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nesty International (1998) *United States of America: Rights for All*. London: Amnesty International.

vden, M. (1999) *Black Hawk Dow: The Story of Modern War*. New York: Atlantic Monthly Press.

ideur, J-P. (1997) *Violence and Racial Prejudice in the Context of Peacekeeping*. Ottawa: Minister of Public Works and Government Services, Canada.

hen, S. (1994) 'Social Control and the Politics of Reconstruction', in D. Nelken (ed.) *The Futures of Criminology*. London: Sage.

awshaw, R., Devlin, B. and Williamson, T. (1998) *Human Rights and Policing; Standards for Good Behaviour and a Strategy for Change*. The Hague: Kluwer Law International.

ivis, R. C. and Mateu-Gelabert, P. (1999) *Respectful and Effective Policing: Two examples in the South Bronx*. New York: Vera Institute.

regory, F. (1996) The United Nations Provision of Policing Services (CIVPOL) Within the Framework of 'Peacekeeping' Operations; An analysis of the issues, *Policing and Society*, 6, pp. 145–161.

regory, F. (2000) 'Private Criminality as a Matter of International Concern', in J. W. E. Sheptycki (ed.) *Issues in Transnational Policing*. London: Routledge (forthcoming).

iaass, R. N. (1999) 'What to do with American Primacy', *Foreign Affairs*, 78(5), Sept.–Oct., pp. 37–49.

luman Rights Watch (1998) *Shielded from Justice, Police Brutality and Accountability in the United States*. New York: Human Rights Watch.

gnatieff, M. (1999) 'Human Rights: The Midlife Crisis', *New York Review of Books*, XLVI(9), pp. 58–62.

Corey, W. (1998) *NGOs and the Universal Declaration of Human Rights; A Curious Grapevine*. New York: St. Martin's Press.

Mandelbaum, M. (1999) 'A Perfect Failure; NATO's War Against Yugoslavia', *Foreign Affairs*, 78(5), pp. 2–8.

Pasquino, P. (1991) 'Theatrum Politicum: The Genealogy of Capital – Police ad the State of Prosperity', in Burchell, G., Gordon, C. and Miller, P. (eds.) *The Foucault Effect; studies in governmentality*. London: Harvester Wheatsheaf.

Shapiro, I. and Brilmayer, L. (eds.) (1999) *Global Justice*. New York: New York University Press.

Shawcross, W. (1979) *Sideshow; Kissinger, Nixon and the Destruction of Cambodia*. London: André Deutsch.

Sheptycki, J. W. E. (1998) 'Policing, Postmodernism and Transantionalisation', *British Journal of Criminology*, 38(3), pp. 485–503.

DEMOCRATIC POLICING: A FRAMEWORK FOR ACTION

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The authors maintain that accountability to multiple structures, at multiple levels of control, distinguishes democratic police from police governed by other regimes. No single accountability structure is sufficient; rather, structures at the internal, state and social levels are all necessary. Typically, these structures address either the responsibility of police to provide public safety or police conduct, but not both; better coordination and stronger linkages of these structures assures more robust and effective accountability. The authors outline opportunities for democratic police reform, or entry points for building and strengthening accountability to mechanisms at each of the three levels, noting that there is no correct approach to democratic police reform.

Since the spring of 1997, the Vera Institute of Justice, with support from the Ford Foundation, has been engaged in a survey of police accountability structures and public safety initiatives in several countries struggling to consolidate democracy: Argentina, Brazil, Chile, Mexico, India, Hungary, Poland, Russia, Kenya, South Africa, Uganda, and the United States. This paper is largely based on interviews with members of police services, government officials, ombudspersons, human rights advocates, lawyers, and scholars in each country.

How can the citizens of a democracy control their police? The question is as old as democratic theory, but it has gained fresh urgency today

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iigh levels of crime (and the fear of crime) increasingly dominate
politics of democratic states. How can police agencies create the
ernal discipline necessary to advance public safety while treating
iple with respect? How can the elements of civil society advance the
rk of the police to provide safety and justice? How can other struc-
es of a democratic state – the courts, legislatures, and elected offi-
ls – assure the public that the police are using their growing power to
otect people while respecting the rights of all?
The urgency of these questions is vividly clear in newly democratic
ites. In Hungary, South Africa, and Brazil – to take three examples
iere the police recently served authoritarian regimes – democratic
vernments have actually increased the power of the police to detain
spects longer, search and seize property, or conduct undercover sur-
illance in response to rising crime. Indeed, the surge of crime during
ie transition to democracy has been dramatic in many countries. In
ussia, for example, many citizens expected crime to disappear once
ie communist regime dissolved, since they held the state responsible
or most violence. Instead, property ownership, new business and con-
umerism, and the relaxation of political control have spawned new
inds of crime from burglary to racketeering to murder. In such circum-
tances, mechanisms must be created through which the police are
lemocratically accountable for how they use their expanded powers;
itherwise, policing itself, not crime, may undo the new freedoms.

These are urgent questions in older democracies as well. In the United
States, for example, residents of traditionally underprotected commu-
iities – from Washington Heights in New York City to South Central
Los Angeles – find themselves caught in the same paradox as citizens of
newly democratic states. The scourges of crime and violence push them
to accept some intrusions on their freedoms by the police, despite the
fact that these same communities exercise little control over the tactics
or styles of policing in their neighborhoods. In these communities, com-
plaints of police abuse are frequent, but so are calls for police assist-
ance. In India, the world's largest democracy since 1948, threats to
national security occupy more police attention and resources than the
everyday crime that affects most citizens. Residents avoid contact with
the police, even when they are the victims of crime. New mechanisms
must be created and existing controls strengthened in these countries
as well.

Fortunately, the prospects for achieving this kind of democratic con-
trol are good; indeed, the creation of the necessary structures is well
advanced in many places. Each of at least a dozen recent innovations in
policing and police accountability can be seen as contributing to this
process. These innovations include such otherwise disparate devel-
opments as community policing, real-time analysis of crime statistics,
victimization surveys, civilian complaint review boards, civil rights and
human rights prosecutions of police, integrity units within police agen-
cies, exclusionary rules of evidence, laws mandating arrest in domestic
violence cases, and more.

These are all mechanisms of democratic control, but they are not
themselves sufficient to produce democratic policing. Effective demo-
cratic control over policing, or indeed over any government function,
requires a civic culture that values democratic governance, social struc-
tures that support democratic practice among the citizenry, and polit-
ical will among civilian leaders to hold officials to account. When these
conditions are present, the structures and strategies described here can
all promote democratic policing.

The framework developed in this paper aims to advance the demo-
cratic accountability of police by specifying these political structures
and practical strategies and exploring the relationships between them.
First, we organize these mechanisms into a single, coherent picture of
policing in democratic society. We present them as complementary, not
competing. Our aim here is to help officials, reformers, and concerned
citizens avoid the false dichotomy between one kind of accountability
mechanism and another. By recognizing that police in a democracy
must be accountable simultaneously to multiple levels of control, one
avoids, for example, the Hobson's choice between civilian complaint
review and internal police investigation of misconduct. Second, using
the framework we suggest several ways to strengthen democratic poli-
cing where the political culture, practice, and will are sufficiently
developed to support such an effort.

In many democratic countries, there are people in positions to act on
these issues. Human rights activists and civil rights organizations in
many countries now find themselves in positions to shape police policy
and practice, but what should they do about crime? People serving in
government now have political permission and the technology to
expand police power exponentially, but which new powers will make

ᵉ biggest difference to crime, and how can these new powers be con-
ͻlled? Both officials and activists have unprecedented abilities to
ͻmmunicate with one another across national and even continental
ͻundaries, but as a practical matter what can they gain from exchanges
ıth colleagues around the globe?

HE IMPORTANCE OF ACCOUNTABILITY

olice in democracies do the same things that police do under authorit-
rian regimes. They patrol streets, detect crime, enforce regulations,
rrest and interrogate suspects, control demonstrations, and use force
sometimes deadly force) in the course of these duties. So what distin-
ɡuishes policing in a democracy?

One possible answer comes from the United Nations and its effort to
lefine its mission when deploying police from member countries. Dur-
ng its 1996 mission to assist in police reform in Bosnia–Herzegovina,
ɦe Commission on Policing Structures of the UN International Police
Γask Force defined democratic policing in this way:

In a democratic society, the police serve to protect, rather than impede freedoms. The
very purpose of the police is to provide a safe, orderly environment in which these free-
doms can be exercised. A democratic police force is not concerned with people's beliefs
or associates, their movements or conformity to state ideology. It is not even primarily
concerned with the enforcement of regulations or bureaucratic regimens. Instead, the
police force of a democracy is concerned strictly with the preservation of safe communities
and the application of criminal law equally to all people, without fear or favour. (United
Nations International Police Task Force, 1996)

The Commission also set out seven basic principles of policing in
a democracy, from which policing standards and behaviors can be
inferred:

1. Police must be oriented and operate in accord with the principles of democracy,
   consistent with the constitution and with laws;
2. Police, as recipients of public trust, are professionals whose conduct must be gov-
   erned by a professional code of conduct.
3. Police must have as their highest priority the protection of life, a fundamental human
   right.
4. Police must serve the public and are accountable to the public they serve. Police must
   act in such a way so that the public knows, understands, and accepts the police meas-
   ures which are being undertaken to provide for public safety.

5. Protection of life and property is the primary function of police operations, and a
   central focus of police activity must be on measure to prevent crime.
6. Police must conduct their activities with respect for human dignity and basic human
   rights of all persons.
7. Police must discharge their duties in a non-discriminatory manner. Law enforcement,
   public safety, and protection of human rights must be handled in a manner which is
   fair and equal for all persons. (United Nations International Police Task Force, 1996)

The effort that produced this definition by the UN may have been the
most painstaking, but many others organizations have attempted their
own definitions. Recently, Professor Otwin Marenin reviewed defini-
tions of democratic policing developed by international donors, multi-
national policing forces, senior practitioners, and several scholars.
Marenin points out that no specific practices are common to all police
in democracies, nor to all the definitions of democratic policing, but he
does find consensus on six general principles: 'effectiveness, efficiency,
accessibility, accountability, congruence, and general order' (Marenin,
forthcoming). The two principles in Marenin's list that resonate most
strongly in the UN list are accessibility and accountability.

David Bayley, one of the most widely respected scholars of policing
internationally, reaches the same conclusion. Professor Bayley identi-
fies two essential features of democratic policing: responsiveness and
accountability. A democratic police force, he states, 'responds to the
needs of individuals and private groups as well as the needs of govern-
ment,' and is 'organized to be responsive downwards' to the disaggreg-
ated public. It is 'accountable to multiple audiences through multiple
mechanisms' (Bayley, 1997).

Police in democracies must be accountable when they violate rules,
laws, and civil rights, but the accountability that Professor Bayley
describes is broader than this. It is equally important that police be
accountable for how they attempt to protect the public, how they
respond to reports of crime, and the results they achieve in terms of
public safety. Police must be accountable for both their behavior and
the protection of public safety, and they must be accountable, accord-
ing to the view adopted here, to multiple mechanisms.

Strengthen these mechanisms, and you have strengthened demo-
cratic policing. Coordinate these mechanisms, and you have helped
police deliver safety with respect for the rights of all.

Police forces in every country have many responsibilities beyond
ensuring public safety. In rural India, police settle land disputes; in

Brazil, they drive ambulances; in Russia, they operate pretrial detention centers. To most people, however, what matters is the policing they see on the streets from day to day. Police who patrol and respond to calls are the most visible representatives of a government to its people. What people should expect from these police is some assurance of safety and to be treated decently. Hence the focus here on these two reasonable, if ambitious, expectations.

What are the multiple mechanisms to which the police must be accountable? They will vary from place to place, but in every democracy they can be grouped into three levels of control:

- internal or departmental control;
- state or governmental control;
- social control, or control by civil society.

For what are police accountable? Here, it is useful to separate means from ends, for police are accountable for both. They are accountable for producing public safety and for behaving respectfully and within the law.

The chart below lists some of the more common mechanisms to which the police are accountable at each of the three levels, listed down the first column. The second column identifies those to which the police are accountable for public safety, and the third column specifies those governing police behavior toward the public.

Police Accountability Mechanisms

The proposition we advance here that police in democracies must be accountable to multiple mechanisms simultaneously stands in contrast to the assumptions underlying much contemporary debate on the subject. For example, when discussing how to investigate police misconduct, it is common for officials to argue among themselves about whether a police department should be accountable to an independent body or, alternatively, to the chief of the department. Similarly, when discussing the relative priority of crime problems, it is common today for officials to debate whether a department should be accountable to elected officials or to community policing forums and citizen councils. In both cases, the choice is a false one. Police in a democracy must be accountable to all of these structures, and more.

Table 1   Police accountability mechanisms.

Accountability to \ Accountability for	Public safety (reducing crime, violence, disorder, and fear)	Police behavior (reducing corruption, brutality, and other misconduct)
Internal control	training, line commanders, crime statistics reporting, reward structure	training, line supervisors, rules, ethics codes, integrity units, administrative discipline, peer pressure
State control	operational direction by elected and appointed political officials, budget authorities, prosecutors	ombudservices, legislative committees, criminal liability, civil liability, exclusionary rules of evidence
Social control	neighborhood safety councils, community-based organizations, media, policing research and policy institutes	civilian complaint review, external auditors, media, human rights monitors, policing research and policy institutes

Police chiefs will always find it easier, and will argue that it is more efficient, to keep accountability clear along a straight, hierarchical line. The chief of one large U.S. police department, for example, told us recently that, in his view, the city's community police advisory boards should not be able to set priorities for his department, and an outside inspector should not routinely investigate individual cases of police misconduct. Instead, this chief asserts that he should be responsible for anticrime strategies and for disciplining his officers, and he should be accountable to a single executive authority.[1] Police officers in such a department would be accountable to their chief, the chief to the mayor (or the governor, or the president), and the chief executive to the electorate. Most chiefs and most mayors would probably agree that this straightforward, hierarchical structure provides all the accountability they need. So long as the executive stands for election every few years, democracy reigns.

But in matters of policing, democracies are not so easily satisfied. The organized use of force by the state against its own people requires

constant and complex democratic oversight, especially when directed at groups that are underrepresented through the democratic process. Accountability only to an elected official alone, as in India or Brazil in the past, can invite partisan political interference. In Los Angeles, for example, political pressure that rose following the acquittal of the officers who assaulted Rodney King led to the creation of both a set of community boards to advise local commanders and a new office of inspector general to investigate complaints. Critics say that it was mere 'politics' that added these two accountability mechanisms to the matrix of such mechanisms in Los Angeles, but in this case politics is just another word for democracy in action.

Of course, every department must be accountable to its chief, and the chief to the executive. The other mechanisms are not alternatives to this line of accountability, they are additions. But there are lots of them. Beyond the community boards and inspectors general, politics requires police to be accountable to the courts, the budget committees of the legislature, civilian complaint review boards, organized interest groups, the press, and individual members of the public. Federalism adds a layer of complexity in the United States, Brazil, Germany, and similarly structured democracies, where local police must account to federal as well as state authorities. Managing in this matrix of multiple mechanisms is one of the great difficulties inherent in leading a modern, democratic police force. At the same time, those managing each of the accountability mechanisms should understand that theirs is only one of the structures to which the police must answer.

ENTRY POINTS FOR REFORM

There is no correct or perfect place to begin a process for strengthening accountability where it is weak, but there is plenty of choice. Wherever it starts, reform has greater and longer lasting significance when it strengthens the mechanisms in this matrix than when it is part of a particular anticrime or anticorruption campaign.

Some of the mechanisms, like community advisory boards, have been popular as ideas in many countries, but have proven difficult to establish and sustain with membership of sufficient size and continuity. Others, like the public dissemination of reliable statistics on reported

crime, require more technical expertise, but perhaps will prove more effective in the short term. Still, the choice of how to begin is better made on the basis of local conditions and opportunities than on tentative conclusions about what seems to have worked elsewhere.

Departmental Control

Reforming police from within a department is always worth considering because improved accountability here can be felt immediately by everyone on a force. Indeed policing scholar David Bayley declares it the preferred route to reform for three reasons: police can hide from external inspection, internal regulation can be more thorough and extensive (focusing not just on the most dramatic and visible problems), and it can be more varied by using both formal and informal control mechanisms (Bayley, 1985). But departments, like any bureaucracy, are also highly resistant to reform. They can erect substantial obstacles to new initiatives, and police culture is notoriously impervious to change, even when it comes from police commanders. Choosing the best mix of internal reforms, therefore, can be crucial. These can include changes to the structure, culture, or composition of a force, to its management systems, to its training programs, to its policing strategies, to its disciplinary system, and to its use of technology. We consider each of these in turn.

Reforms to organizational structure, culture, and composition   Plans for internal reform must take account of the different structures of police departments. Some are national, others municipal; some centralize authority, others are decentralized. There are debates underway in many countries about how a department should be structured in a democracy. But police scholars generally agree that there is no correct or 'democratic' structure, as long as the department is accountable downward to localities and civilians, as well as upward to elected officials and the courts.

Funding from multiple layers of government seems to help keep police accountable to national and local constituencies, whatever their organizational structure. For example, in Brazil, public safety committees exercise some control over local units of the São Paulo state Military Police force by providing them with extra funds and equipment. In Hungary, local self-governments contribute funds to the local unit of

the Hungarian National Police, but they can also nominate local police chiefs, and the local chief is required to submit a monthly performance report to them – even though he or she is under the command of national headquarters. And in Russia, governors supplement the funding of the national police units within their territory, in some cases gaining substantial control over operational strategies.

In the United States, the federal Justice Department provides funds to state and local police, requiring compliance with various standards of performance and reporting. In any jurisdiction, the relevant question is not about the structure of the police itself, but whether mechanisms have been found to make the police – however structured – accountable both nationally and locally.

Police departments also differ in their organizational cultures. In every department, as in many professions, officers protect one another and will defend the profession against outside criticism. The 'blue wall of silence' is a phrase that translates easily in every jurisdiction. Indeed, the solidarity of police officers even in the protection of corrupt officers is often cited as a cultural obstacle to accountability. But departments vary widely in the health or pathology of their police cultures. For example, police officers in Chile's Carabineros and Russia's militsiya are paid roughly equivalent salaries, yet the Carabineros take pride in their clean reputation, while the militsiya are known for being corrupt. In the United States, the National Institute of Justice is sponsoring research on three police departments that appear to be highly resistant to corruption to determine how the commanders have shaped their internal culture, but there is little systematic knowledge about this today.[2]

Police commanders and reformers often hope that they can change the culture of their police departments through changes in recruitment. New research is underway in the United States to measure the performance and allegations of misconduct among cohorts of recruits entering the police at different moments and under different policies over the

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[2] In 1997, the National Institute of Justice of the U.S. Department of Justice provided funding for a research project, 'Enhancing Police Integrity: Three Case Studies,' to explore the control of misconduct through management practices in the police departments of Charleston, South Carolina, Charlotte-Mecklenberg, North Carolina, and St. Petersburg, Florida.

last twenty years.[3] In the meantime, anecdotal reports provide at least two lessons from experience: First, older recruits with more experience and education seem to perform better and are less likely to misuse force than younger ones; but second, new recruits of any description are more likely to conform to the existing culture than to change it.

One particular goal in recruiting is to hire members of groups previously underrepresented. Many policing scholars and human rights advocates argue that the racial, ethnic, religious, and gender composition of a police force should mirror the population it serves (O'Rawe and Moore, 1998). Some argue that police better serve, and treat more fairly, members of the groups to which they belong. Another argument is that police who work on a diverse force learn respect for their colleagues and, through them, for other members of those groups. Whatever the merits of either of these arguments, recruiting previously excluded groups, while good for departments, has proved to be a difficult and slow strategy for change even when it succeeds.

Reform through police management and leadership   As outlined by Herman Goldstein in Policing a Free Society in 1977, police managers have a range of options for improving the conduct and performance of their subordinates. First, managers can issue clear directions, leaving little room for misinterpretation or abuse. Second, they can introduce or amend a system of incentives and rewards. The latter may require rethinking the performance measures on which rewards are based. One particularly egregious example of a performance measurement that rewards poor and even illegal conduct is the system of 'bravery rewards' in Rio de Janeiro, which were introduced in the early 1990s by the head of the state's Military Police force, a former army general. Police who place themselves in dangerous or life-threatening situations received special commendation and monetary awards. Killings and beatings by police increased dramatically after the policy was introduced. Other indicators, such as the number of arrests, not only create distorted incentives for police to make arbitrary or unfounded arrests, but actually fail to measure how police perform in dozens of other legitimate

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[3] This research, 'Identifying Correlates of Police Deviance,' is led by Jim Fyfe of Temple University under a grant from the National Institute of Justice. A final report is expected in late August 1999.

policing activities. Ultimately, the success of these strategies depends on the leadership abilities of individual managers, as well as the clarity and alignment of a department's incentives and rules (Goldstein, 1997).

Reform through police training Any change in the habits and activities of police requires new training. But training alone has limited impact unless coupled with practical reforms in management, deployment, and supervision. In every force, new recruits complain that training courses do not prepare them for what they encounter on the street. Once on the job, they are often told to leave their training in the classroom and follow the lead of experienced officers.

This common complaint explains the limited impact of many training initiatives. Yet the initiatives continue, perhaps because they are attractive both to reformers and to those who wish to resist reform. Reformers like training because police trainers are typically open to outsiders and new approaches more than officers in the chain of command, and the new recruits are more open, idealistic, and value-driven than seasoned cops. But the impact of training dissipates quickly unless reinforced in daily practice.

Human rights training seems to fit this pattern particularly well. Under political pressure, police training institutions in every part of the world have introduced courses in civil and human rights. In practice, however, recruits generally learn about constitutional and international human rights standards, not how to observe these rights in their day-to-day work. The training is particularly easy to dismiss when it is delivered by special lecturers or guests. Disappointed with the impact of specialized human rights courses, many advocates now recommend that the principles be incorporated into other training courses, such as the use of firearms or interrogation techniques.

Training that accurately anticipates the situations police will encounter – including hostility from average citizens and resistance from suspects – can help police prepare to handle those situations less violently, but more effectively (Goldstein, 1997). Training programs in the proper, restrained use of firearms and in alternatives to lethal force, such as verbal judo (a technique of using words, not force, to subdue a suspect), are popular with police as well as human rights groups. The

misuse of firearms by police is responsible for hundreds of civilian deaths each year in the United States.[4]

Inexperienced officers draw their weapons too readily and make poor judgments in the split second they have to decide whether or not to shoot. To improve officers' decision-making ability, some training courses have begun using virtual reality technology to simulate dangerous situations. Over and over again, students have to decide whether to fire or not. Other training in conflict management recognizes that the police often find themselves escalating the level of conflict when they respond to a perceived threat. Training in verbal judo and less than lethal force teaches recruits how suspects can be controlled through language, nonviolent forms of contact, and restraint (Geller and Scott, 1992).

Training in investigation and legitimate interrogation techniques may similarly help reduce the unnecessary use of force to extract confessions. A deputy station commander in New Delhi, for instance, claims that beating suspects to force confessions is necessary because he and his colleagues lack modern investigative skills. What they need is practical, hands-on training in interrogation without using force, plus training in fingerprinting, handling evidence, and intelligence gathering. Developing these basic skills, and updating them for senior officers, could help police avoid using mental or physical abuse to obtain information. Management and executive education is also a newly popular form of in-service training for police. Senior officers are more likely to conceive of themselves as commanders rather than managers or executives, although some police executives have begun to apply private-sector management theory to policing (Hoover, ed., 1996).

Reform through organizational approach: community policing and problem-oriented policing Versions of what is now referred to universally as community policing have existed for decades in Japan, England, and

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[4] The number of civilian deaths caused by police in the United States is not known. Section 210402 of the Violent Crime Control and Law Enforcement Act of 1994 requires the U.S. Attorney General to 'acquire data about the use of excessive force by law enforcement officers' and to 'publish an annual summary of the data acquired.' The Bureau of Justice Statistics has developed a national household survey on police–public contact and is now piloting a National Police use of Force Database in a limited number of police departments. The database will allow police officials to report use of force anonymously and voluntarily.

elsewhere. In the United States, community policing emerged after earlier reforms succeeded at increasing professionalism and removing police from the control of political factions, interest groups, and widespread corruption. The professionalization movement emphasized police skills and competence, but it also removed police from direct contact with civilians and strengthened the hierarchical command structure. Over time, the public demanded more personal attention from police and control over police activities in their neighborhoods, while police realized their effectiveness depended on public cooperation and support. In Brazil, South Africa, and Uganda, community policing programs were designed in recent years to overcome the lack of trust and cooperation between marginalized racial or religious communities and the police. Ideally, community policing accommodates what the public wants from the police, which varies across neighborhoods and from one person to another.

Community policing embraces a wide array of initiatives ranging from community relations to community control. No two programs are the same, nor should they be, but several scholars and police chiefs have concluded that the variation is so great that the label has lost its meaning. In some cases it takes the form of a departmentwide organizational strategy; in others it consists of a special unit of community liaison officers.

Police scholars offer a wide variety of definitions. Broadly speaking, however, community policing contains one or more of the following three elements:

1. A commitment by the department to deploy officers on local beats and focus attention on problems of concern to local residents, merchants, and workers, even if these are relatively minor offenses.
2. A commitment by the department to talk with community residents and consider their views in establishing priorities for police in their neighborhoods.
3. A commitment by the department to analyze and solve crime problems rather than simply respond to each individual report of crime through an individual arrest.

Each of these three elements presents challenges as well as opportunities. Officers walking the beat are sometimes surprised that they are welcomed by local residents, even in neighborhoods where tensions have historically been high between police and the public. Indeed, the

increased presence of police in these communities has been shown to reduce residents' fear of crime (Dietz, 1997). Yet the focus on minor offenses and disorderliness can create new tensions if these are of concern to only part of the community.

Meeting with residents and considering their views is also popular, but the decision as to how the community is legitimately represented in these meetings can provoke conflict. Simply defining community as those residents living within a patrol sector, Herman Goldstein points out, 'will not necessarily produce groups of individuals with shared values...' (Goldstein, 1990). Police officials generally try to control which community representatives they will collaborate with, and they often favor those who are better organized and wield more political power. In one U.S. department known for its strong program of community policing, a local commander told us proudly that he can appoint and fire each member of his community advisory board, and he is sure to tell them that when he appoints them.

The community policing program in the state of São Paulo, Brazil has tried to assure some balance on its community boards by requiring that representatives of various sectors – teachers, bankers, lawyers, shopkeepers, and others – attend the monthly community policing meetings. Unfortunately, the better equipped a community is to engage with the police in this way, the less likely it is that the community needs police protection. In Brazil, South Africa, Uganda, the United States, and elsewhere, police executives observe regretfully that community policing often works best where it is least needed.

Finally, few departments have thoroughly implemented the problem-solving component of community policing. In its most simplified terms, problem-oriented policing requires police to survey a community's problems, select and study a particular problem, develop an appropriate response, then evaluate the impact of the response and learn from it. Appropriate problem-solving responses are those which permanently reduce the effects of the crime problem, in contrast to traditional responses, such as repeat arrests or displacement, which may only abate the problem for a short time or move it elsewhere.

The problem-oriented approach is best liked by scholars and least practiced by police with a few notable exceptions. Some commanders worry that the rank and file are neither trained nor able to analyze problems over time, devise solutions, mobilize resources from a range

of government agencies, and then implement the strategies. Equally important, some police commanders worry that the role itself intrudes dangerously on the work of local politicians and elected representatives. Community policing and problem-oriented policing can function as accountability mechanisms when they provide opportunities for community members to set their own safety priorities and hold police accountable for addressing them. And when elected officials are invited to participate, Goldstein notes, political control over the police becomes stronger (Goldstein, 1990). Defining anticrime strategies with individual communities demands flexibility on the part of police to tailor their strategies for diverse neighborhoods. The problem-oriented approach accommodates these differences by focusing on a limited number of specific crime problems, not general problems of disorder, as defined by the community.

Adopting a new policing approach requires significant changes in departmental management and culture, as well as community capacity and the level of engagement. For a new approach to succeed, the effort must be integrated into the work and reward structure of the department, whether it is carried out by a special unit or by the department as a whole.

What is community policing?   Jerome H. Skolnick and David H. Bayley, Community Policing: Issues and Practices Around the World: 'Examining experience on four continents, we have found four areas of programmatic change in policing that have occurred consistently under the banner of community policing. In other words, when police departments act rather than just talk about community policing, they tend to do four things: (1) organize community-based crime prevention; (2) reorient patrol activities to emphasize nonemergency servicing; (3) increase accountability to local communities; and (4) decentralize command.'

Mark H. Moore, 'Problem-solving and Community Policing' in Modern Policing (Tonry and Morris, eds.): 'The fundamental idea behind community policing ... is that effective working partnerships between the police and the community can play an important role in reducing crime and promoting security (Skolnick and Bayley, 1986; Sparrow, Moore and Kennedy, 1990).' Community policing emphasizes that citizens themselves are the first line of defense in the fight against crime. Consequently, much thought must be given to how those efforts

might best be mobilized. One important technique is for the police to open themselves up to community-nominated problems. ...

'The concept of community policing changes thinking about the bases of police legitimacy. In community policing, the justification for policing is not only its capacity to reduce crime and violence at a low cost while preserving constitutionally guaranteed rights but also its ability to meet the needs and desires of the community.'

Wesley G. Skogan and Susan M. Hartnett, Community Policing, Chicago Style: '[Community policing] involves reforming decision-making processes and creating new cultures within police departments; it is not a packet of specific tactical plans. It is an organizational strategy that redefines the goals of policing, but leaves the means of achieving them to practitioners in the field. It is a process rather than a product.'

Reform through internal investigation and discipline   Most police departments have an internal system for identifying, investigating, adjudicating, and punishing individual instances of police misconduct. Some U.S. police departments have started using early warning systems to identify potentially dangerous officers. A computer database tracks a range of variables, including: officers' age, education, length of service, arrest rates, frequency of 'resisting arrest' charges filed by the officers, record of assignments, disciplinary histories, use of force and firearms, reprimands and awards, and civilian complaints (Geller and Scott 1992). A red flag alerts supervisors when an officer accumulates too many points based on these variables. Supervisors can then intervene to make sure the officer gets more training in a deficient area, is transferred to a position with less civilian contact, or is disciplined.

Internal control systems are often distrusted by the public because of their secrecy and suspected bias towards officers, and they are rarely the subject of well funded reform efforts. Nevertheless, strict internal discipline is an indispensable mechanism of accountability. Only the department itself can respond swiftly to violations. Internal investigators are often the only ones who can find the information and evidence needed to convict and punish police who engage in misconduct. At the extreme, however, internal disciplinary systems can be so strict or arbitrary that they constitute a separate form of abuse against police themselves.

While internal investigations can cover subjects from deadly shootings to the failure to polish one's shoes, two areas have received particular

attention: corruption and misuse of firearms. Some anticorruption units within police departments simply investigate complaints against particular officers after the fact. More aggressive units also conduct undercover investigations in which agents attempt to bribe the suspect officers. The most thorough units add a third tactic: random integrity tests of all officers or those in the most corruption-prone assignments. The laws in many countries constrain the use of some of these tactics, but even the strictest laws, such as those in Russia and much of Europe, an allow carefully crafted operations of this kind.

Every police department has policies governing the use of firearms. In many, police are required to file reports every time they use force or discharge a weapon, but the rules themselves vary widely. For example, in major U.S. departments, a police officer must account for every bullet, while in Brazil officers must submit a report every time they fire 19 bullets. These reports can lead to internal investigations by specialized 'shooting boards' to determine whether use of the firearm was justified. These reviews, particularly when conducted by a standing panel, may reveal tendencies among individual officers to misuse firearms as well as circumstances in which the use of firearms can be better controlled.

Reform through computer technology   The most advanced policing in North America and Western Europe is today heavily dependent on sophisticated and expensive computer systems. DNA analysis can confirm the identity of suspects; fingerprint databanks match prints in seconds; and computers in patrol cars serve as an emergency dispatch system and allow officers to complete paperwork away from their desks. No technology can substitute for neighborhood patrols, talking to residents, or questioning suspects face to face, but computers can help police identify repeat offenders, spot crime patterns and trends, and keep track of calls for service, incidents, and arrests over time. How important, then, is this technology to accountability for crime control and good conduct?

The answer to this question is crucial to decisions about investment in police reform because computerization is so expensive and time consuming. In the view of some reformers, a computerized criminal record system is an essential first step in the construction of a police force that really protects the public from crime. As a result, the South African

government, for example, is investing several million Rand in a single, integrated criminal justice information system to be designed and implemented over several years, even while it cannot afford basic supplies in station houses. North American and Western European governments and multilateral donors have also spent vast sums providing computer technology to police forces in new democracies in Eastern Europe. Yet technology used by one police force is not necessarily transferable to another. The recipients must be able to maintain and modify the systems as well as use them. Even then, the contribution of the technology alone – without corresponding changes in management practice and operations – is uncertain.

Perhaps the best known use of technology to improve police accountability is New York City's COMPSTAT program, which stands for 'computer statistics.' It is based on mapping software that allows the chief of police to analyze crime data each week and local commanders to analyze it within 24 hours of the events. At biweekly meetings, precinct commanders are held accountable by the chief for what they are doing to address individual crimes as well as crime trends in their areas. COMPSTAT has been adapted by the Los Angeles, New Orleans, and many other police departments for their own use, and the technology is likely to spread much farther. The New York City Police Department, which received an Innovation in American Government Award from the Ford Foundation and Harvard's John F. Kennedy School of Government in 1996 for its COMPSTAT process, hosts an international conference on COMPSTAT each spring, showcasing the technology and the accountability mechanism to hundreds of U.S. and foreign police officers.

Technology, however, may not be necessary for police to apply COMPSTAT's basic management principle: routine accountability to supervisors for spotting and resolving local problems quickly. The New York department, for example, has always mapped crime trends with colored pushpins on a wall map; COMPSTAT ensures that supervisors at headquarters have the same information almost as quickly as the precinct commanders. Where police lack the human or material resources to use and maintain computer systems, more appropriate technologies, such as pushpins and wall maps, may serve.

Although new technologies are innovative and present information in more complete, timely, and flexible ways, they do not necessarily help police managers respond to crime problems any differently. For example,

computerized crime mapping allows a department's commanders or crime analysts to identify 'hot spots,' or concentrated clusters of criminal activity. Even without the computerized maps, many departments respond to these hot spots by assigning more officers to the area and making more arrests. However, if the crime mapping is used to plot hot spots against other data – abandoned buildings, street lighting, schools, liquor stores, etc. – then police may be able to move beyond arrests. For example, they might identify the environmental factors related to the offenses and work to resolve, once and for all, the root problems.

State Control

Police departments are accountable to multiple agencies of the state, including legislative, judicial, and executive bodies. None of these can substitute for effective departmental control, but they are indispensable to a well governed, democratic police, and they can prove important partners to reformers within a department. State mechanisms provide particularly useful places to locate initiatives for police reform when a department is ignoring a crime problem, corruption is widespread, or misconduct is severe. These instruments of state control can be executive, judicial, or legislative. We consider each in turn.

Reform through executive oversight   Police chiefs answer directly to elected officials – mayors, governors, or presidents – or to someone appointed by an elected official, such as a board of commissioners or a cabinet minister. Some of these officials attempt to direct police tactics and strategies; others exercise control primarily through the budget; still others defer to their police chiefs completely. The force of executive control seems to depend on personalities and political traditions more than on its precise structure. For example, in many post-colonial countries, such as India, the police are oriented toward protecting the political elite, rather than the majority population (whom they were once charged with subduing). New York City's mayor today is deeply involved in directing police strategy, where his predecessors deferred. In Poland, the Minister of the Interior is tentatively testing his role with the police, having recently lost control of the police budget. In South Africa, the Minister of Safety and Security last year appointed a business executive to the new post of director of the South African Police Service, overseeing

the longstanding commissioner of SAPS but promising not to interfere with operational tactics.

A federal structure affords the central government some control over the orientation and strategies of local or state police, mainly through funding. In 1994, the U.S. Department of Justice created the Office of Community Oriented Policing Services to oversee the allocation of funding for community-oriented policing programs in local departments. In order to obtain the funding, departments had to demonstrate a commitment to community policing values and strategies. Partly in response to this financial incentive, community policing programs (of varying quality and commitment) emerged throughout the country.

Executive branch officials can also hold their police accountable through the appointment of special commissions to review police practices and recommend improvements. These commissions – such as Los Angeles's Christopher Commission, New York's Mollen Commission, or Brazil's Inter-Ministerial Working Group – often lend expertise to the public official and allow him or her to avoid taking personal responsibility for being too critical or making unpopular changes to the police agency. However, special commissions rarely have the authority to carry out or monitor the changes they recommend. Ultimately, their effectiveness depends on the authority and commitment of the public official who named them.

Prosecutors, on the other hand, provide a highly structured, if indirect and case-based, mechanism of control over police.[5] Prosecutors review evidence gathered by police in every criminal case, direct investigations in major cases, and establish prosecution policies locally or nationally that guide police practices. In countries as diverse as Hungary, Russia, South Africa, Mexico, and Brazil, prosecutors have traditionally been career civil servants, unaccustomed to thinking of themselves as agents of police reform. The potential power of the prosecutor over the police has not been much explored in these or other countries.

Changes in the legal profession in many new democracies are likely to transform the civil service culture of prosecution, aided in some cases by new legislation. In South Africa, for example, the 1994 constitution

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[5] Prosecutors may be considered either executive or judicial officials, depending on local legal structures.

calls for the creation of a national director of public prosecutions (DPP), and Parliament is currently considering legislation that would give the DPP control over a national prosecuting authority. Changes in the role and ambitions of prosecutors in these countries provide opportunities to expand the control that they exercise over police.

Ombudservices, oversight commissions, and inspectors general – with widely varying powers – also attempt to hold police accountable. In Warsaw and in Mexico City, for example, the ombudspersons receive complaints from the public regarding all government departments, a small number of which concern police; in São Paulo, the ombudsman receives complaints only relating to police, as does South Africa's Independent Complaints Directorate. In India, the National Human Rights Commission receives complaints about a range of government agencies, but most of its investigations concern allegations of police misconduct. Like civilian complaint review boards (discussed below), these mechanisms are created principally for a public audience. Not only must they work toward making the police more accountable, but the public must see that they are doing so. Once created, however, these ombudservices, commissioners, and inspectors are expected to take concrete actions in addition to issuing public reports. All can refer cases to public prosecutors or police commanders for prosecution or appropriate discipline; some can initiate prosecutions themselves; and a few provide guidance to police commanders on training, regulations, and operational tactics. To make these actions effective, however, the ombudservices, commissioners, and inspectors must work closely with police and prosecutors, compromising public confidence in their independence.

Reform through the courts   If executive control is meant to keep police accountable to the democratically elected government of the day, then judicial oversight is meant to keep the police accountable to the rule of law. Both are essential.

Perhaps the best known mechanism of police accountability in the courts is the exclusion of evidence in criminal cases. Courts around the world are routinely asked to exclude confessions extracted through force and physical evidence found during improper searches. The exclusion of coerced confessions is widely credited with the virtual elimination of force in the interrogation of suspects by U.S. police in the middle of this century, but this form of accountability requires a

determined judiciary and an effective system of legal representation for those facing criminal charges. In Russia, where forceful interrogation of suspects appears to be widespread, the courts have long had the power to exclude coerced confessions, but they rarely do so. And even in the United States, the exclusion of evidence by the courts has proved incapable of holding police accountable for improper searches and seizures of contraband or evidence.

The courts also hold police accountable through civil litigation, although this is both complicated and expensive. In most democratic countries, victims of police misconduct are permitted to sue the police for money damages, but such cases seem rare outside the United States, where a prevailing plaintiff can win attorney fees. In some countries, such as Argentina, cultural attitudes towards accepting money from the government prevent victims of abuse from pursuing this remedy more vigorously (Chevigny, 1995). Even where this litigation succeeds, however, it may only have a minor effect on police because the judgments are paid by the government. For example, between 1994 and 1996, the City of New York paid approximately $70 million in civil damages for police misconduct (Purdy, 1997). The city government had built these amounts into its budget like the other costs of doing business. Moreover, the court findings come so long after the incidents that they rarely have any value for internal management purposes in the police department.

In the United States, a new form of civil litigation is brought by victims of crime against the police for failing to carry out appropriate police action that might have protected them. Victims may also attempt to sue the government for its failure to protect them from offenders released into community supervision, but the courts generally refuse to permit such claims. In recent years, victims of domestic violence in the United States have begun to win civil cases in which police came to their homes but ignored their requests for help (See, for example, Tracy Thurman *et al.* v. City of Torrington *et al.*, United States District Court, 1984). The civil courts may prove a potent mechanism for women's organizations in many countries, many of which report this same indifference on the part of the police.

In limited instances, the courts can direct the police to enforce or ignore certain offenses. The recent use of civil injunctions by U.S. courts to set juvenile curfews or prohibit loitering, for example, has

aided police in targeting gang activity. In the 1960s and 1970s, by contrast, courts invalidated vague public order laws that gave police wide discretion to arrest loiterers on no specific criminal charges (Livingston, 1997).

The most dramatic, and therefore politically powerful, manner in which the courts hold police accountable is through the public trial and criminal conviction of police officers, either for corruption or excessive force. When courts fail to convict police officers who kill civilians without apparent justification, citizens perceive a lack of commitment to democratic values. Indeed, the failure of the courts ever to convict police who kill creates a climate of impunity within which the population believes that democracy is a sham. Yet convictions are extraordinarily difficult to win. The prosecutors typically have little experience in these cases and cannot rely on the commitment of the police when they are responsible for investigating the case. Witnesses are afraid to come forward; even judges may have more loyalty to the police than to the law.

Recognizing that individual prosecutions – rarely brought and even more rarely won – fail to deter police misconduct or provoke institutional reforms in police agencies, in 1994 the U.S. Congress authorized the Department of Justice to bring civil suits against police departments which exhibit a 'pattern or practice' of misconduct. Justice Department prosecutors may seek a judge's statement of the legal standards that govern the department and a court order that forces the department to abide by those laws. The order can specify reforms that the department must implement in order to avoid further legal action. So far, the Justice Department has exercised this authority in few cases, though it is currently investigating several departments under this statute (Agathocleus, 1999).

Reform through legislatures   There are several ways in which legislatures exercise control over law enforcement agencies. In the United States, there are three key principles of oversight, as stated by James X. Dempsey of the Center for Democracy and Technology (Dempsey, 1996). First, legislatures (or special committees within legislative bodies) often have access to information and intelligence obtained by law enforcement agencies. Federal agencies – the Central Intelligence Agency, the Federal Bureau of Investigation, and others – are

required to report their activities to the U.S. Congress (Dempsey, 1996).

Second, members of legislatures have opportunities to discover and expose inappropriate police conduct. News reports, information submitted by non-governmental organizations or private citizens, or individual legislators' own concerns may trigger inquiries by members of the U.S. Congress and their staffs, who are authorized to conduct interviews and review sensitive documents. In some cases, these inquiries may result in hearings, where members of Congress state publicly their concerns regarding agency practices (Dempsey, 1996).

Third, through statutes and budget control, municipal, state, and national legislatures define the missions and authorities of law enforcement agencies. They pass laws that police must enforce, and they set standards that can expand or contract police powers. In practice, while fear of crime often prompts expansion, contraction of police powers is rare. Even in formerly authoritarian countries such as Hungary, democratically elected legislatures have given police even greater authority to detain and search suspects than they had under the previous regime.

Legislatures oversee the budgets of law enforcement agencies and can control the police by directing funds to particular stations, units, or programs. But the same holds true: rarely are legislators willing to withhold funding for such an essential service as policing. Nor do they commonly use their authority to deny funding for certain activities or impose conditions and limitations on how the funds are spent by police agencies. In many countries, legislative oversight of law enforcement agency budgets, especially those of intelligence agencies, usually takes place in secret for reasons of national security (Dempsey, 1996). Greater public scrutiny of the process might strengthen legislators' resolve to use their oversight authority.

Legislatures, therefore, are typically not useful vehicles for improving accountability for misconduct, but they can improve police effectiveness where the police are reluctant or unable to address a particular problem. For example, new mandatory arrest laws in cases of domestic violence are being considered in several countries. These require police to make an arrest whenever they find reasonable cause to believe that a person has been criminally threatened or assaulted in a domestic dispute. By enacting such laws, legislatures are implicitly rebuking police for failing adequately to protect the safety of women.

Social Control

In every democracy, civil society exercises control over government between the ritual elections. The lines of authority may be undefined, the methods improvised, and the legitimacy of the entire exercise contested, but the control of government by institutions of civil society remains an enduring feature of democratic practice.

Responsiveness to civil society alone, however, does not guarantee policing that is respectful of human rights. In societies plagued by crime, citizens demand that police crack down on criminals, even at the expense of their own liberties. Indeed, in many countries, the majority of citizens approve of the use of brutality to fight crime.[6] Control mechanisms at multiple levels – not only civil society – are, therefore, necessary to the formulation of a democratic police.

Several institutions of civil society oversee and attempt to shape the work of the police, most notably the media, civilian review boards, advocacy and research organizations, and community-based organizations, each of which we consider here. For police officers reluctant to account to anyone other than their direct commanders up the hierarchy, relations with these institutions are particularly awkward. Their power to improve police practice is therefore largely derived from alliances they form with internal and state control mechanisms. Yet their relative independence from government determines their ability to mobilize passionate and critical constituencies.

Reform through the media   Perhaps the most common complaint among reformers, both inside and outside police organizations, is that the media frustrates serious efforts at reform by focusing only on the most sensational crime of the day. Every police commander on the job for more than a few days understands that he or she is under the watchful eye of the press, and that he or she needs cooperation from the press, but reports are often poorly informed and rarely go beyond the facts of a brutal crime. Coverage of crime and police-related news is often given to the most junior reporters, and complex policy issues are ignored (Goldstein, 1977). The cliché of American newsrooms, 'If it bleeds, it

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[6] In Poland, for example, the director of the Justice Ministry's Institute of Justice claims that 93 percent of the population approves of the use of brutality to fight crime.

leads,' sounds a familiar note among those working on crime and policing around the world.

Media organizations themselves occasionally attempt to improve their coverage of crime and policing: sometimes through special training programs in conjunction with journalism schools, in other instances through longer term assignment of reporters to the story or to features on police work. Typically, however, reporters depend on good relations with the police to get the latest breaking crime stories and are reluctant to go beyond the story told by their police informants or to report events unflattering to the police.

Police departments and police oversight agencies can also improve the coverage of crime and policing through better dissemination of information and openness to journalists. Their tendency, instead, is often to guard the information and portray a tough-on-crime position. The scarcity of information, however, only diminishes public trust, especially in countries where the media colluded with or was directed by former authoritarian governments. Even new democratic leaders are reluctant to submit themselves to media criticism for fear it will undermine their tenuous authority. Some organizations are trying to help police understand the importance of their relations with the media. Hungary's Center for Constitutional Law and Policy (COLPI), for example, held a fall 1998 conference for police and journalists from Eastern European states and Russia to encourage further improvement of the coverage.

The explanation and dissemination of crime statistics by independent experts, scholars, and research organizations appears to be a particularly promising avenue for the improvement of media oversight of police. Journalists report the ups and downs of crime statistics with an interest they do not show in other government statistics, yet the statistics themselves are rarely prepared or explained to take advantage of this interest. Simple compilation and explanation of statistics drawn from police reports, victimization surveys, and other sources such as medical clinics might be a powerful next step.

While one role for the media is to provide information about crime and policing to the public, it can also transmit information from the public to the police. Particularly in countries where community-based or non-governmental structures do not have open relationships with police, the media can give voice to society's concerns about crime or police responsiveness.

The media also plays a role in exposing police misconduct and pressuring police to reform. For example, quantitative data about police shootings of civilians, arrests without charge, and police discipline are rarely made public by police departments. Where there are no effective ombudservices or similar mechanisms, news reports may be the only available records of these events. The Center for Legal and Social Studies (CELS) in Buenos Aires keeps a tally of police killings through such reports in the local press. And where internal affairs units and police prosecutors lack independent investigative powers, it may only be a journalist who uncovers key facts in a police abuse case.

When news of police abuse is covered in the media, it, too, can be sensationalistic. Police abuse scandals are often catalysts for the reform or creation of oversight mechanisms, the decision to prosecute accused officers, or independent reviews of police operations and culture. For example, Brazilians' outrage at several incidents of brutality broadcast on national television in the spring of 1996 led to the creation of an inter-ministerial working group to review all aspects of law enforcement in that country. The committee produced a document with nearly 50 recommendations for change. But the recommendations may go nowhere without sustained media attention and public pressure.

Reform through civilian complaint review   Civilian complaint review bodies receive complaints against police from the public, investigate them, and recommend discipline to police commanders or actually impose sanctions when appropriate. They operate in dozens of cities in the United States, in counties throughout Canada and Australia, and nationally in South Africa and other regions. Though the strength and effectiveness of these bodies vary, their existence alone provides an opportunity for civilians to participate in the disciplinary process and increases their confidence that the process is fair and objective.

The debate over how to structure civilian oversight invariably results in the following dilemma: Is it more important for the oversight body to be truly effective at identifying, investigating, and punishing police misconduct? Or, is it more important for the oversight body to be fully independent of the police organization? The answer has important implications for the boards' compositions and for whom the boards or committees use to investigate the allegations they receive.

Typically, where investigators looking into civilian complaints are police or former police officials, rather than civilians, they have better access to police records and better cooperation from colleagues inside the department. Although these police investigators may be fully committed to their work, they are often perceived as biased by the fact that they are police. Whether or not this is true, the perception weakens public confidence in the process. Yet using investigators unfamiliar with the inner workings of a department weakens the investigations themselves.

The majority of civilian review bodies do not have the authority to discipline officers; they can only point out problems and recommend action by the department. Increasingly, however, they are offering mediation and apology as an alternative to instituting formal disciplinary proceedings. Those who complain of relatively minor offenses – insulting language, an unnecessary shove – tell researchers that they would prefer quick apology to a lengthy, formal investigation (Sviridoff and McElroy, 1989). Training mediators and expanding this alternative may prove a useful reform wherever minor complaints are drawing scarce resources away from the thorough investigation of serious misconduct.

Reform efforts of non-governmental organizations   The focus and scope of non-governmental organizations (NGOs) varies widely. Those which most commonly take on issues of public safety and policing include human rights organizations, research institutes, women's groups, civil rights organizations, and business associations.

• Human rights organizations under repressive governments have routinely observed police activities, interviewed victims and witnesses, documented police abuse, and mobilized public concern. As newly democratic governments becomes more open, however, some of these groups have started cooperating with departments to help reform policing practices. While there is some concern that these collaborations undermine the independence and critical posture on which the legitimacy of these organizations depends, others accept this new approach for its potential to achieve real improvements human rights conditions. In South Africa, for example – where violent crime poses more danger to citizens today than state-sponsored violence – the Centre for the Study of Violence and

Reconciliation, a human rights organization, has created a program on crime prevention to analyze criminal justice policies, provide victim assistance, and educate youth about crime prevention. The Centre's director, Graeme Simpson, is concerned that the shift in emphasis of his organization and others in South Africa threatens to undermine South Africa's nascent human rights culture.

The Centre is also involved in police training, as are human rights organizations in Brazil, India, Hungary, Russia and many other countries. As an end in itself, this training may not accomplish real change, but as a route to greater collaboration with police reformers, it is a promising development. Simpson says that his Centre's success in working directly with police is due to the organization's ability to deliver public support for the programs they carry out jointly. The Centre's involvement, he finds, has been crucial to building trust between the police and the public (Simpson, 1997).

• Research organizations can highlight problems that need police attention, provide a sound basis for policies, and evaluate the impact of police reforms. In Hungary, the Police Research Institute was created by the Interior Ministry in 1991 to provide a research basis for its policies on public safety and policing. A staff of social scientists, statisticians, and legal scholars surveys public opinion of the police, studies police–minority relations, and analyzes trends in crime. The Institute shares its work with the national commander-in-chief of police, county police chiefs, other government ministries, and universities. Few police organizations have the research capacity to track and analyze this type of information themselves, but when it is made available by independent organizations, it gives police a rational basis for deploying resources, planning anti-crime strategies, and effecting institutional reforms.

• In response to the concerns of women's and anti-domestic violence groups, some police departments have created special resources for female crime victims. Police departments in Brazil and India have established women's precincts – staffed mainly by women police officers – where women are encouraged to report rape, domestic violence, and child abuse. Although the women's precincts in Brazil were first praised by the human rights community because reporting of these crimes increased, there is now growing skepticism that this

scheme isolates crimes against women from other types of crime. Another problem is that the handful of special precincts are only accessible to women who live near them. The Uganda Police Force has developed a second model for responding to crimes against women: gender desks, or family protection units, in every station house, staffed by an officer, male or female, who is specially trained and sensitive to gender issues. In addition to dealing with the criminal cases in greater privacy than usual, the officer refers victims to shelters, counseling, lawyers, and other services.

Overall, women's and anti-domestic violence groups tend to be well connected to their counterparts in other countries and able to share information and strategies, including ways of working cooperatively with police. The Uganda Association of Women Lawyers, for example, is a chapter of FIDA, an international network of women's rights organizations. Under an agreement with the Uganda National Police, a representative from the group accompanies police officers every time they respond to domestic violence incidents.

In many other countries, however, including Hungary, Poland, Russia, and Chile, police do not consider domestic violence a major crime problem. Violence that occurs in the home is largely regarded as a private, family matter that does not concern the police, even though they are often called on to intervene. (Senior police officials in Poland estimate that one-third of all calls for service in that country are related to domestic violence.)

• In the United States, many civil rights organizations provide legal representation and support to victims of police abuse, particularly to members of ethnic or racial minorities. Many also attempt to negotiate improvements to departmental policies to reduce tensions with police in poor and minority communities (Goldberg, 1998). Although racial and ethnic minorities experience police abuse more than majority populations in almost all of the countries surveyed for this article, few of these organizations have followed the lead of some women's and human rights groups and begun work directly with police to improve police responsiveness to concerns about crime in these same communities.

• Community-based organizations, formed around a neighborhood rather than a single issue or interest group, often rank crime and safety

near the top of their priorities. In many countries, police increasingly assign officers to attend meetings of these organizations to keep them informed of police efforts in their communities. Under community policing programs, the authority of this liaison is often expanded so the department sets policing priorities with the community-based organization. In some cases, the police departments help community-based organizations establish auxiliary police programs in which uniformed volunteers patrol the area. Where these structures do not exist, police are often responsible for organizing them.

For all of the interest in community organizations in countries around the globe, and for all of the talk of community policing over the last decade, it is striking how little assistance is available to community-based organizations on these issues. Community organizations everywhere seem to want to learn how to build effective collaborations with local police, both to improve their own safety how they are treated by police.

As police departments gain experience collaborating with these community structures, police chiefs and political officials are expressing concern about the lack of formal legitimacy in these organizations. When the police department agrees to set its priorities with the community, what gives one group of residents the authority to represent the entire neighborhood? Some practitioners respond that so long as the organization is open to all and well publicized, those who take an active part will have earned the right to be heard. Others seek to restrict formal collaboration to locally elected officials rather than voluntary, community-based organizations.

Questions of legitimacy become important when community-based organizations increase their influence by donating funds and equipment to police. Often, the 'community' organized to help police in this way is the business community. In the city of São Paulo, for example, the most active chapter of the community policing program is a group of business people from the city's center interested in keeping the streets near their offices clean, attractive, and free of loiterers.

The business community has become a powerful constituency for police reform – and a major consumer of police services – in both emerging and mature democracies for several reasons. A country's high crime rate can threaten the security of investments and signals to investors that the government is incapable of enforcing its laws. Police misconduct

and impunity are also threatening to businesses; they indicate a government's failure to hold itself to the same standards it sets for average citizens. And of course, corporate leaders resent having to bribe police to protect their commercial property or allow the transport of goods.

The business community's interest in reducing crime is often manifest through material support for police. In February 1998, for example, an alliance of Wall Street businesses pledged $5 million over 10 years for the renovation and lease of space for a New York Police Department substation, which would serve as the base for 140 additional officers in the area (Barry, 1998). And in South Africa, the non-profit organization Business Against Crime receives funds from corporate sponsors and channels their donations to the police. Through this organization, the BMW corporation has provided the Johannesburg police with several BMWs for chasing and catching carjackers. Business Against Crime has also tried to help the South African police improve their management capacity. Other business-sponsored organizations, such as Citizen Peace (Paz Ciudadano) in Santiago, Chile, help the police track and analyze crime statistics. In these ways, business leaders join the array of civil society mechanisms holding police accountable. This stands in contrast to business support for private policing, which increasingly removes business from the common stake in democratic governance of police.

CONCLUSION

How can the citizens of a democracy control their police? The inquiry that began with this relatively simple question may now appear hopelessly complex. It is not so.

Citizens in democracies control their police at three fundamental levels: through the department, through the state, and through institutions of civil society. Control at every level must be strong, and the mechanisms that hold police accountable for public safety must be coordinated with those that hold police accountable for corruption and abuse.

No one mechanism should be preferred in the abstract over the others. There is no correct mechanism with which to begin the process of reform. Where one begins is a matter of politics and opportunity.

What is most striking about the accountability mechanisms discussed here is that none of them belongs only to one place. Each is being tried today in several different democratic societies. Although the local political climate, legal norms, and the individuals in each place are distinct, those working to strengthen any one of these mechanism could surely benefit from the experience of those elsewhere. Practitioners confirm this. Before the Ombudsman for Police in São Paulo set up his office in 1997, he visited civilian complaint review boards in Chicago, Washington, D.C., New York, and Atlanta to learn how it had been done before. The practices and strategies he saw gave him ideas for how to organize his own work. Equally important, information about what was done elsewhere gave him the political leverage to overcome resistance at home. Police tactics themselves are perhaps best developed at a local level, but building the structures of democratic accountability is our common project.

References

Agathocleus, Alexis (1999) *Prosecuting Police Misconduct: Reflections on the Role of the U.S. Civil Rights Division*, Vera Institute of Justice.

Barry, Dan (1998) 'Mayor Orders Review of Plan for Substation,' *The New York Times*, 19 February.

Bayley, David H. (1997) 'The Contemporary Practices of Policing: A Comparative View,' paper presented to the Center for Strategic and International Studies and the Police Executive Research Forum, 6 October.

Bayley, David H. (1985) *Patterns of Policing*, New Brunswick, New Jersey: Rutgers University Press, pp. 177–178.

Chevigny, Paul (1995) *Edge of the Knife*, New York: The New Press, pp. 196.

Dempsey, James X. (1996) 'Legislative Oversight in the United States,' Center for National Security Studies, paper presented in Budapest, Hungary, 31 May, pp. 1, 1–5, 5–9, 10–12, 13.

Dietz, A. Steven (1997) 'Evaluating community policing: quality police service and fear of crime,' *Policing*, 20(1), pp. 83–100.

Geller, William A. and Michael S. Scott, 'Deadly Force: What We Know', Washington, D.C.: Police Executive Research Forum, 308, p. 287.

Goldberg, Laura (1998) 'Report Urges Civilian Review,' *Cincinnati Enquirer*, 11 February.

Goldstein, Herman (1977) *Policing a Free Society*, Cambridge, Mass.: Ballinger, pp. 167–174, 317.

Goldstein, Herman (1990) *Problem-Oriented Policing*, New York: McGraw-Hill, Inc., pp. 25, 26.

Hoover, Larry T. (ed.) (1996) *Quantifying Quality in Policing*, Washington, D.C.: Police Executive Research Forum.

Livingston, Debra (1997) 'Police Discretion and the Quality of Life in Public Places: Courts, Communities, and the New Policing,' *Columbia Law Review*, April, pp. 3–4.

Marenin, Otwin (forthcoming) 'The Goal of Democracy in International Police Assistance Programs,' *Policing*, pp. 8–12.

O'Rawe, Mary and Linda Moore (1998) *Human Rights on Duty: Principles for Better Policing – International Lessons for Northern Ireland*, Belfast, Northern Ireland: Committee for the Administration of Justice.

Purdy, Matthew (1997) 'What does it take to get arrested in New York City? Not much,' *New York Times*, August 24.

Simpson, Graeme, director, Centre for the Study of Violence and Reconciliation, personal interview, 25 November 1997.

Sviridoff, Michele and Jerome E. McElroy (1989) *Processing Complaints Against Police in New York City: The Complainant's Perspective*, New York: Vera Institute of Justice.

Thurman, Tracy *et al.* v. City of Torrington *et al.* (1984) Civ. No. H-84–120, United States District Court, D. Connecticut, October 23.

United Nations International Police Task Force (1996) 'Commissioner's Guidance for Democratic Policing in the Federation of Bosnia–Herzegovina,' Sarajevo: United Nations, May, pp. 1–2, 2–19.