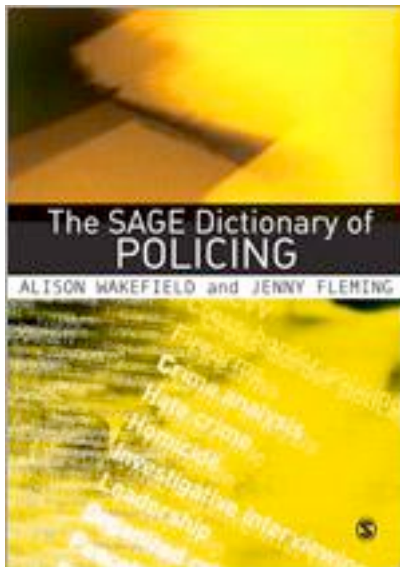
Police Reform



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Definition

A few years ago, David Bayley and Clifford Shearing (1996) argued that at the end of the Twentieth Century we were witnessing a "watershed" in policing, when transformations were occurring in the practices and sponsorship of policing on a scale unprecedented since the developments that heralded the creation of the "New Police" in the 19th Century. During the last two or three decades, initiatives to reform the police, and the way they do policing, have been taking place in countries all over the world, and on every continent.

In many instances, these initiatives involve specific legislative, policy and institutional reforms, often in response to the recommendations of commissions of inquiry with a mandate to consider how the police, and the policing that they do, may be improved, made more democratic, be more sensitive to human rights, or more appropriate for increasingly multi-cultural and "globalised" societies. Quite apart from such specifically focused initiatives, however, a more general ethos of "best practice" has animated an increasing inter-connectedness of policing organisations and police leaders around the world, resulting often in more subtle, incremental rather than programmatic reform.

Distinctive features

Police reform may best be understood in terms of the variety of opportunities, drivers and challenges for it, and these in turn may be considered in terms of externalities (conditions within the external environments within which such institutions operate) and of internalities (conditions within institutions that provide policing) that have been conducive or otherwise to policing reform.

Opportunities and drivers

(i) externalities

The last years of the Twentieth Century, and the early years of the Twenty-First, have been a period of great geo-political upheavals around the world. With the collapse of communist regimes, particularly in Eastern Europe and Asia, and the fall of many totalitarian regimes in many other countries in the world, there has been a veritable host of countries "in transition" (usually towards more democratic institutions of governance, and from centrally controlled to more "open" market economies) that are in various stages of radically transforming or re-inventing their policing provision. This has given rise to a veritable policing reform "industry", in which technology transfer and assistance has become an instrument, as often as not,

of donor countries' domestic foreign policy. While the United Nations has also, of course, played a key role in restoring essential policing provision in many of these situations, the whole business of "foreign aid", "international assistance" and "peace-keeping" has inevitably raised questions about whose interests are really being served by such interventions, and whether the various policing arrangements that are being exported and imported are really appropriate for the receiving countries. For those in the business of "police reform" in particular, as well as "governance" reform more generally, however, the current era could understandably be regarded as a golden age.

Hand-in-hand with this geo-political repositioning has been an ideological re-focusing that emphasizes the need for policing not only to be "culturally appropriate" but also "democratic" and respectful of fundamental human rights. This has forced a reconsideration not just about the technologies of policing, but also of the acceptability of orders that providers of policing are being asked to police. Acceptable policing, it is argued, is not just policing that efficiently and effectively polices a prescribed order, but policing that conforms with internationally accepted norms of civility, dignity and human rights.

There is, thus, along with economic globalisation, a growing trend towards international "harmonisation" of policing standards and practices which is most commonly characterised by reference to "best practices".

Alongside these international upheavals and transformations, some major transformations have been occurring within established democracies with long-established and stable policing arrangements, that are driving policing reform. Among these can readily identify transformations in the character and uses of property (what has been characterised as the modern development of "mass private property"), increasing population migration (transforming domestic populations into increasingly multi-cultural societies), and demographic trends leading towards increasingly "older" populations while at the same time producing booms and "echo booms" in the traditionally "crime-prone" age group. Add to these trends the exponential development of new technologies that simultaneously generate new policing problems and new policing "solutions", and it can come as no surprise that policing providers find themselves under growing pressures to enhance, upgrade and "re-invent" themselves.

Alongside these broader social and international trends, policing providers are nowadays being expected to adapt to changing approaches towards the content and delivery of "justice" to which, among other goals, their efforts are expected to contribute. Increasingly, the traditional relationships between policing and formal

criminal justice systems and institutions are being called into question, and alternative responses to the kinds of problems that have been the major focus of policing are being advocated and tried. Diversion from criminal justice processing and conceptions of “restorative” rather than retributive justice are the most prominent manifestations of such rethinking about the ends to which policing should be directed.

(ii) internalities

Within policing organizations themselves, various developments are occurring that are either providing significant opportunities for reform, or are creating demands for it. Under increasing pressure from their government sponsors to be more efficient, cost-effective and accountable, police services began to transform themselves. Traditional police “command and control” approaches to management began to give way to managerialist approaches prevalent in the private sector. As with other public services, public police organizations began to see themselves as service organisations (reflected in a change in nomenclature from “police force” to “police service”) providing a service (product, “output”) for their “client” governments and “communities”. And public police found themselves competing with other potential policing providers, both in the public and private sectors, for the resources and “contracts” to provide these policing services. Police services were required to enter into “purchase agreements” with their government sponsors, just as their private sector competitors had always been required to do with their clients. Instead of having indefinite tenure, police chiefs and commissioners became parties to limited-term contracts and “performance agreements” that were strictly audited by their employers. Their performance, and that of the organizations they led, were subjected to a growing array of accountability mechanisms, including enhanced public complaint processes, more open budget processes, community-based and interest group consultative committees of various kinds, and increasingly demanding reporting requirements, all in the context of a general trend towards “freedom of information”.

Alongside these organisational demands for change, the 1980’s and 1990’s saw a radical rethinking of what public policing is all about and how it should be done. “Community policing” or “community-based policing” became the prevailing mantra for police services around the world, requiring them to develop completely different relationships with the “communities” that they policed. In time this led to other ideas about how policing can best be accomplished, variously labelled “intelligence-led”, “evidence-based” and most recently “reassurance” and “neighbourhood” policing.

All these developments generated the need for enhanced resources, both technological and human, for policing, and a police labour force with entirely new skills and mindsets. Increasingly, police officers needed to have enhanced communication skills, enhanced technological, managerial and leadership competencies, and enhanced political skills. Fortunately, the historical demographics of police organizations themselves came to the rescue.

The post-World War II years in the 1950's and 1960's, particularly in "Western" democracies, saw the "baby boom" that greatly increased the proportion of the population that was in the traditionally "crime-prone" age group (16-24), and consequently great increases in reported crime. States responded to this by significantly increasing their investment in public police forces, so that in many countries the numbers of police officers doubled or even tripled in these decades. But the economic recession that followed in the 1970's and early 1980's (the era in which "do more with less" became the most common governmental mantra) brought a sharp halt to this expansion, and recruitment of new police officers was in many countries brought almost to a standstill. The result was that in the 1990's, many of those in the "old guard" of police services (i.e. those who had joined the service during the 1950's and 1960's) began to retire in large numbers, leaving a significant middle management deficit as a result of the lack of recruitment in the 1970's and 1980's. While many police services characterised this as a human resources crisis, it can equally be seen as providing a unique opportunity for reform of the police labour force - replacing the "old guard" with a new breed of police officer who had grown up in police service with very different ideas about what policing is all about and how it should be done ("community-based" policing had become the dominant ideology of police services around the world during the 1980's and 1990's), and with very different ideas about what a "career" involves. Recruits to police services in most Western democracies during the 1990's tended to be older (typically in their late twenties rather than their late teens), more mature, better educated (by the end of the 1990's most had completed high school and had some college education), were more frequently married with families, and frequently had prior work experience other than in policing. The "raw material" for doing policing was thus quite significantly transformed.

Another significant driver of reform during the last thirty years or so has undoubtedly been the competition that the resurgence of private and other non-state policing has engendered. The private sector in particular has generated new models, approaches and tools for policing that have forced the public sector to "raise its game". In turn, the need to achieve legitimacy and respect has forced private sector policing organisations (the "private security industry") to raise its standards of professionalism, integrity and commitment to "the common good" rather than just

to profit. And for both the public and private sector, the development of viable and productive partnerships has become an inescapable imperative.

Finally, and unfortunately, it cannot be denied that scandals - of which the Rodney King affair in the United States and the Stephen Lawrence saga in the United Kingdom are perhaps the best known recent examples - have played an important role as drivers of reform. The inevitable political sensitivity of so much policing is such that some such scandals, and the resultant pressures for reform, have occurred in almost every jurisdiction.

Challenges

(i) external

Even with the best will in the world, those who seek to reform policing frequently face substantial challenges and obstacles. In many countries of the world still, these take the form of an enduring culture and history of corruption, of dominance by partisan interests, and of other reform priorities that understandably are given precedence over reform of policing. Reforming policing is neither inexpensive nor easy and, absent the necessary political will and commitment, will rarely be successfully accomplished.

In many countries, corruption and its common progeny, poverty, continue to render reform of policing, and removal of obstacles to it, unachievable. Police officers who are not paid enough to look after themselves and their families, and are not provided with essential resources (like vehicles and/or petrol, for instance) for effective policing, inevitably resort to corruption and other assorted forms of deviance, including brutality and extra-judicial "justice", to supplement their incomes and satisfy the demands of their superiors and political masters. Improving the quality of policing in such circumstances can be a very difficult task, for obvious reasons .

Countries "in transition" that have only recently emerged from major conflict, civil wars or authoritarian regimes are often poorly placed to achieve effective reform of policing without a lot of outside assistance and support. Even when this is available, legacies of enmity and mistrust can easily derail even the most genuine reform efforts. Proponents of reform are often no more trusted than the police they seek to reform.

Even in countries that do not face such obstacles, however, achievement of significant reform of policing is often hindered by a lack of understanding or acceptance, by politicians and the public more generally, of any need for it. Old ideas

(e.g. that policing is a matter solely for the public police) die hard, and without public support reform initiatives often cannot get off the ground. And in this respect the media, from whom both politicians and the general public derive so much of their understanding of policing issues, can often inhibit as much as encourage reform efforts.

Simply keeping up with new forms of crime, such as cybercrime, often poses huge challenges for reforming policing, and in this respect it is no surprise that public police institutions as often as not find themselves following the lead of the private sector, rather than leading themselves. The more substantial resources of non-state sponsors of policing, for instance, typically allow them to invest in new forensic technologies more quickly and more substantially than their government counterparts.

ii) internal

Despite the demographic changes that have occurred within many police services, many are still led by senior officers of the "old school", who joined the service in the 1960's and early 1970's when attitudes to police work and police leadership were very different than they are today. Within many police organizations, therefore, there remains considerable resistance to progressive change, which is not infrequently echoed by conservative leaders of police associations and unions. In particular, the view that public police are the only people who can and should be entrusted with the job of policing, and that any innovations in policing must be with the agreement, and under the direction, of the public police, is still prevalent.

Many public police officers still regard private security organizations as both inferior and inherently suspect (or worse, infiltrated by the criminal element), which makes the building and maintenance (or at least any public recognition and acceptance) of good public-private policing partnerships difficult. And such attitudes persist despite the fact that many, if not still most, of the leaders of private security organisations are themselves former members of public police services. Such partnerships thus commonly flourish informally while not being publicly acknowledged or approved. Police associations and unions in particular, and perhaps quite understandably, resist and decry privatisation of functions and services that have, for the last hundred and fifty years or so, been regarded as the more or less exclusive preserve of public police. And even within the public sector, "turf wars" over policing functions between different organizations are not uncommon.

An ideology of "police independence", according to which any political direction of the public police is presumptively suspect and undesirable, continues in

many countries to underpin police resistance to politically-directed reform initiatives that do not command police support. Despite a theoretical division of authority between "policy" (regarded as a legitimate sphere for political direction) and "operations" (within the exclusive authority of the police themselves), the "operational" sphere is still interpreted very broadly by many police leaders, leaving the police budget (and even then only in the most general terms) the only legitimate subject for political determination.

Evaluation

Efforts to reform the police frequently fail, at least in terms of their ostensible objectives, for a variety of reasons. These include inadequate implementation, political interference, resistance or lack of "buy in" by the police themselves, insufficient resourcing, and a willingness to adopt new reform initiatives before the previous ones have had a chance to take effect. Many scholars have argued both that police tend to be inherently conservative (their job being essentially to maintain the status quo), and that it is difficult to achieve public support for significant police reform. Reform initiatives seem to be most successful, at least in the short term, when they have been adopted as a response to crisis, scandal, or judicial rulings. Major police reforms, however, have not proven easy to evaluate with confidence.

There has been an ongoing debate during the last twenty years or so as to the relationship between police reform and governmental reform more generally. Some have argued, for instance, that in transitional or post-conflict societies, police reform is often a necessary precondition for more general democratic reforms, while others have argued that it is more general governmental reforms that are a necessary precondition for effective police reform. It seems likely that some simultaneous progress on both fronts is essential for real progress on either. This most likely reflects the key role of the police in establishing and maintaining a society's fundamental order.

Key readings

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