23/11/95).

According to the DSW (Department of Social Welfare) the courts base their decision to remand on whether the parents of the child can be traced rather than on the seriousness of the offence. This unnecessary constraint on the bail system for children ought to be removed.

The Committee was concerned that children are being remanded in custody rather then being granted bail.

The Committee reviewed the provisions of section 344 of the Criminal Procedure Code concerning remand, and has determined that they should be replaced with a more child-oriented set of provisions. For example, it is being proposed that when a child first appears before a Court charged with an offence, unless in the Courts view there is a serious danger to the child or the community, the Court shall release the child on bail, with first consideration being given to releasing him or her on his or her own recognizance, failing which, with sureties. It is only where bail is refused, that the Court is to consider remand by committal to a fit person or, to by detention in a remand home in the District.

The Committee also proposes that the period of remand in custody shall not exceed three (3) months in the case of any offence, except capital offences where it shall not exceed six (6) months.


A (third) problem lies in the pre-trial detention of accused children, a practice at odds with specific protections and standards in the Convention on the Rights of the Child and the Beijing Rules. Unfortunately, the primary method of securing the attendance of an accused child in court is through arrest and pre-trial detention, all too often in police cells and prisons and not separated from adults. This has led to far too many violations of article 37 of the Convention on the Rights of the Child, which stipulates that children should be deprived of their liberty only as a last resort, for the shortest appropriate period and separate from adults. It is also in contravention of section 29 of the Correctional Services Act of 1959, which limits the detention of children in prisons and police cells to situations where this is necessary and where there are no suitable places of safety. These violations are reflected in statistics from the Department of Correctional Services which show that,
as of March 1997, there were 788 children awaiting trial in prison or police cells, of which 321 had committed serious offences, while the majority, 467, were being held for minor offences. There are several related causes contributing to this situation:

There has been a lack of secure places of safety for children awaiting trial. Where places of safety have been available, they have not been of the secure type, and staff have frequently refused admission to children awaiting trial due to fear that children would abscond.

While there is legal provision for written notices or summons to be issued so that accused children appear in court without prior detention, this has been insufficiently utilized. Reportedly, this practice is hindered because parents and guardians, who need to be notified prior to the handing over of the notice or summons, are difficult to locate. Nonetheless, the strength of this constraint has been recently challenged by a study which found that 75 percent of accused children in the sample lived within the jurisdiction of the court, while 75 percent of accused children were held in custody at some stage during the criminal proceedings.

It has also been suggested that the failure of notification occurs due to an inconsistency between section 50(4), which requires that the investigating officer notify the parent or guardian about an arrest; and section 74(2), which requires that the arresting officer also inform the parent or guardian when and where the child is to appear in court. In practice, these two different officers appear to rely on each other to carry out the task, resulting in the parent or guardian not being informed. The upshot has been that children end up appearing in court without a parent or guardian and therefore cannot be released into the custody of the parent or guardian while awaiting trial.

Although there is a 1996 amendment to the Correctional Services Act in order to further limit the detention of children awaiting trial, there have been, according to some NGO reports, breaches in the implementation of this amendment. Indeed, many detentions have been for petty theft.


Prosecution

Decisions to prosecute appear to lie solely within the jurisdiction of the police or Ministries of Justice. The time taken to process a case for prosecution can vary enormously. Very many cases are dismissed by the courts for insufficient evidence.

Bisi's ordeal.

When she was 13 years old "Bisi" was brought to Lagos by a distant relative to seek employment as a domestic help. She found employment with a family where she was responsible for the care of two young children and general household duties. After about a year, her employers suspected her of stealing certain household items and hauled her off to the police station where she denied the allegation. The police beat her with an iron rod and threatened to kill her if she did not confess. After several hours of this she was placed under arrest and locked up in a police cell at 2 a.m. The two adult female inmates of the cell subjected her to the usual initiation rites that new inmates are
put through. She was beaten up and forced to fan them until daybreak. They afterwards became quite protective of her.

Bisi remained in police custody for three weeks before her first appearance in the juvenile court where she saw her guardian for the first time since her arrest. The magistrate wanted to grant her bail but her guardian refused to stand surety and she was sent back to police custody. Nobody is really sure why she was immediately remanded to the Girls Remand Home, but the probation officer who was later assigned to the case feels that this was probably due to the inexperience of the lay magistrate who had just been appointed.

Bisi spent another six weeks in police custody before her second court appearance. During this period she was not ill treated but remained confined in the police cell. Her guardian showed no interest in her fate, and, during the entire time she was in custody, Bisi was fed by the other inmates in the cell who shared their food with her.

On her second appearance, the Court remanded Bisi to the Girls Remand Home. She remained in custody there for a further eight months making several court appearances before the case was struck out for want of prosecution. Neither the complainant nor the investigating police officer showed up after the first court appearance.


JUPO is the acronym for Judicial Police. The unit has a court officer responsible for investigating and preparing dockets on criminal cases committed by either adults or juveniles. JUPO has no specialised unit for juveniles nor skills for dealing with juveniles beyond those associated with their regular work i.e. in law enforcement and crime prevention. The manner in which a juvenile offender is treated is no different from that of an adult. Every Police station is supposed to have a judicial police.

Iddriss Abdallah – SCF (UK) Ghana

PROMOTING BETTER PRACTICE

Improving Juvenile Justice Systems

Many of the problems confronting the police are symptomatic of criminal justice systems that are out of date. Arguably, only modernising the administration of juvenile justice will provide an effective remedy. Some developing countries are attempting reform notably Uganda, Ghana and South Africa and their new statutes, law reform proposals and crime prevention strategies need to be studied. Among the issues that need consideration in many countries are:

- fixing the age of criminal responsibility and ensuring that systems are available for registering births
- decriminalising “status” offences
• developing policies and strategies for diversion
• developing bail schemes and projects
• examining the benefits of restorative justice and using traditional structures for resolving disputes and conflicts
• developing a multi agency and coordinated response to real juvenile crime
• developing alternative sentences to custody and fines.

The processes of reform provide the police with an opportunity to examine their role in the juvenile justice system and to recommend changes.

A co-ordinated approach to Juvenile Crime

Improvements in juvenile justice require an inter-sectoral approach that includes the police. It would be beneficial if the police were more proactive in improving relationships with government and non-government organisations. The problem of street children is a poverty and development issue that will not be solved by arrest or intimidation. A mass arrest and round up of a couple of hundred children puts pressure on probation services, remand facilities and the courts who are inadequately funded; they in turn cannot cope and the child returns to the street older and criminally more sophisticated.

The National Crime Prevention Strategy in South Africa calls for integration and coordination of different departments; justice, police, health, social welfare and internal affairs. The development of this strategy involved many agencies and it is a comprehensive document that is valuable to other countries in terms of process and information.

Coordination is also needed within the police on priorities, for example: on whether to target economic crimes – which are under investigated, or domestic violence and sexual abuse that are under reported, or social control issues that are over emphasised and publicised in the media.

Violence and abuse of Child Rights

The treatment of children by the police during arrest, interview and detention needs to be improved. Violence and intimidation cannot be condoned, and will probably affect country relationships with foreign governments who are keen to see improvements in human rights.

The international conventions and guidelines on juvenile justice and human rights need to be adopted and followed which could prevent the majority of abuses taking place. The 1999 Human Rights Watch Report in Kenya recommended:

• prompt investigation of complaints against the police, publication of findings and prosecution of police found guilty of abuse
• the setting up of an independent commission accessible to children for the receipt of complaints
• improvements in police training
• judicial review of illegal detentions
Problems during Arrest and Detention – and the absence of formal strategies for diversion

In many countries the police have discretion about whether a child is charged or remanded in custody. The discretion needs to be exercised. Schemes for diversion appear to work informally and the police should be given credit for resolving complaints of minor offending at police station level. The police could advocate for the power to caution, and be prepared to refer children to welfare agencies that can offer assistance rather than placing a child in custody. The following principles could be applied:

- Contacting relatives: the police must contact the parents of a child who has been arrested or demonstrate that they have taken every measure possible to contact the parents or relatives of a child. Alternatively it could be agreed at a local level that another agency that has sufficient resources undertakes this task.

- Interviewing children; children should only be interviewed by police in the company of their parents, a social worker or some other recognised independent adult.

- Bail: children should be granted bail, and the onus should be on the police to provide evidence that risk of re-offending is high.

- Detention: children should only be detained in accommodation segregated from adults and by sex. Children should be taken to court without delay if remand in custody is sought.

- Transport to court: it must be clearly agreed which agency is responsible for transporting a remanded child to court. Many children are forgotten about in remand homes, and so the court cannot grant warrants for further remand. This leaves the agency holding the child in a predicament – as to whether or not they should simply release these children.

- Delays: the delays in preparing cases for prosecution must be monitored.

The Protection of Women and Children

Developing countries are becoming increasingly concerned with high levels of domestic violence, and the need to protect girls from sexual abuse especially as the number of AIDS/HIV infections increases in this age group. Women and children must have confidence in the police in order to report crimes of a domestic and sexual nature. Uganda and Ghana have made a start at trying to develop better practice in these areas by establishing specialised units to deal with these sensitive areas of policing:

The Uganda Police Force has established a Child and Family Protection Unit that handles cases of rape, defilement, child neglect, child domestic violence and sexual harassment. As you may note, the majority of these cases relate to violence against women and children. The main brief of this unit is:

- To investigate cases against children and women;
- Awareness training for girls and women on self-protection against violence.
The staff in this unit have had training appropriate to handling the cases mentioned. Currently, Child Protection Officers have been posted in 15 districts where the above crimes are most common and it is intended that all districts are covered.

P.T. Kakama SCF Uganda

In Ghana WAJU (Women And Juvenile Unit) was established In 1998 to enable the Police deal with rising number of cases of domestic violence and child abuse/neglect. The services of WAJU are available only in Accra and Kumasi. It has non-judicial functions and assists in victim-offender mediation in civil and minor criminal matters. It has no jurisdiction over felonies. As yet there are no specialised units in Ghana where cases affecting women and children are separately addressed nor do officers have specialised training in juvenile justice administration. As with all Police Stations WAJU serves as a referral source for juveniles involved in serious offences.

Plans are underway to attach social workers from the Department of Social Welfare to this unit to work with WAJU and to assist victims of rape cope with their traumatic experience.

Iddris Abdallah SCF Ghana

Whether specialised units are sustainable and will survive the competition for scarce resources remains to be seen.

Research and Information

Effective systems need to be put in place to improve the collection and collation of information on juvenile crime. Without this information the processes of law reform and developing crime prevention strategies are hampered. More study is needed of the role of the communities in crime prevention and the protection of women and children. This has always been important in rural areas but research is needed in the rapidly expanding urban communities of developing countries in order to avoid the problems being experienced in Brazil:

According to the national secretariat for human rights, in 1997 there were 20,352 adolescents between the ages of 12 and 20 in prison whether serving sentences or awaiting trial. Of these, 18,126 were male and 1,500 were female. Juvenile crime in Brazil reflects the country’s social disintegration in which children in extreme poverty are forced to try whatever means they can, including crime, to survive.

Nara Menezes, Programme Assistant, SCF Brazil Office, Recife

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Innocenti Global Seminar October 1997, Unicef International Child Development Centre, Florence, publ. 1998
ANNEX F

NOTE ON CRIME PREVENTION IN DEVELOPING COUNTRIES

Graham Farrell and Ken Pease

1. This is a short 'thought-piece' on crime prevention in developing countries to provide input to a policy guidance note on "strengthening safety and security, especially for the poor". Based on the original request, the aims of this piece are to identify: existing work on crime prevention in developing counties; to suggest "whether some investments in prevention might provide higher returns than comparable policing investment", and; to make other suggestions as to how crime prevention might be progressed in developing countries, and what kinds of research, practical projects might be most beneficial. With the focus on brevity, recommendations are made in the main text.

2. In drafting this piece, we're conscious of the risk of being charged with cultural imperialism. This note is not based on fieldwork in developing countries. While we therefore expect some bias to be evident, we have tried to meet the request.

Previous work

3. A computerised search of the Criminal Justice Abstracts (March 1998 version) using keywords 'crime prevention and developing countries' found only 14 hits the most recent of which was 1990. The main result of this exercise is twofold: firstly to illustrate the paucity of relevant literature, and secondly to show that this is despite the fact that the subject has been recognised for many years in the international arena. Although the CJ Abstracts is only one source it is widely recognised as a good source and is almost certain to contain the major relevant references.

The International Crime Victims Survey

4. A key source of information on victims of crime in developing countries is the 1996 International Crime Victims Survey (ICVS, see Mayhew and van Dijk 1998, Zvekic 1996, 1997, van Dijk 1999). The ICVS was first conducted in developing counties in 1989 but the most recent sweep has been extended to cover many developing countries, although rather than being representative it often concentrates upon major cities (where much crime occurs anyway) for reasons of cost.

5. Although the recent key ICVS publications concentrate upon developing countries are not particularly oriented towards crime prevention, this means that the ICVS is potentially a rich source of information that could be exploited to gain information relevant to the development of crime prevention strategies. The British Crime Survey and the US National Crime Victimization Survey are good examples of

1 Respectively Deputy Research Director, Police Foundation, Washington DC, and Head, Home Office Police Research Group
surveys that are more fully exploited to provide indicators of the status of (a) the crime problem and its distribution (b) crime prevention and security measures in use, and (c) other factors such as lifestyle and routine activities that directly influence the probability of victimization. The ICVS almost certainly represents a key source of information that remains to be exploited along these lines with respect to developing countries. Zvekic’s findings suggest that victimisation rates are higher in developing countries than in developed countries for some key crime types. Van Dijk (1999) provides comparative data at the regional level (Africa, Asia, Central and Eastern Europe, Latin America, New World, Western Europe). A recommendation is further exploratory analysis of the ICVS data set – particularly since the money has already been spent on the survey, data cleaning and coding, so the opportunity is ripe.

The United Nations Survey of Crime Trends and Criminal Justice Systems

6. The United Nations Survey of Crime Trends and Criminal Justice Systems (UNCJS) has collated global crime information dating back to 1970. The most recent fifth sweep (the sixth sweep is in progress – the contact person is Adam Bouloukos at the UN Centre for Crime Prevention, Vienna) covered 1990-1994. Much of the UNCJS analysis is published by HEUNI, but as of the time of writing the HEUNI website does not list any reports on crime or its prevention in developing countries. Data provided by developing countries is typically far more fragmented than that from developed countries. The three key reasons are the relevant data is less likely to be collected, collated or reported. However, it remains likely that as a unique data source and one of the few that has any crime and criminal justice data on developing countries, it is still under-utilised. The project might consider examining this data source. Although the UNCJS on crime is very basic (how many crimes of type X did you experience in year Y in your country), it may still provide useful information on patterns and trends in crime that can inform the development and focus of preventive initiatives (i.e. it may be far from perfect but it is better than nothing). Therefore a recommendation is that further basic UNCJS analysis is undertaken with respect to these basic crime rates.

7. By means of illustration, some of the UNCJS data is shown in Tables 1A to 1D. The table are simple listings of numbers of recorded crimes for selected crimes types in 1994. The countries are grouped into tables according to their ranking of Low Development, Medium Development or High Development by the UNDP Human Development Index (Table 1D shows countries that were not categorised in the relevant HDI but it is likely that they could be re-categorised if necessary). The data shown is only selected crime types for one year. Only five low-development countries reported crimes to UNCJS for 1994. Perhaps more did for previous years and other crime types. However, even five countries gives some information on which preliminary analysis could be undertaken. It is, after all, five whole countries. How do these absolute numbers, if converted to rates per capita (or rates per capita income, or rates per sale of hot consumer products), compare to those in developed countries? Which less or medium developed countries have anomalously high crime rates in particular categories of crime? Although there will be clear limits to such an exercise, focused analysis may provide information

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2 HEUNI publications list at http://www.vn.fi/om/suomi/heuni/public.htm#otsikko3
of relevance to the development of crime prevention initiatives and projects that are tailored to the needs of particular countries.

‘Seeding’ crime prevention activities in developing countries

8. A recent source with much information relating to crime in developing as well as developed countries is the Graeme Newman edited book *Global Report on Crime and Justice* (Newman 1999). Irvin Waller and Brandon Welsh’s chapter ‘International trends in crime prevention: cost-effective ways to reduce victimization’ reviews crime prevention and cost-effectiveness in an international context. A related piece is Welsh and Farrington’s (1999) review of cost-effectiveness studies of crime prevention in the British Journal of Criminology (Welsh and Farrington 1999). In general, the reviews conclude that there are generally few studies of the cost effectiveness of crime prevention. However, this does not mean that crime prevention does not work, simply that it is often only evaluated in terms of crime not overall costs. Waller and Welsh also find that

“Governmental investment in crime prevention is less than one percent of criminal justice spending in most industrialised countries, and non-existent in most developing countries and countries in transition”. (p.220).

9. The Waller and Welsh analysis would suggest a primary need to highlight the potential importance of crime prevention work in developing countries. Perhaps, in developing countries, crime prevention is currently viewed as a luxury policy of the developed world rather than a cost-saving measure. It is recommended that a process be set in motion whereby crime prevention is marketed to governments of developing countries as a cost-saving exercise rather than a luxury expenditure. A second related recommendation is the development of specialised government Crime Prevention Units (we shamelessly present the Home Office model as an example). We recommend that key personnel to operate the units in developing countries are trained in the background and techniques of situational crime prevention at the Home Office Policing and Reducing Crime Unit. This would be along the lines of a seeding programme, or in the international lingo, perhaps a train-the-trainer exercise. An alternative possibility to the development of crime prevention units within interior ministries might be the development of Crime Prevention Extension Services (see Felson 1994) operating as independent advisory bodies that are not under government jurisdiction.

10. In general, the best written piece of work on crime prevention, demonstrating how it needs to be individually tailored to specific crimes and specific contexts, is the chapter ‘Introduction’ to Ronald Clarke’s 1997 edition of his set of excellent case studies. A very readable recent publication written for a practitioner audience is ‘Opportunity Makes the Thief: Practical Theories for Crime Prevention’ by Marcus Felson and Ron Clarke in the Home Office Policing and Reducing Crime series.3 What the present note lacks is the space to demonstrate how the action research model of situational crime prevention (which is akin to the SARA model of problem-oriented policing) be transferred to the context of developing countries even if some of the specific techniques and tactics cannot. To keep in line with the

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3 available from http://www.homeoffice.gov.uk/crimprev/cpindex.htm
need for brevity and focus in this note, the Clarke book and the Felson and Clarke monograph are our only recommended readings on crime prevention. Despite the fact that their focus is not directly upon developing countries, it is the action research model of the situational approach that is key. In addition, some best practices may transfer to the context of developing countries if appropriately tailored. Further, we recognise that the scope of the criminal law is a matter of national interest and concern, and that the kind of crime which is of focal concern will be different in different countries. However, a recommended first step necessary to provide a platform for the introduction of crime prevention in developing countries would be the compilation of an inventory of promising crime prevention techniques that might specifically adapted to and applied to the context of developing countries. The compilation of this inventory is necessary since much of the published academic and practitioner work on crime prevention has, like recent (i.e. twentieth century) research in most fields, taken place in the developed world. A good starting point for the development of such an inventory are Clarke’s book, the Crime Prevention Studies series edited by Ron Clarke (New York: Criminal Justice Press) and the Home Office Policing and Reducing Crime series of papers. The Swedish journal Studies in Crime and Crime Prevention and the International Journal of Risk, Security and Crime Prevention, the Howard Journal and crime prevention publications by the Dutch Ministry of Justice would be further useful places to look.

11. Part of the original request for this note asked for a determination of "whether some investments in prevention might provide higher returns than comparable policing investment”. This is really the wrong question. Related to the seeding of crime prevention work, a further recommendation is that any projects aim to ensure that crime prevention is integrated into local police work in developing countries. This may be most appropriately introduced by the development of performance indicators for policing that relate to reductions in crime. In the UK, a national key performance indicator for policing is the level repeat victimisation. Since policing is typically a response to victimisation this is a logical performance indicator of the effectiveness of the response (since repeat victimisation is more likely once a crime has occurred). In the US, and increasingly in the UK, the means of emphasising crime prevention within policing is via problem-oriented or community policing. Another examples of a crime-related performance indicator for the police is that introduced for police managers in New York City. Although the specific issues are still debated and it was in the context of Compstat and community policing, using area crime rates as the performance indicator seemed to produce innovative efforts to lower the crime rate. We stress this point here because it is not as obvious as it may appear – often the police are not oriented towards the prevention of crime. It is preferable and will prove more productive to try to make crime prevention an integral part of police work.

Routine activities and crime prevention in developing countries – towards a pre-emptive strike capacity

12. There may be a range of lessons that crime prevention in developing countries can learn from the experience of developed countries. Developing countries, as the term suggests, are continually changing as they develop – albeit some more than others, and each in its own particular way. Yet we know from history that the
process of development itself is one of crime’s greatest generators. There is no car crime before cars. Burglary to steal VCRs does not proliferate until there are VCRs (or other small valuable consumer items that are readily re-sold) to steal. Telephone and computer fraud does not arise as a problem until there are telephones and computers. This is the essence of the routine activity theory of crime prevention (see Felson 1998) whereby crime is seen as often being a natural by-product of development. However, recognising the link between crime and development can provide a tangible and practical handle upon the crime problem.

13. As a county develops, new criminal opportunities arise as consumer products become available. This is what has occurred in many developed countries. Developing countries should take advantage of lessons learned the hard way in developed countries. Situational crime prevention measures should be introduced to prevent crime before it arises as a problem: examples include mobile phones; cars; VCRs; ATMs; PINs; credit card fraud; internet fraud. In the development of physical infrastructure, the design of new buildings should be done in coordination with trained police architectural liaison officers or similar experts trained in CPTED (Crime Prevention Through Environmental Design). The development of this type of pre-emptive strike, that is, putting prevention in place before the problem becomes acute, might be initially progressed through the development of the inventory of situational prevention techniques and the seeding work of crime prevention units in developing countries. It is worth stressing here that situational crime prevention should not be confused with solely the physical or the technological. This is clear in Clarke’s typology of techniques and his examples. For an example that may be relevant in developing countries, notions of land ownership underpin many offences (e.g., burglary) but the means of establishing ownership are not given to or understood by all. Thus land registration is key and rule-setting may be the situational crime prevention technique (1 of 16 techniques in Clarke’s repertoire) which comes into its own in developing countries. With personnel costs less, maybe more of the prevention techniques can be achieved by human agency rather than technology.

14. In developing as well as developed countries, property theft needs secondary markets. Property theft flourishes because fences, dealers or others re-sell the stolen property. Second-hand shops, car-boot sales and flea markets are key sources of the re-sale of stolen items in developed countries. Tackling these outlets is attractive for policing since they form a relatively narrow bottleneck between the criminals and the buyers. Removing fences reduces the rewards to property theft, and consequently results in its reduction. There may be practical implications for laws in developing countries. Laws that prohibit and punish the re-sale of stolen goods are a pre-requisite. However if these quickly ratchet up the severity of the punishment with subsequent offences, this may be an effective form of deterring this type of offence. Making the punishment increasing severe only after a first offence should produce a cut-off that removes many fences from the business if they were ‘turning a blind eye’ but suspected the illegal origins of the goods. It removes any plea of ignorance for a further offence or will provide a source of key informants from which the actual criminals can be detected. Although this is more in the realm of detection-oriented policing than situational crime prevention, we recommend that the market for stolen products be
investigated (and related laws) as a potential weak link in the chain which, if broken, may result in the reduction of much crime.

New Wheels Not Required

15. Significantly, many of the lessons that can be learned from developed countries do not require extensive or expensive crime prevention technologies (some of the exceptions are discussed below). Many, such as the design of shops to deter shop robbery and shop theft, the design of products to deter and prevent their use if stolen (mobile phone, car stereos, VCRs, in-built anti-car theft devices) require little other than some forethought on the part of the designers or manufacturers. The additional production cost is minimal and would be internalised by producers and manufacturers. In many instances, the domination of manufactured items imported from developed countries may already entail these preventive components, but we recommend that some effort should be taken to ensure that they do, and to ensure that such preventive components are in-built to domestically and locally produced products.

16. Many crime prevention applications do not require particularly innovative techniques – they simply require existing techniques to be located where the problem occurs. A range of ‘predictors’ of crime have developed in recent years that can be used to allocate scarce crime prevention resources more efficiently. These include hot spots (targeting problem areas), preventing repeat victimisation (since the same places and people are more likely to be victimised again if already victimised) and targeting hot products (since the same high-risk items are targeted for theft if they are visible, accessible, valuable, portable and easily re-sold). Each of these mechanisms for allocating crime prevention resources is detailed in specific monographs of the Home Office series by the Policing and Reducing Crime Unit (see footnote 2). The same allocation mechanisms will, in our opinion, almost certainly prove of worth in developing countries.

The Role of New Technologies

17. Developing countries can also benefit by learning from the hindsight provided by developed countries when it comes to preventive technologies. Developing countries have the potential to introduce new crime prevention technologies ‘up front’ to pre-empt predictable crimes that arise as a by-product of development. This may prevent the evolution of some crime problems that the absence of such technologies allows. Examples could include CCTV in public and private spaces, silent alarms to detect perpetrators, DNA databases, drug-testing, breath-testing for drivers. At first glance these may seem laughable suggestions since they may appear prohibitively expensive. However this is not necessarily the case if their absence is viewed as an opportunity cost of the crime caused by development. Regrettably, many developed industrialised countries now know that the absence of such pre-emptive strikes is a far more expensive option – countries such as the UK are now paying far more to introduce them after-the-fact once a range of crimes has become established.
References


### Table 1A: Countries ranked as Low Development by the UNDP Human Development Index: Recorded Crime in 1994 (selected crime-types)

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### Table 1B: Countries ranked as Medium Development by the UNDP Human Development Index: Recorded Crime in 1994 (sample of crime-types)

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### Table 1C: Countries ranked as High Development by the UNDP Human Development Index: Recorded Crime in 1994 (sample of crime-types)

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<th>Major Assault</th>
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<th>Major Theft</th>
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ANNEX G

ASSISTING THE DEVELOPMENT OF POLICING IN THE
PACIFIC ISLAND REGION

Tess Newton¹

1. INTRODUCTION

In the context of this paper, the ‘Pacific island region’ is that which comprises the 12 countries that are served by the University of the South Pacific (USP): Cook Islands, Fiji Islands, Kiribati, Marshall Islands, Nauru, Niue, Samoa,² Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. With the exception of Tokelau (which is a New Zealand territory), all of these countries are now self-governing.³ However, the influences of colonialism⁴ can still be detected to a greater or lesser degree throughout the region, both in relation to policing and other socio-political structures. One of the clearest examples of a colonial hangover in relation to policing is the continuing use of military titles (corporal, major, lieutenant) within civilian policing organisations.

1.1 Factors affecting policing in the Pacific Island region

There are several factors, including geography and cultural diversity (both within the region and within individual countries) that have significant implications for policing in South Pacific countries. Some of those factors are identified here:

- The countries of the region have small populations both in relative and absolute terms. These populations are often spread out over a large geographical area; it is often the case that one country will comprise numerous islands or groups of islands⁵;

- In many countries there is a lack of infrastructure and reliable communications. Some remote communities may not have telephones; some islands may only be accessible by boat or canoe; some countries may not have reliable electricity supplies. The issue of poor infrastructure is of increased significance within the

¹ Lecturer in law, University of the South Pacific
² Formerly Western Samoa.
³ Cook Islands and Niue are in free association with New Zealand; Marshall Islands is in free association with the USA.
⁴ It is noted that the Kingdom of Tonga and Solomon Islands have never been colonies. Tonga was a British Protectorate by election between 1900 and 1970; during this time it was known as the Friendly Islands. British Solomon Islands was a dependency of the United Kingdom as a protectorate between 1893 and 1978.
context of rural policing. Many rural communities may have no electricity and communications systems may be extremely limited. When these factors are combined with restraints on resources (see below) it may often be the case that there is no ‘formal’ policing in such communities;

- In small countries such as those of the South pacific region, police forces are required to be multi-functional. They are responsible for ‘civil defence’ including in assisting in the provision of fire services, ‘economic’ policing such as the patrolling of Exclusive Economic Zones (EEZs) and co-ordinating disaster management strategies as well as dealing with ‘normal’ law and order issues. In Vanuatu, functions such as provision of fire services and civil defence are undertaken by the Vanuatu Mobile Force (VMF) which was established as a separate body but now comes within the policing structure whilst retaining its own areas of responsibility and having the provision of assistance to the police as a secondary role. Currently members of the police forces of Vanuatu and Fiji Islands are involved in peacekeeping missions on Bouganville (Papua New Guinea);

- All of the countries of the region have developing economies and public sector resources are limited within such economies. There is a great deal of reliance on foreign aid and assistance. Within Melanesia, Australia is the most significant player in the realm of provision of training, mutual assistance programmes and provision of technical expertise. New Zealand and the United Kingdom also make significant contributions and New Zealand is particularly influential in Polynesia. Marshall Islands is the only country that receives substantial input in this respect from the USA.

- There is a lack of training, experience and expertise in the national police forces of the region. These deficiencies were most noticeable where key posts were localised immediately following the attainment of independence. Persons occupying senior and other key positions may not necessarily be suitably qualified or have sufficient (or even any) relevant experience. This is more likely to be a factor where public service appointments are made on a political basis or under

5 There are some exceptions such as Nauru and Niue that are single (small) islands.
6 There are also many indications of mismanagement of public sector resources generally and of resources in policing organisations more particularly.
the ‘wantok’ system. In addition, it is not always possible for police forces to provide sufficient or appropriate training to their officers (whether at the generalist or specialist level) on an ‘in house’ or ‘in country’ basis. This means that a lot of training continues to be based around either bringing in trainers from overseas or sending officers overseas for training.

- In some countries there has been and continues to be a degree of cultural resistance to the concept of policing as it is generally understood in Western terms. Some communities do not recognise the police as having a role to play in dispute resolution or maintaining order within a society. Those communities that consider themselves subject only to customary law (as enunciated and enforced by chiefs or village elders) are likely to be resistant to any ‘outside interference’ (including policing) by the state. In most cases this resistance will manifest itself in non-recourse to the police for assistance when crimes occur. However, in some cases such resistance may exhibit itself in more extreme ways. So, for example, Brown (1986) noted that the bush Kwoio of Solomon Islands refused to have their territory policed by anyone other than themselves.

### 1.2 Types of crime prevalent in the Pacific Island region

In order to develop a coherent and principled approach to the development of policing, including police training, it is useful to identify the ‘crime context’ within which the police forces of the region operate. This section provides an indication of the number of crimes that police forces within the region deal with and, perhaps more significantly, the type of crime problems that are prevalent.

#### 1.2.1 Fiji Islands

For 1997, the police force of Fiji Islands recorded a total of 22,149 reported criminal offences; this was a 5% increase on the number of reported offences in 1996. Of these, 69.6% were designated as offences against property. A further 22.6% were offences against the person (representing an 18% increase on the previous year (Fiji Police, 1998; 3).

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7 See below for further comments on training issues in relation to South Pacific police forces.
8 This is a shorthand pidgin term (it translates as ‘one talk’) which refers to an informal system of customary obligations and reciprocations that exists between people from the same family, village or island. It remains highly influential, even in urban areas and among people who adopt an apparently ‘Western’ lifestyle.
9 For more detail, see section 2.
10 This information is based on reported statistics. Such statistics are not always readily available, if indeed they are compiled. To date there is no research to give an indication of what the ‘dark figure’ of crime is in Pacific island countries.
1.2.2 Solomon Islands
In the six months prior to July 1998, a total of 1,583 criminal offences were reported. Of these, 47.4% were property offences and a further 28.9% were offences against the person. This was recorded as a drop of 24% compared to the same period in the previous year.11

1.2.3 Reported crimes elsewhere in the Pacific
According to the United Nations Surveys of Crime Trends and Operations of Criminal Justice Systems, the total number of reported crimes in 1990 for Tonga was 1434 and for Vanuatu was 1403. Of those, theft offences were the most numerous (50.4% in Tonga and 62.2% in Vanuatu). The second most numerous category was that of assaults (30.2% in Tonga and 37.8% in Vanuatu).12

In 1998, there was a reported decrease in crime in Cook Islands. Of particular note was the drop in alcohol related offences from 50 in 1996 to 28 in 1997. In addition, the number of female offenders had dropped from 31 in 1991 to 5 in 1997 and the number of male offenders had dropped from 138 in 1991 to 116 in 1997. To put these figures in context, it is important to note that massive migration from Cook Islands has resulted in the population decreasing from 22,400 in December 1995 to 18,000 in 1997.13

In French Polynesia, overall crime dropped by 6.5% during 1998 in comparison with 1997. However, juvenile crime increased by 31% as compared with 1997; most of the offences committed by juveniles was linked to seizures of cannabis.14

2. RECRUITMENT, DEPLOYMENT AND TRAINING ISSUES

2.1. Deficiencies in policing in Pacific Island countries
It is not uncommon to come across media reports that portray the activities of the police forces of the region in a poor light. The complaints about policing can be roughly divided into two types: first is a lack of response of policing organisations to citizens’ requests for assistance. Second is an overbearing (ab)use of police powers in situations that are not always considered to be within the remit of the police. Some of these deficiencies become apparent within the context of quite extreme situations, such as the failure of the Vanuatu police to deal appropriately with riots in January of

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11 Solomon Star, 22/7/98.
12 http://www.ifs.univie.ac.at/~uncjin/wcs.html
14 Reported by PACNEWS/Radio Australia February 16, 1999.
1998. However, many deficiencies of both of these types occur in the context of routine everyday policing. Inadequacies of both of these types are detrimental to the safety and security of Pacific island societies as a whole. It is evident that the deficiencies of the second type can be discriminatory in nature, whether along racial, political or ethnic lines. Deficiencies of the first kind can have multiple effects including the dilution of investor confidence in a country leading to lack of employment and development. They can also lead to an increase in the use of private security personnel which brings with it a range of attendant problems, particularly in the realms of supervision and accountability.

It is suggested that these deficiencies are inextricably linked with issues of recruitment and training of police officers. These, in turn, are entwined with issues of what the policing needs of Pacific island societies are and how best they should be met. At present, there appears to be a mismatch between the policies for recruitment and training (where policies can indeed be identified) and what it is that policing organisations are realistically required to do. In addition, the structures of policing organisations do not necessarily make a positive contribution to the role of the police in ensuring the safety and security of all members of a society.

2.2 Policing structures in Pacific Island countries
It is generally the case that Pacific island societies have a large number of police officers relative to the overall population, although the absolute size of police forces in the region is small. The following table identifies for each country the size of population, the size of the police force and, perhaps more significantly, the ratio of police to total population. As a point of comparison, the police: population ratio for Australia is 1: 439\(^\text{15}\) and for New Zealand it is 1: 692.\(^\text{16}\)

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\(^{15}\) Based on 1996 Australian Bureau of Statistics figures supplied by the Australian Institute of Police Management. The total number of police officers was calculated at 41,710 including 118 officers attached to the National Crime Authority and 2,117 officers in the Australian Federal Police.

\(^{16}\) Based on information contained in Douglas & Douglas (eds.), 1994.
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<td>Niue</td>
<td>2,239(^{27})</td>
<td>17(^{28})</td>
<td>1:132</td>
</tr>
<tr>
<td>Samoa</td>
<td>161,298(^{29})</td>
<td>c. 200(^{30})</td>
<td>1:807</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>350, 553(^{31})</td>
<td>897(^{32})</td>
<td>1:391</td>
</tr>
<tr>
<td>Tokelau</td>
<td>1507(^{33})</td>
<td>9(^{34})</td>
<td>1:167</td>
</tr>
<tr>
<td>Tonga</td>
<td>94, 649(^{35})</td>
<td>418(^{36})</td>
<td>1:226</td>
</tr>
<tr>
<td>Tuvalu</td>
<td>9043(^{37})</td>
<td>c. 30(^{38})</td>
<td>1:301</td>
</tr>
<tr>
<td>Vanuatu</td>
<td>150,684(^{39})</td>
<td>680(^{40})</td>
<td>1:222</td>
</tr>
</tbody>
</table>

This table reveals that it is generally the case that the police: population ratios for Pacific island countries are significantly lower than those for the metropolitan countries noted earlier. This raises the question of whether these countries are ‘over policed’. It should be remembered that one of the problems associated with policing a small population is maintain actual and apparent or perceived impartiality. It would

\(^{17}\) 1991 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{18}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{19}\) Fiji Police, 1998; 4.
\(^{20}\) Ibid.
\(^{21}\) 1995 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{22}\) Douglas & Douglas, op. cit. at p.347.
\(^{23}\) 1992 estimate, id. at p.347
\(^{24}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{25}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{26}\) Ibid.
\(^{27}\) 1991 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{28}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{29}\) 1991 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{30}\) Douglas & Douglas, op. cit. at p.736.
\(^{31}\) 1992 figure, id. at p.579.
\(^{32}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{33}\) 1996 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{34}\) Douglas & Douglas, op. cit. at p. 623.
\(^{35}\) Id. at p. 631.
\(^{36}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{37}\) 1991 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{39}\) 1991 estimate, id. at p. 689.
\(^{40}\) Anticipated establishment for the Vanuatu police (comprising 3 wings: police maritime wing and mobile force) further to the recent Strategic Review. Information provided in 1998 by Lt. Alick Ishmael who was the public relations officer for the Vanuatu police at the time.
not be uncommon to have difficulties in ensuring that investigating officers had no connection (whether family or otherwise) with parties involved in a dispute requiring police involvement of one sort or another. Therefore, it may be that such difficulties can be somewhat alleviated by having a larger number of police officers per head of population than might exist in other jurisdictions. However, the existence of a ‘large’ force (relative to the total population) that is not necessarily kept fully occupied or whose members may become fractious in the event that resources are scarce can lead to problems in terms of discipline and civil order. Such was the case in 1996 in Vanuatu when members of the Vanuatu Mobile Force (now a division of the police force) kidnapped the President of the Republic in protest over non-payment of allowances due to them. In countries where there is a likelihood of a deterioration of law and order\textsuperscript{41} the potential exists for police officers to cease to be part of the solution and instead become part of the problem.

2.3. Particular issues relating to rural policing
Of particular significance is the location of police officers in relation to the population(s) that they police. The following table indicates that the allocation of policing resources to rural locations is not correctly matched with the proportion of the population living outside urban areas. Even taking into account the effects of urbanisation, it would seem that rural populations are poorly serviced by the police forces of their countries. Of course, it is recognised that the physical environment of many rural areas is inhibitory to policing functions.

\textsuperscript{41} More recently, there have been serious public disorder problems in Solomon Islands.
<table>
<thead>
<tr>
<th>Country</th>
<th>% Urban population</th>
<th>% Urban officers</th>
<th>% Rural population</th>
<th>% Rural officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cook Islands</td>
<td>58(^{42})</td>
<td>81(^{43})</td>
<td>42</td>
<td>19(^{44})</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>65(^{45})</td>
<td>100(^{46})</td>
<td>35</td>
<td>NIL(^{47})</td>
</tr>
<tr>
<td>Nauru</td>
<td>100(^{48})</td>
<td>100</td>
<td>NIL</td>
<td>100(^{49})</td>
</tr>
<tr>
<td>Niue</td>
<td>30(^{50})</td>
<td>53(^{51})</td>
<td>70</td>
<td>47(^{52})</td>
</tr>
<tr>
<td>Tonga</td>
<td>31(^{53})</td>
<td>88(^{54})</td>
<td>69</td>
<td>12(^{55})</td>
</tr>
</tbody>
</table>

Although it is not possible to ascertain the urban/rural allocation of police resources in other countries in the region, an examination of the percentage of the populations that live in ‘rural’ areas indicates that the need to provide an effective policing service outside the towns as well as within them is one that needs to be meaningfully addressed. The following figures indicate the size of the urban populations in several of the other Pacific island countries: 18% of the population of Vanuatu (i.e. Port Vila and Luganville),\(^ {56}\) 37% of the population of Kiribati,\(^ {57}\) 21% of the population of Samoa,\(^ {58}\) 0% of the population of Tokelau\(^ {59}\) and 42% of the population of Tuvalu.\(^ {60}\)

\(^{42}\) 1991 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{43}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{44}\) The balance are stationed on the patrol boat Te Kukupa. (Response to research questionnaire distributed to chief officers of police (1998)).
\(^{45}\) 1988 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{46}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{47}\) Response to research questionnaire distributed to chief officers of police (1998). The information received in relation to Marshall Islands pertains to National Police Officers. National Police Officers may be posted to rural areas when required to investigate major crimes to assist a local police force. The number of local police officers varies according to the budget of the local government. Some areas have 3 or 4 officers; others may have more.
\(^{48}\) 1992 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit). However, Nauru does not lend itself easily to this sort of analysis. See next footnote.
\(^{49}\) Nauru has no defined urban or rural areas. Area wise, our island is only 12 square miles. It has 12 districts out of 9500 population. Normally, Police operates (sic) in 24 hour shifts, providing mobile patrol around the island as well as other priority areas. Response to research questionnaire distributed to chief officers of police (1998).
\(^{50}\) 1991 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{51}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{52}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{53}\) 1986 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{54}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{55}\) Response to research questionnaire distributed to chief officers of police (1998).
\(^{56}\) 1989 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{57}\) 1995 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{58}\) 1991 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
\(^{59}\) 1996 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit). Tokelau, like Nauru, does not have areas easily recognisable as either rural or urban.
The nature of policing in rural settings differs significantly from the policing that is required in the capital of the country (in most cases, the capital is the main urban area). The nature of the crime problems that require police attention may be different, with the incidence of housebreaking likely to be greater in urban locations than in rural areas. The issue of rural policing has been addressed within the Strategic Review of the policing in Vanuatu, the report of which was published in 1997 (Vanuatu, 1997). The ‘special constables’ scheme has yet to be implemented. It has been included in the budget bid for the next financial year.

The nature of the relationship between the special constables, village chiefs and the established police force of the country has yet to be fully worked out. An area of concern is that the Strategic Review envisages that all of the special constables will be male. Whilst it would be naïve to deny that it would almost certainly be very difficult to use female officers in such an environment, the question still remains as to how such a scheme can assist in protecting the rights and interests of all groups within the community, particularly those of members of groups that previously may have been disadvantaged.

In addition, it is very important that special constables do not become (or are not perceived to be) agents of repression as meted out through chiefly authority. There are those who might argue that one way of reducing urban drift and its attendant crime problems (or perceived problems) is to empower the chiefs to prevent people from leaving rural areas and moving to the towns. Such a practice would be unconstitutional as the freedom of movement is enshrined in Art. 5(1)(i) of the Constitution of Vanuatu. Such a scheme as the one envisaged for rural Vanuatu needs to be closely monitored to ensure that it is not being misused or subverted in such a way as to undermine the fundamental rights and freedoms of citizens whose knowledge and awareness of such rights may be limited in nature.

Although the Strategic Review states that it was intended to base the special constables scheme on a similar scheme operating in Fiji Islands, the Vanuatu police have been unable to obtain any documentation about this scheme from the police in

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60 1991 census as recorded by the USP GIS Unit (http://www.usp.ac.fj/~gisunit).
61 This review was conducted by a team headed by Prof. Chris Woodman of the Australian National University. It was funded by the Defence Co-operation Programme of Australia. Copies of the Report are available from Vanuatu Police Headquarters, Port Vila, Vanuatu.
62 For further comments on gender and policing in the South Pacific, see below.
The Vanuatu police legal unit is currently engaged in drafting the necessary legal instruments to be tabled before Parliament to allow the scheme to move into the trial stages. It is envisaged that the trials will commence early in 2000 and will last for a period of 6 to 12 months. The scheme is to be trialled in remote areas (the Banks and Torres islands) and in more populated areas where there is currently a limited police presence (Tanna and Santo).

It is worth noting that the sort of cultural resistance to formal policing identified previously is more likely to be an issue in rural areas. The following extract from the minutes of a Vanuatu village court meeting may be instructive:

*The chairman asked John Mark Sine if he knew anything about the case and he stated that the police had asked him to take Jenny to Abwantuntora ... He also stated that the police had asked him to sign on behalf of the chiefs of Atabulu as no chiefs was (sic) present. He said he did so although the chiefs knew nothing about it and did not give the police authority to handle the case ...* 

*Chief Eliath Esho stated that he had asked the police to see the village chief re permission to work in the village but the police had not done anything about it despite being told twice. It was stated that such cases should be referred to the chiefs first and if they couldn’t handle them then they could be passed to the police. (Emphasis added).*

2.4. Gender and policing in Pacific Island countries

It is generally the case that the majority of officers in the police forces of the region are male. The following table indicates the gender split of the forces in several of the countries of the region:

<table>
<thead>
<tr>
<th>Country</th>
<th>% male officers</th>
<th>% female officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cook Islands</td>
<td>90</td>
<td>10</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>96</td>
<td>4</td>
</tr>
<tr>
<td>Nauru</td>
<td>88</td>
<td>12</td>
</tr>
<tr>
<td>Niue</td>
<td>94</td>
<td>6 (n. = 1)</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>96</td>
<td>4</td>
</tr>
<tr>
<td>Tonga</td>
<td>82</td>
<td>18</td>
</tr>
</tbody>
</table>

The lack of female officers (perhaps particularly in rural areas; see above) raises

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63 Personal correspondence with Capt. A. Caulton, public relations officer for Vanuatu Police.
64 Ibid.
65 Edmond Tari, Unreported, Village Court, Atagurua Nakamal, 24th May, 1989 (L4-1544). It should be noted that the case related to a complaint of rape.
66 All of the data contained in this table was obtained in response to a research questionnaire distributed to chief officers of police (1998).
doubts as to the effectiveness of police forces to deal with crime situations that have a particular ‘gender’ aspect. Two very clear examples are that of domestic violence and rape\textsuperscript{68}.

Domestic violence is a very serious problem in the countries of the Pacific and the policing of domestic violence is one area in which policing is glaringly deficient. In some countries, such as Vanuatu, specific legislation is being prepared to address the problem of domestic violence. However, as in all jurisdictions, it is the case that the current criminal legislation is sufficient to encompass domestic assaults. And yet it remains the case that police officers fail to deal adequately with the problem. Furthermore, there is no specific training provided for police officers to deal with the issues that arise in relation to domestic violence. Police officers may deal with reports informally either themselves by talking to the parties concerned or by referring the matter to be dealt with by a chief or other community elder, including church ministers. It is questionable whether such an approach is fully appropriate bearing in mind the lack of female officers identified above and the patriarchal structures that prevail in both the traditional societies of the region and the churches.

2.5. Training Issues

Police training is something to which a great deal of time, energy and money is devoted by the police forces of the region. Much of the money that is devoted to police training is provided by aid donors. In addition, a great deal of the training that is given to police officers is provided by overseas trainers who come into a particular country or it is delivered overseas and officers from the country in question travel abroad. This raises significant questions about the appropriateness of the training that police officers in these jurisdictions receive (Newton, 1998a and 1998b). It has already been noted that police training in the region is highly deficient in relation to dealing with domestic violence. And yet, it is one of the most significant social problems affecting Pacific island countries. Recently, a significant donor agency funded the first of a series of regional courses concerned with the management of ‘serious’ crime. This course was co-ordinated by police trainers from a federal police agency although many instructors from within the region were involved in the delivery of the course. The course was concerned particularly with the problem of

\textsuperscript{67} The most senior rank held by a woman officer is that of Senior Sergeant.

\textsuperscript{68} The offence of rape within South Pacific jurisdictions is framed in gender-specific terms. See, for example, s.14(1) of the Crimes Act 1969 of Cook Islands: \textit{Rape} is the act of a male person having sexual intercourse with a woman or girl – (a) without her consent ...
money laundering. Whilst I would not seek to argue that money laundering is not a serious issue and is not relevant within the Pacific island region,\(^{69}\) it is not an issue that is significant to the majority of people that live in Pacific island countries. In addition, the policing of money laundering schemes is something that is probably best dealt with by a specialist agency (such as the Financial Services Commission of Vanuatu and similar agencies in other countries) in conjunction with prosecution agencies with the police performing agency functions as required. It can often appear to be the case that the input of foreign jurisdictions is designed to further their strategic interests in the region rather than necessarily contributing to an integrated, developmental approach to policing that is suited to enhancing the safety and security of the citizens of Pacific island countries.

REFERENCES


\(^{69}\) Particularly in countries that are offshore financial centres, such as Vanuatu.
ANNEX H

EXTRACT FROM THE REPORT OF THE INDEPENDENT COMMISSION ON POLICING IN NORTHERN IRELAND

Section 7 POLICING WITH THE COMMUNITY

“The more a policeman is hindered from participating in the community the less he will understand public sentiment, the less well he will exercise his discretion, therefore the more are [people] likely to be irritated by his behaviour, the more will they treat him differently in social contacts, the more isolated will the police become. As their sympathy for members of the public declines further, hostility towards them increases, they become further isolated, and so on.” 1

In the next few chapters we consider the style of policing, and we make recommendations for the sort of policing that we would hope to see in Northern Ireland in the future. Some of these recommendations, like those on accountability in the preceding chapter, could and should in our view be implemented now. But others will depend to a greater or lesser degree on how the security situation develops, and judgments will need to be made over the next few years as to when they should be introduced, or whether some should only be introduced in selected areas. This caution applies particularly to the recommendations in this chapter, and the next one on “Policing in a Peaceful Society”. The chapter after next, on public order policing, is predicated on the assumption that it will be some years before public order policing contingencies can be substantially relaxed.

“Community Policing”

We received many submissions, from all parts of the community and from elsewhere, which called for more “community policing”. The term has many definitions and has become somewhat devalued by frequent and indiscriminate use. We have called this chapter “Policing with the Community” because we believe this encapsulates better what most people want to see – the police participating in the community and responding to the needs of that community, and the community participating in its own policing and supporting the police. What we emphatically do not mean by “community policing” is vigilante groups policing neighbourhoods with baseball bats, or, at the other extreme, what the Philadelphia police chief, John Timoney, has described as “sitting around the trees, holding hands and singing Kumbaya”.

What we do mean is: the police working in partnership with the community; the community thereby participating in its own policing; and the two working together, mobilising resources to solve problems affecting public safety over the longer term rather than the police, alone, reacting short term to incidents as they occur. We explain in this chapter how this should work in practice (see box for an example of policing in partnership with the clergy in the United States).

A good example of successful partnership policing is the role of the clergy in some American cities. Santa Ana police, in Southern California, told us they could not have succeeded in reducing crime and disorder in the most difficult neighbourhoods in their jurisdiction without active engagement by the Catholic Church. In Boston, a group of black ministers have formed a coalition to help bring peace to violent neighbourhoods, with a particular emphasis on youth. The clergy work with gang members, youths involved in drug trafficking, and victims of domestic violence. They offer advice and help over education and employment, healthcare and counselling, and over the past few years they have developed with the police a constructive and mutually-reinforcing partnership in place of what was once a detached and sometimes hostile relationship. The result is safer neighbourhoods, and more black and Latino youth seeking to join the police (see also Chapter 15). Partnership

The arrangements we have proposed in the preceding chapter on accountability provide mechanisms whereby the community can express its concerns and priorities to the police and the police can explain and report on their conduct and performance. We have also encouraged close cooperation between these accountability mechanisms and other agencies involved in aspects of community safety. But partnership between the police and the community goes well beyond formal arrangements of this sort, and beyond the less formal Community and Police Liaison Committees which may exist at various local levels. Partnership is a matter of policing style, but it is also an attitude of mind, both for police officers and for the public. It is at least as much a matter of philosophy as it is one of method, and it amounts to a profound shift in police thinking and community thinking.

The present policing style of the RUC has been greatly distorted by the security situation, to the frustration of both police and public. Submissions from many serving and retired officers regretted the difficulty of providing a proper community policing service with the constraints imposed on them as a result of the threats to their security – fortified police stations, armoured vehicles, firearms, body armour and so on. Many members of the public called for more beat policing and for dedicated neighbourhood police officers functioning as part of the community.

We do not believe that the absence of community policing in many parts of Northern Ireland can be entirely justified as a consequence of the security situation, although we do accept that it explains a great deal. We have been impressed by the community policing service that some police officers have managed to provide, even in difficult areas, in spite of continuing security threats. One example is the Markets area of Belfast (see box), where a number of police officers have lost their lives over the years, most recently Constable Johnston Beacom in 1994, and yet Sergeant Stevie Jones and his team, patrolling on foot, have managed to build up a community policing presence which won Sergeant Jones an award as the United Kingdom’s Community Police Officer of the Year in December 1998. We are convinced, from visiting the area ourselves and speaking to residents, police and community groups, that the success of the community police team there is attributable to their attitude towards the local community, to their patient hard work over a period of years, and to the response of the community to this style of policing. We believe that a similar
approach could be successful now in many other parts of Northern Ireland, if the police service were determined to pursue it.

As presently organized the police service is not well geared towards community partnership policing, but rather to a more reactive style of policing. This is reflected in the allocation of resources. For example, at Musgrave Street police station, which is the headquarters of the sub-division which includes the Markets area, of a total complement of 168 officers, only 25 are assigned to community duties while the great majority are assigned to response duties. The proportions are similar in sub-divisions all over Northern Ireland. Indeed, we learned that at some sub-divisions, neighbourhood policing teams have recently been reduced rather than augmented, in response to pressures on resources. At police headquarters the Community Affairs Branch is an office of eight staff within the department responsible for Operational Support, quite separate from the regional, divisional and sub-divisional commands. The term “Community Affairs” suggests to us that working with the community is seen as a specialist activity, and the way in which it is staffed and resourced suggests that it is at the margin of police work – a good thing to do if you can spare the officers and the time to do it, but not the main function of the police.

Eight years ago a team of eight constables and one sergeant was set up in the predominantly nationalist/republican Markets area of Belfast. At that time there was virtually no support for the police, and paramilitary organizations conducted their own “patrols” in the area. Over the years the team built up support within the community and a climate of mutual trust and respect developed. The police now operate effectively, which has brought results in terms of both crime reduction and public order policing. The elements of the team’s success are common to successful community policing projects elsewhere in the world. They include: a dedicated policing team for a geographical area, with total responsibility for policing that area officers with communication, conflict resolution and problem-solving skills who remain with the team for several years respect for people of different backgrounds or political convictions empowerment of the team to determine policing priorities in partnership with the community foot patrolling as the predominant patrol method patient and determined development of community activities, including youth schemes and neighbourhood meetings recognition by senior police managers that the team’s work is important and should not be disrupted by deployments for duties elsewhere skilful use of discretion over minor offences, while maintaining a vigorous enforcement regime against more serious offences.

We believe that neighbourhood policing should be at the core of police work, and that the structure of the police service, the staffing arrangements and the deployment of resources should be organized accordingly. The box shows how the district police command should be organized in support of the neighbourhood police teams; the district headquarters and the specialist units exist to support the neighbourhood teams, rather than those teams being a minor unit of the district command. In chapter 12 we show how the entire police organisation should be structured so that it supports the officer teams working directly with the public. This would radically change the organization and the way it thinks about itself. It would define the interface between the individual citizen and the neighbourhood police officer as the prime focus of activity, to which the rest of the organization becomes a support system. An effective
partnership between police and community means a more effective police service and a safer community. A police service that is not engaged with the community in a continuous way will find it hard to act effectively against crime or disorder in that community, because it will find it hard to know the community and get cooperation from it.

NEIGHBOURHOOD POLICING TEAMS

We recommend that policing with the community should be the core function of the police service and the core function of every police station. This has implications for the structure of the police, for management, for culture and for training, all of which we cover later in this report. This chapter looks at the components of community policing. Some police officers may express concern at such a radical shift in the organization of their resources but the Agreement of 1998, and the levels of resourcing available for policing in Northern Ireland, should together provide a unique opportunity to deliver truly effective locally-based policing in a way that would put Northern Ireland at the leading edge of such developments in the United Kingdom, Ireland and internationally. The opportunity needs to be grasped with courage and determination.

Dedicated Patrol Teams

Many submissions, from people of all sorts of backgrounds, emphasized the importance of having local police officers who knew the area and were known, by name, to the residents. This is a hallmark of successful neighbourhood policing projects throughout the United Kingdom and overseas. We recommend that every neighbourhood (or rural area) should have a dedicated policing team with lead responsibility for policing its area. Each team should be headed by a sergeant, or perhaps in some cases an inspector, as beat manager.

We recommend that members of the policing team should serve at least three and preferably five years in the same neighbourhood, that they should wear their names clearly displayed on their uniforms, and that their uniforms should also bear the name of the locality for which they are responsible.

Neighbourhood teams will form the core of policing in Northern Ireland and as such should constitute the foundation of police officers’ careers. It is in this environment that officers will learn the core skills of communication, inter-personal skills, conflict resolution and problem-solving. We recommend that all probationary police officers undertake the operational phases of their probationary training doing team policing in the community.

We further recommend that, where practicable, policing teams should patrol on foot. William Bratton, formerly Commissioner of Police in both Boston and New York, has said of patrolling:

“Driving around the streets is very different from walking on them. In a patrol car, the only time you talk to people is after a crime has occurred. You’re not a fixture in
people’s lives. You’re an authority, not a friend; an occasional presence, not a personality. You become them not us”\textsuperscript{2}

The American academic, George Kelling, calls it “stranger policing”. Clearly it is not practicable for teams covering relatively large patrols in rural areas to do so on foot, but we would hope that they too could cover part of their beat on foot, or on bicycles, rather than using cars alone.

We recommend that neighbourhood policing teams be empowered to determine their own local priorities and set their own objectives, within the overall Annual Policing Plan and in consultation with community representatives. The beat manager and his/her team should organize their own community liaison mechanisms and, in partnership with schools, clubs, businesses and so on, they should decide on such matters as how to programme their patrols – whether, for example, to have a police presence outside schools when the children leave for home, or in dark car parks at the end of office hours. We believe that decisions taken in this way are much more likely to be responsive to local community needs than directions from senior ranks far removed from the neighbourhood. As the Police Federation said in their submission to us, “accountability to the community must start at the lowest possible level, ie. at the point of delivery of service to the individual members of the public”.

\textbf{Problem-solving}

An integral element of successful community policing is problem-solving. The point here is that much traditional policing has been reactive – responding to specific incidents as they arise. In a problem-solving approach, such as the SARA (Scan- Analyse-Respond-Assess) method developed by the US academic Herman Goldstein with the Thames Valley Police, police first scan data on policing problems to identify patterns, then analyse those patterns to determine causes, then take action, where appropriate with other agencies, to respond to those causes and finally conduct an assessment of whether they have been successful. The objective of problem-solving policing is to solve problems permanently and not just provide a quick fix which will simply be followed by further calls about the same problem. To work such an approach effectively requires the police service as a whole to work in support of neighbourhood policing teams. The police must map problems as they occur, by type of problem, location, time of day, identity of complainants and identity/description of perpetrators. The Audit Commission observed in 1996 that few United Kingdom police services yet did this, and that North America was more advanced in these techniques.

We recommend that the Northern Ireland police should, both at a service-wide level and at patrol team level, conduct crime pattern and complaint pattern analysis to provide an information-led, problem-solving approach to policing. This will have implications for information technology, which we address in a later chapter. We further recommend that all police officers be instructed in problem-solving techniques and encouraged to address the causes of problems as well as the consequences (the

priority being to train beat managers and their teams); and that they be regularly appraised as to their performance in doing so.

Problem-solving is not something that the police can do alone. Community partnerships and liaison are essential. If, for example, it is discovered that a prime cause of the petty crime or anti-social behaviour afflicting an area is that there are no facilities for young people in that area, the police beat manager will have to seek help from community leaders and groups to get the matter addressed. It may sometimes be necessary for beat managers to attend meetings of the District Policing Partnership Boards to discuss problems that are not easily resolved at a more local level, particularly if District Council or agency action or funding may be needed. DPPB members and other community leaders will also need to understand the problems confronting the police, and we recommend that they too should be able to attend police training courses in problem-solving techniques.

Help desks

Members of the public should know whom to call if they need police assistance. Many people may prefer to speak to an officer they know rather than a telephone voice they do not recognize or an answering machine. Beat managers should be encouraged to set up mechanisms whereby they or their team members can be contacted by area residents if they are needed. Help desks at police stations may be one way of doing this. Some police officers organize regular “surgeries” in their patrol areas. There are various ways of addressing this need, and managers should work out with their local community what suits them best. The community in turn needs to have a good understanding of what they can expect from the police, in the context of agreed local priorities. Not all 999 calls, for example, can receive the same immediate response; public and police need to be clear about how such calls should be prioritised.

Looking Ahead

Policing with the community is hard work. It requires huge adjustments on the part of the police service, as the Royal Canadian Mounted Police (who share the same antecedents as the RUC) have discovered and are still discovering. It is a very different type of policing from the reactive, security-focussed policing which most police officers in Northern Ireland have been accustomed to over the past decades (although it emphatically does not mean that police no longer need to be firm on enforcement – they do). It calls for new structures, new management practices and new training, all of which we address in later chapters. But if successfully implemented, community partnership policing will lead to a police service that is both more widely accepted by the community and more effective in securing the safety of the community. As we said at the start of this chapter, this is the way we should like to see policing go forward in Northern Ireland as a whole; but we recognize that the pace of change in some areas will depend on the security situation.