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Police Integrity and the Police Organization

Introduction

Policing involves an enormous amount of discretion at the lowest level of the organizational hierarchy (**Wilson 1968**) – no matter in which country or in which situation a police officer is acting. Government and accountability of the police, police integrity and related aspects are important aspects of "Policing across the World" (**Mawby 1999**). Everybody knows, that the cop in the street has more control over the life or death of citizens than any other peacetime civil servant (**Fyfe 1988**), but in many countries this cop has no adequate training[1]. When discretion is combined with a lack of accountability to the police organization, inadequate training, low ethical standards within the police force, and no clear vision or corporate identity (What's the purpose of my duty?), the result is a tense, uneasy relationship between the police and the community they serve (**White 1997**). Problems with integrity within the force might be a consequence of this. Peace and power, violence and tranquility (**Fehérváry/Stangl 1999**) within a given society depend very much on how policing is organized, how well the members of the police force are doing their jobs, and how police and their work is recognized by the public. Policing citizens might look the same the whole world over **(Waddington 1999, 3)**, but is different when we take a closer look. Decision making in different situations under different circumstances can never be the same, but we may find comparable elements, similarities and structures, influencing police activities, police accountability and integrity.

White (1997) argued, that at least three sets of variables at different levels have been shown to consistently influence police decision making: environmental, organizational, and situational. I would add personal and subculture aspects or levels to this list.

On the first hand, everybody would agree, that the following aspects do have an impact on police integrity: policing strategies, organizational structures, internal subsystems, subculture values, training, political decisions, external factors like media and others. But the key question is: How strong is this impact? Do these aspects influence and perhaps contradict each other? And what is the most important factor, influencing police integrity?

There is no doubt that the organization of police influences police integrity. But what exactly does "Police Organization" in this context mean? In my understanding, Police Organization is the way, police is organized, structured and trained, including the formal and informal regulations, but also the way, police deals with misconduct, deviant behavior, and misuse of power by police officers.

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[1] There are still countries, where police officers get none or a few day training only. In Germany, the basic training is about two years, and to get into the highest ranking, more than 8 to 10 years are necessary – which is more than every judge or medical specialist gets, and which costs nearly 300.000 US$ per officer in the highest ranks (for the training of senior police officers in Europe see Denis 1994). The influence of militaristic training, still undertaken in former communist states, is another important aspect. The situation in 1999 in Kosovo, where police forces were committing acts against Human Rights and work very closely together with ordinary military troops, was a consequence of this. On the other side, right after the Balkan conflict started, in Slovenia the Police forces helped to close the boarder to Ex-Jugoslavia and thus prevented the invasion of Jugoslavian troops (or Serb military) into Slovenia.

1 Accountability, Integrity, and Police Control within different Typologies of Police Systems

The first question is, whether or not different typologies of police systems result in different forms of accountability and – as a consequence - different levels of police integrity. The degree to which the police force can be made accountable for what is done is a central feature of government of the police. National police systems are made accountable at a national political level, usually by way of clear ministerial responsibility to a national parliament or Assembly. In fragmented police systems, the accountability is much more local and diffuse. Police forces will be viewed as being immediately accountable to the local electorate, and they themselves might be headed by an elected leader (Sheriff-system in the US). A combined system has an element of balance between central and local government. Traditionally the police systems of USA and Britain would be classified as respectively fragmented and combined where a large number of police forces operated in relative isolation or where local and central government were jointly responsible for the government of police (**Loveday 1999**). France has traditionally been identified as a clear example of a national centralized police system and cited as the most extreme form of centralized police activity in Europe in which the "rights of man" (and the individual) have had to compete with the collective interests of the state. Under such a situation, one could argue that the system is more concerned with the protecting the interests of the state than with the rights of the individual (**Coatman 1959**). But along with the dirigiste nature of policing in France, a very wide discretion given to the police in carrying out their duties has unofficially been accepted. Furthermore, France as some other European countries has at least two, nowadays three or more different police forces. The Police National (under the Ministry of Interior), the Gendarmerie (under the Ministry of Defense), and the Municipal Police (under the local mayor**) (Gleizal et al. 1993; Guyomarch 1991**) with some 10.000 Municipal police officers in nearly 3.000 **localities (Journés 1993**). If one includes the private police or crime prevention committees, there are four or more different police forces. The problem of such splitted police forces is, that very often they do not cooperate, they have different training (**Denis 1995**), different philosophies in leadership or management and sometimes they even work against each other[2]. It is a waste of money, but often also a veiling of responsibility and accountability.

Belgium is a good example for a divided force (**Eliaerts/Enhus/Broeck 1993** and **Punch 1999** for most recent problems). It has three regular police forces: the Constabulary (or municipal police), the State Police (Gendarmerie), and the Judicial Police (attached to the Public Prosecutor -Police Judicare). The country is divided into 589 municipalities, and in principal each municipality has its own local police force. Command, control and financing of the constabulary lies almost entirely in the hands of the municipalities. Local police forces are charged with both administrative-preventive and judicial-repressive tasks within their municipality. There are about 16.000 constables who are spread very unequally over the country. Because of the autonomous nature of the municipalities, large disparities in policing occur:
- differences in organizational structure
- differing degrees of availability: only 15% of the police stations remain open 24 hours a day
- variety in force size: ranging from the one-man business to the largest police force, with 2,000 constables.

In addition to the local police forces, Belgium has a State Police force (the Gendarmerie) with about 15,500 officers. This police force has a pyramidal military hierarchy, is centralized and has an independent manage-

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[2] In 1987, officers of the French Gendarmerie arrested a very senior officer of the Police National in Paris (Guyomarch 1991).

ment. It consists of central headquarters, with centralized national services, territorial operational services (52 districts composed of 431 brigades which perform 24 hr a day service on a rotational basis).

The State Police was until recently a part of the army and was managed and financed by three different ministries: the Ministry of the Interior, the Justice Department, and the Ministry of Defense. In 1992, the force was demilitarized and put under the joint supervision of the Ministry of the Interior and the Ministry of Justice.

Following text might be deleted from here on:
In **Poland** (**Gaberle 1993**), the official name of the police was changed from "Civic Militia" to "Police", but constitutes only few and symbolic changes, and is therefor a good example for the development in those eastern European countries which until now have at least a little experience with democracy. Regarding the organization, the Civic Militia was strictly connected with the political police (Security Service). Although militia and Security Service constituted two separate hierarchies, all militia units had a duty to support the Security Service in its actions. Such duty existed even for the traffic police, which controlled drivers at random under the very often used pretext of routine checks. There have been no major changes in the territorial organization of the police recently. All police units are subordinated to the Main Police Headquarters in Warsaw. In every woiwodship (district) there are police headquarters and every woiwodship consists of a few police regions with regional police headquarters, divided into police precincts and stations. Basic units of the structure of the police forces are constituted by region and precinct. The 1990 Police Act contains provisions, which make it possible to organize special order maintenance units called town guard, an institution unknown earlier in Poland. They may be organized by town mayors and city presidents in cooperation with the Ministry of Internal Affairs. Tasks and structure of these units are defined by the agency, which calls them into being, and they may only perform administrative functions.

A mixture of French, English and Austrian police styles was typical for the **Hungarian Police** until the beginning of the 20th century (**Szikinger 1993**). Cities had their own forces until 1919 when they have been nationalized. In 1945, the Gendarmerie was abolished and condemned because of collaborating with the Nazis. Responsibilities have been taken over by the centralized national police including political intelligence. Isolation from society and the military-type structure of police resulted in much tension and hatred between community and the police during the time of socialism in Hungary. Being aware of the antidemocratic character after the change from communism to democracy, the opposition almost unanimously called for "blowing up" the old structure and giving control over police to local authorities, before the first free elections in 1990. But this did not happen. As soon as the new governmental coalition came to power the minister realized that under circumstances of rising criminality and worsening public security it would be better to go on with the centralized police instead of undertaking the risks of local political influence on law enforcement. Thus, no radical restructuring was provided in the concepts and draft codes on police elaborated by the ministry bureaucracy. The intention to replace at least the higher district police leaders failed. After the announcement to appoint new local and regional leaders, only the former police officers and lawyers (mainly from the former "second" management level) applied for the jobs. It is self evident, that the replacement of the total force was impossible and is still impossible, and this is true not only in Hungary. The experience in Germany show, that it takes a long time to replace the old staff. Those, who were active and competent during the socialistic times usually show great staying power - and this is true not only for the police force but for nearly all public services. Although in Hungary more than 9.000 police officers formally quitted (which counts for more than one third of the former force), most of them kept their jobs as they are now appointed by the civilian parts of the police, e.g. within the Ministry of Interior (**Szikinger 1994**).

The social process going on in most of the eastern European countries shows that signs of anomie and structural changes within the society go together with structural changes in crime. A changing system of values touches not only the society and the people living in it but also the police and the criminal justice system as a whole. Police have to cope with those changes, and a empirical field study on the effect of the unification on everyday policing and the attitudes of police officers could show, that there is a great unsteadiness under those who remained at the police, resulting in frustration, aversion against organizational changes and drawing-back from the public (**Behr 1993**).

One must realize that the socialist and communist systems had well trained experts at the police (e.g. criminal investigation sciences (Kriminalistik) were well established at universities, which is and was not the case for example in West-Germany), and that those who knew how to cope with the socialist system also know very well how to cope with nearly every other political system: they just survived and showed up again after a more or less short period of going underground. Human resources seem to be one of the main problems in reforming the police of the former eastern-block-states. The Hungarian solution, to appoint only high-school-graduates and to train them very intensively for two years is for sure the right, but a very difficult way. The fact, that graduating ceremonies for police recruits nowadays held with great public support in the center of the ancient Budapest castle show, that in Hungary citizens begin to accept the police. Parents are proud to have a kid becoming a police officer, although the payment is still very low.

But generally speaking, the `cloven hoof´ for eastern European countries is, that the trainers and teachers are still the same as in former times3.

Accountability is perceived to be part of the professional behavior and emphasized as a way to achieve democratic policing. In eastern European countries, different ways were chosen to increase accountability and by this, integrity. In Croatia, the Ministry has increased the control over the work and behavior of its employees by forming the Internal Affairs Office and by charging each supervisor with the responsibility for his or her subordinates and their professional conduct. The Ministry itself is accountable to the Parliament. The Croatian Ministry has established a complaint procedure for the citizens and the Internal Affairs Office. The complaint process can be initiated either in the local units or in the Internal Affairs Office4.

Croatia as many other former communist countries forbade political party membership by police officers. The background for this decision is the idea to provide the citizens with an greater guarantee that the police officers would not be affected by political ideology and would not protect the interests of one party. The idea is, that professionalism and independence of the police would be jeopardized if political parties were allowed to influence the work of the police. The police should follow the Constitution and the laws rather than directions from political parties. One must know, that in former communist times, most of the police officers were members of the Communist Party5.

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[3] Another Hungarian experience seems to be important: Realizing the failure of the official law enforcement apparatus, voluntary-based self-defense groups have been formed throughout the country. There are several hundreds of them, generally calling themselves "civil guards". Basically these organizations fulfil their duties in the capacity of citizens collectively exercising the rights for crime prevention, but the course those groups will follow is not yet clear. It might be a democratic course with elements of community policing, working together with the police and private security firms. But it might also result in a new "Blockwart" system, which was well known in Nazi-Germany and in some former socialist countries also. Recent experiences in Germany show, that the number of cases, where citizens reveal others to public agencies is increasing and that members of the ultra-conservative Republican party try to join local crime prevention activities or even built up such activities by their own.

[4] The Croatian Ministry of the Interior describes the relationship between the police and the public as follows: The Croatian policeman learns to strictly abide by the text and spirit of the Constitution and the laws in order to be professional, competent, polite, honest, correct and friendly with the citizens. In this way, the Croatian police aims towards achieving the well-known ideal that `The Public are the Police, and the Police are the Public.´

[5] The same is true for Poland, where approx. 50% of the commissioned and 30% of the warrant police officers were eventually dismissed (Haberfeld 1997). On the other side, Polish police officers are allowed to be members of Trade Unions. About one fifth of the Polish Police Force (20.000 PO´s) are members of the Polish Police Trade Union, which is involved in social activity and tried to obtain better wages and retirement conditions for the police.

Drastic changes have resulted in either dramatic promotions of younger inexperienced police officers or (as in East-Germany) by "importing" and promoting police officers from West-Germany. Those police officers, who went from West to East in Germany got promotions over two or three steps, which had taken some ten years in their home department. They also got better salaries than their eastern colleagues, and a special surplus, called "Buschzulage" (extra money for working "in the bush"). The elimination of "rotten apples" that served the old communist regime was a mayor task in all of the former communist states (**Wolfe 1992**), but I doubt that this was done with really great emphasis and great success. As a result, in many eastern European countries the former powerful and negative image of an oppressive force and a tool of terror and intimidation, remained unchanged. This image was also supplemented by the new image of an understaffed, incompetent, ill-equipped and fragmented police force, plagued by bureaucracy, corruption, and lack of professionalism (**Haberfeld 1997**). Many citizens perceived that the police are not doing a good job (**Zvekic 1996**).

As the "free economic market" (i.e. capitalism) is pushing away and displacing the planned economy (i.e. socialism), tight social bindings and communications between the people disappeared, resulting in greater general feelings of being unsafe, less trust into each other and generally higher rates of aggressiveness. People got lost in the middle of their new freedom. In such a situation, the decision whether the police is on the side of the public or the government is a very important one for the police, the public acceptance and their integrity.

A changing system of values touches not only the society and the people living in it but also the police and the criminal justice system as a whole. Police have to cope with those changes, and a recent empirical field study on the effect of the unification on everyday policing and the attitudes of police officers could show, that there is a great unsteadiness under those who remained at the police, resulting in frustration, aversion against organizational changes and drawing-back from the public.

A good and comprehensive overview of different police systems and structures of police control has been prepared by **John Benyon** and members of the Centre for the Study of Public Order (CSPO) (**Benyon et al. 1993**)6 and by a working group of Hungarian and British police researchers, financed by the PHARE-Program of the European Union (**Benke et al. 1997**)7. The structural overviews, taken from this publication (see App. 3) show the great diversity within European states. In their conclusions and recommendations the authors state as follows:

> "We recommend that the main guiding principle should be the assumption that police activities are an integrated part of civilian public administration. By the necessary amendments to the law, the current police organization should be decentralized and the supervisory competence of local government over local tasks should be further increased. It is worth examining whether there is a possibility to create a dual police system (local gov-

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[6] Benyon et al. compared Belgium, Denmark, France, Germany, Greece, Ireland,Italy, Luxembourg, Netherlands, Portugal, Spain, United Kingdom; they also commented on Interpol, Schengen-Group, Trevi-Group, the Maastricht-Treaty and the Council of Europe.
[7] The authors compared the Police systems of the Netherlands, France, Germany, England and Wales and Hungary to prepare some recommendations for Hungary.

ernment police and state police). At the regional level, we recommend the development of a tripartite system for the management of the police (civilian public administration, local prosecutors' office and the regional police organization). The role of each component should be accurately defined. At the national level we conclude that the Ministry of the Interior should be solely accountable to parliament for policing policies, recognizing that this department is also responsible at the higher level for local government.

Thorough technical investigations are needed to detect the reasons for breaches of law by police officers. In this area, measures for prevention should also be stressed. Any inclination towards deviance should be identified as early as possible in the recruitment process. Such inclinations should be a reason for exclusion. Effective prevention and disclosure of police corruption is an important part of the fight against police deviance. In police units, a cooperative management culture should be developed, based on modern partnership principles, to eliminate exposure to a feudalistic hierarchy. The relationship between the public and the police must be put on a new basis. The role of non-governmental organizations (NGOs) in civilian oversight of the police should be increased. However, we note that without decentralization and increasing local autonomy, as described above, this will not be more than an empty phrase.

In order to investigate the complaints and reports of citizens, an independent forum should be created for complaints investigation. In addition, the overall supervision by the prosecutors' offices should be strengthened. Bearing in mind the workload and commitments of the National Ombudsman, a separate police ombudsman should also be considered."

The "Budapest Recommendations", adopted by participants of the Police in Transition Conference, which was organized in February 1999 by the Hungarian Helsinki Committee, focus on structural and political chances, necessary to improve police work and to strengthen accountability and integrity.

A reference Brochure on Human Rights for Good Police Practice was provided by the Human Rights Information Centre of the Council of Europe (**Council of Europe 1998**).

To improve the training of police officers in former communist states, material provided by the Council of Europe (**Alderson 1994; Council of Europe 1997a, 1997b**) is also very useful.

A "Workbook for Practice-Oriented Teaching" and the Reference Brochure, both with the title "Human Rights and the Police", was provided by the Human Rights Information Centre of the Council of Europe in 1998 under **Anita Hazenberg**, a former Dutch police officer. Although the material focus on problems and situations relating specifically to Bosnia and Herzegowina (because it was put together with the training staff of the United Nations International Police Task Force and police officers from Bosnia and Herzegowina), it is useful – in an adopted version - for police training everywhere. More examples (e.g. a training course and a video, produced by the Turkish Police college in cooperation with a private consultant or some guidelines developed in cooperation between the Geneva Police and APT8) are presented in the report of the seminar on "Police and Human Rights" by the Council of Europe, Directorate of Human Rights, in June 1999 in Strasbourg.

To summarize the first part, I would like to follow **Loveday (1999**), who has shown, that classifications are theoretically and might not describe the real situation. The key question is, what constitutes effective accountability or proper integrity in relation to the police service. One might argue, that the typology of the police system has no direct or linear impact on

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[8] The Association for the Prevention of Torture (APT) is a NGO at Geneva.

accountability, because it is possible to blur accountability in every police system if one wants so. In England and Wales, where the police are viewed as "the most accountable police service in the world", the central-local government relationship has proved to be highly significant (**Mark 1978**). If the relationship and balance between central and local government is changing, e.g. centralizing or decentralizing of public services, the police might be "accountable to none", as the title of S. Jenkins book suggests (**Jenkins 1995**). Furthermore, in nearly every situation and under nearly every system, the ability of the central government, local community or local authority to effectively influence policing strategy and habits of policing, depends very much on the personality and style of the chief police officer. The ability of the chief officer or the supervisor to decide how or whether to respond to local requests might be influenced by laws or regulations; but in the everyday business, there are always possibilities to blur accountability, to by-pass given regulations or to avoid the possibility to prove that the acts undertaken by the police were against given orders, regulations, or even laws.

2 Controlling Police Officers: Quis custodiet ipsos custodes? (Who guards the guardians?)

Usually, suspected violations of laws or internal rules are investigated trough internal complaints procedures, often by fellow police officers or peers. Such specialized departments like "Internal Affairs" or "Complaints and Discipline" usually are (in person) independent from the local police authorities and local supervisors, but they are not independent from the police as an institution. Such regulatory mechanisms have been studied quite intense with the result, that only a tiny proportion of all allegations of wrongdoing are substantiated despite plentiful evidence of widespread police misconduct (Waddington 1999, Decker/Wagner 1982; Goldsmith 1991; Maguire/Corbett 1991). *"Either those who do bother to complain are all liars, or there is something wrong with the system"* (Lustgarten 1986, 154). On the other side, everybody who is working within the police system knows, that some action (formal or informal) is taken against an officer against whom a complaint has been made (Russell 1986), and that such a "double-informal-action" for the police officer as "offender" might be even worse for him than a formal action or a court sentence.

After examining the regulations of police in South Africa, Northern Ireland, England and the United States, **Haysom** concludes that because of the infrequency with which officers are found guilty of disciplinary or legal violations, none of the systems offers a satisfactory means of controlling police conduct (**Haysom 1989**). It might be probably more important that "Justice is seen to be done" than it is actually done in practice (**Waddington 1999, 162**); an aspect, which was elaborated by **Niklas Luhmann** for the whole justice system (**Luhmann 1969, 1985**). Whether this kind of "procedural justice" is better than "restorative justice" (**Braithwaite 1989, 1996**), where offender and victim sit together and try to clear the situation, has to be decided.

Police Complaint Authorities might be named a modern "witch-hunter general" (**Peach 1995**), looking at these authorities from the point of an police officer; but such institutions for sure do have an preventive effect, because every police officers fears to be investigated by such an authority (one might at least conclude this, because Police believes very much in the deterrent effect of sanctions or police measures).

Britain has passed through three types of complaints process since 1994 when procedural requirements were first laid down by statute. At first, complaints remained wholly a matter for the police; this was followed by the Police Complaints Board, that had review functions; and then by the Police Complaints Authority with supervisory powers over the investigation (**Waddington 1999**). But the installation of both PCA and PCB had no statistically significant effect (**Maguire 1991, 187**). **Perez and Muir´s** analysis even reveals that external review results in fewer substantiated complaints than internal procedures (**Perez/Muir 1996**). Furthermore, such authorities might be misused by members of the police force, public or politicians to get rid of innocent but enlightened, sometimes troublesome, critical, progressive, or uncomfortable officers or police leaders.

The role of the courts and judges in investigating police deviance and in convicting police officers is also discussed with the tendency to protect or defend officers against the media and the public, the complainants or lawyers. Miyazawa shows repeatedly how the permissive legal culture in Japan facilitates the police "pulling strokes" (**Miyazawa 1992**). **Waddington** summarizes that police deviance occurs "within a context of tolerance": "Thus, the `Dirty Harry problem´ (**Klockars 1980**) is turned on its head: when valiant cops use improper means to defeat the criminal, far from obstructing them, the courts give tacit encouragement" **(Waddington 1999, 175 f). Waddington** also argues, that politically too the police have been able to secure de facto immunity from scrutiny or sanction (**Waddington 1999, 176**).

One must realize, that there is no perfect solution for the prevention of or dealing with police misconduct (because we do have problems with police integrity all over the world), and that perhaps a "tailor-made-solution" might be necessary which differs for each country, for each police force and also for each district.

3 Available Information on Police Misconduct: Commissions, Ombudsman and other systems as means to handle citizen complaints and unlawful police violence

In England, under the Local Government Act 1992, the **Audit Commission**[9] has the duty to specify information about their performances which local authorities, including police, must collect and publish. The Audit Commission also has a duty to facilitate comparisons between authorities (**Audit Commission 1993/94 and 1995**). The Audit Commission measures mainly efficiency and effectiveness. Whether it really makes sense to compare target times for answering 999 (i.e. 911 or 110 calls in USA resp. Germany) or the pure number of screening breath tests requested, may be discussed. But the Audit Commission also compares the number of complaints, differentiated in complaints substantiated and complaints resolved informally. For the Metropolitan Police of Greater London e.g., 7.588 complaints with 5.121 complaint cases were registered in the 1993/94 report, with 187 complaints only declared as "substantiated" (=2,5%). 2.193 complaints were resolved "informally". Unfortunately, the report by the Audit Commission did not give any information, what "substantiated" or "resolved informally" in reality means and by whom and how this was measured.

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[9] District Auditors were first appointed in England in 1840s to inspect the accounts of authorities administering the Poor Law. Auditors ensured the safeguards were in place against fraud and corruption. The task of today´s auditors is to assess expenditure, not just for probity and regularity, but for value for money as well.

The **Police Complaints Authority**10 (PCA) (1995) gave in his report for the first ten years more information on that. Out of a total of 151.762 complaints between 1985 and 1994, 116.451 were fully investigated (the other 35.311 cases were dispensed) and 11.065 (or 11%) resulted in disciplinary action. The following table shows the main types of complaint dealt with. In 1992 the PCA started annual surveys of public attitudes towards the complaint system in general and the PCA in particular. The majority of those surveyed believe the PCA to be impartial, but a "substantial minority" believe that the PCA is on the side of the police (PCA 1995: 9). There is also reported a "fairly even split between those who would and those who would not trust the police to investigate their colleagues.

Figure 1: Main Types of Complaints dealt with by the Police Complaint Authority in England
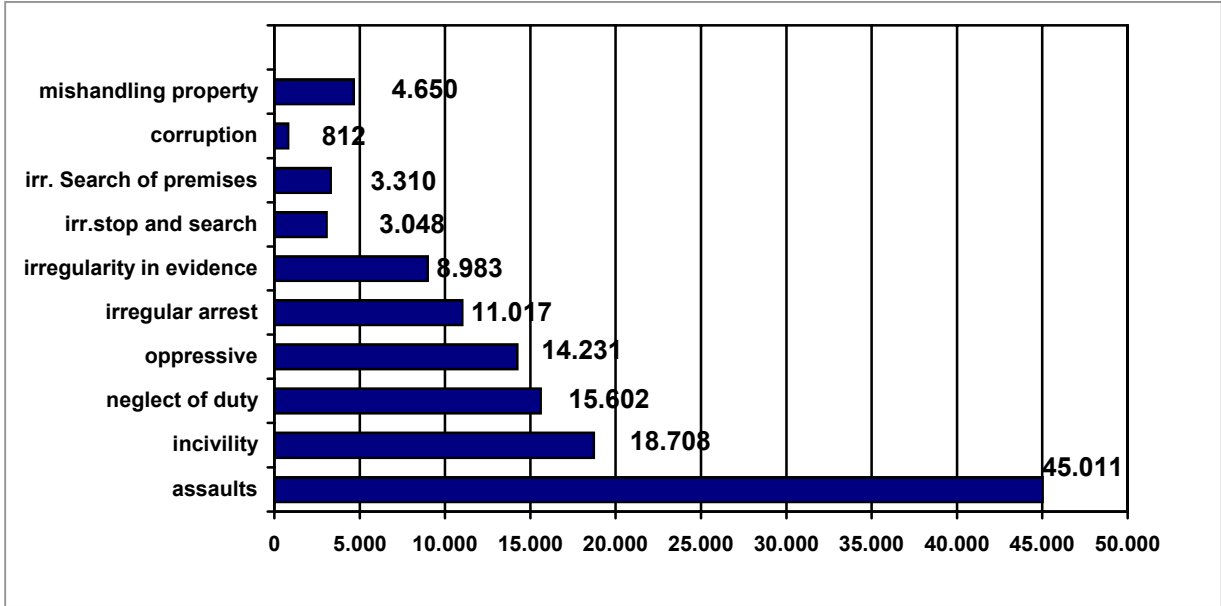

In Germany11, the use of deadly force (shootings) by police officers is reported every year. In 1997, 12 people were killed by police guns (**Diederichs 1998**); other information say, that 38 people died between 1995 and 1997, and the German Police fired 119 times in 1995, 76 times in 1996 and only 60 times in 1997 (**Polizei-Newsletter No.2, 1999**). In France, the number vary between 24 and 34 for 1989 to 1993 (**Jobard 1998**).

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[10] The Police Complaints Authority was set up by the Police and Evidence Act in 1984, after the Lord Scarman´s report on the 1981 Brixton disorders highlighted „a widespread and dangerous lack of public confidence in the existing system for handling complaints against the police".
[11] Sworn Police Officers in Germany: 255.002; 9% female officers. 2.666 shots fired in 1997 mean one shot per 100 Police Officers per year.

Figure 2: Single Shots fired by German Police, 1997 (Pütter/Kant 1999)
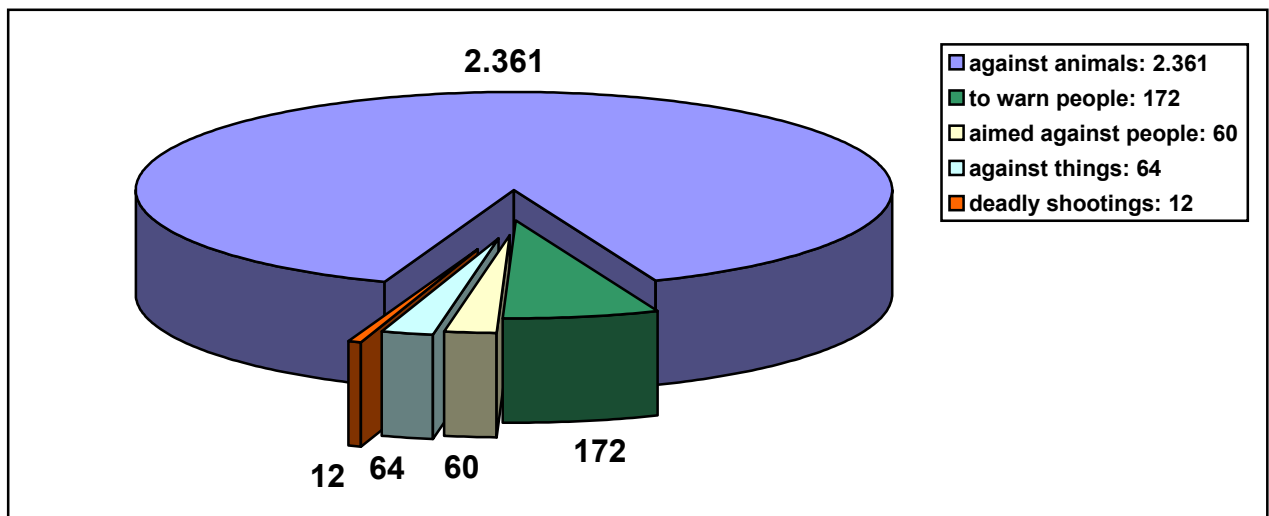
The reactions or measures taken against police officers are shown in the following tables 1 and 2 (data from Pütter/Kant 1999):

Table 1: Penal Law and Disciplinary Cases against Policemen in Berlin, 1997

Disciplinary Cases	738	
Settled Cases	488	100%
Dismissals	352	72,1%
Sanctions	136	27,9%

The sanctions were: Fine (73), reprimand (54), salary deduction (8), others (1).

Penal Law Cases	2.262	
Settled Cases	2.012	100%
Dismissals	1.935	96,2%
Acquittal	23	1,1%
Sentenced	54	2,7%

Table 2: Penal Law Cases against Policemen in Hamburg, 1997

Settled Cases	3.324	100%
Dismissals	3.164	95,2%
Charges	92	2,8%
Court Decision	31	0,9%
Acquittal	19	0,6%
Sentenced	12	0,4%

During the last years, the misuse of power by German police officers was (at least in the media) mainly discussed because of a possible xenophobic background and reported by Am-

nesty International in 1995 and 1997 (**AI 1995, 1997; Bornewasser/Eckert 1995; Kuratorium der Polizei-Führungsakademie 1996**). The structural problem of police leadership was also discussed as a possible background of these unlawful acts against foreigners or members of subcultures, but also against journalists (**Feltes 1996, Parlamentarischer Untersuchungsausschuß 1996, Schwind 1996**). As psychologists suggest, there might be a relation between aggression and frustration, which was and still is increasing among the police force in Germany (**Feltes/Hermann 1987**). The daily routine of a police officer does not reflect the aspect of "helping others" any more, which was once crucial for their choice of vocation (**Feltes 1990**). Citizens are increasingly confronted with discontented police officers who, moreover, often come from different neighborhoods and social classes than the citizen himself. Structural changes in the police apparatus (centralization e.g.) and problems with the appointment of qualified personnel in the 70es and 80es have effected that a police officer nowadays only rarely works in the area in which he or she lives12. This might result in a feeling of lower accountability by a given police officer, because he feels that he is just doing his job, but has besides this nothing to do with the people, with the community, with the society one takes care of. On the other side, integrity might be easier to be reached by policemen and policewomen, not involved in neighborhood connections, not linked with the people he or she is serving.

On the other side, observational studies of police behavior on the street have concluded that the principal explanatory variables are contextual. Ethnographers also have abstained from suggesting that talk (and that is, what in interviewing cops is measured) and action are consonant. Routine policing might not be an expression of the values of police officers; "on the contrary, it is its negation" (**Waddington 1999, 108** with examples from his own field study). Analyzing the police sub-culture, **Waddington** summarizes: "Instead of pathologizing the police, this analysis ... exposes the surprising *fragility* of what appears at first sight to be a robust powerful social institution. Police work so hard at affirming what their experience denies because they occupy a *marginal* position in any society that has pretensions to liberal democracy" (**Waddington 1999, 120**). A major problem in constructing adequate institutions of police accountability is that the decisions which ultimately have the greatest effect on ordinary people are the low visible ones, made day-by-day by policemen on the street and in the backstage areas of police stations (**Reiner 1993, 8**). In making these decisions police are influenced not by external accountability, but by their working practices and their perception of respectability.

If we accept that neither personal characteristics of police officers nor sub-culture explains police behavior, the structural and institutional aspects and the work environment get even more importance, as shown in a recent study on sources of job **satisfaction (Zhao/ Thurman/ He 199**9).

The German federal state of Baden-Württemberg discussed some years ago an ombudsman-system (with high ranking, retired police officers as ombudsman), but it was not put in force, because the police themselves argued against it. The main arguments against such a system were:
-       no police officer would trust such a person

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12 In the 90es, after the unification and with degreasing economy, the recruitment of young police officers became easier, which is changing now again. But these youngsters also do not want to work where they live.

-      police do not need such an institution
-      to keep up integrity is the main task of supervisors; nobody else should deal with that
-      the old system (investigations by a special police task force and/or by the public prosecutor) has proved as reliable – why should we change it?
-      having such an institution means, there are problems with the integrity of the force.

Of course, there was no proper evaluation of former investigations and no study on the dark figure of police misconduct.

The state of Hamburg, after having received the report by the parliamentary commission mentioned above, installed a Police Complaint Consortium with members from inside and outside of the police.

After the New York City Police Department created new, more restrictive guidelines governing the use of deadly force in 1972, significant decreases in both the use of deadly force and in officer injury and death were reported (**Fyfe 1979**). Vice versa, after the "Zero-Tolerance-Philosophy" was created in the last years in New York by **Bratton** and **Safir**, 40% more complained against the police were registered, the number of illegal raids increased by 135%, and the NYPD had to pay 27 Mio US$ in 1997 for compensation. 54% of the New York citizens thought that police is lying, breaking laws and fake or falsify evidence to increase the number of convicted persons (**Feltes 1998**).

Summarizing this part, one realizes, that police misconduct happens everywhere, but investigations into such acts lack proper and professional institutions. Work environment has an impact on both job satisfaction and how policewomen and policewomen are doing their jobs.

4 Guidelines and administrative regulations

Administrative policies had positive effects in some cities (**White 1997**), but also negative effects e.g. in Philadelphia, after a new police commissioner abolished the restrictive deadly force policy, and "adopted an operating style in which the police were effectively free to do anything with their guns, as long as they did not use them to resolve their own personal disputes" (**Fyfe 1988: 182**). After that, Philadelphia became the first city to be sued by the United States Justice Department for tolerating brutality. Homicide rates went down by 100% and fatal shooting by police dropped by 67% after this commissioner, who became Mayor afterwards, left (**White 1997).**

The use of deadly force is – as **Fyfe (1988)** concluded – heavily influenced by organizational philosophies, expectations, and policies. One might guess, that this is true not only for the use of deadly force but for all kinds of behavior by police officers. Interestingly, changes in the internal police working environment seemed to have an impact on off-duty shootings in Philadelphia as well (**White 1997**).

Since 1997, in Sao Paulo, Brazil, police officers, who were involved in a shooting incident, are withdrawn from duty for at least one year. This strategy resulted in less violent

interactions between police and community and fewer people killed by the police13. It was also reported, that most of the police officers killed in Rio de Janeiro were killed "off duty", usually doing a second job of private policing after his or her shift14.

For Europe, we do not have any empirical study whether or not guidelines or administrative regulations really influence police activities. What we realize is a trend to establish guidelines, ethical standards and codes of ethic all over Europe during the last decade. Examples are the "Leitbild" (Guiding Principles) of my own police force, the Baden-Württemberg police (with about 24.000 sworn police officers), the "Code of Ethics" of the Slovenian Police, the Mission of the San Diego Police Department, the French professional Code of Ethics, the Professional Ethical Standards of An Garda Síochána (Irish Police Force) and the Resolution 690 (1979) on the Declaration on the Police by the Parliamentary Assembly of the Council of Europe (see App. 3).

The 1991 „Police Service Statement of Common Purposes and Values (England and Wales)" reads in full:

> *The purpose of the Police Service is to uphold the law fairly and firmly: to prevent crime; to pursue and bring to justice those who break the law; to keep the Queen's Peace; to protect, help and reassure the community: and to be seen to do all this with integrity, common sense and sound judgement.*
> *We must be compassionate, courteous and patient, acting without fear or favor or prejudice to the rights of others. We need to be professional, calm and restrained in the face of violence and apply only that force which is necessary to accomplish our lawful duty.*
> *We must strive to reduce the fears of the public and, so far as we can, to reflect their priorities in the action we take. We must respond to well-founded criticism with a willingness to change.*

Summarizing we have to realize, that nowadays nearly every police force has its own "Code of Ethics". This might be a result of the discussions on police integrity and police accountability, which started in nearly every European country during the last years. But one might question whether there is really a need for such a special "Police Ethic". The basic ethic and moral aspects of a society, their constitution and their laws should be the ethical background of policing. If one accepts this, we do not need a special Code of Ethics for the police. On the other side, we must also realize that police forces are more and more loosing their old hierarchical structures, and with this structure a clear and easy understandable organization of accountability. One of the negative side effects of reorganizing and restructuring the police might be, that people who were not used to think and to work independently and to take over responsability by themselves for what they are doing, need some time to cope with the new democratic structures. They also need a clear vision what their aims are and whom they are working for.

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[13] Personal communication with the Police Commissioner of Sao Paulo, Carlos Alberto de Camargo during a conference in September 1998 in Brasilia.
[14] Personal communication with police officers during field visit in Rio de Janeiro in September 1998; for Philadelphia, White reported that 20% of all police shootings are off-duty shootings (White 1997).

5 What is better for keeping up police integrity: Management or Administration?

There is a difference whether a police service is administered or managed. Administration means bureaucratic regulations, and rules and procedures are controlled, but only whether or not the formal or written-down rules are violated, not the meaning or the sense of those regulations. Management means shared responsibility, shared powers and decentralized actions.

There seem to be two major approaches to guide police discretion, to improve accountability and to strengthen integrity. The first advocates rule-tightening as a means of controlling police actions, while the second believes in changing the informal culture of police **organizations (Brogden et al. 1988)**. In a evaluation of the British law reform in the 1980s, **McConville et al.** question the utility of law reform as a method of changing police practice, since the occupational subculture of the police appears resistant to change (**McConville et al. 1991**). To change police practice, an "attack upon police occupational culture" would be necessary. This is to be achieved by redefining the police mandate and instituting new forms of accountability (**Chan 1996**). **Reiner** notes, that the uneven impact of law reform on police practice and concludes that legal regulations alone is of limited effectiveness for chancing police practice: "the key changes must be in the informal culture of the police, their practical rules" (**Reiner 1992: 3**32). For others, the key is to tighten the formal rules, since it is the "permissiveness" of the formal rules that "creates the space for occupational culture to flourish" (**Brogden et al. 1988: 167, 170**).

If we look at and compare these ideas with empirical studies on the local legal culture (**Feltes 1992**) we may resume, that it is not the law or an administrative regulation, which influences the activity of an legal organization, but the informal culture of the institution respectively their members. If we compare different regions or areas, the way institutions act or react is definitely influenced by what we may call "the local institutional culture". The habits are strongly affected by the informal norms, attitudes, expectations, practices and procedures of the local systems (for courts **Church 1982, 1982a**). Furthermore, the subjective elements of the local police community affect the level of concern with the existing use or misuse of power, the usual way complaints are handled and so on. If we include the observation from other studies of the criminal justice system and intentions to change different procedures like bail setting, pre trial release, plea bargaining, sentencing decisions, it is rather obvious that ongoing systems and their actors develop stable patterns of behavior[15]. It is not easy to change those patterns just by imposing a new law or implementing some new administrative strategies. The local institutional culture within which a shared set of values exists regarding the conduct and pace of litigation, might be upset by a new set of official rules given by legislation or advice, resulting in an even worse situation. New rules may contradict existing values of the local culture and may be viewed as placing an unwelcome burden on the practitioners with the result of ignoring or "undermining" the official rules or new norms. Local culture generally includes the importance of informal practices, the centrality of practitioner incentives, and the importance of practitioners expectations and (informal) norms, which are determined most directly through experience and given from one generation of practitioners to the next. The existence of local culture is a highly plausible explanation for many of the reported failures of past police reform efforts. **Waddington (1999, 139)** also points out, that "the irony is that the more the legal process squeezes the police to ensure

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[15] For the German prosecution system see Feltes 1984

propriety, the more the police are tempted to circumvent or undermine procedural restraints".

On the other hand, we do have some information that new policies can be effective. Restrictions on police use of deadly force in the US resulted in a decline in the number of killings, despite the legal confusion about what the restrictions actually are (**Waddington 1999, 203**). Police are responding to a "proverbial spirit", as **Waddington** called this phenomenon. So changing the public order strategy from "escalated force" to "negotiated management" or even to community policing in an understanding, that police and people are working together might have an impact on the lawfulness of police activities.

On the other side, putting pressure on the police through media reports on special cases of police misconduct and abuse of power, provided by citizen´s right groups, groups like "Citizen´s watching the police" or by Amnesty International might result in even stronger and tougher standing together of police against the unjust accusations of the force as a whole, or even in a strategy of living down to its reputation, when a police force is universally distrusted as brutal and corrupt (**Bayley 1969** for India).

Official reports by people with a high reputation might have an better impact on the force, as the Scarman report on the 1981 inner-city riots in England (**Scarman 1981**) or the report by the parliamentary investigating committee in Hamburg, **Germany (Parlamentarischer Untersuchungsausschuß 1996**).

Chan, combining the **Sackmann**-Model (1991) with **Bourdieu´s (1990**) conception of field and habitus concludes, that police culture "should not be understood as some internalized rules or values independent of the conditions of policing. .... Changes in the field (...) inevitably alter the way the game is played, since habitus interacts with the field, but the resulting practice may or may not be substantially or even discernibly changed" (**Chan 1996: 131**).

Police officers very often have the feeling, that their work is not very effective or efficient, highly wasteful and bureaucratic (for England see **Loveday 1999**: "A combination of extended hierarchies, organizational culture and the lack of effective management had resulted in the police service taking on all the fines characteristics of a beached whale", p.139). This feeling is often shared by politicians, resulting in mistrust and a steady call for more and closer regulations on the police. This mistrust is not based on the concern, that police might misuse their powers; it is mainly based on the feeling, that one does not really know what they are doing. But both the own feeling of the police themselves and the sometimes shown feeling of politicians and representative may result in a "drawing-back-syndrome" within the police: The more the police have the feeling that the public is not satisfied with their service, the more they draw themselves back and even hide themselves behind official regulations or other formal aspects.

In reality, whilst at least the German population is very satisfied with the police, police officers lack self-confidence and think, that the public do not trust the police and believes, that police is doing their job not very well (**Feltes 1990**).
In Germany, police is within public rankings always under the first three to five positions, and more than 50% of all peopled, surveyed by "Emnid" and "Der Spiegel" at the end of 1997 found, that the police (and not schools, politicians, churches or the family) should bring

values to the people (**Feltes 1998; Emnid 1997**) (see figure 3). Usually, community surveys show a high degree of general satisfaction with police service, but media and minority groups tend to be negative and critical (for Australia **Chan 1996**).

Figure 3: Who should teach values in our society (Germany)? (EMNID 1997)
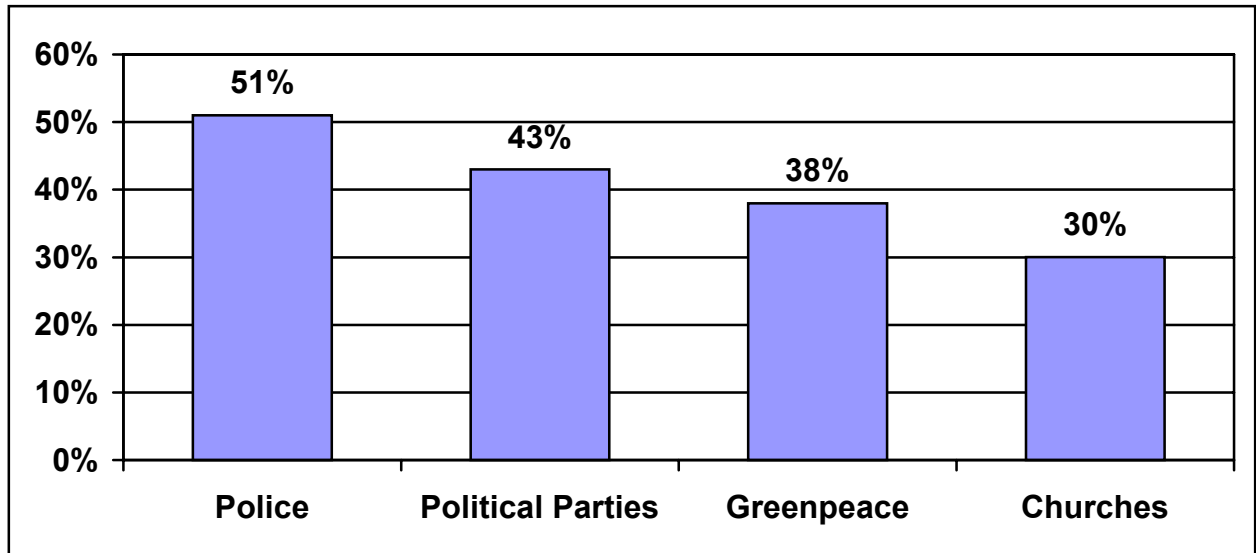
Police is on the 5th place in the ranking of institutions, young people trust (see next chart) (right after citizen groups, environmentalists and human-rights activists and courts); political parties16 and churches are at the end of this ranking (**Shell 1997**) (see figure 4).

Figure 4: Trust into Organizations by Juveniles: Shell-Study 1997 (Germany)

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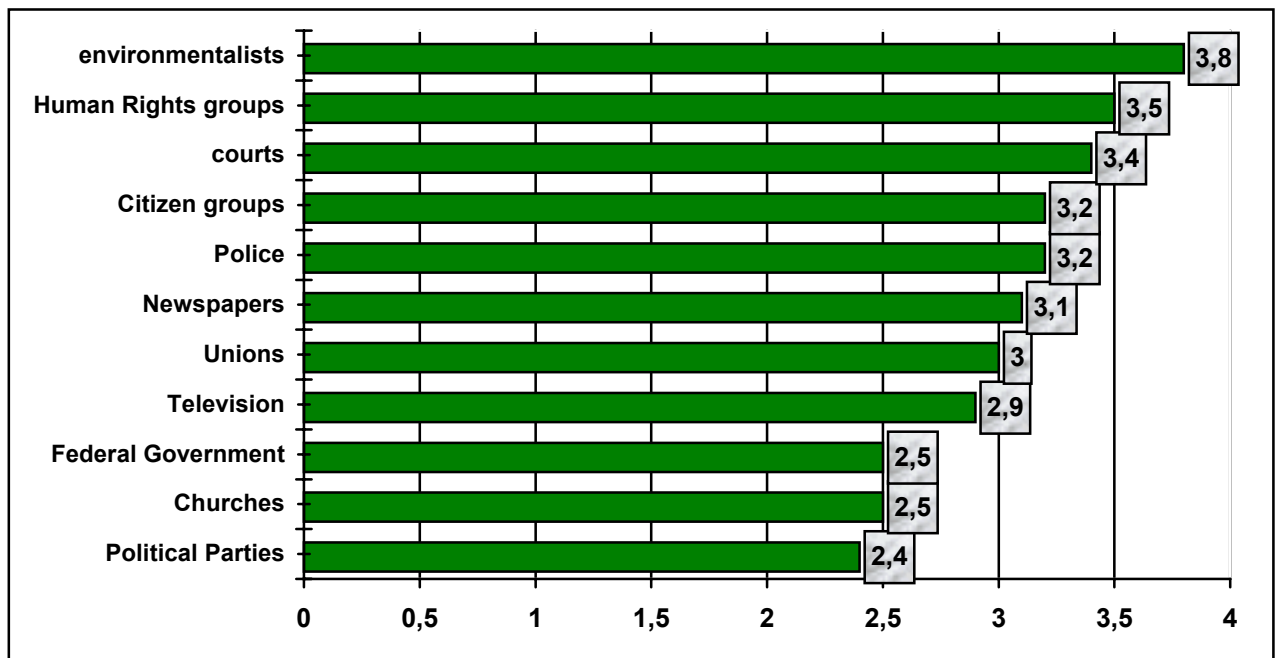
[16] The public opinion against political parties is in deed very negative. In 1998, 83% of all Germans found, that politicians play the hypocrite `very much´ – on second place we find representatives of unions (47%) and journalists (41%). Scientists (12%) and professors (7%) were at the end of this listing (Allensbach 1998).

As a result, the police is always in a role to defend themselves and to arrange intellectual retreat areas. But somebody who has to defend himself no matter what he or she has done, is not able to act positively, proactive and future-oriented. A self-confident police officer is more open to critic, might be more able to communicate frankly with the people, without hiding information or facts. In reality, the public has a much better meaning of the police than the police themselves suggest.

This structural feeling of inferiority by police officers might also be a reason for misuse of power and for a structure within the police, to hide information, to communicate only what is really necessary and to act as a closed subsystem with secret values and subculture habits.

Highly educated officers and better trained personal do not per se guarantee better cooperation and communication, but training and education is a sine qua non factor on the way to improve the quality of police contacts. As highly educated police officers could become frustrated in their jobs, grow cynical and look for formal or informal ways out, changes must occur not only in the recruitment, selection and training programs, but in the organizational environment as well, as **Goldstein** already more than 20 years ago pointed out **(Goldstein 1977)**. Otherwise, new personnel will have little chance of surviving in the organization. The pressures for conformity are so strong that a new officer will either be forced into the police subculture, with the values and orientation of the larger group replacing his own, or his life will be made so unpleasant he will decide to resign (**Sewell 1985**).

What does this mean? The patrolman, the lowest man in the hierarchy - and usually the least well trained and educated - is in the key position of exercising the greatest amount of discretion. He has "wide discretionary power concerning if, when, why, and how to intervene in private affairs" (**Manning 1995, 114; Waddington 1999**) - and this is also true even for Germany with the "principle of legality", where the police has by law no discretionary power and no possibility to dismiss a criminal law case.

Police today are more highly trained than ever before, and the quality of the training has probably never been higher. Nevertheless, the positive relationship between training and enforcement seems to be evident, but this effect is not studied very much. The benefits of the training for institutions are generally more assumed or served as an important legitimating function for headquarters, than empirically demonstrated (**Scott/Meyer 1994**), and empirical studies have focused on officers attitudes rather than actual behavior (**Mastrofski 1990**). A recent study by **Mastrofski and Ritti** showed, that the impact of training depends on organization-level considerations (**Mastrofski/Ritti 1996**). Training has a significant positive effect in agencies that provide a supportive environment, but fails to have an effect in agencies that are otherwise indifferent or hostile to the intentions, the officers are trained for. The effect of the training therefor depends on the opportunities, afforded by the institution to apply it, on supervisors, who encourage the trained person and the intention, and on its relevance to the prospects for career advancement. The supervisor philosophy "Go out there and don't get into trouble" is not a good one, to encourage trained officers (it is not a good one anyway). What is necessary is the institutional and personal (by the supervisor) value, given to the intended activity. The supervisor must "live" what he or she wants to be happen (**Braiden 1993, 1994**).

The policeman's view of his role and his occupational culture are very influential in determining the nature of policing. As Manning points out, the basic source of police trouble is the inability of the police to define a mandate that will minimize the consistent nature of their self-expectations and the expectations of those they serve (**Manning 1995**). The development into a more citizen-responsive force and oriented to a closer relationship with the community has to be real rather than superficial and therefor requires a significant change in philosophy, a reordering of priorities, and potentially massive restructuring of police organizations.

There must be a greater coordination of police and other agencies within the criminal-justice system in order to increase the benefits to the client and break down the isolation of the police. An organizational change in the policeman's function could lead to a referral specialist. This could bridge the gap between the police and many hostile segments within the public, a process that could be facilitated by the creation of a community-relations division within police departments (**Manning 1995**). Police must engage in community-based processes related to the production and maintenance of local human and social capital. The means by which these goals are to be achieved are through the development of strong relationships with institutions and individuals in the community. Rational policing means to assess the organizational capabilities of the force, the identify critical issues, threats, and opportunities by assessing the present and expected future environment in which police function. Success should be measured by the public value, produced by the police and not by clearance rates, number of convicted criminals and so on. Policing must be an political active business. Police should not wait for the politicians to decide what has to be done, after special (and very often momentary) problems occur; they should go ahead in approaching the public and serving their demands. To achieve this goal, a "Healthy Police Organization" seems to be necessary (see Appendix 1).

In summarizing this, one may conclude, that legal regulations alone are of limited effectiveness for chancing police practice. The same is true for the pure fact, that complaint boards or ombudsmen are available. The informal local culture, supported or build up by supervisors and superiors, seem to be of most importance. Controlling the police from outside of the police is mere impossible. Police themselves must establish effective boarders against misuse of power and unlawful acts by peers. Activities to improve integrity and to strengthen self-control within the police force must start with management training for those who are heading police forces. A healthy Police organization might be reached with healthy, respectful and accountable supervisors only. And as police supervisors depend very much on politicians or political leaders of the police, those politicians should be aware of the fact, that police is serving the people and the society, and not the politicians and the government.

Appendix 1:

The following attributes of a "Healthy Police Organization" are taken from the NIJ-Report: **Measuring What Matters (NIJ 1996)**

1. *"The healthy police organization knows what it wants to accomplish. It has articulated goals. When we say goals, we're not talking about `To serve and protect,' which is obviously too general. We're talking about goals that can be expressed in an operational form. These goals can be appreciated by the people --certainly middle-management supervisors and especially the rank and file --who have to carry them out. The goals can be assessed, meaning that there are measures, indices, of things that are reflective of the goals."*

2. *"The healthy police organization needs to know its citizens. Are they getting what they want? What they are entitled to? They are not just those who call and complain, who summon the police, or who rattle the cage of the police. Those who don't surface are in the ambit here, residents in a neighborhood, businesses, and so on. Finally, there are those whom we often think of as the objects of police control --the offender, the troublemaker --they, too, are people who need to be considered in terms of their experiences with the police. There are a variety of user surveys that could measure transactions with citizens, for example, periodic citizen surveys of the community. We think it is very important to break them down into units that matter. Oftentimes, the breakdown will be for patrol officers, for example, at the beat level."*

3. *"The healthy police organization knows its business, the demands that are placed upon it. Calls for service are a cheap and readily available source of information in this regard. The department needs to know why `business' is increasing or decreasing. And knowing more about business wouldn't be limited to relying on calls for service. There are a variety of other ways that business comes to police. Special efforts would have to be made in terms of measuring proactive efforts by officers, particularly trying to capture programmatic efforts. For example, problem-oriented policing requires not just random responses or responses to individual incidents but responses that are planned and coordinated to accomplish some objectives."*

4. *"The healthy police organization knows what it's doing about the demands of business. It has the ability to monitor resource allocations and officer activities. In terms of community policing, it knows what other agencies and organizations are doing that are pertinent to the problems it's trying to deal with."*

5. *"A healthy police organization knows its people. Things that would tell us what people get from their jobs, what they are looking for from their jobs, what motivates them about their work . . . what demoralizes them. Knowing these things would help drive decisions about supervision, training, recruitment, job design. . . . The obvious implication in terms of measurement here is conducting surveys which, in this case, are relatively inexpensive because you have a more or less captive audience within the organization."*

6. *"The healthy police organization feeds back information to people and groups who need to know. To do this, you need to know what they need to know, what they want to know, and how they need to get it. Whether it's neighborhood groups that need to know more about the kind of service that they're getting, whether it's victim groups, or whether it's constituents within the organization. They are all users of information."*

The same report also makes some important remarks on Citizen Satisfaction, Equity, and Ethical Service, which are not cited here.

Appendix 2:

Human Rights and The Police

The following remarks are taken from a reference Brochure on Human Rights for Good Police Practice by the Human Rights Information Centre of the Council of **Europe (Council of Europe 1998**):

Protection of human rights
The functions that police perform are generally considered to be:
1. To prevent and detect crime.
2. To maintain or restore social order.
3. To provide assistance to people in times of emergency.
4. To protect human rights.
Police contribute to the protection of all human rights by maintaining social order so that people can enjoy their rights and freedoms. Police also protect specific human rights, for example the right to life or the right to peaceful enjoyment of possessions by preventing and detecting crimes which threaten or violate such rights.
In addition to taking positive action to protect human rights, police are required to respect human rights when exercising their powers and carrying out their functions.

Respect for human rights
Police are given powers by law, for example to use force, to arrest and detain people, and to search people, vehicles and buildings. These powers are essential for police to perform their functions and to carry out their duties. However, these powers are all limited in various ways to protect human rights, and some human rights are limited to protect other rights or to secure other benefits such as social order or the prevention of crime.

This can be illustrated by considering the right to liberty and security of person. This is a basic and important human right to which everyone is entitled, but it may be limited in certain cases specified by law – for example police are given powers to deprive people of their liberty so that a person suspected of crime may be brought before a court, or so that a person may be prevented from committing crime.
Whilst the right to liberty and security of person, and indeed other rights, may be limited by law, some rights are not subject to limitations. The prohibition of torture is total and absolute, and there are no circumstances whatsoever under which the crime of torture may be committed.
In any event, police must only exercise those powers which are given to them by law, and they must exercise them in accordance with procedures prescribed by law. For example, when a person has been arrested on lawful grounds, the law prescribes certain procedures which must be followed. These include informing the arrested person promptly of the reasons for his arrest, and bringing an arrested person promptly before a judge.

Good policing
Good policing combines expertise in the skill and craft of policing with good behavior – that is to say respect for the law and respect for human rights. Police officials who attempt to achieve policing objectives by breaking the law or violating human rights are unprofessional, and are undermining the very purposes of policing.
It is important that the technical policing skills of all police officials should be developed – for example in interviewing persons suspected of crime so that information may be obtained during the interview and detainees are not mistreated; or skills in persuasion, negotiation or mediation with a view to limiting the use of force. This is the responsibility of governments and of police leaders who must ensure that proper training is provided, but it is also the responsibility of all police officials who must ensure that they benefit from training and continue to develop their skills in the operational context.

Human rights and policing
There is no conflict between human rights and policing because human rights are protected by law, and police powers are prescribed by law. As police are responsible for enforcing the law they, above all people, are not entitled to break the law. They must respect the law which protects human rights and they must not exceed the powers granted to them by the law.

Protection of and respect for human rights are essential elements of good policing.
The values which are to be converted into practice include the great common European values of political democracy, human rights and the rule of law; they include the values of reasonableness and fairness expressed in the principles of proportionality and non-discrimination; and they include the many detailed values, derived from the principle of respect for the inherent dignity of the human person, expressed in the human rights instruments and in the findings and decisions of treaty bodies.
The ways in which these values are converted into practice are through the knowledge and skills police leaders require to command, manage and supervise police agencies and police officials.

The Specific Responsibilities of Police Leaders
Recruitment and Training
The first responsibility of police leaders in relation to human rights is to ensure that only those people who can be entrusted with the power to use force against their fellow citizens, and to deprive their fellow citizens of their liberty are recruited into police agencies. Police leaders then have to ensure that police officials are trained to carry out their duties effectively, lawfully and humanely. This means that they must be trained in the necessary professional policing skills, and educated in the powers they may exercise as police officials and in the limitations on those powers.
Skills which are particularly important from a human rights perspective are investigative skills, and especially interviewing skills – to avoid over-reliance on securing confessions of crime from suspects, and to ensure that suspects are interviewed competently and in strict conformity with rules intended for their protection. Whilst police officials must be aware of all of the powers they may exercise, it is of vital importance that the power to deprive people of their liberty and the power to use force are fully understood and not exceeded.
Police leaders then have the duty, as far as they are able, to ensure that police officers have the necessary resources to function effectively, lawfully and humanely, but also to ensure that lack of resources is not used as an excuse for lazy or unlawful or inhumane policing. The proper management of resources is a further duty of police leaders, and this includes prohibiting and preventing misuse of resources for purposes which are not lawful policing purposes.
All police officials are accountable to the law, and they are accountable to the communities they serve through democratic political processes. Police leaders have to ensure that both forms of accountability are fully realized, and that systems introduced for that purpose are effectively implemented. Good behavior must be recognized and rewarded, and bad behavior must be confronted and dealt with. It may be dealt with by a simple requirement to alter behavior, or it may be necessary to invoke disciplinary proceedings or criminal prosecution.
It must be clearly seen that those responsible for enforcing the law are fully accountable to the law. Where police are immune from prosecution for unlawful acts, human rights are not protected and the conditions are created for corrupt, brutal and ineffective policing.
By these means police agencies and police officials may be managed and changed so that professional expertise may be further developed, higher standards of behavior inculcated, and responsiveness to the community enhanced. Furthermore, a police culture with values and rewards professionalism and good behavior, and rebuts and discredits those aspects of the culture inimical to these values, may be developed and sustained.
The purpose of all of this is to change the behavior of the front line operational police official in his or her day to day dealings with the public he or she serves. Only if this changes does real change occur.
The responsibilities of police leaders in relation to human rights can be expressed in very simple terms – to convert values into practice by ensuring that human rights are respected and protected during the processes of policing.

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