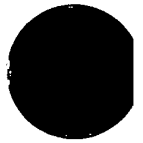


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Conference: Policing
in Emerging Democracies

1

WHO ARE WE KIDDING?
or
DEVELOPING DEMOCRACY THROUGH POLICE REFORM

My thoughts on the topic are organized into three parts:

Principles, by which I mean unavoidable impediments in achieving democracy through police reform.

Possibilities, referring to opportunities through police reform that may be exploited.

Policies, which will be specific recommendations for getting the job done.

PRINCIPLES

If the objective of American policy is to encourage and facilitate the reform of police forces abroad so as to smooth transitions to democracy, policy-makers must recognize three unavoidable constraints on their efforts.

1. FIRST PRINCIPLE: unless a regime is dedicated to becoming democratic, there is little that reform of the police can accomplish on its own to bring about democracy. Although the police can affect politics in important ways, their autonomy is slight. The most important effects police might have on democracy depend on the policies of regimes.

COROLLARY: the police can undermine democracy and they can reinforce it, but they cannot create it.

Argument: ways in which police impact political life

(1) Direct effects

(a) On persons who want to act politically:
by arrest, detention, exile.

(b) On the conduct of political processes,
such as elections, public meetings, freedom
of speech, protecting dissent, and providing
physical and logistic support to political
campaigns.

(c) On the safety of regimes: by defending or not defending them against violence.

(d) On the content of policy: by participating in councils of government, by having privileged access to leaders, by threatening to give or withhold support to government, and by political mobilization (election blocs).

(2) Indirect effects

(a) Socialization of the public: as teachers of civic virtues.

(b) Legitimation of government: in use of force, openness, defence of rights, corruption, lack of favoritism, etc.

(c) Demonstration-effect: police can serve as a model for other sectors of society with respect to diversity vs exclusion, merit vs ascription, honesty vs venality, equality vs inequality before the law, science vs tradition.

(d) Participation in development: physical and logistical support for economic development (communications) and creation of demand for modern technology and infrastructure (roads, computers).

(Bayley, 1985, Chap. 8).

POINT: for the most part, these activities are matters of government initiative or at least approval by government. Police are not free-standing bureaucratic actors. Their autonomy is probably greater with respect to their indirect effects, which might be where foreign assistance should concentrate.

COROLLARY: it is misguided to believe that a foreign government can cultivate democracy abroad through involvement in police reform if the regime is not already committed to democracy and willing to practice it.

2. SECOND PRINCIPLE: the connection between democracy and the forms of policing is weak. Democracy is compatible with many forms of policing; policing may be organized and conducted similarly in both democratic and non-democratic countries. The character of government and the character of the police do not neatly coincide.

Argument: police attributes and their relation to democracy

(1) National organization of policing - centralization/decentralization: many contemporary democratic countries have centralized regimes (Sweden, France, Israel); decentralized systems of policing are compatible with repression (Germany prior to World War I, the United States in the South prior to the 1960s)

(2) Accountability - civilian oversight: close political oversight is not necessarily democratic (former Soviet Union, Cuba); oversight primarily by bureaucrats is compatible with democracy (France, Japan); the balance between political control and political insulation is rarely stable; it must be adjusted constantly as it veers toward one extreme or the other (Colombia, India, the United States).

(3) Organization/management: democracy is not strongly correlated with whether recruitment is stratified by rank or occurs only at the bottom (Japan vs Britain), whether criminal investigation is part of the uniformed police or separate from it (United States vs France), and whether police are armed or unarmed (United States vs New Zealand).

(4) Strategies/programs: community-oriented policing can be used for grassroots ownership of policing or for enhanced government control through penetration, intimidation, and cooptation (U.S. and Canada vs. Singapore, China, and Cuba).

(5) Technology: enhancement of the technical capacity of the police is ambiguous in its effects: it may serve the interests of governments or of the public depending on the nature of the government.

POINT: Police reform is a necessary but not sufficient condition for creating democratic government. Reforms focusing exclusively on the police are insufficient to create democratic government. Indeed, most reforms are neutral in their political effects. Moreover, almost any police practice can be exploited by a determined regime for its own purposes.

Michael Oakshott: It is "one of the most insidious current misunderstandings" that "institutions and procedures appear as pieces of machinery designed to achieve a purpose settled in advance, instead of as manners of behavior which are meaningless when

separated from their context." (RATIONALISM IN POLITICS AND OTHER ESSAYS, 1962, p. 130)

FIRST COROLLARY: American police practices do not necessarily encourage democracy. We must be careful not to over-generalize from our own national experience.

SECOND COROLLARY: Americans engaged in police reform abroad must listen as well as teach so that they can better appreciate what is essentially democratic in American practice.

3. THIRD PRINCIPLE: during transitions to democracy, democratic reform of the police is likely to be less important to emerging democratic governments than security.

Argument: the emphasis on security arises in policing arises from two sources.

A. Political interest of emerging democratic regimes:

(1) democracy requires stability and order, yet transitions to it are often accompanied by violence and disorder;

(2) threats to regimes always take priority over threats to the disaggregate public (subversion over crime) (Bayley, 1985);

(3) at the same time, the legitimacy of government requires providing internal order for the population.

B. National interests of foreign donors:

(1) access to police abroad will only be allowed if the security needs of the emerging democratic regimes are acknowledged and provided for; enhancement of the security capacity of the police in an emerging democracy is likely to be the sine qua non of access for foreign government involvement;

One might call this the involvement dilemma: we will want to remain involved so as to have leverage, but remaining involved exposes us to compromise with reformist principles. It is awkward both to leave and to stay.

(2) because donor countries often have their own law enforcement interests in foreign

countries (drugs, terrorism, fugitives, organized crime), responsibility for which is concentrated in national governments, foreign providers are likely to be interested in police abroad not only to facilitate political reform but to achieve their own domestic law enforcement objectives.

POINT: in providing assistance to foreign police, democratic reform is likely to take second place to the development of enforcement capacity.

POSSIBILITIES

Granting that there are limits to the contribution police reform can make to democratic development, there are nonetheless possibilities for leverage. Recommendations with respect to the sort of involvement the United States should have with foreign police forces are given under point 3.

1. Foreign assistance to police forces is not a new or unprecedented undertaking. It has a long history and is being conducted currently on a considerable scale.

Foreign assistance is occurring presently through:

(a) institutional connections between countries based on historical patterns of association and conquest (Britain-Malaysia, U.S.-Philippines, U.S.-Japan, Belgium-Zaire, Britain-Australia, France-North Africa);

(b) commercial firms developing international markets for police technology and expertise (Motorola; Booze, Allan, and Hamilton);

(c) emulation facilitated through international professional connections (International Association of Chiefs of Police, International Association for Civilian Oversight of Law Enforcement, United Nations Institute for the Prevention of Crime and Treatment of Offenders, Tokyo);

(d) regional integration leading to cooperative law-enforcement (European Union, ASEAN).

POINT: New bilateral efforts to assist the police of emerging democracies must compete for the attention of potential foreign clients. Such efforts may be offset by the activities impinging on host countries from these other sources. Foreign assistance to the police will take place in a competitive environment.

2. Degrees of difficulty in transferring police practices from one country to another. Police reforms that may contribute to democratic development vary enormously in the likelihood of their being implemented successfully in a foreign country.

(a) Most difficult:

Institutional changes involving the relations of the police to the government or other social structures are the most difficult to change. Reforms that affect the purpose, functions, control, and accountability of the police are least likely to be exported successfully to other countries. No government will easily relinquish control of these, whatever its character. (Examples include: centralization, civilian oversight, separation from the military, political surveillance, intelligence gathering).

(b) Moderately difficult:

Matters of internal management, which are more fully under police control, are easier to reform. (Examples include: stratified recruitment, supervisor responsibility for mistakes, relations across ranks, corruption). At the same time, both culture and tradition may limit the exportability of management practices.

The transferability of operational strategies and programs, too, must be evaluated on a case-by-case basis. Their exportability depends, firstly, on the institutional objectives of the government, and, secondly, on the culture and tradition of both the police and the public.

(c) Least difficult:

Technology, including some features of management, are readily exportable because they affect capacity but not substantive direction. They are not "political." (Examples: computers information-systems, techniques of forensic analysis, communications equipment, management by objective, performance contracts, and quality control).

COROLLARY 1: as a general rule, the police reforms that are easiest to achieve abroad have the least effect on democratic development and the reforms that are the hardest to achieve abroad have the greatest effect on democratic development.

CORALLARY 2: policy-makers should recognize that progress in reforming the police is likely to come in "increments" that contribute to "trajectories" of eventual democratic development. (Andrew Goldsmith, "Democratization and Criminal Justice: Human Rights and Police Reform in Colombia." Unpublished draft, March 1995)

3. Targets of opportunity for American foreign police policy. Taking into account both what foreign countries are most likely to accept and what donor governments are most likely to give, there are several specific reforms that the United States could advocate and support that would contribute to democratic development.

(a) Priority should be given to reorienting police forces to respond to the needs of individual citizens and private groups as opposed to serving the interests of regimes. Foreign police forces should be encouraged to concentrate on reactive law enforcement, responding to the needs of the disaggregate public.

(b) The role of the police should be restricted to overt law-enforcement and criminal investigation. Police in emerging democracies should be encouraged to give up political surveillance and counter-insurgency. (Goldstein, 91ff)

(c) Police should emphasize accountability to law rather to political direction. They should be encouraged to institutionalize the distinction between the making of policy and the conduct of operations, otherwise the rule of law becomes a casualty of politics.

(d) Assistance should be given to help foreign police reduce the level of force they commonly employed.

(e) Foreign assistance should emphasize the development of appropriate strategic and managerial approaches rather than enhancing technical capacity.

(f) Foreign assistance should be contingent on effective efforts by police forces to eliminate all forms of corruption.

(g) Foreign assistance should incorporate evaluations of police efficacy and conduct carried out by indigenous scholars and consultants.

(h) Foreign police should be encouraged to participate in international organizations dedicated to information sharing, standards development, and civilian oversight and accountability. (Goldsmith, 60)

POLICIES

In order to exploit the limited contribution that police reform can make to the development of democracy abroad, how should the United States, and other democratic countries, conduct their police foreign policy?

(1) The Devil is not in the details but in the objective.

Police reform is not a powerful engine of democratic development without the prior commitment to democracy of host regimes.

(2) A mechanism needs to be created within the U.S. government whereby the sometimes conflicting objectives in foreign political policy, foreign law enforcement policy, and foreign police policy can be discussed and harmonized.

(3) Technical assistance for the enhancement of foreign law-enforcement capacity should be given only to convincingly democratic countries.

Access by the U.S. to foreign police will most likely be contingent on developing their technical enforcement capacity, which is highly ambiguous in its political effects.

(3) Training of foreign police officers should be done primarily by local law enforcement personnel.

The sort of policing that will make the greatest contribution to democratic development abroad is done at local levels in the U.S. In the United States, federal law enforcement agencies (FBI, DEA, ATF, Secret Service, Customs Service, Immigration and Naturalization Service), do not do full-service, public-responding, community accountable policing, all of which have important functions to carry out, which should not be taken to imply that they do not have important functions to carry out. Full-service, community responsive policing is done by state and local police agencies.

This qualitative difference in the character and function of police agencies in the U.S. creates a serious problem for the implementation of police reform abroad. Relations with foreign governments are conducted through the

the U.S. federal government and foreign governments are uneasy and inexperienced at contacting local governments directly.

The solution is for the U.S. government to develop the ability to marshal local government talent and to project it abroad.

(4) Implementation of police policy abroad must involve more than police personnel.

It should be a cooperative venture among police specialists, area experts, management consultants, and private industry. The role of the federal government will be to enlist and coordinate these human resources.

CONCLUSION

In sum, the United States must be realistic about the contribution that police reform can make to democratic development. Enthusiasm for the objective of spreading democracy abroad should not impel us to undertake thoughtless programs. Realism is essential both to successful implementation of any reform program and to the maintenance of essential support for such efforts within the United States itself. We should also be careful that international law-enforcement operations by the U.S. government are not justified in the beguiling language of democratic development.

Police reform is not the tail that wags the democratic dog. And involvement in police reform from abroad provides a feeble grasp even of that tail.

BIBLIOGRAPHY

Bayley, David H. 1985. PATTERNS OF POLICING. New Brunswick, NJ: Rutgers University Press.

Goldsmith, Andrew. 1995. "Democratization and Criminal Justice: Human Rights and Police Reform in Colombia." Unpublished draft. (March)

Oakshott, Michael. 1962. RATIONALISM IN POLITICS AND OTHER ESSAYS. New York: Basic Books.

November 22, 1995

PRINCIPLES OF DEMOCRATIC POLICING

By Philip B. Heymann¹

I have been asked to draw on my experience working in Guatemala, South Africa, Colombia, and Russia and visiting criminal justice institutions in many other countries to comment on the principles of democratic policing. I am happy to do so but should admit at once to an unqualified commitment to one particular concept of the U.S. interest in this area. I think our national stakes rather plainly lie in encouraging very strong democracies and very strong criminal justice systems -- ones that are unbiased as well as effective -- even when compromising on these ends might offer us more immediate advantages. But let me begin.

I worry that you may expect me to talk about the comparative merits in policing of professionalism, problem solving attitudes, and close relations to local communities at early stages of democratic development in nations of Eastern Europe, Latin America, Africa, or Asia. These are important questions. But another set of questions about the relationship between democracy and policing or, more broadly, law enforcement, are even more fundamental. They are the relationships I shall discuss.

I shall describe two types of democracy -- "weak" and "strong" in the strength of support for popular rule -- and two types of criminal justice system -- "weak" and "strong" in their ability

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to handle crimes by the powerful. Then, I shall describe how the type of democracy you get is influenced by the type of criminal justice system you pursue. Finally, I shall describe what outsiders like us can do to help develop an effective and "strong" criminal justice system and thus a strong democracy.

I. Weak Democracies and Strong Democracies.

GUATEMALA CITY -- The United Nations issued a damning review of Guatemalan human rights yesterday, painting a grim panorama of state killings, death squads and abuses by leftist rebels...

The report accused police and army forces of cold-blooded murder, running "social cleansing" death squads to kill common thieves, drug trafficking, car thefts, and illegal logging...

It said Guatemala's legal system was "virtually paralyzed," and incapable of investigating crimes, even threats and attacks against its own judges and prosecutors.

The main victims of abuse continue to be human rights activists, politicians, and public prosecutors.

-- Reuters, October 31, 1995

Democracy in the contemporary world is sustained by two primary forces. It can be the result of the rather powerful demand of the population. For this reason, few people thought that

the military would attempt a coup in South Africa even after President DeKlerk stunned his nation by announcing there would be free and open elections including African voters. But democracy can also be largely the result of international pressures, especially with the end of the cold war. Guatemalan democracy is largely maintained by this force: the generals know and are reminded by powerful economic interests of the great cost of any coup. Many countries are now trying to impose such costs on Nigeria. I will call a democracy supported by the strong demands of its people "strong," and I will call "weak" a democracy maintained only by the fear its opponents share of the international repercussions of either a coup or the election of a non-democratic party.

The distinction turns out to be important. Guatemala is a weak democracy -- a country where there always seems to be an authoritarian alternative waiting in the wings to challenge a new democracy. The candidate winning the second largest number of votes in the elections last month was widely regarded as a stand-in for General Rios Montt who had been leading in the polls until the courts declared him ineligible to run because of the constitutional provision that bars the candidacy of anyone involved in a prior coup. The President leaving office had been put in place when his predecessor, Jorge Serrano, attempted to suspend the Constitution and close down the Congress. And the weakness of the democracy encourages corruption and impunity for political violence. Guatemala is not alone. The possibility that democratic institutions will be replaced by far more authoritarian ones, either as the result of an election, or of a coup, is real from Santiago, Chile, to Moscow.

This talk of weak and strong democracies may sound very abstract to you. To me, it is

accompanied by a storehouse of vivid images. I was working on a USAID contract to build criminal justice institutions in Guatemala when the first attempt at a military coup against the first freely elected President in decades took place. The General serving as Defense Minister, Gramajo, ordered the colonels who had organized the coup to return to their bases. Then the President, Vinicio Cerezo, called for a mass demonstration of public support for the new democracy. The response was a trickle of a very few grade school students brought into the capitol city by bus. The message was unmistakable: Cerezo's survival depended upon his retaining the good will of the general who was chosen by the army as Defense Minister.

A weak democracy works in the shadow of the independent power of its military and its other undemocratic economic and political competitors. In Guatemala and in other weak democracies, votes are counted every four or five years and the count is usually fair. But there are policies that cannot be seriously entertained, even if they would be supported by a substantial majority of the population. And there are parties that cannot be allowed to compete fairly in the political process. A U.N. mission report of October 31, 1995, described Guatemalan police and army death squads directed both at common criminals and at politicians, human rights activists, and public prosecutors. It said between ten and twelve bodies are brought daily to Guatemala City's morgue, shot with their hands tied behind their back.

A coup by a powerful and independent military is not always the principle threat in a "weak" democracy. A new democracy may be weak because of corruption or incompetence -- they often go together -- so pervasive that the electorate is likely to choose an altogether different

form of government in the hopes of finding efficiency and honesty. This electoral threat to democracy is the one that has characterized Russia and would threaten important nations in the Middle East. What is common to both cases is the absence of strong citizen support for a system of popularly chosen leaders and policies.

The existence of weak democracies poses serious problems for U.S. foreign policy. For very good reasons, we want stable democracies enjoying powerful internal support. They are far more likely to be long term friends. They will be more secure and reliable economic and social partners. They can enjoy continuous domestic support and not involve us in painful compromises of our own ideals such as those that have recently been investigated in the CIA's relationship with the Guatemalan killers of an American and the husband of an American. But we also want the immediate benefits of cooperation even with a weak and limited democracy, particularly against enemies such as Communism or drug cartels. Too often, I think, our tendency has been to treat a very limited form of democracy as if it were as valuable to us as the stronger democracies of a South Africa or Costa Rica. Let me pause long enough to give an example of U.S. ambivalence on this score.

In Guatemala, the attorney general has a small office, poorly funded and closely connected to the president. Still, it had the advantage of not being tied to the military, a primary suspect in much political violence. Why not build an investigative capacity into the attorney general's office itself and then create a tradition of independence from both the police and the President in enforcing the law? The United States Attorney General enjoys this capacity and

independence, and I think it serves us very well. Moreover, the idea seemed desirable to the Guatemalan investigative judges, who have investigative responsibilities (as is customary in countries whose legal system is not based on the British Common Law), once the police have brought a suspect to court or have filed a report of a crime in court. Their reaction was not surprising. After all, many matters were dangerous to investigate and cases were almost never successful.

Indeed, cases were dangerous to investigate. In the Spring of 1988, as we were exploring this idea with Guatemalan prosecutors sent to Cambridge by their attorney general, the chief of Guatemala's National Police, Julio Caballeros, seemed to have solved the case of a "death van," a white van that had been cruising the streets of Guatemala City and "disappearing" both politically active students and drug dealers. He had ordered the seizure of a van meeting the description of the "death van," and it proved to be full of police from a separate organization, the Treasury Police, headed by a close associate of President Cerezo.

In due course, Caballeros delivered to the courts, and particularly to an investigative judge of extremely questionable reputation, Judge Trejo, a number of suspects and a file that implicated their superiors up to the head of the Treasury Police. There were reports that Judge Trejo initially declined a bribe offered by a military judge. Whatever his motivations, his reward was to be kidnaped and, during the time he was held, to receive an unmistakable message. His good friend was, on the same occasion, seized, tortured, and killed.

I wrote for the first time to President Cerezo insisting on the importance of a vigorous investigation of the kidnaping, noting the message that a failure to protect judges would send throughout the criminal justice system. There was no action or response. A number of treasury police, including its chief, had been ordered detained by the temporary judge who replaced Judge Trejo during his kidnaping. On his release, and reassigned to the case, Judge Trejo quickly dismissed the charges against all of the treasury police. There was no investigation of the kidnaping, which Judge Trejo insisted was unrelated to the case. Few believed him. Under routine procedures, the file has always been kept secret.

It soon became clear that neither Attorney General Polencia nor his successor, Attorney General Cardenas, was anxious to assume the responsibility for such cases. I could see why not. What was more surprising to me was the reaction of some of the leaders in the Department of State and USAID to my concern about all this. I was invited to Washington to a lecture by a highly respected, senior foreign service officer about what had to be accepted in Central America. My hints that Harvard Law School would not work in an atmosphere where the official perpetrators of terrible violence were given impunity were, I was told, naive or out of place. Later that year I received a far less friendly letter from one of USAID's senior regional administrators in Central America suggesting that I would do very well to change my advisors and staff to include those more familiar with the violent customs and cynical ways of Central Americans. The tone of the letter was superior; its level of indifference and cynicism were stunning.

In the meantime, a dedicated ambassador, Jim Michel, earlier the founder of the Administration of Justice program, used every ounce of his influence to support my futile efforts to bring the Guatemalan attorney general into the process of investigating the most notorious of crimes, including those of political violence and corruption. All of his influence was needed because AID's regional director was successfully mounting a campaign in Washington to prevent any such disruptive step. In the final analysis, Attorney General Polencia and President Cerezo — to whom Ambassador Michel made his case in the clearest terms — decided not to build such independence into the system. But the divisions within the United States government as to goals and means had already become very apparent.

II. Weak Law Enforcement and Strong Law Enforcement.

I have argued that a deep and widespread loyalty to democratic institutions is crucial to a strong, stable, and lasting democracy. That loyalty depends upon two conditions. The population has to believe that democracy works decently well in carrying out the tasks for which people must depend on government. Beyond this, the support for democracy depends upon very large portions of the population having some measure of political influence and a feeling of equality before governmental institutions. Thus, for example, loyalty to democratic institutions in Northern Ireland was undermined among the large Catholic minority by their inability to influence crucial political institutions when they disagreed with the Protestant majority.

In emphasizing that loyalty to democratic governments depends on a moderate level of

effectiveness in providing the services people require from their governments and an adequate measure of fairness in making decisions, I have left out respect for human rights as a condition of loyalty to democratic institutions. Perhaps it too should be included, but populations are not tempted to turn from democratic to authoritarian regimes in the hope of getting greater respect for human rights, in the hope of ending brutality or political repression.

Policing and, more broadly, the law enforcement system, have a crucial role in building and maintaining the sense of effectiveness and fairness on which loyalty to democratic institutions depends. As a start, nothing is more important to the citizens of a country than physical security. When a democracy is unable to provide protection against the predatory activities of other citizens, the call for authoritarian alternatives grows. That is much of the basis for the popularity of General Rios Montt in Guatemala. It is much of the argument for a return to more authoritarian regimes of the right or left in Russia. Even in South Africa, where democracy is blessed by widespread respect and an extraordinary leader in Nelson Mandela, an inability to control street crime was the number one issue in the recent municipal elections in a South Africa that has been suffering forty-eight murders a day. The consequences are felt in terms of the economy as well as in terms of the fear of citizens. A healthy economy does generate support for democratic institutions, yet frightening crime statistics drive foreign investors away from Johannesburg as well as from the downtown areas of many American cities, so the effectiveness of everyday law enforcement matters greatly to the strength of popular support for democracy.

Law enforcement also matters to democracy in terms of the sense of equality on which

loyalty to democratic institutions also depends. A willingness to pursue corruption and to examine, without undo deference, the activities of the powerful and the well-connected are attributes of a "strong" criminal justice system that create faith in democracy. By an extraordinary and courageous course of investigations leading from the mafia to the political corruption of Prime Ministers, Italian law enforcement will create new faith in a democratic system that, in the time of the Red Brigades, many citizens hardly preferred to the alternative offered by the terrorists and which was the target of a nearly successful coup d'état from the right.

I could provide examples from Russia, Colombia, or Africa, but as usual, events in Guatemala are more vivid, open, and revealing. This time, drug-based corruption is at the center of my story.

On August 1, 1989, someone gave an assistant luggage carrier for Guatemala's airline, Aviateca, a green suitcase and ordered him to place it on Aviateca's flight to Miami, bypassing all security channels. The assistant luggage carrier, Vasquez Castillo, was stopped by two warehouse employees who reported the incident to the narcotics airport unit of the national police and to the army intelligence officers stationed at the airport. The green suitcase was opened; it contained twenty-five kilos of cocaine.

Vasquez Castillo told the police that the suitcase had been given to him by two men who identified themselves as representatives of the government organization "DECAP," an agency created to help President Cerezo control problems of corruption within his government. With

more than one hundred investigators and a larger budget than the attorney general's office, DECAP reported directly to the President. Its chief at the time was Lieutenant Colonel Hugo Moran Carranza, reported to be a close friend of the President. The luggage carrier, Vasquez Castillo, had identified two employees of DECAP, Rolando Moises Fuentes and Minera Naves, as those who had given him the green suitcase.

In Guatemala, the only statements by a defendant that can be used in a court are those taken by judges, not the police. But the judges have no training in taking statements and the interviews of the two suspects the next day were poorly conducted by a justice of the peace. Both simply denied their guilt. Minera Naves produced the names of alibi witnesses; alibi witnesses are very easy to come by in Guatemala.

The Guatemalan justice of the peace has to send the investigative file promptly to an investigative judge who has only fifteen days to complete the investigation. The investigative judge is supposed to perform many of the functions performed by both the police and prosecutors in the United States and to do it in a far shorter period of time than we allot. That can be a dangerous job and the investigating judge did not proceed very promptly against such a dangerous suspect.

The judge questioned Vasquez Castillo again. This time Castillo implicated his boss as well as a representative of DECAP. Castillo was obviously frightened. He thought that he may have been the real target when a witness had been assassinated a few days earlier. He said that

he had been followed by four men in a red pickup truck, an ominous sign in Guatemala.

The investigating judge, Julio Rene Garcia, was getting the point. He asked to be excused from the case on the ground that his wife was remotely related to the luggage carrier's boss. He was excused. There had in any event been widespread rumors that Judge Garcia had received money to sabotage the investigation and, shortly after recusing himself from the case, Judge Garcia was fired from the court system.

What is clear from many accounts is that the chief of DECAP, Lieutenant Colonel Moran, had spoken quite often with the judge and with those members of the judge's staff who were handling the case and that Moran had access to the case file so that he would know exactly who was saying what, a matter that frightened witnesses. One might wonder where the prosecutor was all this time. The prosecution was simply absent for the first fifteen days of the investigation, not an unusual absence in cases that can be very dangerous.

The case was reassigned to a new judge with only one of the fifteen permitted investigative days left. That was not enough. The judge found that he did not have enough evidence to continue detaining the two DECAP employees, Minera Naves and Rolando Moises.

Under pressure from the United States, the case was reopened. At his trial, Minera Naves, who had by now threatened the brave female prosecutor and investigating judge with death, defended on the ground that corruption was widespread in the Cerezo regime. He alleged

that the brother of the Christian Democratic Party's Presidential candidate was involved in drug trafficking and that a witness to his transactions had been murdered. He charged that President Cerezo's brother had been involved in corruption, selling passports when he was director of immigration. He said the army, the national police, and DECAP all knew about the crimes that were committed but refused to investigate and that Lieutenant colonel Moran Carranza, his boss at DECAP, had told him he was under orders not to investigate such cases. These charges were made in the new form of a public hearing, causing an immense sensation. Minera Naves and Rolando Moises were acquitted.

The patent inability to get to the bottom of charges of very serious corruption against those very close to the president and the leadership of his party, despite an extraordinary intervention of the American Ambassador, who publicly characterized one of the defendants as a drug suspect, stood as a reminder at the end of President Cerezo's administration that the democratically elected government could and would protect its own people, that personal wealth was a central motivation of many elected officials, and that corruption of courts and intimidation of witnesses was sometimes, perhaps often, part of the system of justice. For many people and groups to support democracy strongly enough to stand up against a military coup, the administrations which are products of the democratic process must be willing to pursue allegations of corruption of the sort I have just described. If they were, without pressure from the United States government, there would be far more reason to believe in democracy.

A system that cannot effectively prosecute ordinary street crimes is hardly a criminal

justice system at all. But a system that can only prosecute ordinary street crimes and that cannot prosecute crimes involving prominent or powerful people is a weak system of criminal justice. A weak system that does not deal with corruption or extortion of the sorts that are rampant in Moscow, that cannot deal with the wealthy and powerful (as was true until recently in Colombia and in Italy), and that cannot prevent systematic violence or intimidation by its own security forces (as has been true at one time or another within the last decade of South Africa, Israel, Spain, and Northern Ireland) is an open announcement that there is inequality in fundamental political rights and a public invitation to disloyalty towards the democratic institutions of each of these countries. Every country will sometimes have corruption, favoritism, and efforts at intimidation. But a willingness to cover these up by controlling and limiting the activities of the crucial fact-finding agencies in a democracy -- law enforcement authorities and oversight committees -- is a signal to large portions of a population to hold on to their wallets, keep their heads low, and withhold trust.

III. The Complicated Relationships Between Confidence and Fairness in Law Enforcement.

I have argued so far that a weak law enforcement system -- one that can handle only ordinary street crime -- leads to a weak democracy -- one that must operate without the spirited support of most of its population. Even if you accept my argument, however, a major tactical question remains: is the shortest path to a strong justice system in a fragile democracy the slow building of competence in the police and other law enforcement institutions, or does it require a

forceful stand on issues of corruption, bias, political violence and intimidation? That question is of fundamental importance for those trying to build democratic institutions and strong justice systems.

When I first went to Guatemala, I wrote to the Minister of the Interior, Juan Jose Rodil, saying that the USAID/Harvard project should only begin if there was a commitment to proceed against political crimes as well as ordinary crimes. He argued strongly against this approach, saying that the first step was to build the ordinary capacity of the police, the prosecutors, and the courts. When they were capable and respected, perhaps in ten or fifteen years, somehow a capacity to investigate and try violence and corruption from the highest and most powerful levels would emerge.

This much of Rodil's argument is surely true. It is hard to detect a cover-up when it is buried in massive incompetence. Thus, the political pressures to deal equally with the well connected, the powerful, and the wealthy are hard to bring to bear when the reason for exoneration may simply be general incompetence of the criminal justice system. A system that is quite competent, such as ours, often leaves an attempt at cover-up exposed and obvious with the devastating political results that we saw in Watergate. But aside from this aspect of the politics of cover-up, there is little reason to believe that the strengthening of law enforcement institutions will, in itself, lead to an expansion of their jurisdiction into areas uncomfortable for governmental leaders. The Israeli would not investigate the murders of two terrorists who had seized a bus in the Negev desert. The British would not investigate the killings of IRA activists in Gibraltar and

closed down an investigation by a distinguished police commissioner in Northern Ireland. For decades, the Spanish hid from their courts governmental involvement with GAL and its assassinations of Basque terrorists.

Beyond that, it is difficult to develop a truly competent system in the way that Juan Jose Rodil was urging: by beginning with common crimes and steering clear of the crimes of the powerful. Bias corrodes respect for the police, and without respect, the police are denied the public assistance they need even to deal with ordinary crime. We are paying that price in our central cities from the Bronx in New York to the South Central District in Los Angeles. It is a price likely to be exacted far more severely in the former communist states and in Latin America.

The issue has always been a hard one for the United States as it offers assistance to other governments. I can only tell you my own conclusions. I think it is worth taking the political risks of investing in a strong criminal justice system, willing to and capable of investigating the powerful and influential. A strong criminal justice system plays a major role in developing a strong democracy, and our national interests are much better served by a strong democracy than by a weak one. I think the chance of developing a strong criminal justice system by slowly building competent institutions without pressing for their equal application to the powerful as well as the weak is small -- based either on extreme optimism or on deep cynicism.

With the encouragement of President Bush's friend, Ambassador to Guatemala Thomas Strook, I ended the USAID/Harvard project when there was no apparent effort to investigate the

disappearance of twelve university students six years ago in Guatemala City. I visited the Minister of Interior, the Minister of Defense, and the President, accompanied by Embassy officials, and explained that we would not take part in the creation of a system of criminal justice that was designed to be weak and not to reach the powerful and influential. This created an immense stir in Guatemala, magnified by the strong statements of a strong Ambassador. I think we did what was necessary. Incremental, institution-building efforts over the last six years have left the system that the U.N. describes as incapable of protecting even its own prosecutors and judges, let alone the ordinary Guatemalan.

IV. What Can the U.S. Do to Help?

It is simplest to begin with a reminder of the tasks that have to be performed by any criminal justice system. We all know that there is a very substantial variety of systems, but the central tasks are common and, to accomplish them, each of the systems uses some combination of police, prosecutors, defense attorneys, judges, and juries.

The common functions are these. The system must become aware that a crime may have been committed. Then a decision has to be made whether the matter is worth investigating. Then there must be an investigation. Then a decision has to be made whether the matter warrants a trial. Then someone must present evidence to the fact-finder. There must be a process for testing the validity of that evidence, providing contradictory evidence, and developing alternative

explanations of what it all means. Someone must decide on guilt or innocence and the consequences if the finding is guilt. Very generally there is an appeal.

To describe these functions as common from Thailand to Guatemala to Tanzania is not to deny some immensely important variations in how they are carried out. In much of Latin America there has been no or very little prosecutorial role until the last few years; and the evidence has been read, not heard, by the fact-finder. There is hardly a defense function for the great majority of cases in South Africa and in much of Latin America. The prosecutor is remarkably powerful in Japan and was in the Soviet Union; the judicial function is proportionately diminished. Still, with all this variation, it is important to remember the set of functions that are widely recognized as essential parts of the process of convicting the guilty, protecting the innocent, and doing this with decency and credibility.

A. Why criminal justice systems fail.

It is tempting, but a mistake, to look only at the discrete functions that a criminal justice system must perform and conclude that fixing each of them, one at a time, will solve the problem, i.e., produce a system that convicts an adequate number of the guilty, assures that the innocent are not convicted, and does this without treating citizens indecently or unfairly as part of the process. Criminal justice systems fail for a number of reasons: weaknesses of design are only one of them. Let me review the major possibilities.

A comparison to four possible sources of malfunctioning of a clock may provide a useful mnemonic device, if the clock doesn't work: (1) There may be something wrong with the system of gears. (2) It may lack the resources -- battery or winding -- to make it go. (3) Someone may be tampering with it. Or (4) someone may have put it under water or in some other environment where it is not designed to work. Now consider the four with regard to a criminal justice system.

First, something may be wrong with the system; the procedures may be so badly flawed that they can hardly work. Let me give two examples from Guatemala. For some labor-intensive investigative tasks, police are essential everywhere in the world. Calling individuals before a prosecutor, grand jury or judge is simply not an adequate substitute, in part because it is too cumbersome a way to identify potential witnesses. Guatemala does not use police in this important way and the possibility of finding the truth suffers because of it.

Take another example. The fact-finder in Guatemala must decide on the basis of reports written by staff working for an investigative judge. The staff do not generally probe witnesses or seek additional evidence that would confirm or rebut the statements of witnesses. As a result, the fact finding judge is regularly left with a record that involves several witnesses implicating the defendant, several alibi witnesses stating that the defendant was elsewhere at the time, and no way to resolve the dispute. Worse, if some of the witnesses worked for the victim or are related to him, the trial judge is directed by statute to wholly or substantially disregard their testimony. Thus, either the normal burden of proof or the results of special evidentiary rules make it very unlikely that anyone will be convicted.

Second, like an unwound clock, even if the system is sensibly designed, the processes necessary for finding the facts and convicting the guilty may regularly fail because of inadequate resources. Some forms of this are obvious: too few police or prosecutors or judges or, most often, defense attorneys, are common problems in countries pressed by tight budgets. Similarly, the facilities, equipment, and support staff are generally shockingly inadequate. All this is compounded where the civil law tradition purports to require police investigation and then prosecution and adjudication of every factually provable criminal act without any discretionary sorting in terms of the importance of the matter.

Another inadequate resource is intangible and therefore less apparent although equally important. Contempt for the police in many Latin American countries prevent the cooperation of victims, neighbors, and other witnesses, cooperation which is essential in every country for the detection and investigation of most crimes. The low status of judges and prosecutors, reinforced by low salaries and excessive workloads, discourages cooperation at a later stage. It is a herculean task to change citizen attitudes toward police who, in a country like Guatemala, must often buy their offices for a sum that can only be recaptured by corruption. It is just as hard to change attitudes toward judges and prosecutors in a country like Russia when they are part of a structure whose independence has long been suspect.

Often low status cannot be increased without wholesale firing and new levels of salary. (A distinguished member of the establishment in Guatemala told me that the poorest and least well connected law students in the state university divide between careers as taxi drivers and as

judges.) Just as a beginning, the task of changing public attitudes toward police, prosecutors, and judges requires overcoming the sense of hopelessness, helplessness, and disrepute that pervades lower bureaucratic levels in many countries and makes indifference and corruption seem sensible responses to the situation.

Before turning to the last two reasons why systems fail, I should note that there are always two plausible and competing explanations of the deeper causes of the first two reasons for failure. Foolish design and tragically inadequate resources, including credibility with the public, may be the undesired results of societal poverty, disorganization, and despair. Alternatively, they may be what powerful individuals want.

That no more money and attention is dedicated to building the resources of the criminal justice system does reflect comfort with its irrelevance in the minds of many, some of whom enjoy the protection and the freedom from the constraints of law that comes with control of private security forces in Latin America. That the system does not seem to be designed to bring out the truth is often a planned or accepted result of the fear of lawyers and judges that it can be turned against the innocent by a hostile government, a fear that is expressed in a set of systems that weaken the least dangerous branch at the same time as they preserve its purity against misuse.

Like a clock that has been tampered with, a third reason criminal justice systems fail is because they are vulnerable to abuse by wealthy, powerful, influential, or simply ruthless parties. Intimidation of witnesses is a serious problem in the United States but a far greater one in Latin

America, South Africa, and Russia. Intimidation of prosecutors and judges is rare in the United States. A former minister of justice was killed on the streets of Bogota while I was working in Colombia. A judge, who had announced that he had a powerful case for murder committed by senior leaders of a branch of the security forces in Guatemala, was kidnaped while we were working in Guatemala.

Corruption is more genteel than intimidation. It is also harder to substantiate, but it is believed to be widespread in the justice systems of many of the countries I have been discussing. One of the judges with whom we worked most closely in Guatemala was relieved from his position for demanding bribes; major drug dealers were believed to have paid to shape the new rules of criminal procedure in Colombia; corruption is endemic in the new Russia.

Above all, there is a continuous entanglement of influential political supporters with the careers of judges in places such as Guatemala. President Cerezo's pleasure in the dismissal of a criminal case against a relative was fervently, and perhaps practically, conveyed to one of the judges working with us in Guatemala. It took the form of later help in obtaining credit for a business investment.

The result of all this is that the wealthy, the powerful, and the influential are rarely tried in Latin America. Fear and greed shape or eliminate witness testimony throughout the developing world, in Russia, and in South Africa, too. Beyond being morally repulsive, the too obvious failure of the rule of law undermines public acceptance of even that part of the criminal process

which could operate, enforcing the law against those who lack the power, wealth, or status for impunity.

Fourth, a clock can't run under water. Correspondingly, last in my list of major reasons that criminal justice systems fail, are the special and often overwhelming problems of severely divided societies. A segment of the society may be in a state of rebellion against the central government. That was the situation in Guatemala when we were there. It was also true in Colombia. War is a solvent of both justice and truth. Warriors don't care much about either. I met with murderous colonels in the embattled highlands of Guatemala who asked, in bewildered tones, what I thought they should do with people they suspected of being supportive of guerrillas -- other than kill them. My answer -- try them in court -- seemed incredibly naive to them.

Even when there is not guerrilla warfare or other open and armed rebellion, a criminal justice system cannot easily deal with extreme and violent hostility by a proud group against the government. It doesn't work in Belfast or Kwa-Zulu. For a group member to furnish information or evidence even of common crimes becomes unpatriotic and very dangerous, and without that citizen cooperation, the system either collapses or becomes brutal and lawless. These are, I believe, laws of nature.

*B. How can the U.S. help build a stronger and fairer
criminal justice system in a foreign country?*

Our experience suggests that representatives of other countries can help build a criminal

justice system in four ways. Broadly they can provide financing for needed human and material resources; they can provide technical advice; they can provide hope and energy to a system that is despairing and immobile; and they can bring international and domestic pressure to bear on local elected leaders and, where necessary, leaders of the military.

1. The first hardly requires elaboration. Evidence in Guatemala was recorded by interviewers who simultaneously typed, in five copies with carbon paper, on ancient mechanical typewriters. The third, fourth, and fifth copies rarely came out although they played an important role in the processes. The interviewers were so busy typing that they never observed the defendant or witness answering the question and rarely followed up with probing questions. The typed reports were bound with ribbons and stored in ancient file cabinets. All this was done in an open bullpen that looked like a movie version of a police detective squad room. No witness enjoyed privacy as she told what had happened. Tape recorders, word processors or at least electric typewriters, Xerox machines, and space dividers could and did make a substantial difference.

But resources make a real difference only if their provision is part of a broader plan carefully monitored and encouraged along the way. I am afraid that is rarely true. We furnished Polaroid cameras so that justices of the peace could photograph crime scenes but later found them stored, along with camcorders, in a closet, thankfully not yet stolen. Similarly, we worked on simple forms as an investigative checklist to be used by officials asking questions in particular cases, such as homicides. When we asked later why the forms did not seem to be used, the

answer was that no one had arranged for reprinting or Xeroxing them.

2. These stories are perhaps a good introduction to the second gap that foreigners can fill. In Guatemala, Colombia, and, to a lesser extent, in Russia and South Africa, assistance provided the momentum of hope, energy, and American impatience. The slow pace of events in Guatemala was a constant frustration to the Americans and a source of friction with our judicial, prosecutorial, or police associates in Guatemala. But our very presence gave impetus to what had been immobile for very long. Our expectations that something would change proved infectious; nothing in the experience of the Guatemalans gave them reason to believe that anything would change. Sharing in our hopes and excitement became an adrenaline-based reward for people who had long since stopped caring about their work.

There is a serious problem here, one that I should not ignore. When we left, we left behind all the blueprints for a continuation of a process of step-by-step building of new courts with new procedures; but our departure, motivated by the desire to repudiate the indifference of the government to the killings of students, let the energy out of the institutions we had been helping to create and let hopelessness creep back in. Without our energy, the work hardly survived except as a memory of a short period of hope and innovation.

3. Third, the international assistance brings with it a certain amount of political muscle.
Every nation that is at least partially democratic cares about what its public thinks. Every nation
relying on international good will cares about its international reputation. Those bringing

assistance from influential nations or international bodies bring with them a certain amount of political influence traceable to both of these forces.

When we objected to the militarization of patrols in a rural area of Guatemala in which we were working, the Minister of Defense arranged for the withdrawal of the military component of those patrols. When we objected to the appointment of a military intelligence officer to a particularly sensitive position in the police, the appointment was withdrawn despite considerable embarrassment to the chief of police. When we needed meetings at a high, medium, or low level with the officials with whom we were dealing, they would occur. Thus, we could bring to a plan worked out with the criminal justice officials of Guatemala a degree of political support that they could not muster on their own.

It was that political support, domestic and international, that I decided to expend, in one burst, when twelve students were "disappeared" in late 1989. I demanded a serious investigation and threatened and then delivered a quite substantial outcry in Guatemala and in the United States when no serious investigation took place.

4. I have left until last the most interesting matter: from what source can outsiders also provide insight towards the solution of problems that the local officials have lived with much longer and understand much better. Assuming, as I trust we all do, that it makes no sense to try to transfer American, or British, or French, or German institutions wholesale to a country whose politics, culture, and economics are very different, what is it that we have to offer in the way of

advice? I think there are two different answers, one bearing particularly on diagnosis, the other on prescription. But these I leave to an Appendix for those who are interested.

CONCLUSION

It is time to draw to a close this description of the perils and prospects of undertaking law reform in another country, particularly in countries where democracy is new, flawed, or embattled. I have not spoken of the gratifications in the process: the thrill of exaggerated hopes, the friendships formed, the sense of a shared enterprise that is not entirely safe. They are all there. My colleagues and I have enjoyed the process almost everywhere.

I have described why the effort is important, what ways the 'clock' of criminal justice process can be broken, the ways in which outsiders can help, and how it all depends upon politics as well. Still, at the end, I have a feeling that I have described something too difficult for frequent success, too subtle for most government work, too frustrating for a long-term national commitment. I hope that is not the message that I leave you with.

There are wonderful successes. We brought oral trials to Guatemala and the enthusiasm of the public for seeing justice done produced an irreversible effect. We helped the Russians plan jury trials, and in that country where the tradition precludes trust in judges, jury trial has a powerful claim. We wrote the police practices in managing demonstrations in South Africa and brought to an end a source of unnecessary but regular killings and resulting deep resentment.

Assisting criminal justice systems abroad is a task requiring thoughtfulness, open-mindedness, patience, and commitment. Often the effort fails, as to a large extent, our effort in Guatemala did. But the rewards when you succeed are immense. It is an effort well worth our government undertaking, well worth the participation of anyone who cares about justice and democracy.

Appendix: Providing Advice Across Law Enforcement Cultures.

There are many ways to perform the functions of a criminal justice system and a number of agencies a state can use in differing ways. What are constant are the functions that must be performed and the obstacles that must be overcome. The role of the U.S. advisor is to force a very American focus on the functions and problems. Then it is up to the officials seeking advice to design who should do what to satisfy the need in a way consistent with local history, fears, capacities, and beliefs about institutions.

Diagnosis. At the level of diagnosis I believe that we do have some knowledge that is robust enough to be of value in very different settings. It simply has to work at a higher level of generality than we, as lawyers, are generally accustomed to. It does no good to urge, as some in the United States government did, that Colombia would be better off with prosecutors, especially if they were attached to the executive branch rather than the judicial branch. Prosecutors mean too many different things in too many countries and the nature of interbranch relations is also too contingent for our notions of separation of powers to be useful here. But, at a more functional level, we can talk about what prosecutors do in different systems, see if those functions are being adequately performed in the criminal justice system seeking advice, and ask whether a prosecution office in the country can be made to operate like those in other nations where they are effective.

To understand what I mean about the robustness of such knowledge consider some of the things we know about one very important responsibility of criminal justice systems: solving at

least those crimes where there are witnesses. Start with a functional description of what a working criminal justice system requires to find the facts. The description is, I believe, very generally true of criminal justice systems whether in North America, South America, Europe, Africa, or Asia.

No system can get far at solving crimes and then providing the good effects of conviction and punishment unless it knows that the crime has taken place. For some crimes, such as crimes of corruption, there is no obvious complainant who will know of the facts. They are unlike assaults, robberies, and burglaries in this regard. But we had set ourselves the task of helping with violent crimes and these have victims or, in the case of homicide, the families of victims who can complain.

Even if the police, the prosecutors, or the courts are aware of a crime having been committed, it is relatively difficult for them to solve the crime unless the victim or other witnesses are able to identify one or a few suspects either by observation at the time of the crime or by giving information as to possible motivations or perhaps in some other way. There is simply no efficient way for the police to check what hundreds of people may have been doing at the time of the crime or even to compare the fingerprints of everyone in a neighborhood with one fingerprint found at the scene of the crime. The police cannot search 100 homes or interrogate 100 individuals hoping for a confession. All this is too costly in any but the rarest of cases -- costly both in terms of police resources and also in terms of the public outrage it would engender.

Thus, there are crucial functions that have to be played by victims and other witnesses in solving crimes. Maintaining their belief in the usefulness of giving information, appearing in court, and subjecting themselves to whatever that involves is the most important single requirement of any criminal justice system. It is a mistake to think that physical evidence, of the sort Sherlock Holmes used, can compensate. If the police have found fingerprints, hair, and blood at the scene of a murder, they may be able to compare it to that of particular suspects, with devastating effect, but only if they already have the particular suspects identified by the victim or other witnesses. So trust in the police and in the efficacy of the criminal justice system is essential for investigative success.

Because of the centrality of live witnesses, in every system intimidation of victims and witnesses becomes an important possible move for violent defendants. Preventing intimidation is a sophisticated business. It requires finding ways to use the information from witnesses without letting the source be known, or getting the information before the threat is made, or a difficult-to-accomplish effort at protection. It also involves making the prosecution of efforts at intimidation a serious objective of the police, prosecutors, and courts.

I have so far been talking about what it takes to "solve" a crime; i.e., to determine who did it to the satisfaction of the police. Conviction takes more in every modern system. What I have said so far indicates that detective squads (often called "judicial police" in civil law systems) are not going to "solve" many violent crimes. Where they are essential is for turning the knowledge of who did it into evidence and rebutting the alibi of the defendant. This follow-up investigation,

at the request of a prosecutor or investigative magistrate, is often essential to conviction if the system truly imposes a strong burden of proof on the government. In its absence, one is likely to be left, as in Guatemala, with inadequate evidence to meet even a weak alibi.

Even if there is an effective use of the police for these purposes in preparation for trial, the system must involve some effective means for choosing among the competing stories of defense witnesses and prosecution witnesses. In Latin America, there has long been a reliance on rules that are intended to separate the more credible from the less credible witnesses by evidence of bias or inconsistency that is apparent from the written record alone. They cannot and do not work. In the United States, we rely primarily upon cross-examination and the fact-finder's observation of demeanor (the appearance of the witness as she testifies), and to a lesser extent, on the effect of an oath and the threat of prosecution for lying.

The defendant himself is an important source of evidence in most countries, even though a number of criminal justice systems around the world deny or limit the effect of a confession given by the defendant while in police custody. In the United States, where we have sharply limited the capacity of the police to force a confession, many cases are still solved by confessions that result from the desire of the defendant to talk his way out of custody or future trial. And we use deals made with the defendant or his associates as a way of exchanging less punishment than the crime would otherwise warrant for either a guilty plea or testimony against a colleague. In European systems, the ability of the judges on the court to question the defendant and others and the freedom of judges or lay fact finders to draw conclusions from the defendant's relatively

infrequent failure to respond provide a substitute.

Every system must also have some way of sorting the cases that deserve more attention from those that deserve less. In the United States, one of our uses of plea bargaining is to dispose of relatively unimportant cases. France, Germany, Italy, and Russia each has its own system to accomplish this, which differs sharply from ours and from each other. The point is simply that the problem of focusing attention on the more important crimes is essential in almost every system.

If I now compare this list of very general requirements with how the Guatemalan or Colombian or South African or Russian criminal justice system works, I can identify crucial weaknesses. To take a clear example, Guatemala's system did not sufficiently encourage the cooperation of victims or other witnesses, exaggerated the potential for using physical evidence, ignored a massive problem of intimidation, regarded the police as almost irrelevant to investigation, left no way for fact-finders to choose between competing prosecution and defense stories, made no use of the defendant's knowledge, and had no way of disposing of the less important cases so as to leave time for the more important. A set of quite robust judgements about the processes of fact-finding allows a diagnosis of the nature of the problem.

Prescription. Prescription is another matter. A comparative perspective provides a number of alternatives that may not have been considered. But it does not deal with the immense importance of the political, social, ideological, and economic context of any legal structure or procedure nor does it deal with the relationship of the particular alternative being proposed to

other parts of the very same criminal justice system. How then can outsiders be of help at the level of prescription?

In the realm of prescription, what works best is a fairly patient dialogue. The foreign consultant brings to the dialogue two things: a sense of the relatively robust requirements for getting important parts of the job done and a list of alternative ways these requirements are met in different systems. The local practitioner brings to the conversation crucial information about what functions are not being formed adequately now and some knowledge of what, in her society, is the likelihood -- and what would be the consequences -- of adopting one or another of the alternatives suggested. Out of the discussion can come a joint understanding of what are the real gaps in the present system and what alternatives are promising and not dangerous.

The idea of a dialogue is so central that I should illustrate. A Guatemalan judge might complain that there is no way for her to resolve the conflicting stories, reduced to writing, of the victim and the defendant. One of our team might then ask, "Can you not get additional witnesses?" The Guatemalan would respond, "We already call those witnesses suggested by the victim or the arresting officer who responded to the event." We would say, "Why don't you use the police to look for additional witnesses, as more criminal justice systems do?" The answer might be, "We don't trust the police for these reasons..."

Now the possible solutions are narrowed and informed. "Could we not create a special investigative unit that could be trusted, or have the investigation carried out under the supervision

of the otherwise idle prosecutors, or ask witnesses specifically whether they have been told what to say by the police or by one of the parties?" Alternatively, can we realistically hope to change the police? The resulting prescription, whatever it is, is attributable to both parties and is far better imagined and better assessed because it is the product of an informed dialogue.

We used much the same process, during three straight weeks of meetings, to review with Russian draftsmen their proposed new substantive code of criminal procedure. The system works in much the same way; dialogue is again central. I remember our discussing the peculiar and very vague crime of "hooliganism." I said, "Why not eliminate that crime completely because it is so subject to abuse?" The Russians responded with a set of specific problems, deeply embedded in Russian society, that the crime was believed essential for addressing.

Again, as a result of the dialogue, the stage is now set. Other countries, I said, address those problems by A, B, or C. The Russians responded that B would not work and that A would not be acceptable. C on the other hand might be possible and would only involve an amendment of the hooliganism statute.

Let me give a final example that combines the role of diagnosis and prescription in what I think is a particularly revealing way. Intimidation of judges is obviously a particularly serious problem in Colombia. Pablo Escobar alone was responsible for several judges' deaths.

Colombia's response, like that of Peru in its trial of Abimael Guzman, has been to maintain the anonymity of judges. The danger is even greater, far greater, for witnesses. Here, too, Colombia

uses anonymity as a protection by allowing the use of the testimony of a witness identified only by a fingerprint.

Consider the more troublesome practice: the use of anonymous witnesses. Two problems spring to mind. Such witnesses cannot easily be questioned by or before a skeptical fact-finder, leaving the possibility of police concoction of crucial evidence in a situation where the police and major drug dealers are in a near state of war. Colombia addresses that by having questioning done by judges through one-way mirrors and with voice distorters. Still, that leaves the problem of biases that would only be known to the defendant and only if he knew who the witness was. For this there is no present answer under the Colombian system.

Can our experience help? Intimidation of witnesses is also a serious problem in the United States. The most important device we have for handling intimidation is the ability to use informants as the informational basis for then gathering other evidence from sources not so easily harmed or intimidated. We can promise an informant secrecy and obtain a search warrant or a wiretap. We can try to place an undercover operative in the organization. In each of these cases, the ultimate witness is a police officer and not the endangered and frightened citizen. Beyond that, we induce the necessary cooperation from frightened witnesses by plea bargaining as well as by the use of a grand jury with the capacity to offer immunity.

All these alternatives, as well as those used by the British in Northern Ireland, the French, and the Italians, come to mind as soon as the underlying problem is carefully diagnosed. The

Colombians may object that some of the alternatives, such as the use of undercover agents, require too great departures from their legal tradition. Some, they may think, are more dangerous than the use of anonymous witnesses at trial in the different context of Colombian society. But the discussion can explore the possibilities fully and in an informed way.

A final word about institutions. I have emphasized the importance of diagnosing at a functional level rather than at a level of institutions or even procedures. Still, in considering alternatives (prescriptions) the relatively enduring characteristics and reputations of broader institutions is also relevant. South Africa has a strong judiciary, a relatively bureaucratic prosecution, a weak public defense, and a police force deeply distrusted by much of the black population and for good reason. Expanding the control of the police by the judiciary may thus be helpful. Russia has a weak judiciary, a strong prosecution, a traditionally weak defense, and a police that has only recently lost a reputation for frightening ruthlessness. Building a strong and independent judiciary, as a crucial ingredient of public trust, will take time; but, in the meantime, jury trials can create trust in fact finding where there was none. Guatemala has a weak judiciary, an almost negligible prosecution, an ineffective defense, and a hardly competent but brutal police. You have to start there on a very broad front.

This information about the capacity and credibility of institutions tells you something about what there is to build upon, what must be constrained, what should not be granted greater powers, and what is not operating at its full potential. Expanding prosecutorial responsibility for the police might be wise in South Africa. In Russia, where the prosecution has been dominant for

too long, nothing is more important than building the strength of judicial institutions. Colombia and Guatemala could both benefit from a stronger defense, but only if the prosecution is built up first. This type of judgment is also important.

Towards Democratic Policing: Rethinking Strategies of Transformation

by

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Introduction

The question of what emerging democracies should be doing to transform their policing is both topical and urgent. This question has given rise to a growing literature on the transformation of policing within countries that are emerging from authoritarian forms of rule. There is remarkable agreement in this body of work as to the nature of the problem and what should be done about it. Whether the topic of analysis is Spain (Macdonald 1987; Morn and Toro 1989), South Africa (Wietzer 1993), Nigeria (Alemika 1993) or Korea (Young Lee 1990) the analysis of the problem and the prescription for reform is much the same. The police in these countries are to be transformed from the authoritarian, partisan instruments of government they are now into a modern police institution that is non-partisan and democratically accountable.

I will argue that this conventional wisdom is fundamentally flawed not because it is wrong in what it has to say about the police institutions that exist in authoritarian countries but because its view of policing and the institutions through which it is accomplished is much too limited. This flaw arises because the conventional wisdom on policing fails to comprehend, or even recognize, the fundamental transformations that have been taking place within policing over the past several decades. As a consequence it promotes ideas and strategies of transformation that are out of sink with the way in which Western policing is practiced. Our practices have outstripped our theoretical understandings of democracy generally and policing in particular.

If we are to offer useful advice and assistance to emerging democracies we must first get our conceptual house in order for it is our conceptual frameworks rather than our practices that are driving our policy initiatives and interventions. We must like Hegel's Owl of Minerva take theoretical flight even though our philosophical wings beat above a terrain has long been fundamentally transformed through our practices and the institutions in and through which they take place.

I will begin my presentation with a review of the reigning wisdom on

policing that is being used as a basis for providing advice to emerging democracies. I will then turn my attention to an alternative framework which recognizes and grasps the way in which policing and governance more generally has been changing within established democracies. Finally I will turn, using work I have been involved in South Africa, to the implications of this alternative conception for the transformation of policing.

The Conventional Wisdom

The conventional wisdom about policing is founded on the assumption that democratic governance is state governance and that what is required of emerging democracies is that they develop state institutions that operate in ways that are consistent with liberal democratic principles. Critical among these state institutions is the police as they are a major repository of governmental coercion. Indeed, as David Bayley (1995:79) has argued "perhaps no other institution is more central to the success of democratic nation-building than the police."

Policy initiatives to transform the police within emerging democracies focus attention on two principal arenas. First, police operations. Weitzer's comments on the problems with the South African Police that the new government has inherited are illustrative of what is identified as the problem.

It is urgently required that the SAP reduce or eliminate its involvement in some security duties and take steps to blunt the abrasive manner in which police handle other problems. It is vital that the authorities put an end to the trigger-happy policing of protests and riots, surveillance of government opponents, the misuse of police power of arrest, undercover hit squads and torture and murders of suspects in custody (1993:1).

Initiatives to transform police operations typically draw attention to the institutional structures within which police in authoritarian countries operate, in

particular their military organization, and the occupational culture of the police that guides and shapes police practice.

The second arena singled out for attention is the lack of accountability outside of the governing elite. Here the advice offered is typically to promote transparency in police operations so that newly emerging democratic governments and courts will have the information they require to exercise control over the police within the framework of liberal democracy. Alemika's comment on the transformation of Nigerian policing is illustrative.

It is ... imperative for every society to develop frameworks for the constant monitoring and regulation of the functions, powers, performance and accountability of the police. This need is particularly critical in societies that lack appropriate or developed democratic institutions and safeguards against political authoritarianism and extreme economic inequalities (1993:189).

The intention of both these forms of intervention is the same. Policing it is argued needs to become an impartial source of order rather than an instrument of a partisan government. Mr. de Klerk, the last apartheid President, in a speech to senior South African police officers during the period leading up to democratic elections committed himself to this ideal when he promised that his government would not use them "any longer as instruments to attain political goals" (Sunday Times 28 January 1990).

To accomplish this depolitization of the police two principal modes of intervention are advanced. First, the police are to be made more directly responsive to the safety requirements of ordinary citizens by developing links to ordinary people that ensure that they will be directed by people rather than by governments. This it is argued can be accomplished in a variety of ways that range from enabling the police to react directly to individual citizen requests for service through a 911 dial-a-cop type strategy (Bayley 1995) to requiring the police to work directly with

communities to identify safety risks and then work with them to reduce them (Sherman 1995).

The second strategy for depolitizing the police involves insulating them from direct political control so as to ensure that they are, in Lord Denning (1 All England Reports 763, at 760) oft cited words "answerable to the law and the law alone" rather than to political authorities so that they may be "not the servant of anyone, save the law itself."

Arguments to transform the police in these ways invariably recognize that what is done at the institutional level can be undermined by a police culture that is itself biased and that indeed the insulation of the police from direct political control can operate to create an autonomous police who use their powers to indulge their institutional interests and prejudices rather than the dictates of the law.

Accordingly virtually all policy initiatives to transform policing in emerging democracies argue that ways must be found to transform the thinking of ordinary police officers in addition to the structures and policies intended to guide and structure their practices.

Underlying this conventional view is the argument that the problems of developing a non-partisan state police are ones that established Western democracies have been wrestling with for decades. While these nations may have not solved all the problems associated with developing such a police they have made considerable progress. As a result they are well placed to advise those who are just embarking on this difficult road of the pot holes and dead ends that lie ahead as well as the turns they should be taking. In order to share this experience Western nations are dispatching hoards of analysts and police officers to emerging democracies all over the world to advise them on how democratic policing can be established.

At one level this analysis is perfectly fine. It does indeed identify critical issues with respect to state police that need to be addressed and it does make available a shared experience to those who would embark on this path.

Furthermore, this is clearly a path that must be negotiated by emerging democracies. They all have state police who will have to be transformed and the experience of more established democracies will be useful to them if they tackle this task.

The problem with this analysis is not that it is wrong but that it is too limited. It is an analysis that has been developed from a partial view of policing and governance more generally. As a consequence it is an analysis that serves to identify some but not all of the challenges and possibilities that confront both established and emerging democracies.

A Less Conventional Analysis

The conventional wisdom rests not only on a restricted view of policing but a restricted view of governance more generally. The fundamental premise of this account is that governance is and should be a state monopoly. This premise guides and shapes all else. Thus within this view a democratic polity in this view is one in which state governance is directed by the will of the people and democratic policing is policing in which the work of the state police reflects this will. Within this conception policing is conceived as that aspect of governance that is concerned with the provision of safety and security. Within modern systems of government this task has been assigned primarily to the police. The conventional analysis accepts these claims and then asks how police can be organized so that they operate in ways that promote safety and security for ordinary people and not simply for a political elite. In the case of developing democracies it asks more specifically how it is that they can move closer to Western nations that are further along this road. This analysis accepts that even established democracies may have some way to go in fully realizing this dream of a democratic police but it argues nonetheless that as they are further along this path they do provide a model that less developed nations can and should emulate.

Critical to this argument is the assumption that established democracies are confident that this vision of democratic governance and policing more specifically is

one to which they are committed. Herein lies the nub of the difficulty with the conventional wisdom. The problem is that people within established democracies are no longer confident that the vision of democratic governance on which the conventional wisdom rests is one to which they are wish to remain committed.

It is not that we are no longer believe in liberal-democratic ideals. Rather what we are questioning are the liberal-democratic institutions that we have fashioned to give expression to these ideals. We are no longer confident that our liberal-democratic institutions are achieving what we want of them.

We are presently in a period of neo-liberal transition in which we are seeking to renew our liberalism by renewing its institutions. At the very core of this rethinking is a renewal of our institutions of governance. This has involved a challenge to the assumption that governance should be a state monopoly and more particularly that it we should be governed by the expert knowledges of state professionals. This scepticism of state institutions includes a scepticism of the police as the institution that should be providing safety and security.

This challenge to our conventional wisdom and the institutions of liberalism that it takes for granted and defends is taking place most obviously via a wide spread polity initiative that argues that institutions of state governance should not be exclusively state-based and that they should not depend on exclusively the work and knowledge of expert. Governance it is argued should not simply be the business of professionals but should be everybody's business. People it is argued should be involved in their own regulation. In Peter Drucker's words governance should be taking place through a "social sector" of civil institutions (1994:76). In arguing for the feasibility of this governmental shift he notes that "almost every other adult", in the United States works "at least three -- and often five -- hours a week as a volunteer.". This is time and energy that can, and should, be devoted to self-governance.

This initiative for a "reinvention of government" (Osborne and Gaebler, 1993) that Eggers and O'Leary have recently dubbed a "revolution at the roots"

(1995) is one that has widespread currency. At the nub of this "revolution" is a questioning of conventional wisdom's premise that democratic governance is governance by the state for the people. In its place the argument being advanced is that for the ideals of democracy to be realized governance must be reinstitutionalized in ways that will ensure that governing is done more directly by people. There are two consequences of this argument being realized, one more radical than the other.

The less radical version what is being articulated is a new dream of democracy that seeks to make government "smaller, better, and closer to home" (Eggers and O'Leary 1995). This argument has been spelt out in relation to policing by Eggers and O'leary in relation to policing in a recent piece in Policy Review. Here they argue that we will not have realized the ideals of liberal-democracy if we continue to think of government, and policing, as being a state monopoly. "Waiting for governments to make it all better," they argue, "is a losing strategy. People have to become more involved in ensuring their own security the brunt of the task of policing a free society does not lie with the police but with the citizens themselves (1995a:4).

In expanding on this argument these authors are careful to point out that they are not advocating vigilantism. What they propose is what Jane Jacobs has described as "an intricate, almost unconscious, network of voluntary controls and standards established and enforced by the people themselves" (cited in Eggers and O'Leary, 1995a:4).

The language of this rethinking of the institutions of liberal-democratic governance is one of "partnerships", "activating communities", "active citizens", and "help for self-help" (Garland, 1994:6). What is maintained is that the work of governing should be devolved to citizens through a process of "responsibilization" (O'Malley 1994). In this less radical version this devolution is designed to shift control over governance away from the state, government is not seen as "taking a back seat" (Garland 1994:8). Rather what is envisaged is a shift in the rowing of

government but not the steering (this metaphor from Savas is cited by Osborne and Gaebler 1993). This intention is nicely captured by Rose and Miller (1992) when they speak of neo-liberal governance as "rule at a distance."

Within the policing arena the most obvious evidence of this partial devolution of policing is to be found in community policing initiatives that redefine the police as brokers of community resources that they are to mobilize and coordinate. In arguing for this form of devolution Eggers and O'Leary (1995a:4) note that:

There is a great deal that government can and should do to improve public safety, but first it must recognize that it needs help. Restoring public safety demands a renewed partnership between the police and the community. Police must reacquaint themselves with the people in the communities they serve, and communities must recognize that the brunt of the task of policing a free society does not lie with the police but with citizens themselves.

In addition to this form of devolution there is a second form taking that is happening without any policy fanfare. This "quieter revolution" is older and more radical in that it involves a devolution not only of the rowing but much of the steering of governance as well. Within the policing arena the most obvious evidence of this development is the "rebirth of private policing" (Johnston 1992). Private policing is associated with the growth of what I think of as "corporate governments" that govern "contractual communities." Literally all over the world corporate governments are doing many of the things that we think of as the preserve of state governments including, and indeed in particular, the provision of safety and security. Everywhere one looks one finds evidence of new governmental territories that I have what I have elsewhere called "mass private property" being governed by "private governments" (Macauley 1986). Examples of these territories include the gated communities to be found all over North America and in many

other parts of the world, recreational spaces such as "Club Meds" and what I like to think of the "industrial Club Meds". These latter territories are often huge spaces that one finds in countries like Zimbabwe in which 10's of thousands of people live and work under the rule of corporate entities that are reminiscent of the great 17th and 18th century trading companies such as the English and Dutch East Indian Companies and the Hudson Bay Company. In addition to these "real" territories of governance there are a variety of virtual territories that are governed by corporate governments, such as the corporate entities who governed financial markets.

This corporate regulation not only predate the neo-liberal "revolution at the roots" but the shift in the locus of rule is, as I have already suggested, much more radical than the "rule at a distance" forms of governance that are being argued for by neo-conservatives. In the case of corporate governance the role of the state is not one of governing at a distance through the private sector. Rather what the state provides is a framework for the regulation of multiple cites of governance. Here the state's is less one of a player and more one of a referee that seeks to ensure that the various private governments engaged in government are not trampling on individual liberties.

Within this arrangement sovereignty shifts from the state to private entities and democratic control shifts from the vote to the market. These communities of governance are, in Drucker's (1994:76) words, "communities of choice not fate" in which democratic control is exercised through consumer choice rather than through the ballot box which allows, as Drucker (1994:75) notes, "citizens to vote once every few years and to pay taxes all the time." This displacement sovereignty is leading to the development of new forms of governance that I have elsewhere referred to as a "new feudalism" (see also David Elkin 1995).

Implications For Emerging Democracies

Emerging democracies have not been immune from these developments.
They too are seeing the emergence of corporate governments within their territories

and they too are being exposed to the neo-liberal move to revolutionize liberal democracy through a reinvention of its governing institutions. If we are to speak to emerging democracies about the path that lies ahead of them in a voice that they find convincing we are going to have to shift into a key that is not founded on the premises of the conventional wisdom. We are going to have to talk to them about the emerging liberal polity with its network of governing institutions and not simply of a state that pretends that it can and should monopolize governance. We are going to have to talk to them in a voice that recognizes that the Enlightenment dream that grounds the conventional wisdom has been discredited and that a new dream and a new quest to construct institutions that realize it is emerging. Only if we can do this will we speak in a voice that addresses their concerns and one that addresses the foreign policy concerns of established nations who are seeking to operate in a global environment where the old certainty of a stable nation-state system is being rapidly eroded.

Private government is a global phenomenon that reflects the emergence of mass private property, contractual communities and the commodification of governmental goods on a global scale. To speak to the peoples of emerging democracies in a voice that does not recognize this can only lead to failure both from the point of view of these new democracies and from the point of view of the West.

The conventional wisdom cannot provide the basis for a sensible foreign policy for any established democracy if it directs attention away from the very loci of sovereignty and governance that should be the focus of their interventions. To focus attention exclusively on the state and its institutions through a lens that sees only what has been and obscures what is emerging is foolish.

The South African Case

This brings me to the work I have been undertaking with others in South Africa through the Community Peace Foundation at the School of Government at

the University of the Western Cape. What we have been seeking to promote is a vision of reform for policing and for justice more generally that recognize the devolution of governance that is being promoted both through the advocacy of a neo-liberal philosophy and the emergence of corporate governance. In this work we do not accepted uncritically the neo-liberal claims that devolution of governance and the commodification of governmental services does indeed promote liberal-democratic values for all.

Our stance in relationship to these developments has two elements. First, we have argued that as these developments are that they are in fact taking place they must be acknowledged and engaged. There no point acting as if the old liberal-democratic dream of a state monopoly of government continues be the guiding principle of established democracies or that this monopoly has not been fundamentally eroded. Secondly, we have argued that while there is much that is worrisome about these neo-liberal developments, especially for poor people. there is much in the devolution of governance that neo-liberalism is promoting that deserves more than a simply condemnation. Here our argument has been that what is required is not a rejection of the devolutionary tendencies of neo-liberalism but rather its construction in ways that will challenge the more undemocratic features of the neo-conservative mobilization of this reassessment of classic liberal tenets.

Within the policing field this stance has translated into programmes that are seeking to empower communities to operate with the same level of autonomy as corporate governments and to develop a similar level of control and direction over their security as these entities. Our aim has been to explore the possibility of creating a form of "community policing" that shifts both the rowing and much of the steering of policing to communities. To do this we are developing a conception of community policing for poor people that takes its lead from private policing not state policing. In doing so we are directly challenging the forms of community policing that seek to institutionalize "rule at a distance" strategies that have been the

hall mark of most community policing initiatives in established democracies that have had poor people as their focus.

The conceptual framework guiding this work recognizes two sets of devolutionary strategies in established democracies, one that have provided the corporate communities with control of both the rowing and the steering of policing and the other that has sought to devolve the rowing of policing but not its steering to poor communities. Our framework identifies this as institutionalizing two sets of governmental institutions under the umbrella of a single set of neo-liberal principles one for the rich and one for the poor. We regard this strategy as a critical feature of the neo-conservative response to neo-liberal thinking.

In challenging the established vision of community policing that police in established democracies are promoting and that they are exporting to emerging democracies we are seeking to provide an alternative to the neo-conservative agenda within policing and to use this as the basis for building a conceptual and normative platform for promoting alternative forms of neo-liberal governance more generally.

The strategy we have adopted in the light of these considerations has four related components.

- First, seek to reshape the police in the ways required by the conventional wisdom through retraining and enhanced accountability.
- Second, engage the state in ways that will provide for a relocation of control over tax revenues in a manner that will provide blacks with purchasing power.
- Third, establish blacks as powerful customers with ability to control their security.
- Fourth, do this in a manner that will have currency in the present South Africa political climate.

This strategy has been pursued on two principal terrains. On the one hand the Foundation has sought to reshape the legislative framework that will govern policing in the new South Africa. On the other it has sought to discover new institutional arrangements for policing. I will briefly outline our work on both these terrains.

At the legislative level our work has, to date, focused primarily on the new interim constitution and the new police act. At this level our concern has been both with establishing legislative directions that will take the state's security budget out of the direct control of the police and with creating mechanisms for making police work more transparent.

With respect to both the constitution and the police act we have lobbied, with some success, for transparency mechanisms that will permit what the police do to become visible. A key component of this has been the establishment of citizen boards at the station, the regional and the national level. While these provisions go further than most Western countries in the extent to which they provide for citizen involvement at the station level fit do not require any particular comment here as they follow closely the logic of the conventional wisdom.

Where our initiatives at the legislative level have tended to depart from the conventional approach is respect to the way in which responsibility for security and policing have been assigned. We successfully persuaded the multi-party forum that drafted the interim constitution to accept a legal framework that distinguishes between the provision of security and the provision of police. This resulted in provisions in the constitution that enables the establishment of laws that will give at least part of the budget for security to local levels of government that can be used to buy policing resources either from the state police or elsewhere. This is a strategic move designed to enable the placement of state resources in a location where it will be possible to mobilize them to empower blacks as consumers of security. Our objective here has been to place policing resources at the lowest level possible within the state.

The model we have had in mind in proposing this is a modified version of the Canadian arrangement whereby the federal police can be hired by other levels of government on a contractual basis to meet their legal responsibilities to establish police departments. The modification we envisage, and it is a crucial one, is that local governments in South Africa will not be required to set up police departments but will be required instead to fund initiatives that will provide people within their jurisdiction with safe and secure places in which to live and work. These initiatives may or may not involve the national police.

In our view the national police should have as its principal function the application of physical force within the rule of law. Our position here is at odds with developments within community policing that have led to an enormous expansion of the police role. This expands rather than reduces police ownership of policing. Our position is that while **policing** should not be conceived in terms of the application of non-negotiable physical force the **police** role be conceived in these terms. In taking this stance we are adopting the classic Weberian position, and the position of a number of contemporary state theorists,¹ that the state should monopolize physical coercion. This position is particularly necessary in South Africa where the widespread use of coercion by private entities has been a major problem. It is, however, a principle that we believe is relevant to any attempt to support and extend networked policing in a manner that will enhance security for all who share a territory.

This legislative work is taking place in conjunction with research designed to discover institutional structures that will permit poor people to access tax revenues in a manner that will enable them to become customers. Our thinking here has been influenced by work within the housing arena where the emphasis is also on finding ways of permitting poor people, and particularly groups who constitute themselves as a "community," to function as customers rather than simply as recipients of professional expertise over which they have no control. With the rich it is the customer who controls the housing budget and decides what will and will

not be built. With poor people this is not the case. Poor people are clients of experts not customers assumed to have the expertise necessary to make informed choices.

Within the security arena the empowerment that market relations can provide can only be accomplished, if the above analysis is correct, if solutions can be found to the following problems.

- First, it is necessary to identify communities who share interests.
- Second, these groups need to develop the skills and knowledge required to operate as demanding customers of security services.
- Third, some scheme needs to be devised to provide them with access to buying power. Within the legislative framework we have devised this means finding some way of turning the tax revenues available to local government into purchasing power that can be deployed at the level of specific groups.
- Fourth, all this needs to be done in a manner that is consistent with the municipal governments' responsibility to facilitate the provision of security that is the backbone of our legislative framework.
- Fifth, black people need to be empowered to become powerful customers within a context that recognizes the police responsibility for the exercise of non-negotiable physical force and their responsibility to preserve the state's monopoly of force.
- Sixth, if security is to be provided blacks must be empowered to engage and reap the benefits of problem-solving, risk-focused policing.

We are still a long way from having models that meets these requirements. We are, however, making progress. At present we are working at developing two institutional arrangements that we hope will provide a core around which we can build. The first concerns the development of institutions whose job it will be to meet municipalities' responsibilities for enabling local communities to lead safe and

secure lives. To accomplish this we are developing what we are calling Safety Centres as the institutional sites of these responsibilities. We envisage these Centres as situated at the neighbourhood level. Their task will be to locate groups that require security -- women's groups, businesses, residential groups, sports groups, youth, and so on -- and to create dialogical forums within which they can meet and discuss how their security is to be accomplished.

These forums constitute the second set of arrangements we are exploring. We have conceived of them as "triangles of security" that will always involve three principal parties, interest group representatives, a police representative and a Safety Centre representative. The intention is that these persons will work together within these forums to develop plans for policing that will benefit the group.

In order to avoid the problem of the community component in this triangle being overwhelmed by the other two parties we are experimenting with two ideas. The one involves ensuring that interest groups meet together before they participate in such forums in workshops to develop plans that they will present at the forums. We are also looking for some mechanism that will establish an onus on the other two groups to accept these plans unless they violate some set of guiding principles and minimum standards of safety. One way of accomplishing this and dealing with disagreements that might arise would be to build in some sort of appeal process. The next step is to find a way of bringing these plans together as part of a larger municipal plan. We have not tackled this issue yet.

We are still very unclear as to how to go about funding the plans developed through these dialogical forums and how to keep operational control at a local level. One idea we are considering would be to establish well funded corporate entities at the Safety Centre level controlled by a local board to manage the budgets, locate and contract for resources and so on. These corporate entities would have the ability to operate effectively as powerful customers within the security market. They would act on behalf of persons living in the small geographic areas for which Safety Centres are responsible. In holding these corporate entities accountable to the

communities they are required to serve one idea would be to establish regular meetings with people in the area. These meetings would operate in a similar way to shareholder meetings in non-profit companies.

In developing these plans and ideas we are working very close to the ground in two ways. First, we are examining local initiatives, of which there are many in black South African towns, and second we are constantly organizing workshops with a whole variety of people and organizations to discuss and respond to our ideas. Once we have established plans that we think might work we intend to move to the development of pilot projects that will be developed in conjunction with local community groups. Exactly what the final institutional arrangements we are developing will look like will depend on what transpires in these processes. While we are a long way from finality we are already confident that we are on the right track and that we will make considerable head way in reinventing policing in ways that will give blacks substantial control over their security arrangements.

In summary then our hope is that the process of dialogue on which our work is based will provide us with the ideas needed to develop structures that will:

- Define policing in terms of the networking of a range of resources not limited to the actual or potential capacities of the state police.
- Establish a system for allocating tax revenues to very local communities that will enable them to participate effectively in a market for security.
- Radically decentralize control over policing in ways that will shift control over policing out of the hands of the police and into the hands of the people who require security.

References

- Etannibi E. O. Alemika, "Colonialism, State and Policing in Nigeria." *Crime, Law and Social Change*, 20, 1993:187-219.
- David Bayley, "A Foreign Policy for Democratic Policing." *Policing and Society*, 5, 1995:79-93.
- David J. Elkins, *Beyond Sovereignty: Territory and Political Economy in the Twenty First Century*. Toronto: University of Toronto Press, 1995.
- William D. Eggers and John O'Leary, *Revolution at the Roots: Making Our Government Smaller, Better, and Closer to Home*. New York: Free Press, 1995.
- William D. Eggers and John O'Leary, "The Beat Generation: Community Policing at Its Best." *Policy Review*, 1995a:4-11.
- Les Johnston, *The Rebirth of Private Policing*. London: Routledge, 1991.
- Stuart Macauley, "Private Government," in L. Lipson and S. Wheeler (eds.) *Law and Social Science*. New York: Russell Sage Foundation, 1986.
- Ian R. Macdonald, "Spain's 1986 Police Law: Transition From Dictatorship to Democracy," *Police Studies* 10(1), 1987:16-22.
- Frank Morn and Maura Toro, "From Dictatorship to Democracy: Crime and Policing in Contemporary Spain." *International Journal of Comparative and Applied Criminal Justice* 13(1), 1989:53-64.
- David Osborne and Ted Gaebler, *Reinventing Government*. New York: Plume, 1993.
- Pat O'Malley, *Post-Keynesian Policing*. Mimeo, 1994.
- Nikolas Rose and Peter Miller, "Political Power Beyond the State: Problematics of Government." *British Journal of Sociology*. 43(2), 1992:172-205.
- Ronald Weitzer, "Transforming the South African Police." *Police Studies*, 16, 1993:1-10.
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- Soon Young Lee, "Morning Calm, Rising Sun: National Character and Policing in South Korea and in Japan." *Police Studies*. 13(3), 1990:91-110.

Endnotes

1. See the review in Johnston 1992.

**REFLECTIONS ON THE TRANSFER OF KNOWLEDGE TO SUPPORT
DEMOCRATIC POLICING IN HUNGARY AND ROMANIA**

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ABSTRACT

This paper offers an assessment of the experiences and knowledge the authors gained from working with the national police forces in both Hungary and Romania. It addresses the philosophies, orientations, and modes of entry which resulted in the successful establishment of ongoing relationships and programs with these two national police organizations. Drawing from their experiences they identify a number of needs and issues that should be addressed by these two organizations as they attempt to adjust and adapt to a new political model-democracy.

In less than a decade, the world has witnessed a series of events that resulted in the rejection of Communism and the overthrow of totalitarian repression in the former Soviet Union and Eastern Europe. Glasnost led to the break up of the Soviet Union, the destruction of the Berlin Wall and the reunification of Germany, and the overthrow of one Eastern European government after another. These events represent the first steps in the reform and democratization of nations who have since World War II been enclosed behind the Iron Curtain cut off from the West. These transitions were peaceful with the exception of Romania, whose revolution ended with the executions of its former dictator Nicolae Ceausescu and his wife, Elena. As might be expected, when the social and political transformation of these national states excellerated, established state institutions, like the police, were called to account for their activities. Under the old regimes the police were an integral subsystem of the state apparatus centrally controlled by the Ministry of the Interior (Lunberg, 1992). They had little concern for individual liberty and were expected to convey party authority to the everyday life of citizens (Szkinger, 1993, Shelley, 1994). As a result, in the majority of these countries the forces of order, especially the police are presently in the process of organizational transformation. These conditions have provided an opportunity for the exchange of ideas and scholarship as these countries turn to the West for assistance.

This paper presents an assessment of the experiences and knowledge derived from working with the national police forces in both Hungary and Romania. During 1993, faculty from the Department of Justice Administration and the Southern Police Institute¹ at the University of Louisville established contact with representatives from the Hungarian and Romanian National Police Forces. Hungarian National Police Force representatives were the first to initiate contact with the University, while faculty interested in promoting police training based upon democratic principles made contact with the Romanian National Police Force. In both instances, these initial contacts have, over the last two years, resulted in the establishment of an ongoing relationship with representatives from both organizations and the accomplishment of a number of activities in conjunction with these two organizations.

¹The Southern Police Institute, since 1951 has provided advanced education and training courses for police practitioners. It is a division of the Department of Justice Administration, College of Arts and Sciences, at the University of Louisville.

To date, the following activities have been accomplished in conjunction with representatives from the Hungarian National Police Force:

- conducting a management training and educational needs assessment within the Pest County Police Department;²
- the development of a report and recommendations for the Pest County Police Department on management and educational needs as well as organizational management issues faced by the department; and
- the development and implementation of an undergraduate degree program at Godollo University which is specifically targeted for in-service police officers. This program was the result of cooperative activities between representatives from the University of Louisville, Godollo University and the Pest County Police Department. The degree, the first of its kind in Hungary, is a four year undergraduate degree in public administration with a concentration in police management. This program is unique not only due to the nature of the degree but the fact that it is an educational program which is not subsidized by the government. Officers participating in this degree program will pay tuition themselves.

Activities in conjunction with the Romanian National Police force have included:

- in association with the Project on Ethnic Relations³, the development of three seminars on policing within a democratic model and police/minority relations. The first of these three seminars was a series of two to three day presentations which were conducted at three different sites in Romania. The second of these seminars was a three day conference during which representatives from the national police force and the Roma⁴ participated in a joint workshop during

² Pest County surrounds the Hungarian Capital, Budapest. It encompasses 6394 square kilometers with a population of one million inhabitants living in 180 municipalities (medium-sized cities and villages). 10% of all crimes committed in Hungary take place in Pest County. In addition to its central headquarters, the county police maintain 13 regional police stations in major population centers. There are approximately 1500 officers serving in the Pest County Police Department.

³ The Project on Ethnic Relations is a not for profit organization, supported by the Carnegie Foundation, which seeks to promote the status of minorities within Central Europe.

⁴ The Roma, commonly referred to as "Gypsies" represent a distinct cultural and ethnic population group in Eastern Europe. Their language, cultural norms and physical appearance set them apart from other eastern European ethnic groups often resulting in their oppression. There are approximately 255,000 Roma in Romania.

which common issues of concern were identified and proposed solutions developed. The third of these seminars consisted of a three week training program on "Issues in Democratic Police Management and Minority Relations".

- In addition to conducting seminars and workshops, recommendations for organizational and procedural changes to address specifically police/minority relations within Romania have been developed based upon problems and difficulties identified by the Romanians during these programs. The recommendations have been forwarded by the Project on Ethnic Relations to representatives within the Romanian national government, the Romanian Council For National Minorities, and leadership within the Roma community.

- Currently, an ongoing program of training is being discussed which would involve the establishment of an institute for democratic police management within Romania.

While the activities engaged in with the two national police forces have differed in nature, the processes and the nature of the processes that have contributed to the successful establishment of the ongoing relationships are virtually identical. This analysis will now address:

1. the philosophies, orientations, and modes of entry which resulted in successfully establishing these ongoing relationships and the accomplishment of related activities, and
2. the needs and issues that have been identified as evident within these two organizations as they attempt to adjust and adapt to a new political model - democracy.

PROCESSES AND ORIENTATIONS PROMOTING ENTRY AND ACCEPTANCE

As with most events, the factors that contribute to successful programs and projects are in part structured and planned and, in part, serendipitous. However, whether the result of fate or a structured approach to international involvement, certain orientations and common procedures and events can be identified as directly contributing to the success of the current international relationships and programs.

Perception of a "crisis" or need and a consequent recognition that direction can be provided through an outside agent or organization. Much of what we understand about organizational change and specifically, successful organizational change, suggests that change results when those affected by the change perceive there is a need and

justification for as well as value to be gained by the changing the status quo (Beer,1989; Senge,1990; Bolman and Deal,1991). This condition existed prior to both of the initiatives currently underway within Romania and Hungary.

The cooperative activities with representatives from the Hungarian National Police Force were initiated by the Hungarians. These representatives had identified two specific needs, one primary and specific, the other broader and more long range in its consequences. First, they had a specific need to obtain more technical information on means to track and identify stolen automobiles. Cars were being stolen within the United States, shipped to Russia and then brought into Hungary for sale. Many American made cars with individual state license plates,i.e., New York and California, still attached can be observed daily on the streets of Budapest. The Hungarians had limited technology and limited relationships with American police departments - both of which they believed were essential to their ability to more adequately address this crime problem. Representatives from the Pest County and Budapest Police Departments organized a trip to the United States, funded by Hungarian insurance companies, to develop professional ties and learn more about the technical and operational means with which American police addressed auto theft. Secondly, members of this delegation recognized an additional need to provide police officers within Hungary with more efficient and effective management education. The present system of education of police officers within Hungary is based on the classical continental model which establishes two points of entry, one for non-commissioned ranks and another for commissioned officers (Fosdick, 1969 Repetto, 1978). Police are trained within two tiers, the Police Secondary School and the Police College. Those trained within the secondary school can rise through the ranks from the basic officer position to become low level supervisors and noncommissioned officers. Those educated through the police college or universities enter the commissioned officer corps at the rank of lieutenant. These individuals are often placed in command of units, however, none of these commissioned officer are trained specifically in management practice and techniques. Factors related to the dissolution of the communist government, the emergence of a market economy, and newly proposed requirements for police training and education had created a need for more efficient and differently oriented police training and education. As result, the Hungarian representatives had as a secondary purpose, the assessment of police education and training in terms of content, form, and delivery.

Initially, contact with the Romanian National Police force was begun at the request of a

faculty member within the department of sociology who had a direct interest in Romanian culture and more specifically, changes within this society which had occurred as a result of the transition from a communist to democratic form of government. Through contacts within the Romanian National Government, a proposal was presented to the Romanian National Police Force recommending a series of seminars on policing within a democratic society. The response from the Romanians was "we have training on democratic policing". The proposal was not responded to and no further contact was promoted.

Several months later, representatives from the Project on Ethnic Relations were informed of the proposal for seminars on democratic policing which was submitted to the Romanian National Police Force. During this same time period, the Project on Ethnic Relations had conducted a series of studies to determine the nature of several violent events involving the Roma which had occurred in Romania during the early 1990's. These events, primarily involving incidents of vigilante justice engaged in by Romanians against the Roma, had sparked national and international concern. A central issue within these events had been the adequacy of the police response as a contributing or instigating factor in the escalation of violence. The Project on Ethnic Relations had determined that cultural factors such as the police perception of the Roma as well as the limited technical infrastructure of the national police force had, in fact, served to contribute to a situation in which violence escalated further than necessary. As a result of these conditions representatives from the Project on Ethnic Relations had participated in the creation of a Council for National Minorities which has as its goal, the improvement of the status of minorities within Romania. This Council consisted of prominent leaders within the national government as well as the Roma and Hungarian leadership.⁵ Leaders from the national police force had become convinced that a "crisis" existed based on the events that had occurred and were working with the Project on Ethnic Relations to develop solutions to this problem. Representatives from the Project on Ethnic Relations, with the support of the Romanian National Police Force, approached representatives from the Department of Justice Administration as a source of police education and training on democratic policing methods with special emphasis on police\ minority relations.

In both instances, the opportunity for the involvement of "change agents" was created by a perceived need or crisis among those who would be affected by the change. In both instances,

⁵ There are about 1.8 million Hungarians, about 8 percent of the population living in Romania. They are not permitted to immigrate to Hungary by the government of Romania.

entry into the organizations was invited as a means of addressing and resolving the perceived crisis. And, while it was apparent that not all members of these two police organizations were equally committed to change through external agents, a substantial interest in promoting change existed. It is also important to note that research has found that the effectiveness of any planned change is directly dependent upon the degree that members of an organizational hierarchy take part in fact finding and diagnosing the need for change (Benne and Birnbaum, 1969). These specific conditions led to the reactivation of the rejected faculty proposal for training in democratic police methods in Romania.

Recognition of the significance of national and cultural heritage as well as established professionalism, accomplishments, and successes of the police organizations. Acceptance of cultural relativism and the degree to which the national and cultural heritage of a people shape their organizations, the processes of these organizations and the orientation of organizational members is essential to the successful accomplishment of change as an external agent. All cultures and members of these cultures are shaped by their political and social heritage. Proposals for change within organizations must be filtered through an understanding of the significance of this social and cultural heritage and must be made within a context which is appropriate (Schein, 1985; Ott, 1989). Additionally, recognition of the strengths of an organization must be made. Attempts to promote change based on the premise that there is nothing worth salvaging within an organization will be met with great resistance. Attempts to promote change based on the premise that there are organizational strengths and the change is simply a means of enhancing these strengths are more likely to succeed.

Both the Romanians and Hungarians exhibit extensive national pride. This sense of nationalism, suppressed though not eliminated during the communist regime, has had a rebirth of sorts with the advent of democracy within each nation. They are proud of their history, accomplishments, and traditions. Some sense of this history and tradition is necessary to understand the factors that contribute to their organizational structures, processes, and procedures. Both police forces had received training from external change agents -French, British, German and Irish police representatives. Our conversations with managers in both police forces revealed that in all instances, their evaluation of the training was that it was patronizing, ethnocentric and of little value since it had been based on the assumption that their organizations should be "more like" those in other nations and that what was necessary was a

total, indiscriminate and direct adoption of these alternative organizational forms.

The current projects within these countries are based on alternative premises. That is, through available published information and lengthy discussions with representatives from these two police agencies, a knowledge base was developed, an understanding of the history and circumstances that governed organizational structures and policies. The American contingent attempted to gather as much information and insight as possible into the national culture as well as the organizational orientation and processes within the law enforcement organizations. The rational governing this process is the reality that police organizations are not self-created units but instead derive their structure, culture and process from the source of their authority (Bayley, 1990:8). Differences in policing styles and the rationale for these differences were identified and discussed. Strengths of both organizations in terms of pre-service training, technical expertise, and organizational processes were identified and recognized. It was apparent that this entry by change agents with an orientation of cultural relativism had not been previously experienced by members of either police force. Acceptance of the differences and recognition of the significance of organizational strengths and accomplishments laid the foundation for acceptance of the recommendations for change and adjustment.

Though seemingly minor issues, certain conditions of entry and participation with representatives from these two organizations greatly contributed to their perception of our engagement as "equals" and greatly facilitated our acceptance and the acceptance of the content of our programs. While "in country" on all projects, American representatives were housed in accommodations and shared in meals and other related activities that were comparable to those provided for the Romanian and Hungarian participants and representatives. Western hotels were not utilized. Western meals were not requested. Visits to historically significant sites and participation in local cultural events and activities were encouraged. Organizational protocol was observed and respected.

Assessment of "needs" in conjunction with members of the organization. As with any change, especially that introduced from outsiders to the organization, success will only follow when those affected have a vested interest in promoting or adjusting to the change. Within all activities engaged in, an assessment and identification of the "needs" to be met through change was developed in conjunction with those to be affected.

A management training and education needs assessment was conducted within the Pest County Police Department. This consisted of both a structured and unstructured identification of

the strengths and weaknesses of the organization with respect to standing procedures for training and education as well as a more qualitative assessment of current practices and procedures. Visits were made to the police Secondary School, Police College and Godollo University. Discussions with administrators and faculty were held as a means of developing an understanding of current practices, strengths and weaknesses as well as options for change. Discussions with police personnel concerning their perception of the strengths and weakness of current practices in meeting their organizational needs were conducted. A structured assessment of the responsibilities and activities of police managers, their prior educational and training experiences, as well as their perception of the future needs of their organization was conducted. Reviews of curricula, instructional facilities, and instructional techniques were made.

Though conducted in a very different manner, a "needs" assessment of sorts was additionally instituted in conjunction with representatives from the Romanian National Police Force. Information on the violent events involving the Roma and the outcome of internal and external studies of the causes and contributors to these events were analyzed. Proposed topics and formats for the seminars were negotiated and adjusted through discussions with Romanian police commanders. Romanian police representatives were utilized during the first two seminars as participants and facilitators.

The format of the second conference resulted in the development of extensive information and understanding which laid the foundation for the third and lengthier seminar as well as the promotion of discussions concerning the establishment of longer term educational programs through the establishment of an institute. Participants invited to this conference were leadership from both the Romanian National Police and other minority groups but primarily the Roma. The conference was set as a "workshop". During the first day of the workshop, minority and police representatives met in a general session. During this session, minority and police representatives were provided equal and alternating opportunities to identify problems, issues and needs related to police/minority relations which required some attention. These issues were recorded by the American participants. The listing of concerns was then categorized and on the second day of the conference, participants were assigned to working groups. These working groups were composed of equal numbers of minority and police representatives. Each had a minority and American facilitator. The task of the working groups was to develop strategies to resolve the issues related to police/minority relations. The third day consisted of a final joint

session during which strategies and solutions proposed by each working group were presented and discussed. When applicable, American representatives discussed proposed strategies and solutions providing descriptions of the failures and successes within American law enforcement as they related to the various issues. A "joint" document identifying common concerns and cooperative solutions was developed. This joint document served as the foundation for a series of recommendations which were forwarded to leadership within the Roma and national police force from the Project on Ethnic Relations and the American representatives. Based on these and other recommendations sent to the Romanian National Police Force as a product of exchanges which occurred during these seminars, the Romanians have instituted several programs of organizational change.

Establishment of education and training as a "dialogue" resulting in reciprocal professional development, learning and understanding. While the dissolution of the communist government in both countries resulted in extensive changes within the police organizations, this major social change did not create widespread havoc nor result in police organizations without professional standards and significant strengths. This change has created needs which will be discussed further in the following section of this paper however, both police organizations have identifiable and recognizable strengths, many of which would enhance American law enforcement if they were adopted. Specifically, educational requirements for both commissioned and noncommissioned officers within both of these police organizations are more stringent than those within most American police departments. Officers within both organizations have a much greater understanding of technical criminalistic and forensics as well as procedural criminal law than American police officers. Romanian and Hungarian police officers are more cognizant of international affairs and, especially, the international implications of crime and specifically organized crime. They are more likely to be bilingual and well versed in addressing investigative and prosecutorial issues related to international crime and/or crime which traverses jurisdictional boundaries than American police officers.

All seminar activities were engaged in as "dialogues" with police participants. The needs within the Romanian and Hungarian police organizations were compared to situations, needs and problems within American policing and the American policing experience. American organizational philosophies, procedures and policies were presented as items for consideration. The strengths, weaknesses, successes and failures of strategies and activities as American law enforcement confronted similar problems were openly discussed and addressed.

Police in both organizations were especially interested in police events with high international visibility - the Rodney King incident, L.A. riots, and O.J. Simpson trial were of specific and special interest. These incidents along with other events related to the police role within the American democracy were discussed with candor. Our recommendations for change were received more readily when problems, failures, and frustrations related to change within American society and American policing were recognized and shared.

Establishment of trust and personal relationships. Based in part on differing cultural traditions and, in part on simply sheer numbers, one of the primary adjustments necessary for engagement within Romania and Hungary was the extensive reliance within these societies on the strength of personal relationships rather than organizational roles and positions. While both police organizations and other government organizations within Romania and Hungary are highly centralized and structured, personal relationships take precedence over organizational roles. The Hungarians have a very formalistic organizational structure and protocol which they follow. They are very linear and focused in their organizational activities. Conversely, while the Romanians have a highly centralized organizational structure, they are less focused and linear in their approach to organizational matters and organizational problems solving. Though more extensively the case among the Romanians, representatives from both organizations base decisions for ongoing relationships with external agents on personal ties and the individual trust that develops with these ties. Most specifically, the success of activities in both countries was promoted through the project team members developing trust, friendship, and personal commonalities with individuals from both organizations.

Introduction to the Romanian National Police Force and the development of personal trust and loyalties was accomplished through previously established personal relationships between the director of the Romanian office of the Project on Ethnic Relations, the Secretary General of the Romanian National Government and representatives from the Romanian National Police Force. During seminars and conferences, American representatives made themselves available and engaged in informal discussions with representatives from the Romanian police. The candid nature and informality of these discussions resulted in the development of personal trust and relationships that contributed to the credibility and acceptance of ideas and recommendations for change.

Within Hungary, the experience was similar. The hospitality shown to the Hungarians while they were in the United States and the open and informal discussions that occurred

established personal bonds upon which a more formalized professional relationship was developed.

These personal bonds are important given the traditions and circumstances of the Romanians and Hungarians. Both countries are small, have relatively small populations and are rural and agricultural based societies. They each have a history of invasion and occupation from external forces - occupation by the Soviet Union being only the most recent in this series. Families, kin, and personal relationships take precedent over more structured and formal interpersonal ties. The cultural ethos, though currently one in which participation in activities and lifestyles more comparable to western, modern society is valued if not sought after, still reflects this reliance on personalized relationships as an important and sustaining factor in one's life.

Flexibility in content and pedagogy. Engagement in international educational and training activities must have as a central theme flexibility and ease of adaptation to changing expectations and circumstances. While partly based in cultural tradition and partly based in the circumstances created by international exchanges of this type, the content and delivery of police education and training must be responsive to immediately changing circumstances.

The process of determining the content and structure of police education and training activities within both Romania and Hungary was, of necessity, a fluid process. In Romania, for example, while general topics for presentation were agreed upon in advance, the Romanian penchant for negotiation resulted in constant adjustments and readjustments to the form and content of presentations up to the immediate start of the seminar and many times, during the course of the program. As it became apparent that certain issues or concerns were of greater interest to the Romanian audience, instructors adjusted presentations accordingly. Similarly, within both Hungary and Romania, as organizational circumstances and incumbents changed, the course of the initiatives was necessarily adjusted and appropriate accommodations made.

Ability to show evidence of long term interest and commitment. The current social, political and economic situation within both countries is one of uncertainty. The dissolution of the Soviet Union and change to a democratic form of government has created massive social change and instability. Representatives from police organizations within both countries realize they are a visible and central component of social and political stability within their societies. They are seeking means of establishing stability both within their society and their specific organizations. They understand the slow and deliberative process of obtaining

stability and are seeking cooperative relationships with change agents who are willing to engage in long term activities. Assistance based on a short term orientation and a short term relationship with the change agent may be tolerated but is not acceptable. Within both the Romanian and Hungarian police organizations there is a clear need for a willingness and ability of the change agent to engage in long term organizational development. All activities within both sites have been discussed and planned as part of a broader and longer term program of professional change and education.

The four year college degree program within Hungary has been established as a cooperative degree program. A policy advisory board to determine program effectiveness and direction has been proposed. This policy advisory board would contain representatives from the police as well as Hungarian and American faculty. The development of this board and its proposed activities establishes a long term relationship that will last past the actual implementation of the college degree program. Within Romania, the proposal of a cooperative institute solidifies the commitment of the external change agent to a long term relationship and sponsorship of organizational development and involvement.

Promotion of change by those in leadership positions. The support of leadership within an organization is essential to the promotion of change within that organization. The breadth of commitment within the two national police forces exemplifies the critical nature of the involvement of leadership.

Contact within Romania was through high level national leadership. The Secretary General, Minister of the Interior, Commander of the National Police Force, and Head of the Council for National Minorities were all supportive of this initiative. Consequently, the police education and training activities have involved representatives of the command staff from all districts within Romania. Recommendations that followed from these seminars and dialogues with representatives from the Romanian police are distributed at the national government level.

In contrast, while support for the Hungarian activities has, by necessity, included the support of leadership from the Pest County Department and Godollo University; the scope of our activities has not been, in this instance, on a national level. It has instead, been limited by the scope of the authority of the supportive leadership and has, therefore, primarily targeted Pest County and surrounding jurisdictions.

The lessons learned through the course of these international projects have not been necessarily "ground breaking" experiences or observations. They are based on well known

principles of the management of change, persuasion, personal and social interaction, respect for diversity and cultural relativism. These are, however, principles not always appreciated and observed by change agents and may especially have the potential to be ignored when change agents are overly enthusiastic or overly convinced that "their way is the best way".

In the instance of providing direction to "emerging democracies" within Central Europe, and specifically to police within these "emerging democracies" the best and overriding principle to keep in mind and from which the others logically follow is that policing within a democratic model and the understanding of precisely what this means has not been completely accomplished within our own society. Democracy and therefore, policing within a democracy, is always an "emerging" process.

POLICING ISSUES AND NEEDS WITHIN CENTRAL EUROPE

While the above related experiences are limited to only two countries within Eastern Europe the conditions that exist within Romania and Hungary are not unique but rather common. Additionally, it must be made clear at the onset that these "issues and needs" do not evolve from police organizations which are in a state of chaos and confusion. Rather, the needs have developed as these organizations grapple with the rapid change promoted by the transition to a democratic form of government and the resultant social and economic changes. These two police organizations have a firm foundation of professionalism and accomplishment from which to make the adjustments necessary to respond to their changing social, political and organizational environment.

Issues related to public perception and public confidence. Both the Romanian and Hungarian police recognize the need to develop increased public confidence and a more positive public perception of law enforcement within their countries. Under the communist regimes, political and domestic police both functioned as protectors of public security. Domestic police performed responsibilities similar to those of American police while the political or secret police functioned to enforce loyalty to the communist ideology and specific communist regime. Though much more evident within Romania given the strength of the communist regime in this country, there exists a need to promote greater public understanding of the domestic police function under a democratic model. Within both Romania and Hungary this need has been met through public relations campaigns comparable to those promoted by American police. The police organizations publish and distribute materials to educate children

about the role and function of police. In Hungary, several of the police districts have established civilian police advisory boards which are used to define issues and strategies to address these issues within the districts - a version of community oriented policing. However, there exists a need to further extend and expand these activities especially in Romania and especially among the minorities within this country.

Recruitment and retention of qualified personnel. The market economies which are developing within both Romania and Hungary have functioned to decrease the relative attractiveness of policing as a profession and means of economic support. This has resulted in increasingly high attrition rates and increased difficulties in retaining highly trained and qualified personnel. While the market economy is less well developed in Romania, this is an especially significant problem within Hungary which has a stronger and better developed market economy. Within Pest County, Hungary, the salary for a newly commissioned officer is approximately \$250 per month. This salary has not increased in conjunction with the increase in the cost of living. The cost of an average small apartment within Budapest is more per month than the \$250 these officers make. The private sector, with higher wages and a growing need for human resources, is becoming an increasingly attractive option to many younger and better educated and trained officers within law enforcement. The turnover rate within some police districts in Pest County is as high as 35 percent. Given the length of time required for these officers to complete the required education and training (4 years) and the fact that this training is offered through only one national police college, this attrition creates situations of serious problems for police staffing and coverage. All of which makes it essential that educational programs directed toward the "management" of recruitment and retention and the promotion of strategies to minimize attrition be conducted to address these conditions.

Police management techniques. The application of modern management techniques is variable and in some instances limited within the Romanian and Hungarian National Police Forces. While some of the limitations posed for the adoption of modern management techniques are based in tradition and the highly centralized nature of these organizations, others are simply a matter of lack of exposure. For example, promotion occurs as a matter of seniority or some extremely exemplary accomplishment. Annual performance appraisals and promotional examinations are virtually non-existent. Training in personnel supervision, management and administration is generally "OJT" and in-service training is sporadic and generally in response to some immediate crisis rather than for continued professional currency, development, and

advancement. Police managers in these organizations need education in modern and efficient management philosophies, techniques and procedures. Such as:

Strategic Management and Managed Change. The mode of response for police managers in both Romania and Hungary is primarily reactive. Change has been so swift and radical that they have had little time to develop strategic management and organizational development plans. While the rapid social change can not be slowed, the police anticipation of events and responses to change can be managed with the development of appropriate planning and management skills.

Centralization versus Decentralization. The transition from a communist to democratic form of government has been accompanied by a decentralization of political power. Though still highly centralized, the jurisdictions comparable to states or counties within both countries currently have greater autonomy within the democratic political model. This decentralization of political authority has been accompanied by a degree of decentralization of authority within the national police forces. Commanders of the police districts now make independent decisions concerning the hiring, promotion, discipline and deployment of personnel. Within Hungary, district commanders have been given the authority to engage in independent entrepreneurial projects and cooperative activities with groups and organizations from the private sector. However, decisions concerning budget, procurement of equipment and supplies, development of formal policies and procedures, publication of crime data and information, release of information on major cases and case resolution, and the appointment of command staff to the districts is still highly centralized and controlled. As immediate local needs arise, special requests for assistance, resources and direction must be made through national headquarters which is often a laborious and cumbersome process. Administrative positions within the national police structures are "top heavy" and administrative overhead and expenditure is extensive. In some instances, this expenditure is so extensive that it comes at a cost to the local districts. It is apparent that commanders within the various districts want decentralization and more budgetary control. However, those within the administration of the national police forces, though willing to decentralize to some extent, are not comfortable with a more complete decentralization that would result in greater local autonomy. This decentralization will, nonetheless, be critical to the ability of police managers and officers to meet the immediate needs of their local jurisdictions. These needs, due to social and economic changes, are in constant flux and can not be met through a centralized process. Police managers need the requisite analytic skills and information necessary to promote and justify decentralization as well as to manage within a decentralized organizational environment.

Introduction to Police Rights and Labor Relations. The growing market economies within Eastern Europe will eventually influence police organizations. The current police organizational economic and salary issues

create a situation which is ripe for the development of police unions and collective bargaining. Police managers should be made aware of the relationship that exists between a market economy, a democratic political structure, and labor issues and relations within the public sector.

Increased Efficiency in Police Education and Training. As stated in a previous section of this paper, the educational and training requirements for police within these two countries are more stringent with respect to both their general educational and technical requirements. In Hungary for example, noncommissioned officers must attend a Police Secondary School - two year program - following their completion of what would be comparable to high school within our educational system. Commissioned officers must attend a four year Police College program following their graduation from what would be comparable to our high school. Both programs offer a combination of liberal studies including, training in a foreign language, as well as detailed technical training in forensics, law and criminalistics that far exceed the requirements for American police. However, the pedagogy is traditional and limited. While some courses are offered as correspondence courses and tuition subsidized (with commitments for a period of employment following graduation), the current educational system can not keep pace with the need to provide educated and trained police officers within these organizations that are currently being plagued with high attrition rates and accompanying personnel shortages. There exists a need for "training the trainers" in more efficient and shorter term educational techniques including the use of field training with field supervisors which, though present in some instances, is not widely utilized within these organizations.

Development of Policies and Procedures. Both Romania and Hungary have newly ratified national constitutions and police acts. The principles and philosophies embodied in these documents have not been translated into written policies and procedures to directly guide the activities of police managers and officers. In most instances, there is an over reliance on practical training, prior practice, and verbal directives. For example, within Romania, the commanders at seminars were especially receptive to the mode of instruction offered by the Americans because it was very practical rather than philosophical. They were especially interested in the integration of the "use of force" continuum into our police training and the way in which this could be translated into specific police policies for managing use of force instances. Similarly, both Romanian and Hungarian police commanders are very interested in the practical ways in which American police address large scale civil disturbances. They understand the principles underlying democratic policing but in some instances, are unclear as to the specific translation of these principles into practice.

Development of Strategies to Foster Ethical Police Practice. The emerging market economies, the newly developing consumerism, and the failure of salaries within these public organizations to keep pace with the private sector have the potential to create and, in some instances, have created situations which foster police corruption. For example, the Russian news agency Interfax

reported that 2,000 officers await trial on corruption. While in Moscow an entire precinct was suspended because officers were accused of running a prostitution ring (USA TODAY, 1995). Practical means of identifying and disciplining unethical and/or illegal police misconduct related to economic conditions are not well developed. Internal affairs units are generally not highly visible and specific policies and procedures related to these investigations are limited. Additionally, the rights of police officers within these circumstances and situations are not well defined nor protected. These are important elements of policing that need to be addressed within the new political order in these national states.

Diversity Training and Education. While the emergence of strong nationalism is important following the suppression of cultural pride under the communist regime, the current wave of nationalism can not ignore the existence and rights of minorities within these societies. The national police forces are facing increasingly vocal and active minority groups. The Romanian National Police Force has come under especially critical national and international scrutiny for their response to crimes involving members of minority groups as both offenders and victims. Skills in the improvement of police/minority relations are limited as is the understanding of organizational benefits which follow from a "diverse" police force. This issue becomes especially complicated where the Roma are concerned given the Roma subculture and practice of self segregation. However, American policing has much to offer through its history of trial and error and current attempts to improve police/minority relations.

Organizational Communication Issues. Observations and conversations with members of both national police forces indicate that downward communications are the primary form of organizational communication. Both lateral and upward communications are lacking. Communication is a critical process in democratic organizational management. A primary role of the police executive is that of a communicator to both the external and internal organizational environment. This process must be understood especially as it relates to leadership and effective managerial practices.

Accurate Collection, Dissemination and Analysis of Crime Statistics. Under the communist regimes, "common crimes" were seldom counted, tracked, nor analyzed as information necessary for sound decision making within police organizations. Currently, though crime statistics are kept by the police organizations, the processes used create inaccuracies and police managers are, as is not uncommon in the United States, generally concerned with full public disclosure of these figures. This hesitance to publicize crime statistics is not without justification since the new and more open reporting and counting of crimes has created the appearance of a major crime wave since the dissolution of communism. This information is an important management tool that needs to be used by these organizations as decisions concerning planned change and resource allocation are made.

Use of Alternative Modes of Response in Lieu of Available Technology. The technological infrastructure within these police forces is very limited. Many rural police districts have no patrol vehicles. In Romania, police described situations in which officers within the district "share" one or two handguns. Computer technology and software is limited as is highly technical investigative and forensics equipment. Technological needs are high while the budgets of both police forces are such that they can not accommodate daily operational support needs. For example, in Pest County, the utility company threatened to stop services due to an inability of the force to make monthly payments. Police managers need education in alternatives to technology and/or alternative means of providing the funding necessary for the purchase of technology. For example, some police/private sector partnerships within Pest County have resulted in new office furniture and the underwriting of professional development costs for members of this department. In Vac, Hungary, the district commander has contracted with a local business to run a private restaurant located within the police district building. Profits from this cooperative venture are "shared" with the police and used to supplement available funding for technology within the district. Within Romania, the use of auxiliary police forces to assist in times of civil disorder within remote rural districts and the use of citizen councils to monitor and provide information on civil disorder to police have been proposed as means to compensate for a virtual absence of technology and equipment to provide for a more immediate police response to crisis situations. These options need to be shared with police managers as new creative strategies are regularly shared with American police managers.

Education on the Limitations of Technology. The current lack of technology within Eastern European policing has been identified as a contributor to police failure to provide adequate responses to critical situations time and time, again. Similarly, the tendency of police within these countries to believe the quality of American policing is directly related to the availability of technology is extremely prevalent. Eventually, technology will be integrated more fully and completely into Eastern European policing. Managers within these organizations need to be appraised of the limitations and organizational costs of technology so that they may make informed decisions concerning the nature and extent of its integration into their force.

Access to International Networks for Technical Assistance and Information. Eastern European police have been addressing international crime and international organized crime for decades. They have had highly technical and extensive training on techniques related to the detection and investigation of these types of crimes. It would not be unreasonable to assume that, in these skills, they far exceed most American police and could, in fact, provide American police with valuable information and training on these topics. However, training and education which would encourage police managers to divert resources into the necessary technological equipment to promote the systematic retention, use and sharing of information between Eastern European police

organizations is necessary. Additionally, expanding access to automated data bases and systems supported within the United States and training police personnel on the use of these systems would promote more effective law enforcement.

CONCLUSION

The needs identified within these national police forces which are reflective of the needs that exist within Eastern Europe currently are not extremely unlike the needs that exist within American policing today. It is simply a matter of degree and emphasis. The Romanian and Hungarian police officers and organizations are not unlike many American police departments. The organizations are highly structured, traditional in their orientation and generally resistant to change. The Romanian police officers who participated in the seminars were hesitant to identify flaws, weaknesses and mistakes in their organizations and organizational practices. In some instances, they were not openly receptive to new ideas and strategies to promote change. These two characteristics are comparable to those of their American counterparts. They are however, like their American counterparts, receptive to recommended changes which they believe are reasonable, practical and in which they have a vested interest. This acceptance is further enhanced when they perceive that recommendations are being offered not as criticisms of their organization and organizational procedures but instead as improvements or adjustments to a generally sound organizational basis. Especially if they are being presented in a form that has been adjusted to accommodate their unique cultural tradition and circumstance.

The process of engaging in professional education and dialogue within these two countries has been one based on reciprocity. A reciprocity of respect and reciprocity of learning. The Eastern European police are cautious but enthusiastic about their potential for professional development and change. They have great pride in their countries, their traditions, their organizations and their profession. They are eager to improve their strengths and to improve their image within the international community. The environment is receptive and challenging. It is an environment in which the American instructors learned as much about their counterparts in Eastern Europe and themselves as the Eastern Europeans learned about police practices within our "ever emerging democracy".

REFERENCES

- Bayley, David H. 1990. Patterns of Policing: A Comparative International Analysis. New Brunswick, NJ: Rutgers University Press.
- Beer, Michael. 1988. Leading Change. Boston, MA: Harvard Business School.
- Benne, Kenneth D., and Max Birnbaum. 1969. "Principles of Change." In The Planning Change. Warren G. Bennis, Kenneth D. Benne, and Robert Chinn, eds., New York: Holt.
- Bolman, Lee G. and Terrence E. Deal. 1991. Reframing Organizations: Artistry, Choice, and Leadership. San Francisco, CA: Jossey-Bass Pub.
- Fosdick, Raymond. B. 1969. European Police Systems. Montclair, NJ: Patterson Smith reprint of 1915 original.
- Lundberg, Kristen. 1992. The Czech Republic: Police Reform in a New Democracy. Boston, MA: John F. Kennedy School of Government, Harvard University .
- Ott, J. Steven. 1989. The Organizational Culture Perspective. Pacific Grove. CA: Brooks/Cole Pub. Co.
-
- Repetto, Thomas, A. 1978. The Blue Parade. New York: The Free Press.
- Senge, Peter M. 1990. The Fifth Discipline: the Art & Practice of The Learning Organization. New York: Doubleday.
- Shelley, Louise. 1994. The Sources of Soviet Policing. In Police Studies Vol. XVII NO.2:49-63.
- Shine, Edgar H. 1985. Organizational Culture and Leadership. San Francisco, CA: Jossey-Bass.
- Szkinger, Istavan. 1993. "Community Policing in Hungary- Perspectives and Realities." In Community Policing, Comparative Aspects of Community Oriented Police Work. Dieter Dolling and Thomas Feltes, eds. Felix, Germany Holzkirchen/Obb.: pp.199- 205.
- "World Roundup." USA TODAY November 17, 1995: 11A.

Participant Biographies

Yury Antonyan is a Distinguished Scientist of Russia, Doctor of Law, Professor Emeritus, and a Principal Researcher of the All-Russian Research and Development Institute of the Ministry of Internal Affairs of the Russian Federation. He is also a leading researcher of the Serbsky State Scientific Center for Social and Judicial Psychiatry.

Mr. Antonyan is the author of about 250 scientific publications, including over 30 monographs and textbooks. Major works include: *Social Environment and Formation of a Criminal Personality* (1975), *Psychological Alienation of a Person and Criminal Behavior* (1987), *Crime and Psychological Anomalies* (1987), *Criminal Psychopathology* (1989), *Causes of Criminal Behavior* (1992), *Crime Among Women* (1992), *Sexual Crimes* (1993), *Punishment and Rehabilitation of Offenders* (1994), and *Cruelty in Our Life* (1995).

David Bayley is Dean and Professor in the School of Criminal Justice, State University of New York at Albany. He is a specialist in international criminal justice, with particular interest in policing. He has done extensive research in India, Japan, Australia, Canada, Britain, Singapore, and the United States. His work has focused on strategies of policing, the evolution of police organizations, organizational reform, accountability, and the tactics of patrol officers in discretionary law enforcement situations.

Professor Bayley's most recent publication, *Police for the Future* (New York, NY: Oxford University Press, 1994), is based upon field research in Australia, Canada, Great Britain, Japan, and the United States.

Other major publications include *Forces of Order: Policing Modern Japan* (University of California Press, 1991); *Patterns of Policing: A Comparative International Analysis* (Rutgers University Press, 1985); *The New Blue Line: Police Innovation in Six American Cities* (The Free Press, 1986) and *Community Policing: The Singapore Story* (Washington, DC: National Institute of Justice, 1988), both with Jerome H. Skolnick; *A Model Of Community Policing: The Singapore Story* (Washington, DC: National Institute of Justice, 1989); and "The Organization of the Police in English-Speaking Countries" in *Modern Policing* (University of Chicago Press, 1992). He has also written *Police and Political Development in India* (Princeton University Press, 1969) and "The Police and Political Development in Europe," in Charles Tilly (ed.), *The Formation of National States in Western Europe* (Princeton University Press, 1975).

Professor Bayley has a B.A. degree from Denison University (1955), an M.A. from Oxford University (1957), and a Ph.D. from Princeton University (1960).

Michael Berkow is presently the Chief of Police of the Coachella Police Department in Coachella, California. He is also currently a Police Project Manager for the U.S. Department of Justice's International Criminal Investigative Training Assistance Program.

Two major aspects of this latter position have been his role in the Somalia Police Project and the Haiti National Police Project. In both of these efforts, he was the project manager. The Somalia project has been the first police development project by the Department of Justice outside the western hemisphere. In both instances, his responsibilities have included building police academies, providing technical and infra-structure assistance and helping to create civilian police forces.

Previously, Mr. Berkow was a member of the Rochester Police Department, where he served for 17 years. In this department, he worked his way up from a uniformed patrol officer to the rank of Lieutenant. In this position, he served as confidential assistant to the Chief of Police and had responsibility for sensitive criminal investigations and special projects.

Mr. Berkow also has numerous teaching experiences. In 1986, he was an adjunct professor at State University of New York, Brockport. Mr. Berkow has taught at various police academies and training sites, including Northwestern University, Connecticut State Police Academy, and Orlando, Florida, Police Academy. Currently, he is a member of the adjunct faculty at the International Association of Chiefs of Police in Alexandria, Virginia.

Mr. Berkow received his Bachelor's degree from Kalamazoo College in Arts, Sociology and Public Policy. He went on to receive his J.D. from Syracuse University College of Law. He has also attended the FBI National Law Institute, the FBI National Academy, and the New York State Municipal Police Training Council. Mr. Berkow is also the author of numerous publications and belongs to a variety of professional associations.

Lee P. Brown is Director of the White House Office of National Drug Control Policy (ONDCP). Previously, Dr. Brown was a Distinguished Professor at Texas Southern University and Director of the University's Black Male Initiative Program. He also served as New York City Police Commissioner from 1990 to 1992 and as Atlanta's Public Safety Commissioner from 1978 to 1982.

Dr. Brown began his distinguished career in law enforcement in 1960, as a patrolman in San Jose, California. After eight years, he moved to Portland, Oregon, and established the Department of Administration of Justice at Portland State University.

In 1972, he joined Howard University in Washington, DC, as Associate Director of the Institute for Urban Affairs and Research. He held the academic titles of Professor of Public Administration and Director of Criminal Justice Programs.

Dr. Brown returned to Portland in 1975, to serve as Sheriff of Multnomah County. In 1976, he was appointed Director of Justice Services, a department composed of all the county's criminal justice agencies.

Dr. Brown is a past president of the International Association of Chiefs of Police and is involved in a number of professional and community organizations. He is the author of many articles and papers on police management, community policing, and the criminal justice system. Dr. Brown is also co-author of the book *Police and Society: An Environment for Collaboration and Confrontation*.

Dr. Brown received a Doctorate in Criminology from the University of California at Berkeley in 1970; a Master's degree in Criminology from the University of California at Berkeley in 1968; a Master's degree in Sociology from San Jose State University in 1964, and a Bachelor's degree in Criminology from Fresno State University in 1961.

Douglas Cassel is Executive Director of the International Human Rights Law Institute, DePaul University College of Law in Chicago, and of its Jeanne and Joseph Sullivan Program for Human Rights in the Americas.

He teaches international human rights law in DePaul's College of Law and in the Institute's training programs for lawyers and judges from such countries as El Salvador, Guatemala, Poland and Egypt. He also directs the Institute's research, training, advocacy and technical assistance programs.

In 1992-93, he served as special counsel to the United Nations Commission on Truth for El Salvador, and was a principal editor of its report. Currently, he chairs the American Bar Association's Working Group on the American Convention on Human Rights, as well as the ABA's Human Rights Subcommittee for Latin America.

Professor Cassel's articles have been published nationally and internationally in such journals as the *Human Rights Law Journal* and the *Revista del Instituto Interamericano de Derechos Humanos*, and he broadcasts a weekly commentary on human rights on National Public Radio in Chicago, WBEZ.

He has given Spanish-language lectures on international human rights law at universities and other institutions in El Salvador, Guatemala, Panama and the República Dominicana.

Before helping to found the Institute at DePaul in 1990, he served for sixteen years as attorney and general counsel of Business and Professional People for the Public Interest, a Chicago public interest law center.

Professor Cassel is a 1992 honors graduate of the Harvard Law School, where he was managing editor of the *Harvard Civil Rights Civil Liberties Law Review*.

Paul G. Chevigny is a Professor at New York University Law School, where he has been teaching since 1977. In the last six of these years, he has begun to work on a large project to make an international comparison of the problems of police violence in Third World cities.

Mr. Chevigny has also participated in missions for the international human rights group Human Rights Watch. Through his association with this group he has completed extensive studies of human rights abuses in Jamaica, and police abuses and violence in Brazil and Argentina. He has also prepared for Human Rights Watch a critique of the failure of the federal government in the United States to control or oversee police violence in its cities.

Among Mr. Chevigny's publications are: *Gigs: Jazz and the Cabaret Laws in New York City* (1991), *Edge of the Knife* (1993), *Police Violence in Argentina* (1991), *More Speech: Dialogue Rights and Modern Liberty* (1988), *Police Abuses in Brazil* (1987), *Human Rights in Jamaica* (1986), *Cops and Rebels* (1972), *Police Power: Police Abuses in New York City* (1969).

Prior to teaching, Mr. Chevigny was associated with the New York affiliate of the American Civil Liberties Union. At the ACLU, he used the practice of law, particularly criminal and civil rights litigation, as a way to investigate social and political problems underlying police abuses in the United States.

Dan Corsentino was sworn in on January 8, 1991, as Sheriff of Pueblo County in Pueblo, Colorado. He was re-elected on November 8, 1994, for a second term.

Sheriff Corsentino was appointed by Governor Roy Romer in 1991 to serve on the Drug Control System Improvement Advisory Board, which oversees federal funding for law enforcement agencies. In August of 1993, Governor Romer appointed Sheriff Corsentino to the P.O.S.T. (Police Officer Standards and Training) Board. He sits on the Criminal Justice Advisory committee for Pueblo Community College and co-chairs the County Sheriff's of Colorado's legislative committee, as well as being the 2nd Vice President on the Board of Directors for that organization. He received his first national appointment to the International Association of Chiefs of Police Patrol and Tactical Operations Committee. He also serves on the Ethics Committee of the National Sheriff's Association and the Native American Indians Committee. He is a member of numerous civic and service organizations. Most recently, Sheriff Corsentino has been invited to do a needs assessment on police organizational structure, community relations, community policing and executive protection, as well as, making substantive recommendations for a law enforcement academy in the city of Leon, Mexico, State of Guanajuato.

Sheriff Corsentino is an adjunct faculty member at the University of Southern Colorado and at Pueblo Community College. His presentations include History and Sociology of Law Enforcement; Ethics, Values and Racism in Policing; and Policing in the 21st Century. Sheriff Corsentino's last publication was "Employee Involvement Implementing Quality Change" in the November 1993 issue of the *FBI Law Enforcement Bulletin*.

Sheriff Corsentino holds a master's degree in public administration and a bachelor's degree in political science from the University of Colorado. He is also a graduate of the Police School of Staff and Command at Northwestern University Traffic Institute in Chicago, Illinois. In March 1993, he graduated from the National FBI Academy, Quantico, Virginia, 172nd session.

Robert S. Gelbard has been Assistant Secretary of State for International Narcotics and Law Enforcement Affairs since November 1993.

His career began by serving in the Peace Corps in Bolivia (1964-1966), and he joined the Foreign Service in 1967. After a year in Washington, he was detailed to the Peace Corps as Associate Director in Manila, Republic of the Philippines, from 1968 to 1970. He then was assigned as Principal Officer at the United States Consulate in Porto Alegre, Brazil, from 1970 to 1972. Returning to the State Department, Ambassador Gelbard was a financial economist in the Office of Development Finance in the Bureau of Economic and Business Affairs from 1973 to 1975, focusing principally on Latin American development and debt issues. From 1976 to 1978, he was the officer responsible for the Organization for Economic Cooperation and Development (OECD) in the Bureau for European and Canadian Affairs and also worked on European macroeconomic and European Community financial issues.

From 1978 to 1982, he was assigned as Deputy Treasurer Representative and First Secretary at the United States Embassy in Paris, France. Ambassador Gelbard was then reassigned to Washington as Deputy Director of the Office of Western European Affairs (1982-1984), where his responsibilities included relations with France, Italy, Spain and Portugal, covering military base negotiations with Spain and Portugal and diplomatic relations with the Vatican. From 1984 to 1985, he was Director of the Office of Southern African Affairs, where he was responsible for U.S. relations and negotiation with ten nations, including South Africa, Angola, Mozambique, Zimbabwe, and Namibia.

In 1985, Ambassador Gelbard was named Deputy Assistant Secretary of State for South America, a position he held until 1988. He was responsible for U.S. relations with the nations of that continent, including involvement in the transition to and consolidation of democracy in many nations, trade and financial issues, political-military issues, and management responsibilities for the Bureau of Inter-American Affairs. In 1988, he was named Ambassador to Bolivia, a post he held until 1991. Ambassador Gelbard then became Principal Deputy Assistant Secretary of State for Inter-American Affairs (1991-1993). He was responsible for U.S. policy in Cuba and Haiti and was significantly involved in issues related to the El Salvador peace process. He was also President Bush's representative preparing for the 1992 San Antonio Summit.

Ambassador Gelbard has been a member of numerous United States Government delegations to the OECD, particularly the Economic Policy Committee, and served on the U.S. delegation to the Conference on International Economic Cooperation (the North/South dialogue). He also was detailed part-time to the President's Council of Economic Advisors in 1978.

Ambassador Gelbard has received the Presidential Meritorious Award, the State Department's Superior Honor Award and the State Department's Meritorious Honor Award. He is also the recipient of the United States Coast Guard's Distinguished Public Service Award. The Bolivian Government awarded him the Condor of the Andes, Order of the Grand Cross, its highest decoration to a foreign citizen.

Ambassador Gelbard graduated from Colby College in 1964 with an A.B. in History. He subsequently received a M.P.A. from Harvard University in Economics in 1979. He also studied economics at the Massachusetts Institute of Technology.

William Geller, J.D., is Associate Director of the Washington, DC based Police Executive Research Forum (PERF) and Director of PERF's Midwest Office. Mr. Geller has previously served as Project Director of the American Bar Foundation, Executive Director of the Chicago Law Enforcement Study Group, and Special Counsel for Public Safety and Internal Security to the Chicago Park District. He has written, lectured, and consulted widely on the causes of prevention of police and citizen violence; police leadership; risk reduction; and racial equity for units of Federal, State, and Local governments. His books include *The Untapped Potential of the Middle Manager* (1995), *And Justice For All: Understanding & Controlling Police Use of Force* (1995), *Deadly Force: What We Know* (1992), the golden anniversary edition of the International City Management Association's *Local Government Police Management* (1991), *Police Leadership in America: Crises and Opportunity* (1985), and *Split-Second Decisions: Shootings Of and By Chicago Police* (1982).

Herman Goldstein is Professor of Law Emeritus at the University of Wisconsin-Madison. He first studied the police as a researcher with the American Bar Foundation's Survey of the Administration of Criminal Justice. From 1960 to 1964, he was executive assistant to O.W. Wilson, the widely recognized architect of the professional model of policing, when Wilson undertook, as superintendent, to reform the Chicago Police Department. With a grant from the Ford Foundation to support research and teaching relating to the police, Goldstein joined the Wisconsin faculty in 1964. He has published on such topics as the police function, police discretion, policy-development, the political accountability of the police, and the control of police conduct. He was a consultant to the President's Commission on Law Enforcement and Administration of Justice, the National Advisory Commission on Civil Disorders, New York City's Knapp Commission, the Police Foundation, and the Police Executive Research Forum. He co-authored the American Bar Association's *The Urban Police Function* in 1973 and published *Policing in a Free Society* in 1977. In recent years, he has focused primarily on developing the institutional arrangements whereby police might better address—through research and experimentation with responses—the substantive problems that the police are called on to handle. As part of this work, he published *Problem-Oriented Policing* in 1990. Professor Goldstein has in recent years consulted with the police in several countries, including Chile, the United Kingdom, the Netherlands, and Israel.

David H. Harrell is currently the Director of the International Training Division of the U.S. Customs Service. He manages approximately 75 international training programs. In recent years, his office has seen a marked increase in programs for emerging democracies, particularly those in Central and Eastern Europe and the former Soviet Union. Mr. Harrell has been with the Office of International Affairs for the past 15 years, managing a variety of international programs.

Mr. Harrell has been a career civil servant who began as a management intern with the Department of Defense and moved to the United States Customs Service in 1971. He served as Head of the Management Studies Staff, Chief of the Management Information Branch, and Director of the Program Evaluation Division.

Mr. Harrell received a B.A. in Political Science from Dickenson College and an M.A. in International Law and International Relations from the American University School of International Service. Mr. Harrell also held a one-year Fellowship at the University of Washington Graduate School for Public Affairs.

Philip Heymann is the James Barr Ames Professor at Harvard Law School, the Director of the Center for Criminal Justice, and Professor at Harvard's Kennedy School of Government. He was Deputy Attorney General 1993-1994, Assistant Attorney General in charge of the Criminal Division from 1978-1981, Associate Watergate Special Prosecutor from 1973-1975, and, in the prior decade, held the following posts in the U.S. Department of State: Executive Assistant to the Undersecretary of State, Deputy Assistant Secretary of State for International Organizations, and head of the Bureau of Security and Consular Affairs. After clerking for Justice Harlan of the U.S. Supreme Court, Mr. Heymann represented the U.S. government in the Solicitor General's Office from 1961-1965.

As Director of the Center for Criminal Justice at Harvard, Professor Heymann has in recent years managed a number of projects designed to improve the criminal justice systems of countries seeking to create or preserve democratic institutions, including Guatemala, Columbia, South Africa, and Russia. He chaired the panel of international experts proposing to the Goldstone Commission new procedures for conducting and handling human mass demonstrations in South Africa.

Sally T. Hillsman is Assistant Director of the National Institute of Justice, with responsibility for the Office of Research and Evaluation. Dr. Hillsman develops and manages NIJ's external research program, its congressionally mandated evaluation program, and its intramural research program. Dr. Hillsman joined NIJ in February 1995 from the National Center for State Courts, where she is on leave from her position as Vice President with responsibility for the Center's national-scope research and court technology programs. She was previously an Associate Director of the Vera Institute of Justice in New York City and its Director of Research. She has conducted a wide range of research on justice system policy issues, including intermediate sanctions, pretrial diversion, case processing, prosecution and court delay, as well as policing and narcotics law enforcement. Dr. Hillsman holds a Ph.D. in Sociology from Columbia University.

K. David Holmes is the Assistant Director of Training for the Secret Service. In the Senior Executive Service, Mr. Holmes has performed duties as the Deputy Special Agent in Charge of the Vice-President Protective Division, where he had direct oversight for the transition of Vice-President security following the election of 1992. In 1993, he assumed the position of Special Agent in Charge of the Vice-President Protective Division.

Mr. Holmes began his career as a Special Agent in the Secret Service in 1974 in San Juan, Puerto Rico, and was subsequently transferred to the Miami Office where he performed long-term undercover operations targeted against the Mariel criminal elements in Miami. In 1982, he became a Senior Course Instructor in the Office of Training, where he authored and developed numerous training courses in Investigative Tactics, Undercover Operations, and Investigative Spanish for which he received a Secretary of the Treasury award. Mr. Holmes briefly served on the Presidential Protective Unit. In 1988, he was appointed Special Agent in Charge of the San Juan Field Office. He later returned to Washington, where he became the Deputy Assistant Director for the Office of Government Liaison and Public Affairs, until his promotion to his current position.

Mr. Holmes has a Bachelor's degree in Hispanic Studies from the University of Puerto Rico. Upon graduation, he was commissioned a Second Lieutenant in the army, where he served as an Intelligence Officer. He went on to receive his Master's degree in Human Relations from the University of Oklahoma.

Langley B. James has served as Assistant for Foreign Internal Defense, responsible for policy and planning issues related to low-intensity conflicts since 1988. He was Deputy Chief, Special Defense Acquisition Fund, Defense Security Assistance Agency from 1982 to 1987.

Mr. James also worked with International Security Affairs from 1980 to 1981, as Assistant for Arms Transfer Policy. He also served as Assistant for COCOM Technology Transfer, International Security Affairs (Strategic Aid and Disclosure) from 1974 to 1979.

Mr. James began his defense career with the Defense Intelligence Agency (DIA) in 1971. During his tenure with DIA he served as Strategic Intelligence Officer (Soviet Union/Warsaw Pact), Ground Forces, as an Indications and Warning Alert Team Officer.

Mr. James has extensive Army Military Intelligence training. He has received various awards throughout his career, including the Office of the Secretary of Defense Meritorious Civil Service Award in 1987. He received a B.S. in Business Administration and Political Economy, as well as an M.A. in Economics of National Security from Ohio State University. He also attended the National War College from 1979 to 1980.

David J. Kalish is the Commander of the Los Angeles Police Department and has served there for over 20 years. His duties have included patrol, detectives, gang suppression, juvenile operations, and many other specialized enforcement, investigative, and administrative assignments. As the Commanding Officer of Criminal Intelligence Group, he currently directs the activities of approximately 150 personnel assigned to Anti-Terrorist Division, and Administrative Vice Division. Commander Kalish is an active member of many professional and community organizations. He has traveled and participated in many international delegations and regularly instructs and lectures on a variety of criminal justice topics.

Raymond W. Kelly is President and Director of New York operations of The Investigative Group International, an international investigative firm with offices in New York, Washington, Los Angeles, Chicago, Boston, Philadelphia and London.

Mr. Kelly served as Director of the International Police Monitors of the Multinational Force in Haiti from October 1994 through March 1995, during which time the monitors ended human rights abuses by the Haitian police and established an interim public security force. Mr. Kelly was awarded a commendation by President Clinton for "exceptionally meritorious service" in Haiti and the Commander's Medal for Public Service by Chairman of the Joint Chiefs of Staff Gen. John Shailkashvili.

Mr. Kelly rose through the ranks of the New York City Police Department to become Commissioner in October 1992 and served through January 1994, capping a 32 year career that included service in every rank and 25 commands, including the Emergency Service Division and the Office of Management, Analysis and Budget.

As police Commissioner, Mr. Kelly was widely praised for the emergency response to, and investigation of the World Trade Center bombing in 1993. He also presided over the largest increase of the uniformed ranks in the department's history, and was recognized as New York State's Law Enforcement Official of the Year.

Mr. Kelly served in the U.S. Marine Corps, including combat in Vietnam, and retired as a colonel in the Marine Corps Reserve. He is an attorney with law degrees from St. John's University and New York University, where he lectures on the law, public policy and crisis management. Mr. Kelly is a graduate of Manhattan College and holds a master's in public administration from the Kennedy School of Government at Harvard University. He was awarded an honorary doctorate from Marist College in May 1995 in recognition of his career in public service.

Carl B. Klockars is Professor of Sociology and Criminal Justice at the University of Delaware. He has been an active professional criminologist for 25 years. During this time, he has published five books, forty-some professional articles, and numerous professional papers. His first book, *The Professional Fence*, is a detailed life history of a dealer in stolen property. Three of his more recent books, *The Idea of Police*, and the first and second editions of *Thinking About Police*, are widely used, not only in college and universities but also in police academies in the country abroad.

He is presently the nationally-elected vice-president of the Police Section of the Academy of Criminal Justice Sciences and was three-times elected by a national vote of members of the American Society of Criminology to serve as a member of its Executive Board. He has served on the editorial boards of many academic journals, worked as a professional lobbyist for the Maryland Sheriff's Association, and testified as an expert witness in cases involving allegations of excessive use of force. He is currently conducting a large research project that compares police and citizen attitudes toward corruption and appropriate discipline that employs systematic cross-cultural comparative samples from the United States, Croatia, and Australia.

He holds a bachelor's degree in sociology from the University of Rhode Island and a master's degree in criminology and a doctoral degree in sociology with a concentration in criminology from the University of Pennsylvania

James E. Lassiter is the Rome District Desk Officer in the Office of International Affairs at the U.S. Immigration and Naturalization Service. He has served in this office since 1992. His areas of expertise include international development, culture change, and the peoples of Africa.

From 1985 to 1988, he served as Peace Corps Country Director in Tanzania; and from 1988 to 1991, Mr. Lassiter directed the Peace Corps program in Ghana. From 1984 to 1985, Mr. Lassiter worked as a Country Desk Officer and resident expert for Southern African affairs at the U.S. Peace Corps Headquarters in Washington. Mr. Lassiter began his association with Peace Corps in 1980, as a Peace Corps Volunteer science teacher in Swaziland.

Mr. Lassiter also worked as a Research Analyst for the State of California, Center for Health Statistics in Sacramento.

In 1974, Mr. Lassiter received his B.A. in Anthropology, with honors and a minor in Biological Sciences, from California State University in Sacramento. He received his M.S. in Anthropology from the University of Oregon in 1975; and in 1983, he received his Ph.D. in Cultural Anthropology from the University of Oregon.

G. Martin Lively is presently the International Liaison for the National Institute of Justice (NIJ), U.S. Department of Justice, and coordinator of NIJ's National Criminal Justice Reference Service. Mr. Lively has served in several posts within NIJ including Court Specialist, Conference Manager, Law Enforcement Programs Manager, and Assistant to the Director of Research and Evaluation. Before joining the NIJ in 1974, he worked in various California jurisdictions. He served as a police officer in Dale City, deputy district attorney in Contra Costa County, and deputy public defender in Sonoma County.

Mr. Lively has also held the positions of Director of Productivity, Program Development, United States Office of Personnel Management; Deputy Director of Management and Administration, National Emergency Management Agency; Manager of Professional and Technical Training, Martin Marietta Orlando Aerospace; and general practitioner of law in California and West Virginia.

Mr. Lively received his J.D. from the University of San Francisco Law School and his Bachelor's degree in Literature and Philosophy from Wheeling College, West Virginia.

Gerald W. Lynch has been President of John Jay College of Criminal Justice since 1976. He received his B.S. from Fordham College and his Ph.D. in Clinical Psychology from New York University. The John Jay College of Criminal Justice is the only institution of higher education in the United States dedicated exclusively to the study of criminal justice, law enforcement, police science and public service. An internationally known expert and advocate of criminal justice education, Dr. Lynch has lectured throughout the United States, the Caribbean, Europe, the former Soviet Union, the Middle East and Australia. He conducted a major conference in 1992 in St. Petersburg, Russia, on "Crime, Justice and Public Order" and has consulted with South Africa and Namibia on establishing a College of Criminal Justice. Dr. Lynch and several colleagues at John Jay College have designed an innovative course to improve police/community relations entitled, "Human Dignity and the Police." The course has now been given to police officers of many nations throughout Latin America, the Caribbean, Eastern Europe, and the former Soviet Union. In cooperation with the Puerto Rican Police Department, John Jay College recently opened a campus in Puerto Rico. The curriculum integrates academic study for an Associate Degree in Police Science with basic police training for all recruits.

Mark H. Moore is the Daniel and Florence Guggenheim Professor of Criminal Justice and Public Management. He is the Faculty Chair of Harvard University's Kennedy School of Government Program in Criminal Justice and for a decade served as the Founding Chair of the Kennedy School's Committee on Executive Programs. He has led national "executive sessions" on the future of juvenile justice, policy and prosecution. He is the author of *Buy and Bust: The Effective Regulation of an Illicit Market in Heroin; From Children to Citizens: The Mandate for Juvenile Justice; Beyond 911: A New Era in Policing*; and as of October 1995, *Creating Public Value: Strategic Management in Government*.

Norval Morris, is the Julius Kreeger Professor of Law and Criminology, Emeritus, University of Chicago. Professor Morris is a Fellow of the American Academy of Arts and Sciences. For eight years he was a member of the Police Board of the City of Chicago. He serves on several federal and state government and scholarly commissions and councils.

Mr. Morris has taught law and criminology in England, Australia, Japan, and the United States. He has written extensively on legal and criminological issues. His books include *The Brothel Boy and Other Parables of the Law* (O.U.P. 1992), *Modern Policing* (Editor with Michael Tonry, University of Chicago Press, 1992) and *The Oxford History of the Prison* (Editor with David Rothman, O.U.P. 1995).

Janet Reno was appointed Attorney General by President Clinton in March 1993. From 1978 to the time of her appointment, Ms. Reno served as the State Attorney in Miami, Florida. She was initially appointed to that position by the Governor of Florida and was subsequently elected to that office five times.

Ms. Reno was a partner in the Miami-based law firm of Steel, Hector, & Davis from 1976 to 1978. Before that, she served as an Assistant State Attorney and as Staff Director of the Florida House of Representatives Judiciary Committee, after starting her legal career in private practice.

Her professional activities have included being President, Florida Prosecuting Attorneys Association, member of the Special Committee on Criminal Justice in a Free Society of the American Bar Association, member of the Task Force on Minorities and the Justice System of the American Bar Association.

Honors and awards to Ms. Reno include the Herbert Harley Award, American Judicature Society, 1981; Public Administrator of the Year, American Society for Public Administration, South Florida Chapter, 1983; and Medal of Honor Award, the Florida Bar Association, 1990.

Ms. Reno was born and raised in Miami, Florida, where she attended Dade County public schools. She received her A.B. in Chemistry from Cornell University in 1950 and her LL.B. degree from Harvard Law School in 1963.

Mark M. Richard is the Deputy Assistant Attorney General overseeing the Office of International Affairs, Internal Security, Terrorism and Violent Crime Sections and the Office of Special Investigations. Mr. Richard has overseen international law enforcement efforts in the areas of white collar crime, international affairs, internal security, anti-narcotics, terrorism, money laundering, asset forfeiture, special investigations, terrorism, and violent crime. For the four-year period when he served as Deputy Assistant Attorney General for Internal Security and International Law Enforcement, he supervised approximately 120 attorneys in the Internal Security Section, the Office of International Affairs, and the Office of Special Investigations. In this capacity, he oversaw prosecutions involving espionage, violations of export control and neutrality laws, and unauthorized disclosure of classified information.

Mr. Richard directly participated in negotiations of mutual legal assistance treaties with senior government officials of the United Kingdom, France, West Germany, Sweden, Switzerland, and Israel and was responsible for all extradition litigation. In an earlier position with the General Litigation and International Law Enforcement Section, Mr. Richard oversaw a variety of regulatory matters including those administered by the Customs Service and the Nuclear Regulatory Commission.

Mr. Richard has also served in the U.S. Department of Justice as Chief of the Fraud Section. In that period of time, he prosecuted cases involving bank fraud, securities and consumer fraud, and government contract and procurement fraud. In that role, he also maintained liaison with senior officials of the U.S. Department of Defense and the Securities and Exchange Commission. Prior experience includes developing comprehensive programs combating white collar crime and prosecutorial experience against major drug dealers in the Washington, DC, metropolitan area.

Mr. Richard received his J.D. with honors from the Brooklyn Law School and received his B.A. degree in Psychology from the University of the City of New York. His further executive training includes, for example, the Executive Program in National and International Security and Harvard University's Kennedy School of Government (1982).

Alan G. Ringgold is the Deputy Assistant Director for International Relations in the Criminal Investigative Division at the Federal Bureau of Investigations. As such, he oversees the FBI's relationship with police and security services throughout the world, and he manages the FBI's international assistance program.

Mr. Ringgold began his service with the FBI in 1970, as a specialist in Italian organized crime. He was the Senior Resident Agent in Charge of FBI activities for western Massachusetts and later managed labor racketeering investigations in Boston.

—In 1982, Mr. Ringgold was transferred to Bern, Switzerland, as the Assistant Legal Attache. Later he was promoted to Legal Attache, with responsibility for FBI liaison activities in Switzerland, Austria, and Liechtenstein. Additionally, he was an exchange manager with the DEA, where he assisted with the development of the DEA's Money Laundering and Asset Forfeiture programs. In 1989, he became Legal Attache in Paris, where he managed the FBI liaison with France and half of the African continent. In 1994, he was promoted to his current position.

Mr. Ringgold graduated from Juniata College with a Bachelor's degree in French and History. Thereafter, he served in the United States Army, Military Intelligence Branch. Upon discharge, he served a short time as a police officer in Alexandria, Virginia.

Laurie O. Robinson was confirmed by the United States Senate as Assistant Attorney General for the U.S. Department of Justice's Office of Justice Programs (OJP) on September 23, 1994. She had previously served as Associate Deputy Attorney General and Acting Assistant Attorney General at OJP.

Prior to joining the Justice Department in August 1993, Ms. Robinson had served as Director of the American Bar Association's (ABA) Criminal Justice Section since 1979. Ms. Robinson also headed the ABA's Professional Services Division—DC, which constituted about half the Association's Washington office. From 1972 to 1979, Ms. Robinson served as Assistant Staff Director of the ABA Criminal Justice Section.

Ms. Robinson graduated magna cum laude and Phi Beta Kappa from Brown University, with a degree in Political Science in 1968. She served as Chair of the National Forum on Criminal Justice from 1991 until 1993 and has served as a member of the Boards of the National College of District Attorneys, the National Committee on Community Corrections, the National Association of Women in Criminal Justice, and the Victim Assistance Legal Organization (VALOR). She currently serves on the Advisory Board of the *Federal Sentencing Reporter*.

Luis P. Salas joined Florida International University (FIU) in 1975 and is now a full professor in the Criminal Justice Department. He is a recognized expert on Latin American justice systems and is the author or co-author of six books and a number of articles on the subject. Professor Salas has served as Chair of the Criminal Justice Department since 1992. Its faculty is composed of nine members offering an undergraduate and master's program.

In 1985, Professor Salas was named director of the Center for the Administration of Justice (CAJ) at FIU. CAJ employs a multidisciplinary and international staff of specialists and gives special emphasis on support to local efforts to strengthen and invigorate fair and independent justice systems.

Professor Salas has been a consultant to a number of state, federal and international organizations, as well as private consulting firms. He received a degree from North Carolina State University in Political Science and received his Juris Doctorate from Wake Forest University.

Clifford Shearing is a Professor and Director of the Centre of Criminology at the University of Toronto and is Academic Director of the Community Peace Foundation, a unit of the School of Government at the University of the Western Cape. His research focuses on shifts in governance and their implications for policing and justice. Most recently he has been studying, and advising on, the transformation of policing and justice within South Africa. His latest book is entitled *Policing for a New South Africa* (Routledge). His upcoming book is tentatively entitled *Governing Diversity*.

Michael E. Smith is a Professor at the University of Wisconsin School of Law, and a visiting lecturer at Yale Law School. Previously, Mr. Smith was the President of the Vera Institute of Justice. Vera is a non-profit institute that deploys its research and operational divisions to devise, test and disseminate more effective responses to pressing social policy problems.

Mr. Smith has also held many Trusteeships, among them are: Neighborhood Defender Service of Harlem, New York Criminal Justice Agency, Center for Alternative Sentencing and Employment Services, and Vinland Property Trust. Of all the aforementioned organizations, he is still a member of the board of trustees.

Mr. Smith received his undergraduate degree from Princeton University, his J.D. from Harvard Law School, and also received a degree from Oxford as a Rhodes Scholar.

Janice M. Stromsen is Director of the International Criminal Investigative Training Assistance Program (ICITAP), U.S. Department of Justice. Ms. Stromsen has been in the Department of Justice since 1971. Prior to her appointment as Director of ICITAP, she held various posts in U.S. law enforcement agencies, including ICITAP's Associate Director for Field Operation, and served ten years as the Deputy Chief of INTERPOL-USNCB. She is credited with the institutionalization of INTERPOL with the Department of Justice, creation of INTERPOL's Standing Committee on Information Technology, implementation of the Canadian interface project enabling direct database contact between law enforcement agencies of the United States and their Canadian counterparts, and the design and implementation of ICITAP's Haiti Police Development Project. Ms. Stromsen received her B.A. from the College of Wooster and an M.A. from the Middlebury College program at University of Paris (Sorbonne).

Michael L. Sullivan is the Deputy Commander, U.S. Army Criminal Investigation Command, at Fort Belvoir, Virginia.

When he began military service, he served four years in the U.S. Marine Corps and then enlisted in the U.S. Army, where he rose to the rank of Sergeant. He attended Infantry Officer Candidate School and was commissioned as Second Lieutenant.

Colonel Sullivan has served in numerous infantry and military police assignments, beginning as a Special Forces Detachment Executive Officer, 8th Special Forces Group, Panama; Rifle Platoon Leader, D Company, 1st Battalion, 7th Cavalry, 1st Cavalry Division, Fort Hood, Texas; Provost Marshal Operations Officer, Fort Harrison, Indiana; and Chief, Training Support Division, U.S. Army Military Police School, Fort McClellan, Alabama.

Colonel Sullivan spent several years at Fort Bragg, North Carolina. His assignments included Assistant S-3, 16th Military Police Brigade (ABN); Executive Officer, 503d Military Police Battalion (ABN); Provost Marshal, 82d Airborne Division; Commander, 503d Military Police Battalion (ABN), and Deputy Assistant Chief of Staff, G3/DPT, XVIII Airborne Corps, and Commander, 16th Military Police Brigade (ABN).

His awards include the Legion of Merit with Oak Leaf Cluster, Bronze Star Medal with Oak Leaf Cluster, Meritorious Service Medal with three Oak Leaf Clusters, Army Commendation Medal, Army Achievement Medal, both Army and Marine Corps Good Conduct Medals, National Defense Service Medal with Bronze Star, Armed Forces Expeditionary Medal with Oak Leaf Cluster, Vietnam Campaign Medal with two Bronze Stars, Southwest Asia Service Medal with two Bronze Stars, Humanitarian Service Medal with Oak Leaf Cluster, Army Service Ribbon, Overseas Ribbon, Vietnam Service Medal, Kuwait Liberation Medal, Vietnam Civic Action Medal, French Armed Forces Expeditionary Medal, Combat Infantryman's Badge, Ranger Tab, Special Forces Tab, and Master Parachutist's Badge, U.S. Marine Corps Parachutist Badge, and the Armed Forces Parachutist Badges from Argentina, Ecuador, and Spain.

Colonel Sullivan holds a Bachelor of Science in Criminology from the University of Tampa, a Master of Science in Education from Purdue University, a Master of Arts in International Relations from Salve Regina College, and a Master of Science in Strategy and International Policy from the Naval War College. His military education included Officer Candidate School, Airborne School, Ranger School, the Special Forces Officer Course, Jumpmaster School, the MP Officer Advanced Course, the FBI National Academy, the Naval College of Command and Staff, and the Army War College.

Gary L. Thomas is a special agent with the Bureau of Alcohol, Tobacco, and Firearms (ATF). He is currently serving as the Special Agent in Charge of ATF's International Enforcement Branch in Bureau Headquarter's, Washington, DC

Mr. Thomas began his law enforcement career in 1977, as a U.S. Border Patrol agent in El Paso, Texas. In 1978, Mr. Thomas joined ATF as a special agent assigned to the Lubbock, Texas Field Office. In 1980, he was reassigned to Miami Field Division, where he worked in the Miami and Fort Lauderdale Field Offices during the Vice President's Drug Task Force. In 1984, Mr. Thomas was promoted to the position of Senior Operations Officer in the Atlanta Field Division. He was later promoted to Supervisor of the Atlanta Firearms Enforcement Group. In 1991, Mr. Thomas was promoted to Bureau Headquarters where he served as the Achilles Program Manager in the Foreign Operations Program. Mr. Thomas is a graduate of Florida State University, with a degree in Criminology.

Bankole Thompson is currently a Professor in the Department of Police Studies of the College of Law Enforcement, Eastern Kentucky University, Kentucky. Formerly, he was Associate Professor of Criminal Justice Studies at Kent State University, Ohio. He also served as Judge of the High Court and District Attorney in the West African State of Sierra Leone; and Legal Advisor to the Mano River Union (a sub-regional economic integration grouping in West Africa). Professor Thompson is well published in the areas Law and Comparative Criminal Justice and has book chapters forthcoming on comparative aspects of criminal justice in developing African countries, and a book on "The Constitutional History and Law of Sierra Leone (1961-1995)." He holds the degrees of M.A. in Philosophy of Durham University and M.A., LL.B. and Ph.D. in Law from the University of Cambridge.

Michael Tonry is the Sonosky Professor of Law and Public Policy at the University of Minnesota. He is author or editor of more than 25 books, including *Malign Neglect: Race, Crime and Punishment in America* (Oxford University Press 1995); *Intermediate Sanctions in Overcrowded Times* (Northeastern University Press 1995) with Kate Hamilton; *Building a Safer Society: Strategic Approaches to Crime Prevention* (University of Chicago Press 1995) with David P. Farrington; *Drugs and Crime* (University of Chicago Press 1990) with James Q. Wilson; and *Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System* (Oxford University Press 1990) with Norval Morris. He has worked as an advisor on sentencing and corrections matters to American federal and state agencies, Canadian federal and provincial agencies, and Australian, British, and Swiss national government agencies. He is editor of *Crime and Justice-A review of Research*, a series of refereed essays on criminal justice research subjects, published since 1979 by the University of Chicago Press; *Overcrowded Times*, a bimonthly sentencing and corrections newsletter for public officials and researchers; and the book series *Studies in Crime and Public Policy*, established in 1992 by Oxford University Press.

Jeremy Travis was nominated by President Clinton to head the National Institute of Justice on March 31, 1994, and confirmed by the Senate on September 23, 1994.

Before joining the National Institute of Justice, Mr. Travis was the Deputy Commissioner for Legal Matters of the New York City Police Department. In this position, he served as advisor to the Police Commissioner and as General Counsel to the Department and oversaw the Legal Bureau, the License Division, and the Criminal Justice Bureau. While with the Department, Mr. Travis also developed the Civil Enforcement Initiative, which provided lawyers as counsel to police precincts; authored New York City's ban on assault weapons; introduced new technologies into the arrest process; drafted the Police Department's quality-of-life strategy, entitled "Reclaiming New York's Public Spaces"; and, as chair of the Chancellor's Advisory Panel on School Safety, developed a proposal for a new approach to school violence.

In a previous position, Mr. Travis served as Chief Counsel to the Subcommittee on Criminal Justice for the House of Representatives Committee on the Judiciary. Working with the subcommittee chairman, Representative Charles E. Schumer, Mr. Travis's developed new agendas for oversight hearings and legislative initiatives on criminal justice issues.

Prior to his service with the Subcommittee, Mr. Travis was Special Advisor to Mayor Edward L. Koch of New York City. Among other tasks, he conducted a management and legal review of the City Human Rights Commission, coordinated the city's implementation of the Federal immigration legalization program, formed the Commission to Establish the High School Institute for Law and Justice, established the Mayor's Advisory Council on Community Relations following the Howard Beach incident, and served as the coordinator of the Mayor's Office of Educational Services.

Before becoming Special Advisor to the Mayor, Mr. Travis was Special Counsel to the First Deputy Mayor and Assistant Director for Law Enforcement Services for the City of New York and, earlier, was Special Counsel to the Police Commissioner for the New York City Police Department. In addition to his many consulting and research positions, Mr. Travis' extensive legal and criminal justice experience includes serving as Law Clerk to Judge Ruth Bader Ginsburg; Executive Director for the New York City Criminal Justice Agency; and Executive Director of the Victim/Witness Assistance Project for the Vera Institute of Justice.

William F. Walsh is the Director of the Southern Police Institute and Associate Professor in the Department of Justice Administration, in College of Arts and Sciences at the University of Louisville. A former member of the New York City Police Department with twenty-one years service, he holds undergraduate and masters degrees from John Jay College of Criminal Justice and a doctoral degree in Sociology from Fordham University, New York City. Walsh has conducted research and written articles on issues relating to both public and private police, which have been published in the American Journal of Police, Justice Quarterly, Journal of Police Science and Administration, Journal of Criminal Justice, The Justice Professional, Security Journal, and Police Chief. He is co-author of *Police Supervision: A Performance Based Approach* with Edwin J. Donovan and the forthcoming 5th edition of Wilson and McLaren's *Police Administration* with James Fyfe and Jack R. Greene.

Harold D. Wankel is Chief of Operations for the Drug Enforcement Administration (DEA). He oversees enforcement programs throughout a worldwide network of over 200 DEA offices in the United States and abroad.

Mr. Wankel began his career in Federal drug law enforcement on September 20, 1970, as a Narcotics Agent in Kansas City, Missouri, with the Bureau of Narcotics and Dangerous Drugs (BNDD) of the U.S. Department of Justice. Since 1970, Mr. Wankel has held positions with the BNDD and its successor agency, the Drug Enforcement Administration (DEA), as a Special Agent in Kansas City, Missouri and Detroit, Michigan; DEA Country Attache in Kabul, Afghanistan, and Islamabad, Pakistan; Staff Coordinator in the Office of International Programs; Senior Inspector in the Office of Inspections; Assistant Special Agent in Charge at the Detroit Field Division; Executive Assistant in the Office of the Administrator; Deputy Assistant Administrator for the Office of Investigative Support; and the Deputy Assistant Administrator for Operations in Washington, DC.

As part of an Executive Exchange Program, Mr. Wankel was appointed by Louis F. Freeh, Director, FBI, as Deputy Assistant Director of its Criminal Division. This assignment began on August 15, 1994 and ended on May 22, 1995, when he assumed his present position as DEA's Chief of Operations.

Mr. Wankel received a Bachelor of Science degree from the University of Missouri, Columbia, Missouri.

Richard H. Ward has been with the University of Illinois at Chicago (UIC) since 1977, serving first as Vice Chancellor for Administration (1977 to 1993) and currently, as Associate Chancellor for Special Programs. He is a tenured professor of criminology and Executive Director of the Office of International Criminal Justice at UIC.

Dr. Ward's academic achievements include numerous articles and books, both written and edited, in the field of criminal justice. His most recent book, co-authored with James Osterburg, is *Criminal Investigations*. He has been a visiting professor at the National Police College at Bramshill; he has also lectured or spoken at the FBI Academy, the Army War College, and before numerous law enforcement agencies. Dr. Ward has been a consultant to more than 50 police departments in the United States, and to numerous international organizations, including the United Nations.

An internationally recognized expert on counterterrorism, investigative methods and comparative systems; Dr. Ward has traveled extensively conducting research and lecturing in more than 40 countries including, The People's Republic of China, Colombia, Egypt, England, France, Germany, Israel, Italy, Panama, Russia and Sri Lanka. In recognition of his outstanding contributions to the PRC, in 1994 he received the Friendship Award, the highest honor awarded by the State Bureau of Foreign Experts through the State Council.

Prior to coming to UIC, Dr. Ward served as Vice President of John Jay College, City University of New York, where he also held the position of Dean of Graduate Studies, Dean of Students and Professor of Criminal Justice. He served with the New York City Police Department as detective for eight years.

Dr. Ward holds his doctorate in criminology from the University of California at Berkeley.

Robert Wasserman is Chief of Staff for the White House Office of National Drug Control Policy (ONDCP). Prior to his appointment as Chief of Staff, Mr. Wasserman served as a Research Fellow at Harvard University's Kennedy School of Government, where he was a member of the Executive Sessions on Community Policing.

Mr. Wasserman has served in a number of governmental executive positions throughout his career. He served as Assistant City Manager of Yellow Springs, Ohio, from 1966 to 1967, and Administrative Assistant to the Chief of Police in Dayton, Ohio, from 1966 to 1970, where he led a major re-organization of the police.

In 1970, he assumed the position of Director, Community Assistant Group in the Massachusetts Department of Public Safety. In this position, he was responsible for management of riot prevention and control activities of the Massachusetts State Police.

In 1973, Mr. Wasserman was appointed Director of Training and Education of the Boston Police Department. He was promoted again to Operations Assistant to the Police Commissioner in 1976 and assumed responsibility for management of field operations for that department.

Mr. Wasserman left the department to form Wasserman Associates, Inc., in 1978. As a consultant, Mr. Wasserman worked with a large number of communities and issues, such as criminal investigations (Rochester, NY), community profiling and research experiments (San Diego Police Department and the Police Foundation of Washington), and resource allocation and police improvement (Atlanta Police Department). He has served as a Principle in the firm from 1978 to 1982, 1985 to 1988, and 1990 to 1994.

In 1982, Mr. Wasserman was selected to serve as Director of Planning for the Houston Police Department, moving to the position of Senior Assistant to the Chief of Police from 1983 to 1985. In this position, he worked as key staff coordinator for the development of the neighborhood policing planning process.

From 1988 to 1990, Mr. Wasserman served as Director of Public Safety for the Massachusetts Port Authority, where he managed police and fire services for Boston's airports, waterfront, and bridge properties. He was responsible for restructuring the provision of police and fire services to meet the enhanced safety needs of the area.

Mr. Wasserman did his undergraduate work in sociology at Antioch College in Ohio and his graduate work in police administration at Michigan State University. He is the author of numerous articles and monographs on police training, community relations, community policing, and criminal investigations.

William H. Webster was sworn in as Director of Central Intelligence (DCI) on May 26, 1987. In this position, he headed the Intelligence Community (all foreign intelligence agencies of the United States) and directed the Central Intelligence Agency until September 1, 1991. In September 1991, he joined the law firm of Milbank, Tweed, Hadley & McCloy in its Washington, DC office.

A practicing attorney with a St. Louis law firm from 1949 to 1959, Judge Webster served as United States Attorney for the Eastern District of Missouri from 1960 to 1961. He returned to private practice in 1961. From 1964 to 1969, he was a member of the Missouri Board of Law Examiners.

In 1970, Judge Webster was appointed a Judge of the United States District Court for the Eastern District of Missouri and in 1973 was elevated to the United States Court of Appeals for the Eighth Circuit. He resigned on February 23, 1973, to become Director of the Federal Bureau of Investigation. During his service on the bench, Judge Webster was Chairman of the Judiciary Conference Advisory Committee on the Criminal Rules and was a member of the Ad Hoc Committee on Habeas Corpus and the Committee of Court Administration.

Judge Webster was awarded a Bachelor of Arts degree from Amherst College, Amherst, Massachusetts in 1947 where, in 1975, he received an honorary Doctor of Laws degree. Judge Webster received his Juris Doctor degree from Washington University of Law School, St. Louis, Missouri, in 1949.

Deborah G. Wilson is currently an Assistant Provost at the University of Louisville. Dr. Wilson served as Chair of the Department of Justice Administration from 1990 to 1994 and has been a member of the faculty since 1983. Dr. Wilson has a Ph.D. from Purdue University and served on the faculty of Auburn University prior to her appointment at Louisville.

Dr. Wilson is the project director of two international projects in Central Europe. These two projects involved the Pest County Police Department (Budapest, Hungary) and the Romanian National Police Force. In both instances, the projects are directed toward the provision of police management education within a democratic model with a special emphasis on police/minority relations with Romania. Dr. Wilson additionally organized and served as leader of the American delegation for a joint seminar on Police Administration in the 21st Century, which was co-hosted by the University of Louisville and Beijing Public Security University.

Dr. Wilson is the author or co-author of numerous books, chapters, scholarly articles and technical reports within her academic specialty. She has, in addition to serving on the faculty and in administrative positions at the university, served as an assistant to the Kentucky Attorney General and as the Director of Planning and Research for the Kentucky Department of Corrections.

Anatoly Zakalyuk is the Deputy Chief of the Ukrainian Academy of Internal Affairs. He is also a member of the Presidium of the Academy of Juridical Sciences of the Ukraine. In addition to his formal position as a top researcher for the Ministry of Internal Affairs, he is an author of many policy documents drafted upon requests of the President and Supreme Rada of the Ukraine, including an analysis of the crime situation in the Ukraine for the last 20 years.

Ugljesa Zvekic is currently a Research Coordinator at UNICRI and a Senior Scientific Consultant at the Institute for Criminological and Sociological Research in Belgrade, Yugoslavia. He is also an Honorary Professor at the School of Social and Political Sciences, The University of Hull, United Kingdom.

Dr. Zvekic authored and is the editor of a number of volumes, articles, and United Nations reports on subjects such as informal crime control, alternative policing styles, development and crime, the judicial profession, a world survey of non-custodial sanctions, probation in an international perspective, an international survey of victims of crime, and criminal justice information.

Dr. Zvekic has organized several international conferences, seminars, research workshops, and training courses within the United Nations crime prevention and criminal justice programs and for international associations in criminology and criminal law.