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6 POLICE IN DEMOCRATIC SOCIETIES:
7 ACCOUNTABILITY AND PUBLIC SAFETY
8 WORKING GROUP MEETING

9 September 15, 1997
10 10:00 a.m.

11 PRESENT:

12 CHRIS STONE
13 HUGO FRUHLING
14 NEVILLE MELVILLE
15 TOM PEREZ
16 SANKAR SEN
17 ISTVAN SZIKINGER
18 ELIZABETH WATSON
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1
2 MR. STONE: What I'd like to do is
3 to get into the broad framework to begin with,
4 how to put the different topics, rather than
5 trying to figure out where the right place for
6 emphasis is. I hope we can work together to
7 construct a framework now to this or someone
8 familiar in one region or perspective can enter
9 a broader conversation and know how to make
10 sense of the dates, questions, circumstances
11 being put forward.

12 There is an early version of such a
13 framework in the original proposal that we sent
14 out, and I put a version of it up on this chart
15 here, and I'd just like to try, the version was
16 just Heather's and my effort to try and begin to
17 construct such a framework.

18 I don't think it necessarily works
19 very well, and already some other ideas have
20 been suggested to us.

21 I thought I would start us off with
22 that and then see where we might be able to take
23 it.

24 I think the idea, at least within
25 this idea of this framework, concerns public

1
2 safety and crime control, accountability for
3 that, and accountability for policemen's conduct
4 turns out, I think, to be split, to be
5 separated, at least in many instances, so on
6 these two issues I want to distinguish between
7 three different kinds of accountability.

8 Much of the debate in this country
9 is by people organizing where accountability
10 ought to lie, people saying it is really about
11 departmental management, not about communities,
12 it is really about the role of prosecution or
13 inspection from a different body.

14 I don't want to -- it strikes me in
15 all the conversations we've had in California,
16 that in some detail, that in fact you need
17 accountability mechanisms at all these levels,
18 while some may have different kind of roles than
19 others for some sorts of things may be more
20 effective than others.

21 A more interesting question is
22 whether there is something operating effectively
23 at each of these levels, rather than debating
24 which one is more important.

25 Equally interesting to me is that in

1
2 many cases the structures interested in
3 accountability, public safety, are not the ones
4 trying to hold departments accountable for its
5 treatment of civilians. That itself, if it is
6 true, may be a problem, that is, for a police
7 chief who is presumably accountable for both
8 those things to have different structures to
9 which they're accountable for misconduct of
10 their officers versus for the control of crime,
11 may itself be a problem that reproducibly and
12 structurally creates.

13 So when we began this work, when we
14 began trying to formulate this last spring, we
15 tried to think of this as a six-cell matrix, and
16 looking at the department structures that hold
17 departments accountable for public safety and
18 for treatment of civilians.

19 Let me just talk very specifically
20 about New York City now, just to illustrate how
21 this works.

22 The departmental management
23 structure on public safety and crime control
24 used to be simply about arrest numbers and
25 personnel records and promotional structure and

1
2 reward structure that really focused on arrest
3 and summons. There were other things scored by
4 management to reward police officers, but the
5 principal issue when you were trying to change
6 police or exercise leadership was could you get,
7 if the strategy wasn't arrest strategy, how were
8 you going to deal with the fact that officers
9 were mostly awarded for number of arrests.

10 The question was could you introduce
11 something else. If it was arrests, it wasn't
12 convictions, it was arrests, it wasn't problem
13 solving, the avoiding of crime, it was about
14 arrest.

15 Some of the early issues around
16 community policing were about how you might
17 change the performance measurement system for
18 police officers around what they were doing in
19 terms of problem solving, education, different
20 kinds of contacts with the community beyond just
21 an arrest measurement.

22 In New York in the last four years
23 this has changed to a very structured
24 accountability mechanism about crime. The
25 police departments spends a lot of time denying

1
2 that they hold police precincts and commanders,
3 middle managers, responsible for crime. That is
4 if your crime is going up you'll lose your job,
5 but there is now a change, although arrests are
6 still important and summonses are still or not,
7 there is a difference between police
8 accountability mechanisms today and 10 years ago
9 in New York in terms of the introduction of
10 accountability for crime.

11 What is interesting, an interesting
12 a story about how that came about, but leave
13 that for now.

14 On the police misconduct piece,
15 inside the department it is not clear what the
16 accountability structure is. The police officer
17 worries if they have a lot of complaints against
18 them, not founded complaints, just if they had a
19 lot of complaints against them reporting to the
20 Civilian Complaint Review Board, then they'll be
21 in trouble somehow, it will hurt their chances
22 for success or a big promotion, but it takes a
23 big number to have much of an impact, and then
24 there are debates about whether the department
25 itself, how it should be holding people

1
2 accountable for things other than
3 civilian-initiated complaints in terms of the
4 treatment of individuals.

5 There is some effort now for the
6 first time, I think, in the last 18 months, to
7 actually have the department -- the department
8 has instituted a fairly highly publicized
9 process in which police commanders are brought
10 before a new array of senior -- the New York
11 City Police Department has a large senior
12 management structure, about 60 of them will be
13 in this room that you'll be in tomorrow and
14 grill -- essentially a few of them ask questions
15 of precinct commanders as they rotate through,
16 asking them about crime, arrest patterns,
17 individuals cases.

18 Also started in the last 18 months
19 asking about patterns in the civilian complaints
20 coming into that precinct and ask them to
21 explain that as well.

22 There are lots of problems with
23 that. The individual police officers have a
24 large array of explanations why complaints
25 shouldn't matter, complaints are made in an

1
2 organized way by drug dealers as a way of trying
3 to get them to back off, and the complaints are
4 often just wrong and unsubstantiated, but it
5 takes a longtime to investigate them.

6 By the time they investigate them,
7 the patterns change. They don't become an
8 effective oversight tool.

9 There is a lot on this side and very
10 little on this side.

11 Community oversight is completely
12 split. There are in New York community precinct
13 councils which consist of invited members of the
14 public, invited by the police department, but
15 they hold monthly meetings that are open to any
16 members of the community to come and discuss any
17 issues that they want about the precinct. They
18 tend, like a lot of neighbor associations and
19 block associations, to focus on crime problems
20 that they want the police to address.

21 They occasionally, when there is a
22 particular incident or if there is a
23 particularly strong individual raising a
24 complaint, when they will occasionally move over
25 and discuss the treatment of people in the

1
2 neighborhood by the police, but they pretty much
3 focus on the crime problems, whether it is
4 prosecution or noisy driving or series of
5 burglaries or robberies or whatever it is that
6 the people who happen to be assembled wanted the
7 police to be focused on.

8 Whereas on the police misconduct
9 side, civilian complaint review boards have been
10 pretty distant from real community input.

11 There also the members of the
12 civilian complaint review board, although it is
13 called civilian complaint, are largely selected
14 by the police department, Police Commissioner or
15 the Mayor or the body that appoints the Police
16 Commissioner.

17 New York went through a huge
18 political fight about how to select members of
19 the civilian complaint review board which would
20 occupy this box, but it really amounts to
21 nominal changes, really minor changes in whether
22 the Mayor or the City Council, with the advice
23 of the Police Commissioner or with the Police
24 Commissioner with the approval of the Mayor ends
25 up appointing the members.

1
2 Years ago, 20 years ago, we had
3 senior sitting police members on the civilian
4 complaint police review board, but the review
5 board doesn't concern itself with crime or
6 police effectiveness, and the community precinct
7 councils have very, very little concern and no
8 data about police misconduct.

9 In terms of external government
10 oversight, it is really almost all on the
11 misconduct side and pretty distant. We don't
12 have an Ombudsman or Inspector General function
13 in New York. We do have a whole series of
14 external government oversight structures though,
15 and it is worth up here really to distinguish
16 between oversight around corruption and
17 oversight around the inappropriate use of
18 force.

19 There is a debate in policy about
20 the relationship of these things, whether police
21 officers use force also tend to be corrupt and
22 whether police officers who are corrupt will
23 exercise greater application of force, but the
24 oversight mechanisms for this are very, very
25 different.

1
2 Corruption lends itself to
3 prosecution, investigation, more easily than the
4 use of force does, so we have a lot of different
5 prosecutorial structures. Federal prosecution
6 is very rarely used in New York City. Some
7 cities there is a lot of it, but the federal has
8 been very absent as a prosecuting force in New
9 York City.

10 The borough prosecutors, of which
11 there are five in New York, five different
12 boroughs, each independently elected, are very
13 different, each of their own structures for
14 prosecuting police, the most formal of which is
15 here in Manhattan, in New York County, and that
16 focuses almost entirely on corruption.

17 They've got to be very aggressive,
18 that is, there is something down here called
19 "IAD," the Internal Affairs Division of the
20 police department, and they also are essentially
21 really working pretty much on this corruption
22 side, but there are about 500 police officers
23 assigned to the Internal Affairs in New York
24 City. A force of 500 just investigating other
25 police officers in the New York City Police

1
2 Department, but they focus almost exclusively on
3 issues of corruption.

4 They have now a regular pattern of
5 sting operations. They'll set up fake crime
6 scenes, leave money around, put cameras in them,
7 deploy police officers to them. When they make
8 an arrest or they have a suspect in a low-level
9 case, a lot of use trying to turn them, getting
10 them to where tape-recording devices and work on
11 this.

12 They track, they monitor reports to
13 the civilian complaint review board and they
14 will target officers for investigation or
15 surveillance who have a lot of complaints here.
16 There is beginning to be some integration across
17 these structures over here, but they won't do
18 sting operations or turn informants in enforcing
19 cases and neither will the prosecution.

20 If they find a corrupt officer, they
21 ask him to cooperate or wear a wire. If they
22 find an officer who uses excessive force, they
23 will not as a matter of policy try to turn them
24 into an informer or get them to wear a wire on
25 issues of force, which is very interesting to a

1
2 structural problem and the external government
3 oversight on crime and safety is really simply
4 the elected officials, and the dynamic in New
5 York is moving from a world in which the police
6 department was seen at the height, from the
7 1940s, 1930s, until five years ago or maybe
8 until 1990 when Lee Brown came from Houston to
9 New York. The political independence of the
10 police was the hallmark of a movement of
11 professionals in the police department.

12 Someone said in one of our earlier
13 sessions a few weeks ago when we were talking
14 about this that one of the challenges of
15 democratic control of the police, how strong are
16 the democratic structures, not just a question
17 of how strong the democratic institutions are
18 which is going to hold you accountable because
19 in the 1920s and '30s in New York City, the
20 democratic institutions were largely seen as
21 individual political factions, a lot of
22 political neighborhood parties and ethnic party
23 bosses.

24 Part of the challenge of police
25 management was to become independent of those

1
2 political structures, to have a greater
3 professionalism so you weren't going to become
4 overly identified with one or another political
5 boss, and that got to the point when I grew up
6 in New York, when I came back here to New York
7 in 1988, and you would ask how the different
8 Police Commissioners reported to the Mayor,
9 always said well, nominally the Police
10 Commissioner reports to the Mayor, but the
11 notion that the Mayor would interfere with the
12 operations of the police department was
13 considered a violation of the professionalism of
14 the police department. The Mayor did not decide
15 where police officers would be deployed other
16 than with parades or major events.

17 MR. FRUHLING: What is the Police
18 Commissioner?

19 MR. STONE: There is something
20 called Chief of Control or Chief of Patrol of,
21 which is the highest uniform member of the
22 force, but over the chief of the department is
23 something we call the Police Commissioner, and I
24 think you would say that's your opposite number
25 in New York, they're technically a civilian, but

1
2 always someone who worked themselves up through
3 union ranks in this or in another police force,
4 and they are the most visible head, senior
5 executive of the police force.

6 MR. FRUHLING: Appointed by the
7 Mayor?

8 MR. STONE: Appointed by the Mayor.

9 While it is generally true when you
10 get a new Mayor you get a new Police
11 Commissioner, it isn't taken for granted that's
12 always going to be true, and because of this
13 special professional independence, and in a
14 sense, that the Police Commissioner had, that
15 has reversed itself in the last few years.

16 MR. SEN: Does he have to be a --

17 MR. STONE: No, one of the ways
18 Betsy became police chief in Houston, her police
19 chief, her boss, became Commissioner in 1990,
20 Lee Brown.

21 Although I have not talked to him
22 about this in the last couple of years, he might
23 see what happened in New York for the last four
24 years as the undoing of a lot of the things he
25 tried to do with community police, but, in fact,

1
2 the reversal of the professional independence,
3 the willingness of the Police Commissioner to
4 become more politically accountable for crime,
5 was really his doing.

6 He in many ways laid the groundwork
7 for what happened now, is really a heavier
8 politicization of policing on the crime front.

9 Lee Brown came to New York and said
10 we are going to hold ourselves accountable as a
11 police force for crime. We're willing to be
12 held accountable for major crime, we are going
13 to bring major crime down, we're not going to
14 make a lot of arrests, we are going -- you can
15 hold us accountable for crime reduction, and it
16 has lots of other factors, get to scenes
17 quickly, investigate cases, but don't hold us
18 accountable for crime.

19 Well, if you learned that as a
20 politician then the police becomes less
21 politically helpful to you. If you believe the
22 police they can't be held accountable, then, as
23 soon as the police welcome being held
24 accountable for crime and say no, no, you can
25 hold us accountable for crime, you become much

1
2 more politically valuable to a politician or if
3 the politician says you said you can bring crime
4 down for us, you become much more integral to
5 that politician.

6 The return to political
7 accountability from the professional model --
8 the police wouldn't describe it that way. There
9 is a tension in community police that brings you
10 back into direct accountability for crime, so
11 we now have a situation in New York where we
12 have a Mayor, a public official, who is very
13 involved in the details of operations, the
14 strategy and deployment, tactician, for a lot of
15 personal reasons as well, but when in the last
16 three years, talking about senior officials in
17 the New York police, the sense of the department
18 is it has lost the independence it used to have
19 from City Hall and the Mayor for
20 accountability.

21 What I was hoping by doing this, the
22 question is can one use this framework or some
23 version of framework like this to think about
24 these questions in any democratic society. The
25 things in the boxes must be different, is this a

1
2 useful framework to those up against any
3 democratic societies of structure of policing,
4 say where is the strength, what place these
5 different roles have in our society and which
6 ones are strong, which ones are weak.

7 At one level they're a descriptive,
8 is this a descriptive structure that works, and
9 in the second, lots of descriptive structures
10 can work.

11 It isn't whether this is a
12 particularly valuable descriptive structure, is
13 the question whether it is useful to look at the
14 links. What my hope is one can look into the
15 questions of integration, how much of these
16 structures are communicating this way and how
17 much is there communication along these lines
18 this way, and looking at strength and weakness
19 in a particular society, not just on how well
20 things are happening in these boxes.

21 Also looking at the integration of
22 these different structures for a system of
23 accountability, and I hope that many of the
24 things that you all talked about this morning
25 actually fit rather well in one place or another

1
2 in these things.

3 That said, there are a lot of things
4 that don't fit well in this structure. Some of
5 the things people have pointed out, this doesn't
6 integrate in the questions of the role of the
7 form of politics at all these different levels.
8 The formal political structures have impact not
9 just up here but all over this map.

10 What role does the media play in
11 accountability in a democratic society, is that
12 a separate institution we should be thinking
13 about in terms of accountability of police, the
14 role of news organizations, print and broadcast,
15 and how do we think of funding and the control
16 of funding, government funding at these
17 different levels. You're going to have
18 institutions here, but where is there money
19 flowing and where is there not money.

20 Then there's another set of issues
21 that this doesn't capture in the same way and
22 that has to do with police tactics themselves,
23 that is decisions, police strategies, as opposed
24 to oversight in one of these things having
25 implications on the other side.

1
2 You can adopt problem solving
3 strategies in neighborhoods, preventive
4 strategies, and you can adopt other sorts of
5 strategies about whether it is zero tolerance or
6 low-level crimes or other things or just the
7 huge use of roadblocks now in New York that
8 wasn't true years ago that may have implications
9 on what kind of corruption and use of force you
10 get.

11 There's no real form in this
12 structure for discussion of police tactics, and
13 there may not be an adequate way of discussing
14 these kind of issues. That's where we're
15 starting now as we start to put it together,
16 open for discussion and suggestions and
17 alternative suggestions.

18 What I'm not sure is what the value
19 is on having these segregations.

20 For example, when you talk about
21 tactics, I see it fitting quite neatly, if you
22 have departmental management here that's
23 responsible for strategy development, and if
24 they, likewise, if they have the responsibility
25 not only for crime prevention, but also for

1
2 respect for individual rights, okay, then any
3 strategy that was developed, a zero tolerance
4 strategy that ignored human rights would simply
5 not work, and it seems to me strategy does.

6 As I look at it, and maybe somebody
7 can help me sort this through, you have the
8 community in a democracy that is absolutely
9 accountable for elected representation, which is
10 absolutely accountable for policy directions
11 established for the department, and so that goes
12 on, and so it seems to me this distinction, I'm
13 not looking at the external government, not so
14 much in process, but whose job it is to
15 establish the policies and so forth for all of
16 the government.

17 We were also thinking there are the
18 kind of commissions, there's independent
19 complaint directors, human rights commissions,
20 in New York there are temporary and permanent
21 commissions with oversight responsibility.

22 For example, after the last police
23 corruption scandal in New York a few years ago,
24 the Mayor and the City Council and the
25 Legislature fought each other about what kind of

1
2 oversight commission should be established.
3 Both agreed there should be one, but the Mayor
4 wanted one that the Mayor appointed and the City
5 Council said the Mayor appoints the police, the
6 oversight commission should be responsible to
7 us, and the Mayor just set his up and let the
8 City Council sue them in court, and the City
9 Council lost. But that kind of oversight
10 commission, looking at police, they're really
11 looking at corruption.

12 I was really thinking about that as
13 the federal role rather than just the elected
14 official. It is really there aren't these kind
15 of commissions on crime, it is really just down
16 to the political process on crime, so that first
17 box on public crime control, there isn't much in
18 it --

19 MR. PEREZ: The riots in Los Angeles
20 bringing about the Christopher Commission which
21 would be in that box on the top level there.

22 MR. STONE: Top right. I don't know
23 how much they did on crime control.

24 In this structure, that would
25 suggest if they were looking at both, some

1
2 degree of integration.

3 MR. MELVILLE: I think it would be
4 ambitious to kind of come up with a descriptive
5 structure that seeks to explain all the
6 different factors which influence generally
7 under oversight, and I think it is just like
8 statistics, with the same set of statistics, you
9 can deal separately with different graphs and
10 presentations to try and see the different
11 impacts in different areas.

12 I think, in fact, what you may have,
13 I find this very useful, it seems to supplement
14 something that I prepared for the presentation
15 in Ottawa, and I had some difficulty in
16 accounting for just this sort of thing. This
17 really explains something I was trying to get
18 over. I think we may be able to have a series
19 of different presentations which deal with the
20 different issues to see how they all interact
21 and perhaps read from one model to the other and
22 try to understand that particular aspect of it,
23 to perhaps just briefly try and explain the
24 model that I use as an aid in the paper that I
25 presented, which I think accounts for the

1
2 difficulty you have with the tightness of your
3 definitions.

4 MR. STONE: Sure.

5 MR. MELVILLE: What I came up with
6 to try and understand myself as a South African
7 when I was tasked with speaking about
8 accountability, it was a concept that we didn't
9 really have much knowledge and experience with,
10 I had to grapple with it. I think it was quite
11 useful. You broke down aspects of
12 accountability and perhaps we could find on your
13 model additional headings under which
14 accountability are an issue.

15 I was thinking primarily about the
16 different parties involved or spheres of
17 influence. I have the state at the top. For
18 the present you can read municipal government,
19 whatever, province, whatever the case may be,
20 and, of course, the ever present citizens who
21 often appear only on models and thoughts, and
22 the police down there, and then what I sought to
23 do was look at the duties of the citizens to
24 participate in this respect in the government
25 and elect officials to go over an aspect of

1
2 their rights and powers and delegate those to
3 the State, and, of course, pay taxes, and the
4 State in turn sets up a police force, gives them
5 certain powers and then has control over them,
6 and then working back this way, of course, we
7 have what Betsy was talking about there, the
8 citizens expect the State to account to them.

9 In some respects there is a
10 relationship and duty upon the State to be open
11 and fair and so forth and to provide services to
12 the citizens in exchange for the payments they
13 receive and so forth, and also to be accountable
14 for all the organs of the State, and from the
15 police point of view, obviously they have had
16 different levels of obligation. They have sort
17 of broad services application controlling crime,
18 the sort of things I looked at, means of order,
19 enforcement of law, I think we put a lot of
20 things into that basket that would go broadly to
21 the population as a whole but through the
22 states, more specifically to the citizens. They
23 have another set of obligations, and primarily
24 in the form of providing a service to the
25 citizens, but more specifically they are obliged

1
2 to protect the rights of the citizens, treat the
3 citizens fairly, and various other aspects which
4 are more directly on the line of the citizen.

5 The source of misconduct category
6 you were looking at, and, of course, as far as
7 the State and the citizens are concerned, they
8 have an obligation to obey the law themselves,
9 and an aspect of that is to respect, insofar as
10 it amounts to breaking the law, the rights of
11 the citizens, and the proposition that I came up
12 with was that we then have different spheres of
13 influence according to different factors, types
14 of services, the different obligations upon the
15 police, and so accordingly, rather than all
16 being in the hands of the State or
17 accountability being entirely left up to the
18 police and so forth, you're likely to have, if
19 one compares the three interested groups, each
20 apparently would have its own gravitational
21 pull.

22 In, for instance, departmental
23 issues, breaches of the police code, for
24 instance, you would expect to find certainly a
25 strong police involvement. There will be a bit

1
2 of a pull from the State and there may be
3 interstation funding aspects, but more
4 indirectly and so forth, and it also relates to
5 the mismanagement model, but then with the
6 interest of citizens, complaints from the
7 outside, you may find that you either have one
8 system which deals exclusively with those
9 complaints and disciplinary matters within the
10 police system running in conjunction with a body
11 where the influence is more in line of the
12 citizens sphere of influence, and so forth.

13 If you move across here somewhere
14 and you would have, for instance, one of these
15 individuals which receives complaints and has
16 some disciplinary powers over the police in
17 respect of determining what action to take and
18 so forth, or you may have a body which actually
19 supervises all police misconduct from the point
20 of view of a departmental or some minor service
21 level, but once you start talking about the
22 aspect of a breach of a criminal body, then, of
23 course, the State has a far more protective
24 interest, so the position of the body is likely
25 to be much closer to the State police axis, but

1
2 obviously there may be a scope for excluding
3 citizens in the process.

4 You might have, as we have in South
5 Africa, people from the outside who are
6 appointed as civil servants to in some way have
7 some influence of the whole system being from
8 the point of investigating themselves or
9 overseeing the investigations and reviewing and
10 so forth, and you would probably have the body
11 placed in that region on the diagram there, and
12 I think bearing that in mind, you could
13 eventually place anybody within that framework
14 and rather than it being a distinct division of
15 lines between the police, citizens and the
16 state, there's going to be a running together of
17 the interest and the degree of participation and
18 the influence they exert on the system, so the
19 body will be as your diagram, I think to a
20 better extent explains, some interest of certain
21 of the bodies are going to have greater
22 influence and concern than others.

23 MR. SZIKINGER: The framework you
24 outlined is a working framework, but as any
25 framework or scheme, it is a simplification, any

1
2 model, but we have to operate with models. I
3 think in general it is appropriate and it points
4 out very important semblance of accountability
5 and control issues, but, of course, I agree with
6 you, if I understood that these cells are not
7 fully separated, there is an overlap on them,
8 say even by saying that there is an oversight of
9 the police activities, police also oversee
10 politicians, police also oversee the public, so
11 I think we have to approach this scheme as a
12 flexible one, and stating it cannot accommodate
13 all the problems, of course, which can be
14 raised, concern the issue, so taking that into
15 consideration I think it is good as a working
16 scheme.

17 However, I'd like to make some
18 remarks not questioning and not challenging this
19 scheme, but just to point out some issues which
20 were actually stated by you, I think your
21 approach is a bit closer to mine as a
22 representative of a continental system, which is
23 quite different, but nevertheless the categories
24 you used we can apply, although, Hungarian or
25 German or other police forces, these are

1
2 responsible not only for crime control and
3 public safety, but for pure administrative
4 tasks, police issue personalized identity cards,
5 issue resident permits for aliens.

6 I think that's specific of all
7 continental police forces more or less, but it
8 doesn't make this scheme unworkable.

9 Another, I think, very important
10 point I'd like to make is a more general one.
11 Again I'm not questioning what you said, but
12 perhaps turning attention to another aspect of
13 the problem, and that is my conviction that it
14 is not bad police we have to fear, but good
15 police.

16 In police terms, of course, you
17 mentioned that misrepresenting public power for
18 citizens, that's right, and police basically
19 perceive their control as crime prevention,
20 public safety and so on, being that, and by
21 correctly doing that, I think police can get
22 into with basic values of democratic society,
23 but police are responsible for safety, and
24 safety means stable circumstances. The security
25 means that things are unquestionable, security

1
2 means that nothing moves.

3 In a democratic society, if you want
4 to have some development, development means
5 challenging the rules, challenging the status
6 quo, and that is quite natural, so therefore I
7 think you have to control police and our
8 government directs police policies. That's
9 another important issue.

10 I have to point out, that means you
11 have to be aware of the social impact of
12 policing. Even the best policing is very
13 specific. We have minority groups, as all
14 societies have, and we have problems with police
15 and minorities, as almost all police forces face
16 those problems, and my conviction is if police
17 do their work well, then in this case they can
18 cause harm to democratic values of society.

19 We have, and all police forces have,
20 some powers like random checks, either factually
21 or legally, but our police have according to
22 law, and on the one hand there are minority
23 groups and there is a majority, and those upon
24 which police acts are tailored to the values and
25 the perceptions of the majority, and therefore

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2 it is quite natural and professional if police
3 by making random checks control mostly minority
4 people because there is a higher probability of
5 those people having something committed because
6 of the fact that those are exacting the values
7 of the majority and they are minority, and so by
8 that simple fact it is a higher problem, I agree
9 with that, it is a higher probability, and
10 police check minority people, and as police have
11 restricted manpower, police have restricted
12 sources, they fought with some minority
13 communities, and it turns out that minorities
14 are over-represented in crime and administrative
15 offences, but not only because they are a
16 minority, and this fact is overemphasized by the
17 fact that police concentrate their forces and
18 their efforts on that minority, and in these
19 groups you will have disproportionate rate of
20 violations of law committed by the minority.

21 The good police have to focus more
22 and more on that minority group because there is
23 some evidence that there is a higher crime rate
24 and so on.

25 If you have the possibility to show

1
2 it in statistics, we don't have, because the
3 minority is a sensitive thing, you can't record
4 it, but there is evidence and there is police
5 evidence to that.

6 Another example, and I conclude with
7 it, police need more powers to control crime, no
8 doubt, but sometimes the powers given to police
9 are actually having an impact in the opposite
10 direction.

11 I was with the Minister of
12 Interior,. My Minister went out and thought
13 public safety was a detention, administrative
14 institution, given the possibility for police to
15 decide whether to start an investigation,
16 whatever, but this is almost informal. People
17 can take people up to 12 hours and keep them,
18 and it was eight hours before '94, and that's
19 when the police act.

20 I sent out people. I work for that
21 Minister who were former police officers, to
22 investigate whether the police really need that
23 additional time. They came back and said the
24 eight hours were quite enough to decide on that
25 issue.

1
2 In several cases now, police have
3 more time to decide on that, more time to deal
4 with it, but what actually happens, police put
5 those people into the cells, into the detention,
6 and with all the other things they have to do,
7 they know that they have the time, and if you
8 take the efficiency problems, in many cases, we
9 made research into that problem, and in many
10 cases it became clear that having less time for
11 police detention would be actually better for
12 human rights and police efficiency, because if
13 you are compelled to deal with the people as
14 they come into the police station, then perhaps
15 you will have some chance to pursue, to make a
16 lot of pursuit of crime.

17 Time is a very important factor in
18 policing. The sooner you do something, the
19 better the chances of investigation and
20 prosecution, so in this sense I think that the
21 good police, which are focusing on security, and
22 security is if I have the decision to keep
23 somebody in or let out, I will certainly keep in
24 because it is my responsibility if I let him out
25 he might commit a crime, so that is quite

1
2 natural, and I think this is quite natural.

3 Police approach is the major problem.

4 So, crooks you can find, you can
5 investigate, that is also a problem, but
6 basically, according to my conviction, police
7 have to be accountable to the community not only
8 to because they fulfill a very important task,
9 but because they are a very spectacular part of
10 public power for masses of people, and this
11 might be more important than just to investigate
12 into certain cases of police misconduct.

13 In this sense, and that will be the
14 very last remark, in this sense it is very
15 dangerous to give police such powers as they are
16 given all over the world to show very clearly
17 behavior which is not acceptable in the whole
18 community.

19 If we have police informants and
20 undercover agents within the criminal community,
21 police officers actually committing crime, and
22 informants working for police and making deals
23 with criminals, if you give me information so
24 this is a lower level plea bargain as introduced
25 in Hungary, I'm not sure, because there are not

1
2 too many investigations into that, whether it
3 has in promoting efficiency, but it certainly
4 distorts values, social values, and this conveys
5 a message to people that this is not about
6 morals, this is not about legality, this is a
7 fight, and police are on one side and all the
8 others are on the other, and those criticizing
9 people actually have been the dark forces in
10 their disruptive activities.

11 Thank you.

12 MR. SEN: As usual, models cannot be
13 all inclusive and can cover every situation.
14 How far the attention of government, how far it
15 is practical because many of the developing
16 countries' problems, the police are already too
17 much under the control of government.

18 Time has come to insulate police as
19 much as possible from government control.

20 For example, in India in all the
21 communities police must be under the control of
22 the government. Government is held responsible
23 for mishaps, so we have to insure how far police
24 can function effectively without much oversight,
25 government oversight.

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2 Government is responsible for policy
3 of the police, but day-to-day matters should not
4 be that interference by that government policy.
5 One of the things from the investigation,
6 investigation being of the police, should be
7 totaling insulated from pressure. Nobody can
8 dictate to the police what to do.

9 In many developing countries that's
10 the problem. Community oversight, which is
11 really relevant, and how we can involve the
12 citizens, to improve the quality of policing,
13 which is done in a big way in the United Kingdom
14 started here.

15 There are, of course, problems in a
16 fractured community, in a developing society,
17 there are problems, but second, citizens
18 representation should be there to see that
19 police function within the bounds and so forth,
20 but more important, what kind of oversight,
21 court oversight, judicial control over the
22 police, yes, and that is today the biggest check
23 upon the police in democratic societies.

24 These are the courts rules, police
25 can't do like this, people can petition before

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2 the court.

3 The Supreme Court which has said the
4 Lincoln Constitution, Right to Life, Article 21,
5 it means life with dignity, and that means
6 anytime for custodian violence, restrictions of
7 citizens rights by the police is a violation of
8 fundamental rights.

9 What kind of oversight, and now some
10 of the Human Rights Commissions, we have State
11 Human Rights Commissions, some other states gone
12 to Ombudsman. These are independent bodies set
13 up by an Act of department or outside the
14 control.

15 Today the Human Rights Commission
16 commands a lot of respect in India. Here is an
17 authority which the police asks action against
18 officer and go with the recommendation. All of
19 our recommendations are accepted.

20 Government control, oversight by the
21 judicial oversight, oversight by independent, by
22 the commissions or independent agency set up
23 which commands a lot of respect, and then the
24 departmental management, yes, that's a very
25 crucial thing, and this reaches the point that

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2 not much police accountability and police will
3 never come until there is strong in-house
4 control, otherwise external control will not be
5 able to produce results, because if there is
6 internal, and that's very much like Mr. Stone
7 had given in the plan, yes, what kind of
8 response from the police is also called for to
9 insure proper accountability, that is an
10 important and crucial factor.

11 The other point, the police
12 misconduct, corruption, corruption, yes, but
13 corruption in New York, you have a lot of
14 members of the officers, we need the police to
15 check up police malpractice, police corruption,
16 but there should be much stronger than what we
17 have.

18 In criminal, we have the Criminal
19 Board of Investigation in India. CBI conducts
20 the investigation and the Prime Minister hears
21 the charges against you, and that commands a lot
22 of respect, some kind of investigative agency,
23 but more important point, corruption, yes, but
24 the police misconduct part of it, that is where
25 we have to think about people are detained in

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2 custody, people are not properly treated when it
3 comes to register cases before the police. Many
4 are not properly dealt with in police custody.
5 This volume of police misconduct we creates
6 sense and sympathy for police and feeling that
7 the police is a strong arm of the government,
8 terrorizes the people, not befriends them.

9 That was the word in 1991 of the
10 Commission. Many police view the police as a
11 big demon. Police wants confidence of the
12 people and that can't come within the mechanisms
13 within the organization or department to check
14 misconduct. There should be a judge and the
15 policeman, the chief of police or his nominee so
16 the police point of view is projected, so we
17 know it will not only be fair, but appear to be
18 fair.

19 The other point I would like to
20 make, some corrective agency, not only detective
21 agency, to insure police misconduct is taking
22 place, we need some kind of mechanism to see
23 that human rights in this job, more peer
24 pressure is developed. These are what one has
25 to think of, and the last and not the least

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2 point you mentioned, crime, police chief getting
3 fired because of increase in crime. That is an
4 issue on which there could be endless debate, it
5 is the purpose of the corrective strategies, do
6 you hold the police chief accountable if there
7 is a crime, it opens Pandora's box.

8 Today in many of the states
9 statistically crime is down. The Commission
10 position here it has not gone up in the last
11 three years, but truth may be otherwise. What
12 you call in police parlance, there can be a lot
13 of blocking of crime and police effectiveness.

14 I repeat it, the police effectively
15 need depend not upon spectacular suggestions,
16 but in following procedures, adhering to the
17 rights of the citizens, or otherwise very soon
18 the time will come when criminal gets enforced
19 law better than the police. They may not have
20 to obey the rules and regulations. Police
21 effectiveness is not only dealing with crime and
22 law and order, but by sticking to the rules,
23 sticking to the decisions, and that is the
24 challenge of policing in a democratic society.
25 That's what we have to think of, how could make

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2 police effective, respectful of the rights of
3 the citizens.

4 MR. FRUHLING: I think this is a
5 very excellent chart, and my contribution try to
6 make it a little closer to our type of discourse
7 and language so it can be understood by people
8 from Latin America with a different legal
9 system.

10 First, I would say in terms of our
11 police forces, their responsibilities go far
12 beyond crime and public safety. It should be
13 understood that police misconduct could take a
14 different context, trying to control the crime
15 and public safety, the police is the main
16 enforcement body of the law in these countries,
17 which is probably taken over here by other
18 agencies.

19 Examples: In some cases control of
20 public parks, border control and so forth, Chile
21 and Argentina, the security of the State plus
22 private crime and many other things, and
23 legislation that has some purity aspect to it,
24 but is not criminal in itself like the
25 legislation of minors, pensions not paid and so

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2 on, serving summonses as agents of the court and
3 so on and so forth.

4 Secondly, I would say that for
5 somebody coming from a continental legal
6 tradition, it would seem that this puts too much
7 stress into the type of bodies that do control
8 rather than the type of responsibilities that
9 are controlled.

10 We don't have the accountability
11 concept in Spanish to begin with. It is easier
12 to speak in English when you speak, and you have
13 to speak of control or other type words that we
14 don't have.

15 I think it would be very useful if
16 you distinguish, somehow, I'm very bad about
17 doing charts, the type of level responsibility
18 or obligation that these violated. It is a
19 demonstrative, it would go to the
20 interdepartmental in Latin America.

21 If it is a criminal violation, it is
22 that should be in the chart not because of any
23 conceptual problem, but for a lawyer it would be
24 much easier to be understand.

25 Once you are briefing a particular

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2 law, you know which type of party is going to do
3 the oversight rather than going from the
4 oversight to the public safety or police
5 misconduct, so there are many types of
6 misconduct.

7 There is another point which I think
8 is interesting, which is that could mean,
9 different things are handled together. It could
10 mean a human rights violation, some kind of
11 abuse against third parties, a civilian or it
12 could just mean a breach of an internal
13 administrative rule which means you didn't
14 salute your superior or you drink heavily before
15 going to duty, and they are dealt with by the
16 same parties and part of the same body of law.

17 Another observation is I wouldn't
18 use the word or the "concept" because the
19 government, which is very much an American way
20 of dealing with this, we would use the State,
21 the State is a crucial part, it is a crucial
22 part of the State government, then I would say
23 the following. The concept of community
24 oversight, I understand what you are dealing
25 with in your chart is legal structures that

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2 control the way the police are acting. We don't
3 have that in Latin America. There might be a
4 few cases here and there, but they're pilot
5 cases, and it would be wrong to say there is no
6 social control or oversight, so if you leave
7 those two boxes in blank when you're speaking
8 about Chile, you might derive from that that
9 there's no social control over the police. That
10 would be wrong.

11 Other types of control, media,
12 social groups, we do have much more social
13 participation in the criminal process, that is
14 to say, you can present to a criminal court for
15 a suit, it doesn't have to go to the
16 prosecutor. I would leave it a little wider in
17 the concept.

18 We do have some sort of
19 organizations, some of them are strong, some of
20 them are very week, that deal with community
21 problems, and they sometimes meet with the
22 police and the police are supposed to meet with
23 them every month to see what their concerns are,
24 but these organizations do not only exist to
25 oversee the police. It is just part of what

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2 they decide to do. They don't have that as an
3 obligation or as a power, so I would leave it a
4 little wider than the concept to be acceptable,
5 and then the final thing, the concept of
6 management, I understand the concept, but I'm
7 not sure whether that concept is strictly
8 applicable to a force as hierarchial and
9 military in character, that is to say, we're
10 talking about the superiority of the citizens,
11 they do play the role of management, but it is
12 more than just administrative force, they're a
13 power in themselves, but these are strictly
14 formal.

15 We have to figure out a way of
16 dealing with the issue of external government
17 oversight over publicity and control because
18 there are things like you are relating here, the
19 reaction against the illegal use of the police
20 led to the development of police independence,
21 police independence may have a different impact
22 in a different political structure.

23 We can use these charts so it can
24 account for these very different qualitative
25 concepts.

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MS. WATSON: I have a question about your state of different kinds of structures in the police department you have there.

When I'm talking about managerial hierarchy, how are had he held accountable now, just a social kind of thing, kind of informally?

MR. FRUHLING: No, I didn't say there was no hierarchy. I said these were military type.

MR. STONE: What's the difference that you see?

MR. FRUHLING: I don't think it is just the wording. We have generals and colonels. You don't speak about management or superiors who go to different schools.

Let me give you an example.

You go to different schools, we have four different schools. You have a different school if you want to become an officer, you have a completely different school if you want to become a subordinate. Therefore, if you are subordinate and went to school, you would not become --

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2 MR. SEN: Don't go up through the
3 ranks?

4 MR. FRUHLING: Lieutenant to
5 general, study for three years. This is a
6 military structure, so if you're speaking about
7 management like the guy who was police officer
8 and controlled the streets, then he became the
9 manager --

10 MR. MELVILLE: What does management
11 mean to anyone?

12 MR. STONE: There is a little more
13 with what manager and military means. In your
14 experience, of course, you've done work with
15 both, in Mexico and --

16 MR. PEREZ: I have done work only in
17 the United States, but I have prosecuted cases
18 involving victims who were Mexican nationals.

19 As a result, I have gone to Mexico
20 on a number of cases to interview witnesses. I
21 haven't prosecuted any in the formal sense.

22 MR. FRUHLING: I just recalled
23 something in these police forces, you have don't
24 have a labor contract. You're appointed by the
25 government. That means a lot of powers and a

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2 lot of obligations. You do not negotiate
3 contracts, you do not negotiate with the
4 management, you can go on strike.

5 MS. WARD: There are no unions?

6 MR. SEN: Normally most of the
7 countries, one of the condition of police --

8 MR. STONE: Do they in fact, even if
9 you are not normally allowed to negotiate, here
10 the police aren't allowed to go on strike
11 either. They are organized though -- they have
12 organized, though denied, an effort at slow
13 down, calling in sick, refusing -- there is
14 essentially negotiation going on,.

15 MR. FRUHLING: Yes, some of it,
16 obviously, yes, and certainly police forces
17 press the government to get more money for
18 study. All that goes through the political
19 process.

20 You will see the number of
21 policemen, they're duties are fixed by law and
22 those laws are past by Congress, not just
23 negotiation whenever something of that sort
24 happens, it creates a big political crisis like
25 what happened in Brazil a month ago. In some

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2 other circumstances that could be close to a
3 full attack. It depends on the country.

4 MR. STONE: One of the things that
5 many people have mentioned to us is this
6 distinction between national police forces or
7 municipal. An important issue and distinction
8 to make, there seems to be a number of --

9 MR. MELVILLE: There is a move right
10 now to try to inform police -- this there is
11 decision by the Johannesburg municipal police
12 force, and it is not clear to me whether what
13 we're talking about is creating a new form. If
14 they were local and corrupt, go for national.
15 Not anything inherently better about the form
16 just by reorganizing. There is something
17 inherently different between issues of control
18 and political prices.

19 MR. FRUHLING: I would say that
20 there are two things.

21 First of all, in some cases there is
22 an effort towards unionization of police forces
23 because the constant overlap of powers and the
24 confrontation of each other, that happened in
25 Peru and starting to happen in Guatemala which

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2 is a small country.

3 The second thing the fact that
4 municipal police forces in developing countries,
5 that creates a political consequence that is
6 important.

7 Yes, that is it means that local
8 political power is becoming more important, the
9 fact that you have more political power means
10 more control over the central power. It
11 happened in Spain after the demonstration in the
12 late seventies, and it is probably going to
13 happen in many --

14 MR. SEN: To my mind, is the media
15 in a democratic society, police are also careful
16 and become honorable to a country. There is a
17 problem. Very often there is a tendency in the
18 media, all the way in the world -- we in India
19 are expected to doubt the police, bashing always
20 takes place as a result and you become immuned
21 to it.

22 In the public, we get people to come
23 in -- the police themselves should be receptive
24 because a media that goes also to highlight the
25 failure of someone, and you are in the eyes of

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2 public beyond a certain point has a bad effect.
3 There is recorded misuse of the police force. A
4 good study of the police in Japan.

5 With regard to the police in Japan,
6 let them pursue them, of course. Regard for the
7 police in the states and India, led them to work
8 more irresponsibly, more disregard of human
9 rights because the public disregard it.

10 MR. PEREZ: You have in your left
11 box there things that don't fit -- actually it
12 does fit, which was to change community
13 oversight to either oversight or social
14 oversight because I think that would also
15 encompass media oversight.

16 The media is often a source of leads
17 for us. We probably get 15 percent of the
18 allegations of misconduct that we investigate we
19 learn initially through reading the local
20 newspaper, and that in turn is a form of useful
21 oversight.

22 MR. STONE: I'm going to try to pull
23 together a couple of these comments.

24 What I've just done is, essentially
25 all of this is about broadening. I want to

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2 take, nevertheless, try Neville's triangle and
3 stick it on to my boxes and capture somebody's
4 comments and see if this works, and what we've
5 essentially got is, I can't get out of the
6 accountability part, I'll try, thinking about
7 accountable to and accountable for and what the
8 matrix ends up being and what you've essentially
9 got, what I had is crime. I'm just going to put
10 put affirmative obligations, and that could be
11 crime control, public order and then you've
12 essentially got whatever we are going to call
13 misconduct, which is essentially lapse of
14 breaking a rule, and you could divide each of
15 these into various things, and here, this was
16 what I was thinking of in an American context,
17 essentially community oversight, you can broaden
18 it to be, it goes to social control, which could
19 include both formal or informal structures, it
20 could include media, state control, including
21 the courts. You can include court oversight,
22 and there's some sort of commissions and some of
23 the kinds of commissions which actually operate
24 at the intersection of some of these.

25 Anyway, it does broad things, sort

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2 of expanding these categories, stealing your
3 triangle, as police, city and state. Does that
4 help at all?

5 MS. WATSON: I think it is better.

6 MR. PEREZ: Not a suggested change,
7 but we talked before about how the vertical line
8 separating safety control and misconduct is
9 often a barrier.

10 For instance, the community
11 oversight, the people advising the department on
12 where they should focus their crime fighting
13 efforts are not having the same conversation as
14 the people who are talking about allegations of
15 police abuse.

16 Well, it seems that we should, we
17 may want to recognize perhaps some of the
18 horizontal lines can create barriers that are
19 not helpful.

20 For instance, I'm thinking in
21 particular about the horizontal line separating
22 social control from the department control.

23 In many communities in the United
24 States, especially dealing with the issue of
25 policing minority groups, you often times had

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2 departments that were generally non-minority,
3 especially at the upper end of the hierarchy.
4 Betsy is one of very, very few woman police
5 chiefs in the United States. That's clearly an
6 exception to the rule and the problems that
7 creates in terms of the public's willingness to
8 accept what is going on, it must be mistrust of
9 the police department that creates problems, so
10 it seems to me we need to consider whether that
11 horizontal line needs to be broken down with
12 some certainty.

13 In Boston they have had a fair
14 amount of success for the last several years by
15 bringing minority groups to the table and
16 involving them in a lot of decisions in the
17 department.

18 There was an immense racial tension
19 in Boston, which is a very eclectic community
20 and there was really in recent years when they
21 had brought literally the pastors from the local
22 churches, the people who run the local social
23 centers, brought everybody in the room, not only
24 asking them where are the crime hot spots, but
25 they're talking of other issues involving

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2 structure, and I think that has been vital, the
3 crime rate in Boston is at a 25-year low, and at
4 the same time complaints about police misconduct
5 have dropped by 40 percent because everybody
6 bought into the system, and it wasn't always the
7 case that minority groups were included in these
8 decisions.

9 There was a wide gulf. I suggest we
10 consider not only breaking down the vertical
11 lines, but consider the structural weaknesses of
12 even having the horizontal lines.

13 MR. FRUHLING: I have a question,
14 probably much more applicable to the American
15 system. One thing is the court system which in
16 fact exerts control, but you have so many other
17 types of community controls, actually, rather
18 than control. It becomes sort of an advisory
19 board, they are called by the police to help
20 them devise how to be more effective.

21 I'm not sure if they should be in
22 the same category or maybe we should break
23 control or other types of participation.

24 MR. SEN: Before exacting some kind
25 of informal control --

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2 MR. STONE: I think the social
3 control is less likely to be formal or in
4 establishing law, the state control is more
5 likely.

6 You may have some form of state
7 control that isn't as formal.

8 When I think of court control, it is
9 interesting, the original scheme, I don't think
10 of court control of the police at all, and I
11 think that's partly a reaction in the states to
12 an era when our Supreme Court, a lot of the
13 debate around policing in this country still
14 makes reference to this long past idea in the
15 sixties when the Supreme Court started to
16 influence through court decisions how the people
17 acted from stopping and searching people on the
18 streets and interrogation and the rest of it,
19 and I think that time of great optimism that
20 court decisions and court rules could affect
21 police behavior, whatever amount of proof was
22 into it, has now moved to a point -- the courts
23 in New York decided that it was a violation of
24 our state constitution for someone to be held
25 without a hearing before a judge.

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2 Similarly, while I think the Miranda
3 rules about interrogation probably had an
4 unexpected but real effect on policing, the
5 rules about search and seizure, most police work
6 gets conducted without a lot of the issues that
7 might affect court eligibility. I think there
8 is a lot. You have civil judgments against
9 police. I don't know what the panel was in
10 Houston or Austin, but in New York the civil
11 suits against the police department are
12 irrelevant to the police department, not
13 accountability for how much damages were paid
14 out or how many officers were found liable, so
15 the courts, I think, have been quite distant.
16 You have court comments and then you've got
17 civil judgments and then you have occasional
18 prosecutions. I've never heard of a criminal
19 prosecution of a police manager for anything.

20 MS. WATSON: Unless it is individual
21 corruption.

22 MR. STONE: No reason you would
23 prosecute.

24 MS. WATSON: Because things in your
25 department were poorly managed.

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MR. PEREZ: The closest we got to prosecuting officers for failing to intervene, and even that is a very, very difficult thing to do because the level of knowledge that you have to show a jury --

MR. SEN: Rodney King wasn't.

MR. PEREZ: That's one case where the sergeant was on the scene and was prosecuted for willfully failing to interfere.

There was a different set of managers. Betsy is referring to the person back at the office because of years of neglect brought on a situation that creates a Rodney King incident. That person will be prosecuted criminally.

MR. STONE: We do prosecute people in this country who are landlords who investigate their building over years. The notion that you can prosecute somebody for managerial neglect of an asset is present in the U.S. law. We don't apply it to police commanders.

MS. WATSON: Is India different from other countries in that you are just as inclined

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to convict a police officer as you are every citizen?

MR. SEN: Yes. These officers are convicted by the court. They can put down a violation of the criminal act. Under the pending code, it is criminal offense, illegal detention cases, you have all violations of criminal law and police officers committed crimes.

MS. WATSON: That happens here today. The issue is so what.

The officers will look at that and say that poor sap got caught, it has nothing to do with me.

It is kind of like in our country this whole notion of capital punishment, it is somehow foolhardy to think if a state has capital punishment for murder, everybody will say I won't convict for murder now. It has no correlation.

We've had terrible cases in Austin and Houston and around the country where the prosecution of police officers, generally speaking, are abhorrent of the behavior as the

1
2 general citizenry, that is not us, it is not
3 going to transfer to me if I'm inclined to be
4 corrupt, I get the message there.

5 MR. SEN: You're inviting the
6 criminal laws and the fear that the court will
7 come down with and haul you up and punish you.

8 MS. WATSON: Officers are
9 languishing in jail 14 years in prison. You
10 can't do it like this, this kind of case will
11 not work, this kind of heavy punishment
12 occasionally on police officers, and that has a
13 deterrent effect. In your country, the cases
14 may be few, but in developing society there are
15 many.

16 MR. SZIKINGER: I would like to add
17 something to what you just said.

18 I think judicial control over police
19 activities is important not only in terms of
20 punishing police officers or to extract damages
21 from police, but to give the citizens the chance
22 to challenge police decisions.

23 In our system it is administrative
24 judicial review.

25 For example, Hungarian police have

1
2 the right to adjudicate in minor offenses. A
3 police officer says you crossed the street when
4 it was red. I deny. It would be the police and
5 other police units which decides that number of
6 cases.

7 Police issue resident permits,
8 different permissions just to give people the
9 right to challenge police decisions which is
10 part of the concern, but not according to our
11 constitutional provision, require access to
12 justice in all cases when the legal debate is
13 about basic rights and obligations according to
14 the constitution itself, so I think it is very
15 important, and, of course, it might be different
16 in different legal systems.

17 In general, it is an issue to
18 investigate what part judicial organs play in
19 controlling police activities in that respect.

20 MR. PEREZ: I was reflecting on your
21 comments. In my own experience it has been a
22 mixed bag. What I thought I heard you say,
23 police misconduct investigations generally don't
24 have a deterrent effect on law enforcement.

25 MS. WATSON: That's what I think.

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2 They're exception to the rules, aberrations from
3 the norm. Like management by exception. If
4 something goes terribly wrong and goes down,
5 there will be judicial sanctions and we expect
6 that.

7 MR. MELVILLE: From my own
8 experience on both sides of the bar, in criminal
9 cases, generally as a means of social reform is
10 pretty ineffectual, it has a place, but has to
11 be kept in mind with many other technologies.

12 MR. PEREZ: It gets back to what
13 Chris said earlier, you said how strong are the
14 democratic institutions that hold you
15 accountable in order to maximize the deterrent
16 effect. You have to have as strong an
17 institution as possible, otherwise (a) there
18 will be no public confidence in the outcome of
19 what goes through there and (b) will stop at
20 it. At least in some of the cases I've been
21 involved in that have been successful,
22 successful in large measure, we do have a
23 federal grand jury system, a federal court
24 system that people often times, whether it is
25 right or wrong, there's this perception that the

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2 federal court is somehow this higher court that
3 dispenses justice in a more neutral and detached
4 fashion. Whether that's right or wrong is for
5 another time, but the more important thing is
6 it, in a sense when we have been successful, we
7 have be able to make use of that.

8 I think what you said earlier is
9 important about building that institution.

10 MR. STONE: Let me just try and pull
11 a little bit of this together.

12 I think one of the things that we
13 were talking about is the place of public safety
14 and public order, they are two different
15 things.

16 Issues of public safety and public
17 order among the affirmative obligations of the
18 police, how new is that, what pressures are
19 there to put in, and there are interesting
20 issues about misconduct that have been raised,
21 and the different levels of misconduct and the
22 relationship of different kinds of misconduct,
23 and then we have interesting questions which
24 state social control and departmental control
25 are being imposed formally or informally, to

1
2 what extent they're recognized in law or not, to
3 what extent they support each other or acting
4 against each other.

5 There's one more general comment
6 that I don't know how to get in here, I think is
7 important for us to discuss a little bit before
8 we move to looking at how this templet works out
9 in different regions, and that is the question
10 that some of you raised at the beginning of the
11 day about public and private security, so think
12 a little bit about that.

13 Some of you talked about public
14 police also working for private companies as a
15 sign of weakness in the institutions. I think
16 it happens routinely in this country. It is
17 interesting, it has possibilities for different
18 kinds of problems and for management. It would
19 not be described by anybody I know as sort of a
20 central institutional weakness of the
21 structure. Here you say it makes me want to
22 rethink what I say about it here.

23 I think the other issue about
24 private security in this country that I think
25 about, which is the pressure that the growth of

1
2 private security places on public departments
3 themselves to essentially compete, and to in
4 some sense mimic private security.

5 We talked about the national versus
6 municipal forces, but to some extent a municipal
7 force structure can begin to mimic your private
8 security system This desire to form to become
9 decentralized may take on some of the features
10 of private security that we see as a problem.

11 Before we move to a regional think
12 to actually come back to some of these issues
13 around the relationship of the growth of public
14 and private security in terms of the other
15 systems --

16 MR. FRUHLING: Something else with
17 regard to the police.

18 The growth of a private market means
19 also a growth of a new lobby which puts new
20 pressures on the police, more fear, selling more
21 alarms.

22 MR. STONE: Just really to give
23 everybody a change of scene and a chance to
24 stretch a little bit, lunch is down the hall in
25 the other room.

(Luncheon recess.)

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A F T E R N O O N S E S S I O N .

MR. STONE: Does anybody have further thoughts about how we ought to think about the role of the issues of private security to the issue of accountability that we've been talking about?

MR. MELVILLE: I wonder if we're not going to dilute our focus by doing that.

MR. STONE: I don't want to preclude that. If that's going to be an issue, and it was an issue, I want at to at least see if there is a way in how people think about this growth of private security.

Hugo said it before we took the break, one consequence, it becomes a lot of just money and different kinds of power lobbying, other kinds of influence that may affect police and policy.

There are issues about control of essentially public subsidizing of private security when people are working in both areas, the issue of people taking two jobs and using their training and equipment and those sorts of things, but there's also this issue of the

1
2 growing fear it creates, a large private
3 industry in security. They'll actually do well
4 where people are really scared of crime. That
5 can create its own dynamic that public forces
6 are supposed to respond to.

7 It also became an issue, a minor
8 one, some of the early 1980s debates about
9 communities policing. The growth of private
10 security was used as one of the reasons why
11 public police forces need to pay more attention
12 to delivery and to deliver and service the
13 communities, not just investigating. Maybe
14 listing out those things that people have done
15 is all that we that needs to be said about it.

16 I suspect it is going to come up in
17 some ways.

18 MR. FRUHLING: I've heard in some
19 countries it is not so much a question of
20 accountability because they behave as a -- you
21 have like control of the public organizations or
22 state organizations, so that might become a
23 problem, stop and search, surrounding certain
24 private well-to-do affluent areas.

25 I remember once, a friend was

1
2 visiting Chile, I drove him around. Couldn't
3 enter a full neighborhood, the whole
4 neighborhood was closed by private security
5 guards. This might be another issue.

6 MR. SEN: Private security which is
7 now expanding to most of the countries, there
8 are two reasons. First, it helps the police in
9 the sense that police can concentrate on the
10 jobs of the police instead of all jobs that
11 police organizations have been called upon to
12 perform, but it has problems in the sense,
13 private security, they can't have the legal
14 powers that the police have, accountability is
15 not there, so misuse very often takes place, and
16 the private security in many cases are not
17 properly trained, they're not paid people. A
18 fellow had started a private security
19 organization, make a fast buck, masquerading as
20 private security agencies and all, so there are
21 problems unless they're properly trained,
22 properly directed, but on private security,
23 agencies did jobs leaving the police selectively
24 free for the main core functions of crime
25 prevention investigation. They're useful.

1
2 This tendency -- the civilianization
3 of the police, policemen are kept for the busy
4 core jobs of the police. Private security
5 agencies also can be of help to the police
6 provided they themselves are properly trained,
7 properly guided and properly organized.

8 MR. SZIKINGER: In our country the
9 main problem is private security accountability
10 to the police. Police issue the license for
11 private security, they can check up at anytime a
12 private investigator as a general obligation to
13 give witness testimony, in any procedure, not
14 only the criminal procedures, and private
15 investigators, although police don't have the
16 power to check the content of the contracts of
17 the private investigator and their client, but
18 police have the power to check with anything the
19 investigator knows, and he has to tell
20 everything he knows about anything, which is
21 more interesting in our country, they negate any
22 ties with organized crime or anything. If I
23 would be an organized criminal, if my life was
24 in danger, I would expect there is somebody who
25 is not the police, they do not take the

1
2 responsibility, somebody to defend me. They
3 here we do not do anything with criminals, which
4 is ridiculous.

5 At this time, Hungarian police have
6 power as an organization to engage in providing
7 services for money, which is, I think, just
8 destroying the lines between public power and
9 civilian society. That's another specific
10 aspect of private policing, but this also
11 belongs to the picture.

12 MS. WATSON: It strikes me, I see
13 both sides of it. I think the police are helped
14 to the extent that there are problem areas that
15 hire private security. One of the debates that
16 gets framed most often is moonlighting, whether
17 they're really private or whether they're public
18 police under contract with a private employer,
19 and I guess it is beyond our scope to really
20 debate the issue.

21 It seems to me there is some
22 advantage having the public police work for the
23 private employer, then they are absolutely
24 subject to the rules of the department and to
25 the controls. Anything they do for a private

1
2 employer, they're subject to the same sanctions
3 as they would if they were on a regular tour of
4 duty.

5 I think one of the most interesting
6 situations is out in California, which community
7 is it, where there was a vote of the City
8 Council to place the police with constables.

9 MR. SEN: Can they exercise the
10 powers of the police under the private
11 employment, for example, can he be in a factory
12 also?

13 MR. STONE: Yes.

14 MR. PEREZ: It is precisely why they
15 hire police. If something goes amiss, they
16 don't have to call the police to say arrest that
17 person, although it is interesting to note the
18 City of New Orleans has grappled with this
19 problem. New Orleans is arguably the most
20 corrupt police department in the United States.

21 One of the interventions they did at
22 a structure level, and I'm not sure it is still
23 in place, I need to call someone to confirm it,
24 they eliminated the use of overtime, they
25 prohibited you from getting these jobs. What

1
2 they were finding was that they were invitations
3 for corrupt activity on the part of the law
4 enforcement, who would then get very close with
5 the owner of the nightclub and suddenly they're
6 involved in all sorts of illegal activities, so
7 it is a very -- it can be good, but it leads to
8 mischief and New Orleans discovered that.

9 MR. STONE: I think we can try and
10 leave it to the side as an important issue. I
11 think it is going to keep coming up, it sounds
12 like issues of accountability.

13 MS. WARD: And the same individuals.

14 MR. STONE: Usually it is both these
15 things. You have the issue if you have separate
16 forces, and then the separate set of issues with
17 the same individuals, and issues about if you've
18 not good people and well-trained, only being
19 hired by legitimate businesses, it makes it
20 sound very easy, but it is when --

21 MS. WATSON: It is like anything
22 else, it has to be controlled. Officers can't
23 go to work for any private employer and do
24 anything. There is a screening that I think
25 most departments have to say which businesses

1
2 are acceptable, and then we can pull a permit at
3 anytime if there is a problem at a particular
4 location, just won't let any officers work at
5 that location.

6 MR. SEN: Private employees can
7 offer much more than the state police can do.
8 Your best employees or officers, they will use
9 more in the process.

10 MR. PEREZ: That's why New Orleans
11 police officers are leaving all the time. They
12 weren't making enough money legally.

13 MR. STONE: So one of the things we
14 have to do is get a sense of what the -- for
15 some of our particular countries' interest, you
16 want to hand out this list, we need to produce
17 this as part of this product, a sense of how the
18 sets of issues we talked about play out.

19 Now, let me say something about
20 this, the six regions we can bring up and we can
21 play around with this in different ways, but
22 this is an effort to in some manageable groups
23 give a sense of how these different issues of
24 state control, social control, departmental
25 control, questions of what role the police have

1
2 and the kinds of conduct we're worried about,
3 how these things play out differently in
4 different regions.

5 The countries are simply the ones,
6 with possibly one exception, where the Ford
7 Foundation wants to make sure we give them some
8 specific feedback because this happens to be the
9 place they're interested in.

10 We can push back on this list and
11 say, you know, that's all nice, but to really
12 understand this phenomena, there is a better
13 country if you're going to look anywhere in
14 detail, it makes more sense to look else for one
15 particular reason. Think of this is not as a
16 settled list, but as a first cut of this.

17 And our focus is not policing in
18 every country in the world, though it is getting
19 close to that. It is about policing in
20 democratic societies within these regions.

21 I guess what we were hoping to get
22 out of this maybe in the next hour is to the
23 extent that you -- we know around this table one
24 or more of us has a view of what the principal
25 issues around accountability in a particular

1
2 region are. Using this scheme or any of the
3 other topics we talked about, want to try to get
4 those out.

5 The other thing is there are places
6 you would look because of your knowledge of the
7 region or if they're simply people or other
8 practitioners, experts, others who know about
9 that particular region we should be in touch
10 with, we can do that too.

11 We want to make sure we don't let
12 you all go without checking your collective
13 wisdom about different places we have to at
14 least mention in this review for Ford.

15 MS. WARD: I should also say that we
16 did not at any point try to define what we're
17 talking about what we mean as a democratic
18 society, we have not been exigent, and that
19 definition of how we go about that definition,
20 of how we conceived of the project, talking
21 about control of police, to at the extent that
22 Ford was interested, went to look at the
23 country.

24 MR. STONE: China is on this list
25 because people at Ford called up and said, "What

1
2 about China, I thought you were only talking
3 about democratic societies?"

4 "No, we're interested in China."

5 So here's this list.

6 Let me ask the preliminary question,
7 since we must do a regional overview of this
8 issue, of these issues we talked about, do these
9 regions make some sense or does someone have a
10 proposed amendment or change to the way these
11 are?

12 MS. WARD: About half of them
13 reflect to divisions within Ford.

14 MR. FRUHLING: One thing, apart from
15 the Ford preference, doesn't make any sense, if
16 it is a democratic society, you don't have
17 Western Europe here.

18 MR. SZIKINGER: It would be better
19 to use East and Central Europe.

20 MR. STONE: I think we want to
21 include Western Europe. Ford doesn't have any
22 interest in the Western European countries.
23 Rather than restrict it to Eastern Europe, we
24 ought to add one or more of the Western European
25 countries since the United States is such a

1
2 focus on Ford, and we are here, and let us focus
3 on that.

4 One piece of advice from one person
5 was to avoid Britain or any of those, but for my
6 information, rather than call it Eastern Europe,
7 one or more Western European countries.

8 MR. FRUHLING: It would be
9 interesting for the region that some of them are
10 very influential in terms of the type of police
11 forces that were created in that country, France
12 and Italy and Spain.

13 Do you have a sense if we were going
14 to pick a Western European --

15 MR. SZIKINGER: If you take these
16 countries, I would say Hungary, Poland and part
17 of Russia are under the very strong influence,
18 and expert influence, of the German police.
19 Romania is a bit more French connections, but
20 the French and the German police are very close
21 in the sense of having centralized police forces
22 serving apparently the government. These
23 countries show certain similarities, but it is
24 up to decision, you can focus, of course, on
25 Hungary, Poland and Romania. If you don't have

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the means or inclination, no problem.

I think the list and the picture won't be complete anyway, so it is possible to show, taking the example of the Hungarian police how the continental police is like. You can point out the differences compared to the German police, the pattern is basically taken, and you can examine somehow the French model, if you take Romania, so it depends.

These countries certainly show much of the continental approach to policing. It is possible to investigate into Hungarian, while taking into consideration that these countries generally have a strong influence from Germany.

MR. SEN: South Asia, along with India, you keep Pakistan, Bangladesh, more or less the system is the same and how it is functioning and the country that can be included have very developed police systems, high police ability and these can be a model for many good practices.

MR. STONE: Is there a different pattern, is Spain a different pattern than the rest of the Western European continent?

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2 MR. FRUHLING: No, they have been
3 involved in many police reforms, particularly
4 the military branch, but no. It would be
5 interesting maybe to have one or two European
6 countries.

7 MR. MELVILLE: Looking at those
8 categories it struck me four or five are former
9 British colonies, maybe different in the former
10 Portuguese or French colonies.

11 MR. STONE: This list is simply
12 driven by Ford.

13 Gana is dropped out here, Northern
14 Africa. Do you know if we would see a different
15 pattern?

16 MR. MELVILLE: I don't know. I
17 would assume so.

18 MS. WARD: There may be an
19 opportunity to look at what other countries are
20 doing in terms of providing citizens -- if we
21 didn't look at policing in Spain, there may be
22 another piece in which we would look at what the
23 Spanish government and British government is
24 doing now, how they're involved in reform.

25 MR. STONE: It is interesting to

1
2 think of the Spanish force having gone through a
3 lot of that, very different kind of case than
4 Germany or France. It has been through its own
5 formation.

6 MR. FRUHLING: Very recent municipal
7 police forces or region.

8 MR. STONE: Let me first test this
9 proposition, do you have a sense that the way
10 these, the kinds of state control, social
11 control and departmental control issues play
12 out, are they different by region of the world,
13 is the regional division a useful one, will we
14 find the different patterns by region?

15 MR. SZIKINGER: Yes, because as I
16 mentioned, there is a very strong
17 interdependence among police forces and among
18 police policies, at least in our region. There
19 is a pattern in Europe for policing, even in
20 types of socialism they followed the German and
21 the French pattern, and the Spanish policing
22 system is much like the French one.

23 I think as far as Europe is
24 concerned, certainly there is a strong regional
25 impact. Not speaking about the English because

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it is separate.

MR. MELVILLE: I was wondering whether the dividers are political rather than geographical, there is political thought and models. You were speaking in there about the model that you have of --

MR. SZIKINGER: Continental.

MR. STONE: Let me start by asking you, let's start with what you see as the European set of issues and philosophy, if you were trying to characterize the issues of most issues most currently, that would be that they --

MR. SZIKINGER: First I would say police are tools of the government only, the police are a subsystem within administration, public administration, police force duties in the field of fighting crime, only theoretically as a secondary rule they are within the system of public administration, but when they investigate there is a function of subordination to prosecution, not challenging the basic position of police, police are hierarchical and they are basically in general administrative

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structure.

Should I go on?

MR. STONE: Yes.

MR. SZIKINGER: There is a difference, I will not go into problems, but there is a difference between policing as a general duty of the state to protect individuals and to provide safety, and this task of the government is provided by general administration and different bodies of administration, and there is the executive police in the sense of organization, police, and this is one explanation of the military-type structure of these police forces police are basically for enforcing, applying physical force to enforce decisions and serving the administration, as more or less independent from the other part of the administration and organized into military-type structure in order to keep discipline and in order to provide some accountability, so this is the basic approach.

The realities, of course, are quite different, police are serving local, police are basically not for providing for order

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2 maintenance, but for law enforcement. That is
3 basically a philosophical point.

4 Police are officially not
5 responsible for keeping the order in the
6 streets, but police are responsible for applying
7 the law, the letter of the law.

8 Police are not accountable to local
9 communities. Police are organized basically --
10 there is different development in France and in
11 Spain, as you mentioned, but as a general rule,
12 police are responsible for following the letters
13 of the law.

14 MR. STONE: So generally centralized
15 national structure.

16 MR. SZIKINGER: Yes.

17 MR. STONE: They focus more on the
18 law rather than community services.

19 MR. SZIKINGER: Yes.

20 MR. STONE: I assume that's in the
21 accountability structure, there is a lot of
22 accountability to the state, the executive
23 branch.

24 What about the sort of two other
25 issues that we talked about, do the courts play

1
2 an oversight accountability control role of the
3 police?

4 MR. SZIKINGER: Not specifically.

5 The basic means of control is the
6 ministerial responsibilities, so police may be
7 instructed by Minister of the Interior or
8 Minister of Justice. Generally, the Minister of
9 Interior is responsible.

10 Social control, there is no formal
11 structure, police and local governments may form
12 commissions according to the Hungarian law, but
13 they don't have any specific power as they can
14 discuss things, but no decision-making powers.

15 There are forms, of course, of
16 informal social control, but many forms of
17 control of society about the police.

18 We have civil guards. Something
19 different in Spain. These civil guards,
20 voluntary organizations, people organize
21 themselves into associations to protect the
22 public security without having official policing
23 powers.

24 In the first years of the
25 transformation, these groups were really somehow

1
2 an embodiment of criticism towards police, but
3 now they join police, they are in cooperation
4 with police, they are actually serving the
5 police. Police are taking control over, I
6 mentioned, private security, different segments
7 of society, and this is a very dangerous
8 development, so having police organizations, and
9 you are right, the American approach to policing
10 and other countries, that you must not
11 over-centralize them, make them responsible to
12 the government because they can use them for any
13 purpose.

14 I can tell you one example. Police
15 in Hungary are given very wide powers, and most
16 of them are without any possibility to check, to
17 control, and that was based on the Police Act,
18 and the Minister and everybody was convinced, of
19 course, will use those powers in order to just
20 contribute, to do justice, and the public peace
21 and so on, and now the government two years ago
22 passed a resolution, and the government very
23 openly, not the public's decision, but is not a
24 secret, required that police contribute more to
25 the state budget, to collect more money. Police

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2 have the powers, they collect fines and they
3 were given the responsibility. If they collect
4 more funds than it has been planned, then 50/50
5 they will be given back half of it in the years
6 budget.

7 This is the danger, and very
8 important, I think, in terms of accountability,
9 so social control is actually very weak because
10 in our approach, in our thinking of police, I
11 might say we're accustomed to have police
12 something strange and something separate,
13 something military.

14 I have to confess, people don't have
15 real strong inclination to exercise more control
16 on the police, although some initial signs are
17 changing, as it can already been seen.

18 The departmental control is, of
19 course, very strong, and that within this
20 framework almost everything depends on a
21 national commissioner who is the czar of police
22 who can instruct anything in his police, and
23 police theoretically responsible for policing
24 and department control is effective in a way
25 because police have all the means to control

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2 unions, and they do it by employing police
3 officers, especially dealing with internal
4 control and supervision functions.

5 The system is built generally upon
6 the police units to be controlled by the
7 interior police units and all police to be
8 controlled by the national headquarters of
9 police, and as frontline police officers do
10 their job, the higher you go in the hierarchy,
11 you will find more and more responsibilities for
12 moving the organization, which is not very
13 productive, but this is how the system works.

14 So there is a very strong internal
15 control, not necessarily serving the interests
16 of the productivity because if you have local
17 police units, you certainly have in Hungary, and
18 local police units have the right to cooperate
19 with local organs informally and work with local
20 people, that is fine, but the very fact you have
21 a centralized organization and you have a
22 National Health Board, several hundred people,
23 this produces an atmosphere in which the
24 interior organ appears to have been obliged to
25 instruct the police, and you will find that

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2 local police have the right to do good things
3 with the local community, but they don't have
4 the possibility because they have to answer
5 telephone calls, they have to comply with
6 instructions from above, and this is very, I
7 think, coming back to my basic idea, this is
8 something against the democratic concept, the
9 outcome is against human rights, and the whole
10 system in such a way is something against the
11 elementary function of police, so it is not
12 effective even in certain times.

13 I would like to have a much more
14 centralized police, local police. There's no
15 general public safety, it is different in New
16 York, the same in Hungary, so you must not give
17 powers to instruct police in public security,
18 local public security cases, but this is
19 necessarily how things develop within such a
20 central or militarized structure.

21 MR. PEREZ: To what extent does the
22 media serve as a mechanism for accountability,
23 if at all?

24 MR. SZIKINGER: It is
25 contradictory.

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2 On the one hand, this is a means to
3 control police, but on the other hand it is also
4 true the police can use the media. The police
5 are very strong and the media cannot get
6 information concerning violence from anywhere
7 other than the police.

8 The critical attitude the media has
9 faced, and now everybody knows there are
10 journalists who serve the police, make deals
11 with the police officers, you give me that
12 information and I don't write about certain
13 things. Even the journalists, there are two,
14 but certainly -- the Danish have two types of
15 journalists, one is a friend of the police and
16 the other is critical of police, but this second
17 doesn't write on particular investigations
18 because he won't be given the information.

19 MR. SEN: Are the journalists not
20 critical of the police, critical of the police
21 work, if critical evaluation of the police would
22 not appear in the press --

23 MR. SZIKINGER: Some of them are.

24 The media, that's another question,
25 the media itself is centralized in an informal

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2 way. Media is in the hands of several people
3 who are close to the government of today. I
4 don't know after the elections, but the media is
5 very centralized.

6 As an example, last November we all
7 we had all around sweeps around Hungary in
8 connection to some explosions, and some criminal
9 acts which were regarded as payoffs within the
10 underworld, but causing much -- as police acted
11 in an unusual way even within our context and
12 many ordinary people got stopped, searched and
13 harassed by the police in order to find
14 organized criminals, which is crazy, I think, in
15 terms of policing, but there was a declaration
16 made by the Hungary security and signed by other
17 NJOs with some statements about police brutality
18 and police misuse of the powers, and none of the
19 Hungarian dailies published that except one
20 weekly, although it must not be from the
21 standpoint of the journal itself, but just to
22 publish that which says this approach is against
23 human rights.

24 This approach is -- actually that
25 practice was unconstitutional, there was no

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2 legal possibility to that form, and what
3 happened, just to come to an end of the story,
4 so it was declared as good and serving public
5 security, and in May, this year, police
6 themselves were glad that the actions, the
7 explosions were just in order to mislead police
8 and to distract police focus from the
9 manipulations with the trade of oil which were
10 behind, so police were misled, and so if in that
11 case some papers would have published that
12 declaration, perhaps some people could think
13 about the illegality and the purpose of the
14 whole police action.

15 This title democratic society, I
16 prefer using most communist society for Hungary,
17 which leads further from the topic of police,
18 but I do not want to bore you with those, but if
19 you have police which are an enormously powerful
20 body within that society, and if we just
21 realized police are somehow in opposition to the
22 elementary ideas of democracy, then you can
23 conclude whether a society is moving forward.

24 MR. STONE: You mentioned this
25 morning about Ombudsman within the structure.

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Who appoints them, did they actually work, did they serve to hold anyone accountable?

MR. SZIKINGER: The Ombudsman are generally elected by parliament. We have one general Ombudsman, that is Commissioner of Citizens Rights.

MR. STONE: General Ombudsman for the whole government, not just the police?

MR. SZIKINGER: That's right. One general deputy, we have two specialist purposes, one for data protection and one for monitoring advice. They can make recommendations, they also can initiate official proceedings, and in case of disagreement they can report to parliament.

MR. STONE: That's the closest thing there is to any kind of democratic society --

MR. SZIKINGER: No, it is not. They have the power to get information on the complaints by police, but they don't have the capacity of doing it regularly. In theory they can hire people.

MR. SEN: How effective are they in policing the police?

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MR. SZIKINGER: I think most effective in policing policemen because they publicize their recommendations. Sometimes the Minister takes their point of view and through influencing the Minister, they can have a great impact on the police.

On the other hand, they cannot actually -- the legislation is somehow contrary, elementary use of democracy.

MR. SEN: Is the Ombudsman selected by the government?

MR. SZIKINGER: No, elected by parliament. Basically the same government has a majority in parliament, so it is not a big deal.

MR. STONE: You in your first remarks talked about three kind of police structures that you thought characterized at least three countries, and when you talked about this, you said if we would look in Chile, if it a was community structures, we would see two community organizations, but that isn't true, there really is social control.

MR. FRUHLING: Of some sort.

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2 MR. STONE: Especially with
3 reference to social controls, you say it is very
4 weak in these countries?

5 MR. FRUHLING: I would say it is
6 very weak here, though a big role played by your
7 press. In Argentina, Brazil, maybe less, so
8 with Chile. That is to say there's no scandal
9 problem or human rights situation. If it went
10 to the police, I would be concerned.

11 Even members of the police
12 department who support the government would be
13 very critical if that happened, and you would
14 have statements from human rights
15 organizations. Even there are fringe groups. I
16 wouldn't say there's no social control, and I'm
17 positive that they are very well aware that they
18 need to count on civilian and community support
19 to perform their duties.

20 There's not an isolated party who
21 will say the hell with it, we don't really give
22 a damn whether they like us or not.

23 In fact, one of the best offices,
24 one of the offices I used most effectively was
25 public relations work which in fact very much of

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2 this press, the evolution that the police have
3 been experiencing in the 1960s when it was
4 created.

5 I would say there is some sort of
6 social control, but there is no formal social
7 control with sanctions. That is to say, when
8 you have community control, there is a
9 structure, functioning process, which means you
10 meet with a group, the group can a sanctioning
11 process, which means you meet with a group. The
12 group can recommend sanctions, they cannot do
13 it, but I would say that our pattern is one of a
14 plurality of forces, which in the case of Brazil
15 and Argentina here, these are provincials, these
16 are federal countries. In none of these
17 countries, are a lot of these forces, depending
18 from little towns, whatever, you don't have.

19 Secondly, you have a plurality of
20 forces, which some of them are more military in
21 character.

22 In Chile, the Carbinieros, you go to
23 a little academy, you follow a military creed.
24 Officer, private, whatever, go to a different
25 school. Very class-base of people, you're a

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2 possible class and that probably makes you think
3 that is a violation of the law. The militarized
4 groups are under the jurisdiction of military
5 courts, which means that in times of political
6 participation of the military, in Argentina and
7 Chile, which means that these probably
8 accelerate this process.

9 It is true, as it is in Europe, in
10 most of these countries, the police have a
11 governmental board, used by the government.
12 Promotions does it from the government. It is
13 the ability of the government transforming the
14 police, being able to implement strategies,
15 defining how to fight crime or how to develop or
16 employ its forces is strictly weak.

17 I would say if you look around,
18 you'll see that very few articles have been
19 written on that in American police forces. What
20 has been written, generally been written on
21 human rights abuses.

22 With respect to practicability in
23 times of normalcy, something that you said
24 before, some of these police forces have a
25 commitment to legality. In Chile we have the

1
2 Carbinieros, civilian police. None of them have
3 a commitment to democracy. There is a
4 difference. They would abide by the law of
5 rule, whoever was on top, which means the way
6 with the purpose and the law is not what guides
7 them by democratic considerations.

8 When I say "democratic
9 considerations," I not only mean considerations
10 that favor the respect for human rights, but,
11 for instance, they're very close, it is very
12 difficult to get data information. I'm going
13 doing a study on police and they're beginning to
14 open up a little bit, but three years ago they
15 were impossible. There's no data.

16 In Mexico, the Mexican case I know
17 much less about.

18 Finally, I would say that with
19 respect to the internal departmental control,
20 the departmental control is generally hierarchal
21 There are frequent complaints internal
22 investigation did not enforce the realize.

23 Then to deny that bad things happen,
24 there are some changes lately, but generally
25 they tend to deny because that would affect

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2 their image.

3 In the case of the resignations the
4 peacekeeping procedures, the Carbinieros, there
5 is a special provision which says that the
6 proceedings should be followed -- this is a
7 military situation, the captain or lieutenant,
8 was visiting him for this or that. The whole
9 system is built to maintain discipline and
10 hierarchy rather than the rights of the third
11 party.

12 MR. STONE: You talk a lot about
13 difficulty to maintain control.

14 Is it common to find police
15 departments dismissing and redirecting even
16 their own members for misconduct?

17 MR. FRUHLING: Yes.

18 What transpired, you don't have
19 account of the reasons for discipline. The
20 police of Chile has ejected almost 15 percent of
21 the force. Many cases for tax exemption,
22 corruption, a few cases for human rights
23 allegations and abuses. A few cases where
24 people are sentenced and they have to be
25 evicted.

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MR. SEN: Can the police go to the court of law for redress?

MR. FRUHLING: Could go to the court of law right at the beginning.

What happens is since we do not know the number of people who were rejected, it is very hard to know what the resolution must be. When the knew Commander of the Carbinieros took office by the end of '95, he rejected four or 500 people. We don't know if they were rejected for minor problems because they didn't write reports in time, but things are getting better to some extent.

All these countries are experiencing major transformation.

In the case of Chile, that's going to take place probably in the year 2000. The one who directs the investigations is either the prosecutor or the judge. The whole thing falls in written report in which the police report in a memo about the central bureau control.

When these legal systems are getting transformed will have an impact on the useful context in which the police operate, if they're

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a time for controlling police, I have control
police negotiations.

MR. SEN: Is the reason for
transformation the Victorian --

MR. STONE: That is a short question
and long answer.

Let me say the that's part of an
international change promoted first by the U.S.
it was first promoted because the government had
to show in order to justify the support for this
law to show them an effective judicial system
to --

MR. SZIKINGER: These military-type
organizations are really interested in hiding
anything what can be detrimental to the frame of
the force, and this is one very strong cause not
to disclose things, even in many cases, not to
get a -- most of the police officers, at least
in Hungary, that some flight offshore is not
necessary to pursue that crime. If a police
chief objects, convince all of the -- it depends
on his personality because they will turn
against him, and efficiency, and how do you find
them, and this contract approach is secondary.

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2 Therefore, in addition to that, in order to get
3 police officers accused of brutality, what
4 generally happens, police find the people. If
5 there was a meeting and we don't have -- and it
6 appears sure something happened, two options.
7 One is the police beat up the civilian one, the
8 second is the civilian attacked the police. One
9 of them would appear the criminal since it is at
10 the very least before the police chief, you're
11 responsible for creating such a decision. It is
12 impossible, he has to choose, and, of course, he
13 chooses to pursue the civilians.

14 MS. WATSON: Where did these chiefs
15 come from?

16 MR. SZIKINGER: Some of them are in
17 your system. Basically police chiefs come from
18 within the system.

19 MR. STONE: Do you get a sense that
20 there's less and less discipline within the
21 force?

22 MR. SZIKINGER: No, there is
23 discipline in general and social programs, so
24 these are important for the police, but police
25 officers could not charge each other for using

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2 the other before this is said and done, and,
3 therefore, just one concluding point.

4 It is quite different if a police
5 officer says so, it is against the rule of law
6 to expect confession from somebody within a
7 closed police force or the Supreme Court which
8 is an outside of our body, they're just
9 interested in having information.

10 MR. FRUHLING: Let me tell you
11 something related to the conversation we had at
12 lunch, just something I think is relevant.

13 Most of the people who are
14 increasing in Latin America are people in
15 preventive detention. Many prisoners will get
16 managed detention, but the legal system it takes
17 too long and so many days. The confession plays
18 a very different role in the legal situation.

19 The question is not to get the guy
20 convicted.

21 China, of course, we won't mention,
22 India, Pakistan, Malaysia they were all British
23 colonies, pretty good. India, Pakistan
24 Malaysia, these are all British colonies and the
25 laws are the same, same penalty goes as you have

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in India.

MR. STONE: The forces as decentralized, are these police force the same?

MR. SEN: The tradition has been utilization model.

For example, in India directly into the state. The police log on to the state. Police forces in the state. One state is big, almost 100 million people, but one police force.

MR. STONE: The state forces, do they have the same picture you have --

MR. SEN: India under the control of the civilian leadership, so Army has nothing to do with policing. The Army has nothing to do with this.

On the other hand, government would very much like to see Army stay far away, the fear of a military coup is there.

MR. FRUHLING: Is that true in Pakistan too?

MR. SEN: Pakistan under our tradition for a longtime. Human Rights Commission, which is a violation of human rights

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2 in Army questionnaire, so the Army is totally
3 under the control of the civilian government.

4 MR. STONE: And the different
5 states, are the police seen as a line to the
6 government of that state?

7 MR. SEN: It is under the control of
8 the government of the state. Sometimes it is
9 against the government in power, but for all the
10 states laws are the same, Penalty Court,
11 Procedure Court, Evidence Act, apply all over
12 the country and state. One important part of
13 the leadership situation, we have police service
14 officers, then they send them all over the
15 country, and this does not start with this
16 position. It is in the highly qualified.

17 MR. STONE: I was struck when I was
18 in South Africa, in some govern institutions
19 there are simply a lot of taking of letters on
20 post-colonial experience in countries like
21 that.

22 MR. MELVILLE: Yes.

23 MR. STONE: Do police forces look
24 around the continent for models?

25 MR. MELVILLE: No, generally South

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2 Africa is looking out of Africa for examples.
3 That's because the countries have similar
4 problems. In many of these countries, the
5 problems exist there, they haven't come up with
6 solutions.

7 MR. STONE: David Misner is a member
8 of our communications department here. When we
9 get in a discussion of the papers --

10 MR. MELVILLE: All the countries in
11 the group that you have here were former British
12 colonies, in contrast with the situation in
13 Asia, the first three are all under the
14 Roman-Dutch system, the other two legal systems
15 would be the British system as far as policing
16 is concerned.

17 South Africa is making a conscious
18 effort to go through community basis. I think
19 the problem in all of them was they were there
20 to serve an elitist group and now have to spin
21 the service to all population groups. I think
22 most of the countries there, there are some
23 tensions as far as that is concerned, and I
24 think other things characterize all of the
25 police and have a density of brutality and

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2 corruption as far as these models outside of
3 control.

4 The Catholic Bishops Conference,
5 they've taken a consistent approach throughout.
6 I think safely in South Africa, among government
7 cases, seem to be subservient. It is not a
8 problem at this stage. Some of the countries do
9 have statutory bodies or Ombudsman. I think
10 there's one in Namibia, and certainly in respect
11 of the first three countries, their constitution
12 contained charters of rights, justiciable
13 charters of rights. The court plays a major
14 role.

15 I'm aware since they had those
16 rights in Zimbabwe very few reached the court.

17 The difficulty, as far as the
18 various cultures within these communities, the
19 consciousness of having all these rights doesn't
20 exist.

21 We just recently had a publicity
22 drive, but again we had to do it on a gradual
23 basis, but we would look at secondary sources of
24 complaints, for instance, other statutory
25 bodies, human rights organizations, attorneys,

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2 where the people are likely to say that they're
3 aware of.

4 I think it would be very difficult
5 for us to get into something more. There is a
6 general public in those areas which was actually
7 mentioned to us, which were not serviced by
8 these human rights. There is probably quite a
9 large part of South Africa certainly where
10 people are going to benefit, in particular, from
11 democracy when they have no real means in a
12 practical basis.

13 MR. STONE: Are there other
14 organizations like yours or structures like
15 yours in other African countries?

16 MR. MELVILLE: I'm not aware of any
17 such structure, but that's something we'll look
18 into. At this stage I'm not aware of any
19 others.

20 MR. STONE: If anybody knows from
21 people you are talking to here in the Middle
22 East and North Africa, we would be delighted to
23 know.

24 MR. MELVILLE: I have the list of
25 people who attended the Ombudsman Association.

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2 MR. STONE: Probably those sort of
3 people, it might be better to find out from
4 them.

5 We talked a lot earlier today about
6 the situation in both New York and the states,
7 and the only other North American country in
8 this group could be Canada.

9 I was just curious about what your
10 reaction is about these set of issues which
11 sound very different from the kinds of questions
12 about police accountability and structures in
13 the U.S., but I'm wondering what you think, is
14 there common stuff here that you say connects
15 with conversations we're having in the U.S. or
16 in the civil rights perspective or the
17 mismanagement instead of --

18 MS. WATSON: That's really
19 wonderful.

20 MR. STONE: It is the way we talk
21 about policing in this country.

22 MS. WATSON: I see a great deal more
23 similarity than difference. I think the
24 difference is in the way in which the problem
25 gets framed as opposed to the actual result.

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2 The underlying issues are quite the same, and I
3 have been listening with great interest to the
4 different ways in which approaches are taken to
5 try to gain some control.

6 The sense I get listening, there is
7 a frustration about this apparent inability to
8 get some change in the department. The police
9 departments are resistant to this outside
10 influence, so we create all these mechanisms,
11 whether they be legislative or community or
12 whatever, something certainly from the means of
13 trying to demonstrate to get in and it creates a
14 bias that there's something terribly wrong with
15 the police department. There's something amiss
16 culturally with the integrity and all of it.

17 I would venture again the vast
18 majority of people in the police departments are
19 decent, law-abiding people who wanted to do the
20 right thing, but they have they have had a
21 particular right defined for them that's
22 generally accepted and they want to write for
23 themselves. They write in some country abiding
24 by the dictates of whoever happens to be in
25 power who told them it was something different.

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2 I think communicating with them that something
3 is different is part of the key.

4 I have been frustrated by an
5 inability to articulate what we call community
6 policing. Try to define that. There are
7 definitions for every word.

8 We've had problems today talking
9 about accountability, what is that, and if we
10 don't get the language correct, we're not going
11 to be able to communicate to anybody.

12 It seems to me the first order of
13 business is really coming to some agreement,
14 however general it might be, in terms of what
15 they truly do mean by effective policing, about
16 communicability and then how, once we've defined
17 what it is we were talking about throughout the
18 organization. We haven't seen what we mean,
19 management by accountability.

20 MR. PEREZ: I was struck by the
21 similarities. I put down some of what you were
22 saying about some areas of the country they
23 didn't or don't exercise democracy and certain
24 tolerance for your behavior. I'm struck with
25 the similarities in the context of what we've

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2 talked about as social control.

3 The whole civil community's
4 structure, and we're struggling with that with
5 vary degrees of success. They refer to a very
6 initial area. I think one can legitimately
7 question the real efficacy of these programs,
8 and so in a sense we're again struggling with
9 the identical issues that you're struggling
10 with.

11 MS. WATSON: There's one theme that
12 seems to be a recurring one. We have spent a
13 whole lot of time talking about who is the top,
14 should it be that way or not and what are the
15 criteria.

16 At one of the breaks I was talking
17 about the situation at home for me where my
18 replacement was named, and it was very
19 critical. The City Manager kept looking around
20 to try to find out what a good police chief
21 should look like. Well, shouldn't we be able to
22 agree on what it is you're looking for, what
23 you're trying to accomplish?

24 I would like to know in the other
25 countries if there is a process whereby you go

1
2 through that, do you have an expectation by
3 which it can occur?

4 MR. SEN: The point you re is
5 important. People doing a very difficult job
6 under very difficult circumstances.

7 The head of the police can be
8 retained by the boss whenever he called. There
9 are criteria on the basis of which you give the
10 selection. By the powerful body, certain
11 procedure selections, and I think the
12 constitution has to really move from the court.
13 What we're trying to set up is the proposal,
14 some kind of security commission with some of
15 the graduation, membership of the opposition,
16 and the judge of the high court so anytime, out
17 of state counselor, you have to get the name,
18 selection of the chairman and the members are
19 paid by the Prime Minister, but the leader of
20 the opposition, and they can't really remove
21 from you unless they became very mad and it is
22 true by the Supreme Court statute. Otherwise,
23 police would be the hand maiden of the
24 government. The police will be sitting home and
25 it will have an effect on that.

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2 MR. STONE: I think we'll take a few
3 minutes here. Where this has taken me, it
4 sounds like we're heading both in the written
5 product we do and maybe in the meeting in March
6 to be thinking about a variety of different
7 forms. People say accounting first, and they
8 usually had one particular thing in mind or
9 something to review or the social control issues
10 that we've been talking about. It sounds like
11 we can probably take a variety of different
12 kinds of accountability, and just the
13 conversation now has opened up the question of
14 the accountability for the head of the
15 department, what are the principals of that good
16 officer and how the selection process is the
17 form of accountability. Ombudsman's role, of
18 the general government Ombudsmen, whether they
19 can work on police issues effectively. The
20 issues, clearly the relationship, talking about
21 ministerial account of responsibility, very
22 undeveloped, and my question is those are
23 probably weak everywhere, and there may be
24 another section, discussion about that, and the
25 issue. This morning we talked about

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2 departmental control.

3 This afternoon we mixed it up with
4 the question of transparency of that, and the
5 different question, whether departmental control
6 is being exercised, and in a way it is opened,
7 the hidden issue, whether opened or not,
8 sometime the department would be better policing
9 themselves, if they don't have to say why it is
10 they kicked somebody out, so I can easily see
11 the way this is moving would be a sea of various
12 different kind of mechanisms, and both the
13 structure of what we write and maybe in the
14 discussions in March we can focus on one of them
15 and review what it means in different contexts
16 and in different places and move on to another
17 one and look at that, rather than to try to
18 capture the picture in one place and move on to
19 another place.

20 MR. SZIKINGER: So as far as I
21 understood, one of the problems is how is it
22 between efficiency and human rights. I would
23 like to hear and learn how is it in your
24 countries.

25 In Hungary, powers for the police,

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2 additional stuff, everything was given, but even
3 according to the officials, the crime
4 statistics, the situation is worse than it was
5 before, so it would be really interesting to
6 have, it would be superficial, it is very
7 difficult, it would be interesting to learn how
8 strict a control, as you have library
9 literature, we don't have research in these
10 countries.

11 One of the problems in my country
12 was a few surveys made on policing, but I think
13 that is a very important point as far as we can
14 conclude how restriction on accountability
15 affects on the efficiency.

16 MR. STONE: It sounds like a broad
17 view around this table. Good management, that
18 cuts against the rhetoric in probably the
19 countries as well.

20 Let's take a little stretch.

21 (Recess taken.)

22 MR. STONE: Now, in putting together
23 this group, Heather and I wanted to try and keep
24 it small so we can have discussions and hear
25 each other and all participate in the

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2 conversation. That necessarily means it is a
3 very select group, and there's lots of issues
4 and places that aren't represented here, and we
5 hoped that by putting funds in this grant to be
6 able to commission short or midsized papers from
7 the selected other experts, we would be able to
8 round out some of the ideas and perspectives
9 that aren't represented here.

10 It is also possible that there are
11 individual themes in our conversations that need
12 some more time writing about and thinking about
13 and developing into a larger paper, and we have
14 funds available to commission probably five
15 working, five papers.

16 I'm less worried about the funding
17 part of this than I'm about the time available
18 in doing them to make sure we get a good product
19 and make the whole effort worthwhile.

20 There is a huge amount already
21 written about policing in its various forms, and
22 this, just mostly, this very dense bibliography
23 that is partially put together here that we have
24 in draft form, just the beginning of what will
25 turn out to be a much larger selection of

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2 conferences. Some of the conference papers and
3 articles that have been written and even some
4 full-length books are really quite broad, so
5 what we're hoping to do is we want to use the
6 opportunity to engage other people here in more
7 depth or to engage others who aren't here. We
8 want to get it as strategically as possible to
9 add as much value as we can. We thank several
10 of you who have suggested paper topics or
11 authors or paper topics with authors and those
12 that are shown here a little bit as we have
13 them.

14 It also occurs to me that the
15 conversation today may suggest other things
16 today as well.

17 Have you looked down, we have this
18 three or four-page list which starts fairly
19 specific.

20 MS. WARD: The first two pages are
21 topics, the second two are pages of authors,
22 potential authors if we decide on a topic, and
23 these are just some suggestions.

24 MR. PEREZ: Can I back up, what is
25 our goal in terms of the development of these

1
2 papers and who is our audience in formulating
3 these papers?

4 MR. STONE: All right.

5 If you took the two questions that I
6 posed at the beginning of the morning, that is,
7 how can we link the police governance function
8 and concern about human rights together and is
9 there value, what do we learn about looking at
10 these issues across different regions to the
11 extent that we can enlighten that conversation,
12 closing the real issues on this theme through
13 papers that we can't do simply by checking what
14 we have among us and leaving some conversations
15 for March, there are issues that there is a
16 point on a piece of an analysis or even a very
17 simple piece of original research which aren't
18 going to lend themselves to a lot of original
19 research.

20 If there's something we can put
21 together and do or if we knew who could do it
22 and give us a different perspective to be on
23 that, if there is a perspective, if there's some
24 particular individual or simply a group of
25 people that have perspective on these issues

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2 that isn't represented here, we can use it that
3 way, but the idea is if you imagine the
4 immediate purpose is to inform our work and the
5 work of others about trying to move this field
6 forward, what do you need to know to think about
7 it well and do work usefully in it.

8 The question about the audience is a
9 bigger one.

10 It is my expectation that both
11 what's called the mapping document and any
12 papers we commission will be made available and
13 disseminated more broadly so it can also inform
14 this field.

15 I will note this is a very crowded
16 field. It may be if we do something really good
17 there will be a lot of interest in it and a lot
18 of attention to it, but there are a lot of
19 papers being generated already.

20 MS. WARD: There are some, but I
21 would say there's real opportunity to do
22 something original here.

23 What I've sort of picked up in
24 looking at a lot of this literature, there may
25 be a lot of comparative police work, but it is

1
2 not necessarily focused on the countries that
3 we're looking at in this discussion, and I think
4 there is a lot of potential there.

5 MS. WATSON: I guess what I would
6 especially like to say is I guess a focus on an
7 action plan as opposed to conversation, we've
8 had some very rich conversation, but I'm always
9 left with the question, so what do I do now, and
10 if that question doesn't get answered, if there
11 aren't at least some solid ideas on what to do
12 next, then all it is is just discussion.

13 It occurs to me looking through the
14 bibliography and so forth there are a couple of
15 people that I know, Wasserman is one and David
16 Bailey.

17 Bailey I thought was fascinating
18 because the research that he did in various
19 countries where he found all the similarities,
20 he talked about the culture issue, and if we
21 agree, as I think we can, generally, that there
22 is this culture issue, then what specific steps
23 might one take to actually alter the culture in
24 the near term. I'm not talking about the next
25 generation, I'm talking about the near term.

1
2 I think there are some things that
3 can be done, but they do need to focus attention
4 and support, demonstrations perhaps or some
5 such, but I think a very thorough discussion of
6 those kinds of issues, and, obviously, I have a
7 bias in terms of the direction I would go, but
8 if we can pick some themes up like that, that I
9 think are fundamentally important, the one that
10 I'm hearing most strongly around this table is
11 the inability to penetrate this policing
12 domain.

13 MR. STONE: Well, we can do anything
14 at all here, we'll be guided by it.

15 MS. WATSON: If I could just kind of
16 talk for a minute about the project that I'm
17 doing just because I think it is one of the
18 reasons why I was so excited when Heather called
19 me, I said, "My God, it is right down my
20 alley."

21 I started this project, I have a
22 one-year project, I started it in April. What I
23 did was take a look at the literature on
24 leadership, and my thought was at the time that
25 I could from all these experts around the

1
2 country and world who were writing about
3 leadership, I could find out what the commonly
4 accepted definition for leadership is, and once
5 I had done that, then my idea was I would pool
6 together these middle managers, sergeants and a
7 group of lieutenants and captains and I'd say,
8 "Okay, here is the definition of leadership
9 that everyone agrees on now, what does this mean
10 to you?"

11 Much to my shagrin, I find there is
12 no definition of leadership; number 2, there is
13 no similarity really other than we call sergeant
14 sergeant, there's really not a similarity. A
15 sergeant in a small Texas town is not like a
16 sergeant in New York City. To get the two to
17 agree to what leadership would entail in their
18 sphere of influence is quite different.

19 I have journeyed down this path
20 where I am now next week going to pull together
21 a group of police chiefs from various countries
22 and the United States and some academics like
23 Herman Goldstein and others to hear this
24 presentation regarding what a leadership model
25 might look like, and the whole idea is to

1
2 transform the way organizations are structured,
3 the way people are recruited, promoted, what
4 accountabilities they're required to achieve and
5 every level of the organization.

6 I don't know where this is going to
7 go other than if I can engage police chiefs, and
8 they will in turn donate people from their
9 organizations for some considerable training,
10 that we will be able to flesh out some of these
11 accountabilities at every level in the
12 hierarchy, and I will, as part of my project,
13 and independent of this, be writing up this
14 exploration, but I wonder if any of you might be
15 able to assist my thinking on this by telling me
16 of similar kind of studies that may have been
17 done regarding really the delineation of
18 responsibility.

19 I have been unable to find out
20 anywhere where it is really quite clear what
21 these middle-layer management models mean. I
22 found one only. Surely there's not only one,
23 and if there's only one, then maybe -- I don't
24 know.

25 MR. STONE: There is a whole

1
2 discussion in the police U.S. management
3 literature about the whole role of middle
4 managers. The theories of middle management and
5 shifts from just moving information up and down
6 and trying to just do quality work --

7 MS. WATSON: I haven't seen anything
8 useful.

9 It is true middle management is
10 generally talked about as middle management, and
11 you might have two layers or five layers or ten
12 layers, and, you know, you have these
13 participative manager things, quality circles,
14 matrix organizations, all these kind of things
15 that make this hierarchy work, but I haven't
16 found anything -- that's not true, I did try
17 total quality management in Austin, was not
18 effective. I tried reengineering, got the
19 books, commissioned the study, almost got fired
20 as a result of that one. It is not that there
21 aren't some approaches, but in terms of
22 something that we all could perhaps use, that we
23 could use that would have a universal tone to
24 them would be enormously appealing, but I
25 haven't been able to find anything.

1
2 MR. STONE: But it is interesting,
3 one of the things we're hearing, first of all,
4 policing as a subject hasn't been the focus of
5 the same kind of attention like it has been even
6 here, and you say there has been the closed
7 hierarchal and quasi-military nature that has
8 been just assumed as the function is
9 interesting.

10 MS. WATSON: Tactics, but not
11 management, and that raises the whole issue, and
12 then I'll shut up, we want to hold the police
13 accountable, right, but accountable to whom for
14 what.

15 We talk about that like we all
16 understand what that means, but I'm not so sure
17 that my understanding of accountability to whom
18 for what is the same.

19 MR. STONE: That was the thing I was
20 trying to get at.

21 I know as we do the mapping document
22 that will be essentially the organizing
23 question, what does accountability mean both in
24 practice and desire. What does it really mean,
25 what does it mean in law, what it means in

1
2 practice and where is it people published, where
3 are people trying to advance that question, to
4 whom and for what.

5 MS. WATSON: Do you want different
6 sets of papers around that same theme from
7 different perspectives?

8 MR. STONE: We can do anything we
9 want. It is really a question of what people
10 think would be most helpful. One approach would
11 be to focus on papers that are proposing some
12 way forward to take us, look at what would an
13 international set of standards on these issues
14 looks like, how would it be useful, what would
15 be the problems that would have to be overcome
16 to do it, and not try to write them in time, but
17 look at what the definitions would be, who would
18 use them, what the current ones out there are
19 and what are the limitations of those.

20 One could look at the whole military
21 and corporate list of management issue. We can
22 use the papers as a series of ways of looking at
23 almost the sort of concept papers for action
24 that might come out of this kind of
25 conversation. Also look at it simply as a way

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2 of looking at particular issues. We can look at
3 the selection of police chiefs, and I was
4 looking at how police executives are selected or
5 held accountable in terms of renewal or
6 discipline themselves.

7 We could look at the role of the
8 media in two, four, six, just one -- we could do
9 it any number of ways like that.

10 MR. SEN: The main question should
11 be police accountability, what we mean by this,
12 and accountable to whom and for what purpose.

13 I have a little difference of
14 opinion, these kind of studies will enable us to
15 move, the factors which have been tried to make
16 police accountability in democratic society, how
17 police have responded to this, what are the good
18 practices which have to be followed and what can
19 be done.

20 It is not exactly that immediately
21 some kind of action program, but we are here, we
22 can produce a paper indicating on a global scale
23 what exactly the accountability means, how it
24 has been tried in different countries, what are
25 the roadblocks and impediments and what are the

1
2 factors that promote accountability and help the
3 police to follow the cause of human rights.
4 That kind of study will be very useful, so we
5 can draw from the experience of each other some
6 other practice which may be followed in India
7 may be of some relevance in Hungary, but if we
8 wonder to other topics, style of management
9 within the police or whether they're
10 paramilitary --

11 MS. WATSON: How could we talk about
12 accountability generally without speaking about
13 accountability specifically?

14 It is one thing to say the police
15 are accountable to the community for whatever.
16 What does that mean in practice, however, unless
17 there is a translation of that global sentiment
18 to individual police officer, who specifically
19 is the individual officer accountable to for
20 what and how is that accountability captured.
21 If a sergeant gives an unlawful order in
22 Hungary, who holds the sergeant accountable, is
23 it the community; if it is not the community,
24 then that's not what we're really talking
25 about. We have to be quite specific for whom

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and for what.

It has to be translated to an individual level, otherwise it is just out there.

MR. SEN: Accountability to the laws, existing laws, police must be accountable and from there everything follows, a sergeant has to be accountable to law, and for that the legal system has to take action against him, and that comes because of the laws of the community, police accountability, otherwise accountability to their legal bosses, which is happening in many places, which is a total -- we have to be very clear on this, and because the issue which came -- at the time when the democratic society, police accountability is to the laws of the land and the laws of the land can reflect -- the police are accountable to the laws, accountability to the community and any act done by the police in contravention of the law, steps have to be taken to insure that police accountability are enforced.

MS. WATSON: My question is if I'm accountable to the law, that's not a person, I'm

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2 accountable to an idea or law. If I break that
3 law, who holds me accountable, the judge? Where
4 is the first person? If I break the law, what
5 then, what's the next step?

6 MS. WARD: Before we go too far down
7 this, this sounds like a paper topic.

8 I think the way we first set up this
9 structure, Chris had a series of
10 accountability, accountability within the
11 department, accountability to civilians and to
12 the law and so on, progression, and we can talk
13 about each step of it, so I'd like to try to
14 bring the discussion back to -- let's define
15 what we're talking about in accountability. I
16 think that could be a whole separate area and
17 more to how we can --

18 MS. WATSON: What I'm trying to do
19 is understanding what accountability is, we
20 haven't defined it yet. We can say it is this
21 --

22 MS. WARD: It is all of those
23 things. I think we're trying to figure that
24 out.

25 MR. STONE: In all these structures

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2 there must be systems of accountability.
3 Because of the nature of police accountability,
4 a lots of ways, in the media, your unit,
5 partner, your sergeant, it is clear even though
6 your sergeant isn't holding you accountable,
7 structures operating, Ombudsman or courts or
8 prosecution, other things are holding you
9 accountable. Most of it is traceable to law of
10 one kind or another.

11 Also the kind of media
12 accountability we've been talking about which
13 are only a tangential accountability with
14 relation to the law.

15 One of the reasons for attention on
16 it, all of them are efforts to try and gain
17 democratic control, connection with democracy
18 here is crucial. In a dictatorship it doesn't
19 come up. It is very clear the only place
20 accountability and the challenge of this is to
21 take the legitimate exercise of force in a
22 democracy, figure out how you're going to deploy
23 that, you want to preserve issues of rights of
24 minorities and rights of active political
25 discourse where change is possible, how do you

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2 keep the police within the law effective and not
3 just staying within the law by not doing
4 anything, working effectively without violating
5 the rights of individual and without
6 compromising the structure of society as a
7 whole.

8 The answer is lots of things, and
9 they have some mutual efficacy maybe, and we
10 talk about a lot of different forms here. We
11 talk about the importance of public education,
12 talk about the importance of structures in a
13 society as a whole and a lot of relationships
14 between the police and those structures.

15 Let me suggest this: You gave us
16 suggestions about this, and you have a long list
17 here, if some of these, given the conversation
18 so far today, strike you they will be
19 particularly useful and enlightening or helpful
20 and take us forward --

21 MR. MELVILLE: Shouldn't we start
22 with exactly what we are going to achieve in
23 broad terms and then decide which specific
24 papers we'll need to make up the whole --

25 MR. PEREZ: I may need to have

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examples of some of the specifics.

MS. WARD: One of the problems may serve different purposes, some cases they may fill in or regional issues that are particularly interesting serve as an example of other areas. We don't have to pick a purpose necessarily, do we want to have some sort of coherence among the five.

MR. PEREZ: I can go over the ones I gave to you, I don't want to answer your question whether it is particularly helpful, that's one that the group has to answer. It does follow roughly within the framework.

MR. SZIKINGER: I think we can use the framework as a flexible one, and, of course, different authors will pick different cells of the scheme and telling a bit less of other cells, but this is also characteristic because if in a given region departmental control is more important, then you can go through and say something about that and you can go into details concerning the departmental control or the individual responsibility, accountability of middle management, by arguing that this is a

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2 major problem we have to address now, so I think
3 this frame is good, and we can give it as an
4 outline, general outline of the papers, and so
5 we have the main chapters of the papers, with
6 the remark that this must not be a rigid one.

7 If you have less to say for state
8 control, you can give more space to social
9 control, but you have to argue why this specific
10 topic is more important in your region and you
11 have to tell something about the discussions in
12 your country, and so on, or the region.

13 MR. STONE: I don't think anything
14 needs to cover the whole. It should be a very
15 flexible structure within which to write, that's
16 right.

17 MR. PEREZ: If you want I'll go over
18 mine, that's the only one of mine that I would
19 go over.

20 MR. STONE: Go ahead.

21 MR. PEREZ: To use our paradigm that
22 we've been operating from today, it would fall
23 within the category of state control and the
24 issue of misconduct.

25 It seems to me that one of the vital

1
2 aspects of a viable accountable system is a
3 viable system for actually prosecuting
4 misconduct. It is not a panacea, not going to
5 prevent crime simply by having an effective
6 system of prosecution, I don't believe that. I
7 think that would be foolish to try to use simple
8 prosecution as the sole tool. I think it is one
9 tool.

10 I've spent a fair amount of time
11 doing that here in the United States, and I
12 think the two purposes having an effective model
13 of prosecution serve is, number one, it shows a
14 police officer that he or she will be held
15 accountable, that is to say, there are
16 consequences.

17 You have a system in place, and I
18 have seen when we have had prosecutions that
19 have been failures, one of the concerns I had in
20 those contacts, it sends a bad message to law
21 enforcement that they can act with impunity and
22 because of those structural defects that was
23 sent to law enforcement.

24 The second problem that results from
25 a structurally defective system of prosecution

1
2 is that it undermines public confidence in your
3 ability to hold police accountable, particularly
4 a problem in the United States, for instance, in
5 minority communities.

6 If you don't have a proper structure
7 in place, the public at large, and I think the
8 minority community, in particular, it is going
9 to exacerbate their suspicion of government.

10 One thing I thought might be useful
11 to look at is the system that we have in place
12 here, and I would be very curious to compare it
13 with perhaps one or two other systems to see if
14 we can then develop some basic principles that
15 would guide us in drawing up a general structure
16 for the effective prosecution of misconduct.
17 That was one of the ideas.

18 MR. SEN: Should you confine it to
19 just investigation or prosecution and
20 investigation?

21 MR. PEREZ: It would be both,
22 absolutely both.

23 MR. SEN: Accountability is
24 absolutely important. There is a legitimate
25 fear that face police is the fear of

1
2 Frankenstein, and it is important in a sense
3 presenting direction, how power is in a
4 democratic society, accountability is there,
5 otherwise what will happen, police power,
6 discretion will be arbitrary, so personally I
7 feel that the papers -- enforcement of
8 accountability, what they've been trying in
9 India, what are the topics and what lessons that
10 we can see of the procedures in other
11 countries. There are important people in the
12 community who are there. All of a sudden
13 without any announcement, they can visit the
14 police lockups and see the conditions and report
15 back.

16 We have 1991 Commissioners office,
17 without information, can go to the police lockup
18 and see.

19 We have suggested particularly the
20 list of complaint authority, complaints to the
21 police within a specific time, and then we have
22 seen how the complaint, they don't have any
23 investigating staff of their own, one complaint
24 given to the complaining authority to one chief
25 constable. And among the common people a

1
2 feeling around the citizens, if you have your
3 separate investigating staff under an authority,
4 these are some of the things which you can keep
5 in mind, there is a need of police
6 accountability, means of enforcing, what has
7 been tried in certain countries and what lessons
8 we can draw. These kind of papers will give
9 guidance to others, other democratic countries
10 will learn from it. The police chief in India
11 can learn something of experiments tried by
12 police officers investigating cases in the USA,
13 find out what things went wrong, what kind of
14 problems they face.

15 MR. FRUHLING: I would suggest that
16 we commission a comparative paper, and there are
17 not that many people who write a paper in this
18 field that compares the realities in these
19 regions.

20 I came across a short paper or talk,
21 a conference organized on police reform and the
22 U.S. assistance to police reform, something of
23 that sort. It was a conference organized three
24 years ago by the Department of Justice and the
25 idea in Washington, it was Philip Heyman and

1
2 other people. I would suggest, I don't know him
3 personally, I would suggest something of these
4 two different sources. One would be something
5 like comparative police reform in emerging
6 democracies. Something like taking stock of
7 what is going on in terms of police reform in
8 the last five or six years maybe focusing on
9 accountability, maybe focusing on different
10 structures created lately and how they create
11 possibilities for more democratic accountability
12 and what are the obstacles for change. That
13 would be one.

14 Another one would be something like
15 comparative perspectives on mechanisms to reduce
16 police violence.

17 Let me just say a comparative paper
18 is needed, I'm not sure these are the documents
19 or these are the people, but certainly we need
20 to look at the issues in such a way.

21 With respect to my own region, the
22 region I'm coming from, I proposed a number of
23 papers by a man in Chile and other ones that
24 dealt more precise precisely with
25 accountability.

1
2 El Salvador is a new police force
3 also, but I see it is not in the list of
4 important countries.

5 MR. STONE: I think I offered the
6 suggestion of comparative papers and then maybe
7 we can take a look at it. I would say we need
8 maybe one pager per region, but maybe not all
9 the regions but more than one.

10 MR. MELVILLE: I'm still trying to
11 put things on a piecemeal basis. I would see it
12 on a structured basis, obviously start with the
13 general, perhaps something along the lines of
14 this third one down there, sort of broad issue
15 of enforcing accountability as part of that and
16 defining the specific terms, sort of the issues
17 we've been raising, what do we mean by
18 accountability, and perhaps rather than trying
19 to do a catchall international comparative,
20 breaking it down and looking at say -- I'm
21 looking at the second page of various different
22 cities, different regions, perhaps we can first
23 have a look, I suppose, at logically the major
24 democracies, what systems they have there, and
25 then perhaps isolate two or three major zones

1
2 there, the United States and Europe, and
3 wherever else they may be, and look at the
4 emerging democracies and highlight certain
5 regions. Obviously, the scope of some other
6 topics in between, what you should ultimately be
7 working towards, see if you can't have an
8 attempt to install some universal principles
9 from all of that. If there are any universal
10 positions --

11 MR. STONE: I think essentially what
12 we're talking about for these papers is a bit in
13 the middle.

14 We'll prepare based on all these
15 conversations, and the other conversations we're
16 organizing, a general framework paper trying to
17 pull together the definition of accountability,
18 it's meaning and structure.

19 I would hope once the papers are
20 together, we would also try and draw some broad
21 conclusions from it.

22 The real question is do we want to
23 sandwich in between some of these, I think
24 there's ways of connecting these last two
25 points, that is, if we make sure we have a paper

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2 that focuses on one issue or another from each
3 of the regions, then that should capture votes
4 and things in some mature democracies.

5 Something like El Salvador, the experience in
6 Chile, I think would be really interesting.

7 There are a number of ways in which
8 we can capture both things. I do think the
9 trickiest one for me to think about is the
10 comparative.

11 I agree with you, we need to do some
12 comparative work. If you could take what you
13 originally proposed as really a U.S. paper and
14 figure out a way to do it, if you can get even
15 stuff that's focused on one place and put it in
16 a comparative context, I think that would help
17 enormously.

18 I don't know what you had in mind
19 when you said you wanted to compare it with one
20 or two other places, but I think that would be
21 that would be helpful. If we were to do -- if
22 we try to get one region as a first cut, you
23 think that would actually, we might end up with
24 the topics we need.

25 MS. WARD: I have a general

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2 question, I think what Neville tried to suggest
3 earlier, we think less about dividing into
4 regionally but more level, what level of
5 democratization or police reform there may be,
6 that might be good for thinking about the paper
7 topics.

8 The way I'm seeing it, we have the
9 mature democracies and police reform that's
10 going on in the U.S., Canada and Western Europe
11 and certain models of police reform have been
12 refined and going on for the last 15 years, and
13 we have transitional democracies trying to do it
14 all at once, trying to catch up with the
15 professionalization that we went on in the
16 United States, and then you have places that are
17 starting totally anew like El Salvador and Haiti
18 and they're building something from the ground
19 up and that to me looks like three different
20 divisions.

21 MR. FRUHLING: You're saying we
22 could have a paper on each of these situations
23 coming from any of the regions?

24 MS. WARD: As long as we have
25 something coming from each of those areas, we

1
2 may cover our bases.

3 MR. SEN: Some of the emerging
4 democracies, the new countries like Haiti or El
5 Salvador, not much has been done. Police
6 accountability, nothing has been done. You can
7 suggest this should have been done. If an
8 effort has been made, what are the lessons you
9 can draw, what is the teaching being followed so
10 that we can provide guidance to others, but
11 where it has just been tried, Haiti and all,
12 nothing is there, what do you write about these
13 countries, if you think about it?

14 MR. SZIKINGER: That is a problem
15 for me.

16 We used to live in a dictatorship,
17 now we are going to live in a democracy. We
18 have the same police, no specific institution of
19 accountability has been introduced, but it is
20 said we have general Ombudsman, democratically
21 elected parliament, but as to police, even the
22 powers of these institutions are rather
23 restricted.

24 There was a provision in the
25 Hungarian Ombudsman Act according to which the

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2 Ombudsman had insight into police acts with the
3 approval of the National Commission, this
4 expressed against the Ombudsman and taking the
5 point of view of police.

6 The question is, I think, a general
7 question, whether some institutional solutions
8 should be introduced in a new democracy in order
9 to prove that this is a democracy and something
10 different.

11 Whether it is enough to say police
12 are the same, but that might also be a good
13 solution in a democratic context, but the chief
14 spy of East Germany, he did the same as the West
15 German counterpart, but he served an
16 undemocratic society. There should be minimum
17 standards set in order to state this police
18 force is trying is driving towards democracy,
19 Ombudsman, how it should have functioned in some
20 other countries and is functioning and how it is
21 functioning in Hungary and what steps should be
22 taken to make it more effective, how the police
23 has changed, in form, but in spirit it is the
24 same. Some people can point out the
25 accountability in name, not in spirit.

1
2 MS. WATSON: There needs to be a
3 discussion of what those accountability
4 mechanisms look like in the various countries.

5 MR. STONE: I guess I'm not as
6 worried about having a fully articulated system
7 for these papers. I think when we've
8 commissioned papers in this time frame before,
9 if you get too precise about what you're going
10 to get, inevitably come in unevenly. What's
11 really helpful when one or more of them turns
12 out to be very provocative, insightful and
13 helpful in advancing something. If anybody
14 wants to, we could do all the papers that have
15 been specifically mentioned we can do and still
16 have some more, but just to sort of bring this
17 to a close, are there any other specific topics
18 on here or specific authors that we haven't
19 pointed to yet that you think struck you as
20 important or helpful in trying to develop this
21 theme?

22 I think what I'm hearing sounds like
23 some comparative work will be helpful and it
24 sounds like focusing on one or two particular
25 kinds of strategies for investigation or other

1
2 accountability, that might be helpful. We can
3 do all of that.

4 Are there other individual topics or
5 approaches to this that we ought to be also
6 looking at?

7 MR. MELVILLE: Someone raised in the
8 conversation earlier the practical difficulty of
9 the police not knowing precisely who they're
10 supposed to account to and how, and I suppose it
11 is the other side of the condition of all these
12 people we talked about, so maybe the two could
13 start on it together, the flip side of the
14 coin.

15 MR. STONE: The view of the police
16 constable, police officer.

17 MR. MELVILLE: How should the police
18 department deal with all these different bodies
19 that they have to account to.

20 MR. FRUHLING: You think we have the
21 time and the possibility of commissioning one of
22 these papers that is written by like two or
23 three authors which comprise previous case
24 studies?

25 MR. STONE: I think it is hard to

1
2 commission a single paper, I'd almost rather
3 commission three short papers and our trying to
4 put them together during this time.

5 MR. FRUHLING: I think that would be
6 a good idea, something along the lines of the
7 second suggestion here, like accountability on
8 policing societies divided by race, class,
9 taking one thing from each other group.

10 MS. WARD: Today we talked how the
11 interest of minorities are represented to the
12 police. It is not specifically stated here.

13 MR. SEN: Why police behave like
14 this, study of police misconduct because from
15 that the question of accountability comes. Many
16 cases police are misconduct, a study of police
17 culture, so if we are to think of policing, we
18 have to go into that, why police behave like
19 this, what are the facts. Apart from the
20 management, organizational culture, what kind of
21 culture, police subculture, as we call it.

22 MS. WATSON: I was going to
23 follow-up with a bit on Hugo's comment really in
24 terms of the comparative study, maybe that's one
25 of the issues to explore comparatively, and

1
2 Bailey certainly has done a lot of that on the
3 culture and Wasserman has as well. It seems to
4 me a study of culture as it relates to
5 accountability, not a study, but a paper on it
6 comparatively.

7 MR. MELVILLE: Part of the same
8 thing how one can change the culture.

9 MS. WATSON: Okay.

10 MR. STONE: Let us try and take this
11 conversation, figure out how it is, to do some
12 of these things and fax around as quickly as we
13 can to everybody what that might look like, get
14 something more concrete in front of you, you
15 move in that direction. We talked about some of
16 you, we suggested some of you as authors here,
17 others have suggested others. I just want to
18 make sure that's okay.

19 MR. FRUHLING: Could this be
20 translated or should be written in English?

21 MR. STONE: We can translate. Just
22 a question of time and the editing process.

23 MR. FRUHLING: In my case, I could,
24 if it were a short paper, yes, and I haven't
25 contacted the other people.

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2 MR. MELVILLE: On the understanding
3 this one that appears in connection with the
4 second page there, my understanding that would
5 be a very short piece to tie in with the whole
6 team, and I would make myself available for
7 that.

8 MS. WARD: How about if I agree to
9 let you know what I propose before we circulate
10 it.

11 MR. STONE: Let us try and do that
12 and see if we could pull together a list of
13 people appropriately and willing to try to cover
14 the issues that come up here.

15 MS. WARD: There may be offers from
16 the countries in the region, there may be people
17 who come to mind who we don't know.

18 MR. STONE: David Bailey is someone
19 we've been in touch with and actually coming in
20 about a month, we will talk to him, and it is
21 interesting that his name comes up so
22 frequently.

23 Let me suggest that we postpone the
24 conversation about the role of the March meeting
25 to tomorrow morning when we are going to have

1
2 breakfast here with Mary from the Ford
3 Foundation, who is the one organizing that
4 session, and let me suggest instead that what we
5 do, we have about an hour and a quarter with
6 Mary tomorrow.

7 MS. WARD: Yes.

8 MR. STONE: I think to the extent
9 you can take where you started with this morning
10 and your thoughts on the conversation today, I
11 think what Mary is trying to do how she can give
12 some structure and guidance to people all over
13 the world trying to fund both, people doing the
14 kind of work you do, but also lots of other
15 organizations, academics, action-oriented,
16 police reform, other sorts of things.

17 If you can begin to translating some
18 of the concerns you brought to the table and the
19 conversation you brought to the table today, in
20 many cases it is actually what you came with. I
21 think when we focus on tomorrow morning, if you
22 can let her know if you had sort of one theme or
23 one issue or one strategy, if you felt you knew
24 how a private foundation like this can move in,
25 if she can hear that from each of us she will

1
2 have a more concrete talk with us how she would
3 like to structure the meeting we have in March
4 to take advantage of what we have to say and
5 also be useful to people she's bringing in.

6 Does that make sense, does that
7 work?

8 And I think a number of you have
9 made clear during the course of the conversation
10 today what you think is important to get done,
11 and I think tomorrow morning would be a good
12 time to try to distill that, if you can, into a
13 few sentences, I think that would be really
14 helpful. I think it is going to be what you
15 feel strongly and where you think there's both
16 importance and opportunity that's going to make
17 the meeting in March work best. By then we'll
18 have a lot of material and a lot of stuff for
19 everybody to read. I think it is going to be
20 your own sense of where there's real possibility
21 to move forward and real progress to be made
22 that's going to end up carrying the day as to
23 what Ford does.

24 MS. WARD: Maybe we can talk briefly
25 about what will be happening on the first day in

1
2 March, first day breaking up into workshops in
3 the afternoon, the structure of the meeting.
4 When you go away from here today you can think
5 about that, how you might want to participate in
6 March.

7 MR. STONE: My hope is it wouldn't
8 break down, no reason to pull people from all
9 over the world together and it breaks down by
10 region. You can get more people involved, and
11 all that seems more useful, so one thing to do
12 in light of what we've done today, get the whole
13 group together and have a general discussion of
14 the framework that's evolved and the material
15 pulled together and we could break down into
16 smaller discussions at these different levels,
17 focusing on the department, focusing on state
18 and local control and have each of those
19 conversations cut across regions, but to do that
20 in smaller groups. That's just a thought coming
21 out of the conversation we've had today.

22 Does that make sense for the
23 conference in March?

24 MS. WARD: Ford will have time after
25 we leave to pull this all together themselves.

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2 MR. STONE: Then what we'll do is
3 try and get the group together on the first day,
4 get to know each other, get to know what the
5 issues are. It will end up repeating a lot of
6 what we've done here today with the much bigger
7 group and people who don't focus on this issue
8 all the time, and then maybe if we break down
9 the smaller discussions on these different items
10 and give people a chance to come back together.
11 Does that make sense, does that work for you?

12 You might also think about if there
13 are six of us roughly, the way this works out, I
14 think the thing we've learned is I think if we
15 actually group together, if we do pairs, maybe
16 we can even vary it a couple of times in the
17 course of it.

18 What we are going to do after these
19 meetings here, we are going to be pulling this
20 together and write up this framework of papers
21 that will be -- that will go in drafts and we
22 will circulate that. We hope the work of this
23 working group is going to be pushing and
24 requesting and revising. I think without this
25 conversation today it would have been a much

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slower, less successful concept.

All right. It has been a long day, a lot of the conversation. I found it very stimulating and helpful. It is a beautiful day out there.

(Time noted: 4:45 p.m.)

I, RICHARD M. JENNINGS, hereby certify the foregoing is a true and accurate transcript of my stenographic notes.

Richard M. Jennings

RICHARD M. JENNINGS