

Part 1

Introduction

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Democratization has become one of the dominant international issues of this new century (Barber 2000). The fundamental precept of democracy is that of human freedom and to develop the capacity to enjoy that freedom. But it is not the freedom that Anatole France (1916) noted when he stated, “The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.” Prior to the democratic revolution aristocracies were concerned with the Divine Rights of kings, but for the first time on a large scale the rights of mankind became paramount. After 4,000 years of hereditary forms of rule, most of which were not benign, we are now experiencing an era where individuals constitute their government and attempt to maximize their freedom. This same era, however, has also seen many autocracies of unparalleled savage callousness, where a small group imposes and maintains its will on those it oppresses. These autocracies frequently emerge from some vision of society that is maintained by an infrastructure of repression as we have seen in Nazi Germany, Stalin’s Russia, Hussein’s Iraq, Pol Pot’s Cambodia, or Pinochet’s Chile. There is also a laundry list of vicious tyrants in post-colonial Africa who learned the tools of oppression from their colonial masters and who have kept a continent of unmatched richness mired in corruption, oppression and poverty.

Fortunately, numerous countries with historical legacies of autocracy, dictatorship and state-failure have started down the road towards democratic development. This is best viewed as a process as countries struggle to implement some of the most basic democratic ideals. These ideals include developing and protecting individual freedoms and civil liberties, insuring citizen safety and security, promoting the rule of law, direct and representative democratic institutions, the establishment of justice systems and the deprivation of freedom only through due process, creating institutional accountability, promoting institutional transparency, fostering legitimacy in institutions and establishing the subordination of the military and police to institutions of civil democratic authority. This is part of a much larger framework for the creation of civil society which supports economic, social and political development.

We have seen statements of human rights first enumerated in the Magna Carta and later in documents such as the American Declaration of Independence and the Bill of Rights. The defeat of the Axis in World War II saw the emergence of the United Nations and in 1948 the exposition of the Universal Declaration of Human Rights. Yet while these words existed in the U.S. minorities were deprived of rights and oppressed with Jim Crow laws, segregation, and the Ku Klux Klan. These words also existed in authoritarian socialist autocracies with fiendishly efficient secret police who murdered dissent and expression.

Countries which bring developmental assistance frequently do so through the lens of their own national experience, which may be inapplicable or irrelevant. This is made worse when countries attempt to bring democracy to other countries through a monopoly of force or other coercive methods. In many cases, democracies are not the product of these endeavors. US involvement in Iraq presents a recent example. In Karbala, a largely Shiite area of Iraq, religious and community leaders met after the U.S. invasion, selected a city council, and set up a security force in order to attempt self-rule. According to the CBS television program 60-Minutes (December 4, 2003), US troops disarmed the protection force, arrested popular city councilmen and installed in power Baathists that had served under Saddam Hussein's regime (even though the process of De'Ba'athification was starting to take shape). One US government explanation for this practice was that already-trained people were needed to restore order quickly, although it appeared that order may have already been restored there. No attempt was made to assess the legitimacy of this council in complete contravention of US Army Civil Military Operations doctrine.

The United Nations Declaration of Human Rights states that individuals have rights and societies have an obligation to improve the quality of life in a human-development framework that provides specific benchmarks and measures of development (Fukuda-Parr and Kumar, 2003). The rights in this and other similar documents only can exist if they are protected and nurtured. The freedom to eat and the shelter of a family exist only where it is protected by various institutions (including the police) which have as their mission to provide a safe and secure environment. Sir Robert Peel is well known for arguing that the police did on a full time basis what was the responsibility of all: to maintain order. But this order must respect human rights and develop democratically. Without democratic forms of security and justice, we can have repressive forms of security as part of a policing apparatus, such as the Janjwib in Sudan, sweeping from the hills burning villages and crops, raping and impregnating women to violate the sanctity of women in Islamic culture, and to shame them when they cannot resist or protect themselves. We also have images of doors bursting open at 4am, the hour that those in Stalinist Russia feared.

The idea of security entails both protection of freedom and the removal of freedom only through a highly articulated system of due process that is continually evolving to higher standards. Security does not grow as a seed grows but must be conceptualized in a framework of institutions that meet the goals of all institutions in a democratic society. In emerging democracies, police and justice institutions that

do not abide by these principles can be extraordinarily coercive and corrosive of democratic freedoms.

Measures such as the United Nations human-development index provide a benchmark against which development in a society can be judged. We seek to provide a key theoretical and empirical link between security and development in one critical area: that of policing. In reality the presence or absence of security at the level of the street can both make a host of activities difficult or impossible. Security and freedom are not attainable if food and other items are stolen, children are forced to work instead of going to school, and medicines are looted from clinics.

We seek to describe foundational principles on which the police should be constituted and describe them in a model of democratic policing consistent with the principles of democratic societies. We will provide a model for the transformation of the police from an institution which is largely self-defined and unresponsive to the community to one which is responsive to the society from which it defines its authority and from which it seeks its legitimacy. Simply stated, the institution of democratic policing should support the development of democratic societies. This transformation of policing should be one part of a larger strategy that supports democratic, economic, and human development.

We argue that the control of crime and disorder problems in transitional and developing societies will improve only if functional criminal-justice systems are established, democratic policing is implemented, and forms of restorative and community justice are established or enhanced where they already exist in indigenous forms. These steps can help to create a foundation for independent socioeconomic development, for the establishment of civil society to enable citizen empowerment, the building of social capital, and the resolution and reconciliation of intra-state conflicts. These steps are necessary because of the problems that transitional societies often face: unemployment and uncompetitive economies, governmental institutions which do not represent the newly enfranchised members of society, educational and public health systems which cannot cope with the masses seeking to improve the prospects for their children, and food systems which cannot feed and distribute food or provide basic sustaining levels of nutrition. "Experts have recently recognized the need to address problems of violence, insecurity and injustice in order to advance processes of socio-economic development" (Call 2000:1). Violence and insecurity are economic burdens, put the establishment or continuation of democracy at risk, and threaten the social fabric of communities (Neild 2001; Neild 1999).

Democratic development that is consistent with the social, political and economic conditions of an impacted country is necessary because assistance from other nations often appears to be largely based on the interests of those giving aid (Carothers 1999). Findlay (1999) notes that proponents of the development agenda want a self-interested approach: a lack of government regulation and control over economies, while at the same time advocating a strong apparatus for controlling crime when that crime affects the market structures and social cohesion of the developed world. The World Bank and other international development banks are concerned about law-and-order issues in developing countries because of their effects on economic

confidence rather than their inherent connection with developmental paradigms (Findlay 1999:58). In academe, social sciences such as economics, anthropology, criminology, and others can be used to give legitimacy to the activities of more powerful states. Agozino (2003) argues that criminology as a discipline is largely absent in African societies because imposed justice systems were used by colonial powers to repress and control emerging democratic leaders and their movements. Because more than half of the world's population lives in post-colonial states (Cole 1999), it is imperative that these legacies are torn down. But even states somewhat farther removed from colonialism, such as many of those states which recently emerged from military dictatorships in South and Central America, still appear to meet the needs of economic and landed elites. Finally, few can argue that the criminal- and civil-justice systems of Russia and China mirror more closely their repressive socialist antecedents, and appear to be used to insure the autocracy of the Communist Party in China, and Vladimir Putin's control of the police and military and the intimidation of civil society in Russia.

In order to promote democratic policing around the world, we must develop a comprehensive model that links different levels of analysis and the factors associated with crime, policing, human, social and economic development, and democratization, in order to promote the development of social justice and human rights, which are the foundation of democracy. We need to bring different academic literatures together to understand fully the problems facing these emerging democratic societies. Activists, policy makers, and other actors need to broaden their focus. Many concerned academics, policy makers, non-governmental organizations (NGOs), and others have an understandably limited approach that limits focus and ignores interrelated issues. For example, many NGOs address development but not security (Neild 2001), and other groups and think-tanks address security without adequately addressing the problems associated with socioeconomic development.

These issues do not occur in a vacuum. Theoretical frameworks and strategies are needed that link the factors impacting crime, policing, development, human rights, and democratization in order to achieve justice. The right to individual safety and freedom from fear may become a new human right (Neild 2001). Human-rights organizations are now recognizing that crime and social violence and responses to them constitute the most significant threat to fundamental liberties, the rule of law and democratic consolidation (Neild 1999). Democracy is undermined and further violence is generated when abuses are committed, but those democracies that focus entirely on issues of accountability often do not consider how to fight the crime itself that poses a serious threat to democracy (Neild 1999). The challenge of dealing with citizen-security issues has been imposed on the human-rights movement rather than something sought by the movement. Human rights and other groups must now grapple with what the police do instead of just what they should not do, and this new focus could lead to changes in the roles of many NGOs in less developed democracies (Neild 1999).

All of these interrelated issues have prompted us to write this book. We hope to outline ideas for implementing policing practices based on a democratic policing

philosophy. We want to transform the police. These policing practices will be proposed in concert with other democratic reforms involving social, political, and economic development in transitional and developing societies. It is our intention to spark a dialogue among academics, policy makers, NGOs, activists, think-tanks, and other interested individuals and groups in order to democratize policing and other institutions comprehensively with careful attention to human rights.

We met in 2002 at the American Society of Criminology Annual Meeting and realized that we had similar interests in democratizing the police and promoting democratic development. We understood the role of social capital in emerging democratic societies, and the limitations of traditional police strategies based on patrol and arrest. We understood community policing to be a good beginning but one that did not understand its relationship to the emerging democratic policing paradigm. Whereas community policing began a dialogue between the police and the citizenry that had been destroyed by the professional model of policing (Bayley 1994), it has ultimately stalled and failed to transform policing. The early pioneers of policing such as Sir Robert Peele and Alderson understood the relationship between the people and the police in the co-production of public safety, and we need to bring this understanding back.

The literature on democratic policing is a work in progress, much as Robert Trojanowicz's first promulgated principles of community policing were in the late 1980s. We seek to extend this process of police transformation and will develop theory and practices that address all of the relevant factors affecting the development and implementation of democratic policing strategies. This is a large task, so we have begun the first steps but do so with the guidance of pioneers such as Goldstein, Trojanowicz and Alderson, as we decided it was necessary to attempt to describe the parameters of a comprehensive vision of democratic policing that would include the necessary initiatives to help increase the chances of success.

We must be cautious not to state that there is only one model of democratic policing. There are universal principles that we will seek to describe as the foundation for this work. These are embedded in the language of human rights, which are the foundation of democracies although the forms of these democracies are different. Each country or state should find what works best for itself based on its history, capacity, and so on. We lack the arrogance to state that we know best, although we seek to question and promote democratic development as we understand it. Our education will continue as we have the opportunity to interact with others who share a vision of expanding freedom and opportunity. A "this is how it should be done" approach would not be appropriate because it could doom any chances of success in many parts of the world.

Organization of the Book

We divided the book into three parts. Part 1 is written by us and outlines our overview of the problem of policing and democratic development. In Chapter 1,

we note the obstacles hindering the development of a definition of democratic policing and its translation into a comprehensive democratic policing strategy. We view the strategy operating around the world from different levels of analysis (international, national, and sub-national/individual). In varying degrees, there are a number of factors that make the transformation of the police to the democratic model difficult. We consider these obstacles when developing reforms. These obstacles include the underdevelopment, or nonexistence of, democratic institutions. This may manifest itself as a dysfunctional criminal-justice system, a weakened and unempowered civil society, and low levels of social capital or trust which are the bases for civic engagement. These societies are rife with crime and fail to provide basic security for all of the citizens of society (particularly women, children, and other socially disenfranchised groups). In varying degrees numerous countries lack effective methods for resolving social and cultural conflicts, and political systems in these situations rarely if ever make equitable and just decisions as majorities oppress minorities. They do not understand that human rights are the foundation of democratic societies, and their social institutions lack legitimacy or the belief by the citizens that social and political institutions function fairly and effectively. International pressures such as debt-repayment incurred by earlier corrupt regimes, and the presence of armed groups and criminal gangs can also weaken the capacity of states to act independently on behalf of their citizens.

In Chapter 2, we argue that many current policing strategies and forms of police training offered by the developed world (professionalism and various forms of community policing) are currently not appropriate for export to other countries. Their implementation has not adequately addressed issues such as the role of the police in democratic development, conflict resolution, the provision of security and the trust of citizens, human rights, citizen engagement in crime control strategies, the control of police corruption, and other similar goals. Even if the theoretical and philosophical goals of democratic policing include commitments to human rights and democratic development, the elements of these strategies have not been seriously implemented in many parts of the world, and the local context of these different countries has not been taken into account due to the use of “one-size-fits-all” strategies. We do argue, however, that there are immutable democratic principles by which all institutions in a society should abide, and we describe them as the basis for assisting other nations as they embark on the path of democratic development.

Even in the United States, police reform has not adequately addressed concerns with human rights, equity, co-productive activities between the citizenry and the police, effective accountability or citizen review processes, openness, and organizational change in the transition to this model. After hurricane Katrina ravaged New Orleans and surrounding areas of the gulf coast in 2005, the police in many cases did not protect the citizenry. In one case reported by the *New York Times* (September 10, 2005), around 200 civilian evacuees were trying to cross a bridge on foot from New Orleans to one of its suburbs (Gretna), but the suburban police had barricaded the bridge and shot guns in the air in order to scare away the fleeing pedestrians. People in New Orleans were told by the media and other agencies that the bridge was one of

the few safe places to evacuate. The officers ordered the evacuees to abandon their encampment and then confiscated their food and water. According to a paramedic who was there, the police would say, “We don’t want another Superdome” and “This isn’t New Orleans.” The chief of the Gretna police department confirmed that his officers sealed the bridge and said that “there was no place for them to come on our side.” According to witnesses, passenger cars were allowed to pass through, but pedestrians were not. As reported by the *Independent* (September 12, 2005) on the same story, one paramedic at the scene viewed the police action as racist, callous, and cruel. Most all of those in the pedestrian crowd were African-American.

In the United States, policing is incredibly decentralized and there may never be a shift from a bureaucratically unresponsive model of policing to a more open and accountable model. This is why we argue for the implementation of what we call democratic policing that renews the focus of all of those involved in the reforming process, and countries ought to be able to create their own versions of policing based on standards embedded in democratic principles while tailoring their reforms to their own socially determined goals and needs.

In Chapter 3, we offer our version of the democratic policing philosophy, which attempts to do more than just democratize the police and encourage co-productive activities with the citizenry that promote stability and development. We argue that the police can provide, in conjunction with the cooperation of public and private institutions and the citizenry, the framework to build social capital and social capacity. This is the basis of a foundation for social and economic development that benefits the whole of society.

The lessons learned in democratizing the police will inform how to democratize other institutions, involve women and marginalized groups, and protect children. A core-capacity of policing should be to assist in reducing conflict. The core-mission of policing as espoused by Sir John Alderson (1979) is the maximization of freedom and the protection of human rights. Democratic policing requires that the police must be as democratic as other government institutions. The police must be committed to the rule of law that limits their powers. They must also have legitimacy, transparency, accountability, a commitment to human rights, and be subordinate to civil authority. Other goals that support democratic development such as co-productive activities with the citizenry, problem solving, collaboration with various public and private organizations, decentralization, and continual evaluation must also be a part of democratic policing. Finally, there should be local autonomy in developing policing and other strategies in order to take into account the local context while being mindful of international standards of human rights and democratic principles. Realizing these goals increases the chances that a democratic police force can be created and sustained over the long term and become part of a larger democratic society.

Chapter 4 presents ideas from various academic and other literatures on how to go about implementing democratic policing in concert with the other stated goals such as building social capital, reducing ethnic conflict, and promoting independent socioeconomic development. This is not a “how-to” chapter, because we feel that each country or area must develop its own course of action. We can, however, provide

some general lessons from research in different disciplines to help academics, policy makers, NGOs, activists, and others develop their own strategies.

Part 2 is edited by us, and includes five case-study chapters from experts of the countries being studied. These case-studies examine the state of policing in a country in question, in addition to many of the other factors we present in Part 1. In Chapter 5, Rehan Mullick and Rabia Nusrat detail the status of reforms in post-war Iraq and examine the Iraqi situation from an historical perspective. In Chapter 6, Robert Shanafelt explores the state of policing in South Africa from an anthropological and historical perspective. Steven Engel examines Northern Ireland and the policing reforms that have been going on there in Chapter 7. In Chapter 8, Edward Snajdr examines policing in Kazakhstan since the post-socialist transition and examines the effectiveness of police-work on issues of family conflict and violence against women. Finally, in Chapter 9, Heath Grant and his colleagues detail a training program they have developed for use in various places around the world to promote democratic forms of policing. A more detailed summary of the chapters is presented in the introduction to Part 2 of this volume.

In Part 3, we detail the lessons we have learned from the case-studies presented in Part 2 and assess the prospects for the implementation of democratic policing around the world in transitional and developing societies. We summarize the obstacles facing these different countries as well as prospects for success, noting similarities and differences among countries. While being optimistic, comprehensive, and global in focus, we must also be realistic in order to identify adequately what might be needed in order for democratic policing to flourish in transitional and developing societies.