Handout

Police reform[1]

Transparency and Accountability

Introduction

In an ideal world police officers observe known and predictable rules in the performance of their duties, while the transparent and accountable control procedures to which they are subject increase public confidence in the police. In reality, the precepts of Security Sector Reform (SSR) are applied in an imperfect world, and the issue becomes how existing problems of repression and corruption can be mitigated. The ideals of transparency and accountability seem to promise the most satisfactory long-term results. The best means for achieving them are, however, uncertain, and there are many obstacles to overcome before meaningful forms of transparency and accountability can be developed, let alone entrenched. It can be argued, for example, that control through executive oversight, the courts and judicial system, or through legislatures, is not the answer because it is really state control — governments remain the most powerful agents involved, allocating resources and acting as gatekeepers. Political imperatives are important, too. Similarly, although civilian control may be achieved through societal control (civilian complaint reviews, for instance), such procedures (based on the experience of a small number of liberal democracies) require an established political culture that is comparatively rare. Operational considerations are important too, and public accountability can threaten the integrity of, for example, covert operations. Further, those involved may not have the knowledge or authority to discipline officers seeking to obstruct or pervert the reform process. In other words, meaningful civilian control requires a degree of technical expertise, which may not be available. Many practical problems must be solved if transparent and accountable forms of control are to become meaningful.

Principles

- *Equity* In so far as the police deliver a service, it should be distributed fairly between groups and individuals, and the pattern of enforcement should be fair and widely known.
- *Delivery of service* This should be appropriate, known, efficient and (more controversially) effective.
- *Responsiveness* In determining priorities (that is, the allocation of resources between different activities, objectives, and measures) police should be responsive to the views of representative bodies.
- *Distribution of power* The power to determine policy should be concentrated but distributed between a number of different bodies.
- *Information* Material on funding, expenditure, activity and results should be publicly available. Representative bodies should be informed and able to gain relevant information.
- *Redress* It should be possible for a representative body to dismiss incompetent, corrupt or repressive chief officers. Some means of redress should also be available for unlawful or unreasonable treatment by, or of, individual officers.
- *Participation* As far as possible, local people should participate in discussions of localised objectives with police managers.

Strategic Planning

Dedicated strategic planning is essential if the secretiveness and corruption characterising many policing organisations and activities are to be mitigated or appropriately managed.

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[1] Excerpt from Compendium of Good Practices on Security Sector Reform, GFN-SSR, Cranfield University, 2005.

This is particularly so in countries where there is a strong tradition of secrecy or repression, where different levels of government overlap in multiple ways, or where disputes over who is responsible for what threaten reform. Accountability is threatened also by factors such as poverty, conflict, and the abuse of discretion; corruption remains a major threat to forces that are undermanned, underfunded, poorly equipped and untrained. Institutional processes and mechanisms cannot produce, therefore, transparency or accountability on their own. This is partly because of the complex bargaining and vested interests involved but also because of the often entrenched nature of corruption, and the significance of functional and personal relationships. For this reason internal transparency and accountability is as important as external forms of accountability, such as open parliamentary hearings, or local processes. Both require coherent and consistent strategic planning, which should be part of a continuous improvement management program.

How the processes of accountability are sequenced deserves careful attention, as does the identification of critical markers and appropriate goals. Time scale is important too because SSR is, by definition, a long-term process that affects complicated power structures. The role of the civilians managing the service, especially in terms of policy planning, procurement and budgets, also deserves (but rarely receives) strategic attention, as does developing the parliamentary expertise necessary for oversight and the provision of impartial advice.

Some Practical Steps

No single factor is sufficient to facilitate transparency and accountability, and the points of synergy or friction may be difficult to identify, let alone manage. Corruption is often a major obstacle, especially when it involves resistant subordinates, but it may also result from a lack of managerial expertise. In such circumstances adopting unambiguous directive- or control strategies may be the best approach. Directive strategies could use such means as establishing clear goals, policies and procedures; moving personnel; and changing individual incentives. Control strategies could include reporting misconduct and employing investigative activities, supervising personnel, or imposing sanctions. Yet such strategies and their associated rules of conduct are insufficient because combating corruption it is not just about legislation, training or international co-operation.

The key to accountability as such is probably to be found in multiple structures, at multiple levels of control. This raises problems of scarce skills and potential conflict with operational requirements, but no single accountability structure is likely to be sufficient to ensure democratic forms of control. Further, accountability is not necessarily promoted by increased outside scrutiny. Structures at internal, state and social levels are necessary, and the balance among them will vary according to factors such as threat levels, the extent of corruption, and societal norms. Parliamentary oversight is probably a key factor at the highest levels of government, but the means of civilian oversight becomes less clear at the lower levels. This is because external agents may not understand the technical or operational constraints under which police operate. Choosing representatives to whom the police answer will be difficult because those concerned must understand the nature of policing, as well as act in a way that the population knows, understands and, more importantly, accepts. Monitors (independent overseers, civilian committees, the press and so on) are not necessarily an appropriate answer. For they usually rely on complaints to initiate investigations and this means that their actions are skewed towards cases where complaints are made against officers. Improved internal accountability at the most senior level may be a more effective means of achieving better accountability than does the application of notional civilian control. This could mean that the quality of senior officials and officers is critical, with all that this entails for recruitment and promotion, for without it reform and oversight will have little impact.

Resources and Control

The civilians concerned (governments, civil servants or local inhabitants) in facilitating or managing accountability must themselves be accountable in some way. More generally, the civilian control they represent must be combined with other factors such as transparency, fair promotion, and an intolerance of corruption. The question then arises as to which of the many factors are critical. The answer is probably to be found in accountability, as an aspect of good governance, rather than in civilian control as such. Good governance provides the best overall framework because real transparency and accountability require a certain type of environment.

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