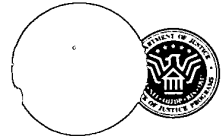


U.S. Department of Justice  
Office of Justice Programs  
National Institute of Justice



# National Institute of Justice

## Research Report

### *Policing in Emerging Democracies: Workshop Papers and Highlights*

National Institute of Justice  
U.S. Department of Justice



Bureau of International Narcotics  
and Law Enforcement Affairs  
U.S. Department of State



Washington, D.C., December 14–15, 1995

169423-169430

**U.S. Department of Justice**  
**Office of Justice Programs**  
810 Seventh Street N.W.  
Washington, DC 20531

**Janet Reno**  
*Attorney General*  
U.S. Department of Justice

**John C. Dwyer**  
*Acting Associate Attorney General*

**Laurie Robinson**  
*Assistant Attorney General*

**Jeremy Travis**  
*Director, National Institute of Justice*

Justice Information Center  
World Wide Web Site  
<http://www.ncjrs.org>

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The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

**NCJ 167024**

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*National Institute of Justice, U.S. Department of Justice*

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October 1997





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# Preface

For some time, the United States has offered training and technical assistance to police organizations in other countries. Over the past several years, there has been an unprecedented opportunity to do so within the context of state reform in countries making the transition to democracy. As a result, the agencies of the U.S. Government that administer this assistance have expanded their training activities and changed the focus of the assistance provided.

The Department of State and the Department of Justice have built a strong and evolving partnership in this arena. These two U.S. Government Departments seek to promote the development of effective and accountable police services in countries where the difficult transition to democratic forms of government is taking place. Both agencies also recognize that fundamental questions remain about the most effective strategies for fostering such reform.

To pose these questions and to challenge traditional assumptions, we hosted a workshop on policing in emerging democracies and commissioned papers from leading academics who have reflected on these issues. The workshop was cosponsored by the State Department's Bureau of International Narcotics and Law Enforcement Affairs and the National Institute of Justice, the research arm of the Department of Justice. Attending the workshop was an impressive group of scholars and practitioners, representing the experiences of more than 20 nations in developing democratic police functions. Also participating were representatives of each of the Federal agencies now engaged in providing training and technical assistance abroad. The keynote speaker was Raymond W. Kelly, former Police Commissioner of New York City, who had recently returned from overseeing the international policing operation in Haiti.

The exchange of ideas that took place at the workshop, and the papers reproduced here, will serve as a rich resource to be tapped in shaping policy in the future. We wish to express our thanks to the participants, particularly those who wrote the foundation papers and who provided the synthesis of the proceedings. It is our hope that the discussions inspired by the workshop will continue and expand in the years to come.

Timothy E. Wirth  
Under Secretary for Global Affairs  
U.S. Department of State

Jeremy Travis  
Director  
National Institute of Justice  
U.S. Department of Justice



# Workshop Overview and Highlights

Haiti, South Africa, and numerous countries in Eastern Europe and Central America have been working in the past several years to build democratic institutions of government to take the place of authoritarian forms. A major government institution in any country, the police in these emerging democracies are a current focus of attention. In emerging democracies as elsewhere, the police are the government's face—the institution citizens come into contact with on a daily basis more often than others. In countries where the police have been an instrument of repression rather than democracy, building citizen confidence in this institution is a particular challenge.

The United States currently offers technical assistance to the police in emerging democracies and other countries. The two agencies most active in providing this assistance, the U.S. Department of State and the U.S. Department of Justice, are collaborating on ways to expand and disseminate information that can promote modern, democratic policing practices based on the rule of law, support international justice assistance, and help shape future policy. One outcome of that collaboration has been an exchange of ideas and experiences among professionals in criminal justice research and law from the United States and abroad, police officials, and Federal policymakers. That exchange took place at a workshop on policing in emerging democracies sponsored by the Bureau of International Narcotics and Law Enforcement Affairs, Department of State, and the National Institute of Justice, Department of Justice. A key component of the workshop was a series of papers presented by experts in law and criminology. These papers form the basis of this report.

## U.S. Justice Assistance for Policing in Other Countries

Several agencies of the U.S. Government offer justice assistance to the police in other countries. It takes the form of training and technical assistance to help combat such crimes as firearms and drug trafficking, money laundering, and currency counterfeiting; and programs aimed at improving law enforcement techniques (by building forensics capabilities and providing firearms training, for example). These efforts to aid criminal justice agencies abroad have increased dramatically in recent years. One reason is the growth of transnational crime, which affects domestic law enforcement because it victimizes U.S. citizens, and the other is the transition to democracy occurring in the newly independent states of the former Soviet Union and elsewhere, a process the United States supports as a foreign policy objective. That involves support for the police as an institution affected by the reform process. The expansion of U.S. assistance for policing and the need for information that can shape public policy related to this assistance provided the impetus for the workshop on policing in emerging democracies. (A detailed discussion of current U.S. justice assistance for policing is in appendix A.)

## The Workshop and Its Goals

The 2-day workshop on policing in emerging democracies, held in Washington, D.C., in December 1995, brought together 64 participants to exchange information and ideas as a means of contributing to the body of knowledge on the topic. (A list of attendees is in appendix B.) Complementing that exchange were presentations

of experiences in the field and suggestions that could be incorporated into the development of policy on assisting police in emerging democracies. Future steps were also contemplated, as both sponsoring agencies wish to continue these exchanges, whether through research, document exchange, or the creation of a "virtual" organization. They are particularly interested in dissemination of information across national boundaries.

Ideas presented by several experts in criminology and law and case studies related by professionals experienced in assisting in police reform abroad were a central component of the workshop. These experts had been commissioned to prepare papers on the principles of democratic policing and on issues critical to the successful transfer of knowledge to support democratic policing in emerging democracies.

## A Framework for Analyzing the Issues

The notion of promoting police reform has an almost intuitive appeal, but the discussions and papers made evident the complexity of that notion as it applies to emerging democracies. Even the definition of "democracy" was debated. The workshop was a forum for identifying this and other issues related to policing in emerging democracies, exploring them, and bringing to light and comparing varied and sometimes opposing perspectives. At the workshop conclusion, Mark Moore articulated an overall framework for analyzing the issues explored.<sup>1</sup>

A key component of the framework is a series of "tests" or standards for measuring the viability and utility of a government strategy for assisting the police in emerging democracies. These are the same tests or standards that must be met by any other strategy adopted for use in the public sector:

- The strategy must have some important public value.
- The strategy must have legitimacy and attract support from those who are in a position to provide resources and lend their authority to it.
- Operational capacities must be sufficient to achieve the goal of the strategy.

It is assumed that democratic values should be reflected in policing and overall governance (the first test). However, the notion of the form of policing as itself a shaper of democratic culture should also be considered. In other words, a distinction can be made between a style of policing that pursues particular values and legitimates itself in a particular way and, on the other hand, a style of policing that reflects or is the product of a local democratic culture.

Stepping outside the local environment and viewing the strategy from the perspective of the U.S. Government, assistance for policing could meet the third test by contributing to operational capacity (for example, through technical assistance, funding, and equipment) and it could meet the second test by contributing to the legitimacy of policing, when such assistance supports—or does not support—local authorizing processes.

**The basic question and its variants.** The basic question—how can we reform the police in ways that promote the development of democracy—has several variants. One variant proposes a more modest objective than promoting democracy: How do we reform the police in ways that are *not destructive* of the development of democracy? Alternatively, a middle ground is to phrase the question as, "How do we reform the police in ways that make them reflective of democratic society?" The first form of the question is the "strongest," proposing to strengthen democracy beyond just the boundaries of police operations.

Implied in the basic question are several others. One is how to define the terms "we," "police," and "democracy," for their definitions are not necessarily self-evident. "We" is assumed to mean the

citizens or representatives of the U.S. Government who are considering the use of public resources. The term “police,” however, can mean either police institutions only, criminal justice institutions, or the general security function of society. “Democracy” too can be defined in several ways—more traditionally, as a set of institutions; in terms of culture as citizens’ aspirations and expectations; or as the rule of law. Quite different from the rule-of-law definition is that of democracy as an articulation of citizens’ collective aspirations or as a system providing equal delivery of services (not just equal delivery of political rights) or creating just conditions in society.

Depending on the definition, the course of reform might vary. Thus, the way democracy is defined would determine the perception of the role of the police. For example, if democracy is viewed as providing equal services, then all citizens have equal claims on public security.

**The foreign policy context and objectives.** There are several situations in which promoting police reform in support of democracy becomes especially relevant to U.S. policy. The three most common are where a state has collapsed, where civil war has broken out, or where an invasion has occurred. U.S. support for police operations is no longer tied to Cold War objectives. Rather, our own domestic law enforcement objectives are gaining in importance and, where states have collapsed, opportunities may arise to provide humanitarian aid and support democracy.

In all these situations there is a related question, “Whose purposes are we trying to accomplish?” The answer, “Not ours,” presupposes that the United States should act only in response to the wishes of the recipient country. The alternative answer, “It is U.S. objectives that matter,” derives from the notion that the resources expended are ours, although the institutions and culture of the recipient country must be understood and its needs accommodated.

The end or goal of U.S. assistance to policing may be to advance U.S. law enforcement objectives or to advance democracy. If it is the former, several types of intervention are possible, among them improving operational capacity—through training and technical assistance—and there are means to affect more than just operations. If the goal is to advance democracy—assuming there are forces within a country working toward that end—support for the police becomes only one small part of what can be done.

It should be kept in mind that the goal of advancing U.S. law enforcement objectives and the goal of advancing democracy are sometimes incompatible. An example would be situations in which our country supports authoritarian regimes to achieve our own internal law enforcement objectives such as suppression of drug trafficking.

**What kind of policing will be “exported”?** If the foreign policy context and the goals of U.S. assistance vary, so will the form of policing being exported. If the goal is to advance democracy, protection of individual rights may be a consideration, and if so, other components of the criminal justice system might be the objects of reform in addition to policing. In fact, reform might extend to the entire criminal justice system and even beyond—to institutions in civil society that have a security function. These are particularly important to consider if the form of democracy pursued calls for construction of a political culture within the civil society.

The functions for which the police are to be responsible also need to be identified. They might extend not just to street crime but also to antiterrorism, antisubversion, and police handling of civil unrest. Antisubversion and antiterrorism might be best left outside the purview of the local police, as these functions may be closely linked to politics.

Should community policing be the form adopted? It may be necessary to first pass through a stage of more traditional “professional” law enforcement.

To be sure, focusing on community policing and the security function of civil society would be valuable, as it would encourage the development of support for a local capacity for action that would in turn support responsive democracy.

**Can police reform affect democracy?** There are several mechanisms through which reform of policing, the criminal justice system, or society's security function can affect the quality of democracy:

- By bringing to the table the question of what form of policing is to be adopted, it may be possible to create a dialogue about democratic principles. In other words, simply making policing an issue for discussion might favorably affect the quality of democracy.
- Assuming that the policing profession is a means of upward mobility for people who join the force, training could be a way to prepare recruits for leadership in civil society as well as policing.
- Having police focus on effectively controlling street crime and disorder might diminish any tendency for them to support authoritarian regimes.
- By supporting the government, policing could enhance government's credibility as effective, powerful, fair, and equitable.
- The way policing is conducted might engage citizens in experiences that teach democratic values. Citizens' experiences as victims, witnesses, offenders, or in oversight of the police could help construct a political culture supporting democracy.

**The value of documentation.** In providing assistance to policing, the United States might have to move quickly when the situation demanded it but would also need to stay long enough in a particular place to produce the desired effect. Whether the United States is prepared to act quickly, provide

sufficient resources, stay long enough, and be flexible are questions that need to be addressed.

In addressing them, it should be kept in mind that in any situation, the U.S. will not have the luxury of first being able to learn, and then acting on the basis of what is learned. Rather, we will be learning while doing. For this reason, it may be useful to take such preparatory steps as documenting what is being done in a specific situation and with what effect. That would include examining case studies of interventions in partnership between academics and practitioners. These case studies would form the basis of understanding what seems to have worked and what has not.

### Highlights of the Workshop

The workshop on policing in emerging democracies opened with remarks by the directors of the two sponsoring Federal agencies. Jeremy Travis, Director of the National Institute of Justice (U.S. Department of Justice), noted that the intent of the exchange of ideas and information was to contribute to the further development of policy in support of policing in emerging democracies. He expressed his interest in continuing this type of dialogue in partnership with the State Department. Ambassador Robert Gelbard, then-Director of the Bureau of International Narcotics and Law Enforcement (U.S. Department of State), noted that there is a lack of empirical knowledge related to policing in emerging democracies and that his department's recent experiences could help provide the means to build that knowledge base.

The four commissioned papers and other addresses explored a range of issues related to policing in emerging democracies, including the relationship of policing to democracy and of democracy to policing, how the United States defines its interests in offering assistance, and the shifts in the role of government in democratic societies that is in turn shaping policing and other institutions. Some of the addresses drew from the presenters' own recent



experiences in assisting police in Eastern Europe and Latin America.

**First Paper: "Principles of Democratic Policing," by Philip B. Heymann**

It is difficult to develop a truly competent criminal justice system by beginning with a focus on common crimes and then slowly building competent institutions, especially if the system disregards the crimes of the powerful. The United States should invest in strong systems that can and will press for equal application of the law to the powerful as well as the weak and small. That means taking a forceful stand on corruption, bias, political violence, and intimidation.

**Keynote Address: "American Law Enforcement Perspectives on Policing in Emerging Democracies," by Raymond W. Kelly**

Raymond Kelly presented as a case study the U.S. role in setting up a new police force in Haiti following the intervention led by the United States. Because Haiti under the old regime represented an almost textbook case of the police as an unchecked instrument of state oppression, indistinguishable from the military, and with no tradition of public service, the intervention included a police monitoring force. The work of the monitors revealed that corrections and the judiciary in Haiti shared the problems of the Haitian police and suggested that where policing reform is called for, reform may need to be extended to other components of the criminal justice system.

**Second Paper: "Toward Democratic Policing: Rethinking Strategies of Transformation," by Clifford Shearing with the assistance of Jennifer Wood**

Established democracies are no longer viable models to be emulated because in them the assumption of governance as a state monopoly is now being questioned. This rethinking (or reinvention) of government has several expressions, among them the call for more direct citizen in-

volvement. Within law enforcement it is most evident in community policing, while the growth of private policing also expresses this devolution of responsibility—to "corporate governments." In South Africa, Professor Shearing has been working to promote a vision of police reform that recognizes this devolution, with programs seeking to empower communities with the autonomy of corporate governments.

**Reflections on the First Day, by Michael E. Smith**

Professor Michael Smith drew on his own experience in assisting criminal justice officials in England, France, and the former Federal Republic of Germany in transferring techniques and lessons from the United States. On the basis of this experience, he concluded that direct exposure, which permits individuals to judge the value of what they observe, is the best practice. His comments on the papers and discussions included the following:

- The discussion about the conflict between short-term domestic law enforcement needs and a long-term interest in stable democracies could have been more frank.
- The United States needs to understand enough about what policing does in this country if it is to be able to transfer that understanding to other countries.
- Even relatively simple interventions in another jurisdiction's law enforcement take considerable time.

**Third Paper: "Reflections on the Transfer of Knowledge to Support Democratic Policing in Hungary and Romania," by Deborah G. Wilson and William F. Walsh**

Professors Wilson and Walsh assessed their experience in providing training to the national police of Hungary and Romania. The factors promoting entry and acceptance are recognition of the need for outside assistance (which may be precipitated by a crisis), recognition by the United States of

professionalism in a country's police force, evidence of a commitment for the long term, and the perception of education and training as a dialogue resulting in reciprocal development.

For the two recipient nations, three major needs became evident: (1) to increase public confidence and create a more favorable public perception of law enforcement; (2) to recruit and retain qualified personnel in the face of growing market forces that devalue the attractiveness of the policing profession; and (3) to adopt modern management techniques, which have been limited partly by the highly centralized nature of the policing organization and partly through lack of exposure.

**Fourth Paper: "Who Are We Kidding? or Developing Democracy Through Police Reform," by David H. Bayley**

The police cannot be an instrument of reform because unless a government is committed to democracy, reform of the police can do little to bring it about. Approaches generally assumed to be associated with democracy, such as community policing, in fact have been adopted in nondemocratic regimes, while a centralized police, often associated with repressive government, is the organizational form the police have taken in many democracies. Certain reforms are more likely to be exported than others, and those that are least exportable (those affecting police purpose, functions, control, and accountability) are also those that have the least effect on democratic development.

**Workshop Wrap-Up: Where Do We Go From Here? by Mark H. Moore**

Professor Moore drew on the ideas of the participants to construct a framework for understanding and analyzing strategies to promote policing reform in emerging democracies. The basic policy objective of reforming the police in ways that promote democracy may have to be modified to less ambitious variants, among them reforming the police in ways that are not inimical to democratic development. Although reform of the police is a foreign policy issue, one that raises the question of whether the United States wishes to advance its own domestic law enforcement ends or to enhance democracy, those ends are not always incompatible.

The mechanisms by which policing affects democracy include sustaining a dialogue about democratic principles by raising the question of the form policing should take, providing training for future leaders, focusing on street crime as a way to deter the police from supporting an authoritarian regime, enhancing the credibility of government as fair and equitable, and creating experiences in which citizens who come into contact with the police are exposed to democratic values.

**Note**

1. The full text of Mark Moore's presentation is in this report.

# Opening Remarks

*Honorable Jeremy Travis*

*Director, National Institute of Justice,  
U.S. Department of Justice*

All of you are here for a 2-day workshop on policing in emerging democracies. We have much to discuss over a relatively short period. The purpose of our introductory remarks this morning is to open the discussions and to get things going. I would like to take just a moment to share with you some of the thoughts that we have in the National Institute of Justice about the next 2 days and then ask Ambassador Robert Gelbard to do the same for the Department of State.

The National Institute of Justice, as most of you know, is the research and development arm of the Department of Justice. Since our creation by Congress in 1968, we have had an international dissemination mandate, and we are now working with a number of our colleagues in the Federal Government to try to develop new capabilities, capacities, and dimensions to our congressional mission. This, I must say, is the most exciting of our new undertakings: to bring together practitioners, researchers, and policymakers from around the world to talk about the issue of policing in emerging democracies.

A number of objectives have been established in our discussions with our colleagues in the Department of State for the next 2 days, and they are quite straightforward. However, we should all have them clear in mind as we begin. One is to engage in an exchange of information, ideas, and experiences. In furtherance of that objective, we asked for four papers by five people who are here with us today. We asked them to share their experiences, reflect on those experiences, and assist us in finding common elements that are worthy of our further consideration. The second part of that first objective is to ask each of you to help us think

about how to continue this exchange of information, whether it is in a research capacity, an exchange of documents, or as Clifford Shearing used the phrase once, in the creation of a "virtual institute." Think about ways to share knowledge across international boundaries.

Our second objective is to ask you to provide policy ideas and advice to our international community gathered here today and, in particular, to the representatives of the Federal Government agencies who are gathered either around the table or elsewhere in the room. We are all open to your suggestions; your ideas are welcome.

The third specific objective is to think about the future. When Ambassador Gelbard and I first discussed this idea, we were very clear with each other that we wanted more than a 1- or 2-day gathering of people to talk about an important topic. We are both interested in asking ourselves and asking you how to continue these sorts of exchanges in the future.

We are enthusiastic about today and tomorrow. The timing of this workshop could not be more appropriate considering many people in this room are thinking about a very specific application of the issue of policing in emerging democracies. We hope, on behalf of the National Institute of Justice, that we can make a contribution to the development of an effective policy in this regard in any of the emerging democracies, and I include our own as an emerging democracy. I will turn now to Ambassador Gelbard.

*Ambassador Robert Gelbard*  
*Director, Bureau of International Narcotics and Law Enforcement,*  
*U.S. Department of State*

As NIJ Director Jeremy Travis just noted, the genesis of this workshop was the discussions that he and I had about the increasing importance of policing in emerging democracies. As we have continued to look at the issue of building democracies, it has become clearer and clearer from the point of view of foreign policy, particularly over the past decade and a half, that the previous thinking—that of relying on the first presidential election in a country as the goal to achieve democracy—was extraordinarily shortsighted. But, of course, we had very little experience in actually trying to do this.

In fact, the first presidential election is a necessary but insufficient condition. The longer I have been involved with these kinds of issues, the more I am convinced that it is the second presidential election that becomes much more interesting. The more we have tried to look at the kinds of issues involved in consolidating democracy, not with creating democracy, it has become more clear how important the justice sector's role is in trying to build democratic police, as well as judicial, prosecutorial, and penal institutions and the kinds of legal frameworks that are necessary for the public to be able to have confidence in their systems.

Reading through the papers that have been provided for this workshop, I found subjects and issues raised that were of great interest to me. I was reading them on the airplane as I returned from Bosnia yesterday, where we have been asked to begin to establish a program of police monitors both there and in eastern Slovenia, as well as to try to create other kinds of democratic law enforcement and judicial institutions. We certainly hope that we can call on some of you to help us and give us advice as we try to take on this extraordinary task.

But as we begin to grope our way with our friends and allies toward better understanding of the type of role required in order to build these kinds of core institutions, it is very clear that the amount of knowledge that exists based on empirical evidence is somewhat lacking and that we will be building a further knowledge base over time using the experiences we are having, whether in Cambodia, Haiti, Central America, South Africa, or Namibia. We certainly see this workshop as a very important start to try to reinforce our efforts to create a greater interchange of views with theoreticians, practitioners, and others. We look forward, together, to working further with you as we try to move along this path.

# Principles of Democratic Policing

by Philip B. Heymann

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 other 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 systems—“weak” and “strong” in their ability 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.

## 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 F.W. de Klerk stunned his nation by announcing there would be free and open elections that would include [black] 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 such pressures. 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. In this discussion I will call “strong” a democracy supported by the strong

demands of its people, and “weak” a democracy maintained only by the fear its opponents share of the international repercussions of either a coup or the election of a nondemocratic 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. 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 U.S. Agency for International Development (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. Gramajo, the general serving as Defense Minister, 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. President Cerezo’s call was answered by only a few grade school students who were brought into the capital 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 4 or 5 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 United Nations 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 10 and 12 bodies of people who were shot with their hands tied behind their backs were brought daily to Guatemala City’s morgue.

A coup by a powerful and independent military is not always the principal threat in a weak democracy. A new democracy may be weak because of corruption or incompetence (they often go together). The problem can be so pervasive that the electorate is likely to choose an altogether different form of government, hoping to find 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 United States ambivalence on this score.

In Guatemala, the attorney general has a small office, poorly funded and closely connected to the President. Still, the office has 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 spring 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—particularly to Judge Trejo, an investigative judge of extremely questionable reputation—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.

For the first time, I wrote to President Cerezo insisting that he understand 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, Judge Trejo was reassigned to the case, and he 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 in which 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 advisers 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 was stunning.

In the meantime Jim Michel, a dedicated ambassador and 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 USAID'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 U.S. Government as to goals and means had already become very apparent.

### **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 from 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 demo-

cratic institutions. Perhaps it too should be included, but populations are not tempted to turn from democratic to authoritarian regimes in the hope of achieving greater respect for human rights, in the hope of ending brutality or political repression.

Policing or, more broadly, the law enforcement system has 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 48 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 undue deference, the activities of the powerful and the well connected is an attribute of a strong criminal justice system that creates 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 25 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 100 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 is required to send the investigative file promptly to an investigative judge, who has only 15 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 dangerous suspects.*

*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 might 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 grounds 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 Carranza, 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 15 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 1 of the 15 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 Fuentes.*

*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 himself on the grounds 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 Fuentes 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 U.S. 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 that 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 prosecute only 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 toward 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 factfinding 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.

### **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 begin only 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 10 or 15 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 coverup 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 coverup exposed and obvious, with the devastating political results that we saw in Watergate. But aside from this aspect of the politics of coverup, 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 Israelis 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 difficult 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 that is 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 12 university students 6 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 6 years

have left a system that the United Nations describes as incapable of protecting even its own prosecutors and judges, let alone the ordinary Guatemalan.

### What Can the United States 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 as follows. 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 factfinder. 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 factfinder. 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.

### 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.

Consider another example. The factfinder 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 factfinding 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. Having too few police or prosecutors or judges or, most often, defense attorneys, is a common problem in countries pressed by tight budgets. Similarly, the facilities, equipment, and support staff are in general 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 prevents the cooperation of victims, neighbors, and other witnesses—cooperation that 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 difficult 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 made to rise without wholesale firings 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 their time 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 lack of 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 come 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 that could operate by 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, to 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 of even 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.

### **How Can the United States 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.
- Provide technical advice.
- Provide hope and energy to a system that is despairing and immobile.
- Bring international and domestic pressure to bear on local elected leaders and, where necessary, leaders of the military.

The first hardly requires elaboration. Evidence in Guatemala was recorded by interviewers who simultaneously typed, in five copies with carbon paper, on old mechanical typewriters. The third, fourth, and fifth copies were rarely legible 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 old 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, photocopy machines, and space dividers can and do 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 video recorders, 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 photocopying them.

These stories are perhaps a good introduction to the second gap that foreigners can fill. In Guatemala, Colombia and, to a lesser extent, 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 departed, 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, drained the energy of the people working in 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.

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 a degree of political support to a plan worked out with the criminal justice officials of Guatemala 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 12 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.

I have left until last the most interesting matter. From what source can outsiders also provide insight toward 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, British, French, or German institutions wholesale to a country whose politics, culture, and economics are very different)? What do 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. I have included these in the appendix to this presentation 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 gratification in the process: the thrill of exaggerated hopes, the friendships formed, and 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 the 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 left you with.

There are wonderful successes. We brought oral trials to Guatemala, and the enthusiasm of the public at seeing justice done produced an irreversible effect. We helped the Russians plan jury trials. In that country, where tradition precludes trust in judges, jury trial has a powerful claim. We wrote the police practices for 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, openmindedness, patience, and commitment. Often the effort fails, and 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. adviser 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 usually accustomed to. It does no good to urge—as some in the U.S. 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 a particular 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 for which 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 beneficial 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. These crimes are unlike assaults, robberies, and burglaries in this regard. But we 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 by observation at the time of the crime, by providing 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 performed by victims and other witnesses in solving crimes. Maintaining their belief in the usefulness of providing 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 them to those of particular suspects with devastating effect, but only if the victim or other witnesses have already identified the particular suspects. So trust in the police and in the efficacy of the criminal justice system is essential for investigative success.

In every system, because of the centrality of live witnesses, 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, obtaining the information before the threat is made, or making 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. They are essential, however, for turning the knowledge of who committed the crime into evidence and rebutting the alibi of the defendant. This followup 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 counter 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 factfinder'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. European systems provide a substitute by enabling judges on the court to question the defendant and others, and giving judges or lay factfinders the freedom to draw conclusions from the defendant's relatively infrequent failure to respond.

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 have their own systems to accomplish this, which differ 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 failed to 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, lacked a way for factfinders to choose between competing prosecution and defense stories, failed to make use of a defendant's knowledge, and lacked a system for disposing of the less important cases so as to leave time for the more important. A set of quite robust judgments about the processes of factfinding 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. Local practitioners bring to the conversation crucial information about what functions are not being performed adequately now and some knowledge of what, in their 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 called 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 3 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 an especially 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 witnesses who testify to be 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 factfinder, leaving the possibility of police concoction of crucial evidence in a situation where the police and major drug dealers are in a state of near 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 be known only 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 basis for 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 a departure 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 are 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 factfinding 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.

# Keynote Address: American Law Enforcement Perspectives on Policing in Emerging Democracies

*by Raymond W. Kelly*

Thanks to reformers such as President Franklin D. Roosevelt, the police in this country are, by and large, an apolitical group, beholden to no politicians, selected through civil service examinations, and independent of abusive State or Federal authorities. Unlike many other places around the world, here the police are not called upon to prop up or defend the state. They make it almost impossible to libel a public official in the United States; and unlike Great Britain, they make it very difficult for the state to keep an official secret. Police in America don't arrest people who speak against the state. That is an obvious and important distinction to be made between law enforcement here and in many areas of the world. Growing out of our revolutionary experience, we are still suspicious of a standing police authority at the national level. Something also persists from our experience in the American civil rights movement. Police in America have come to accommodate even the timing and manner of arrest used on people engaged in civil disobedience. They have shown that accommodation frequently here in Washington during the protest campaign to end the apartheid government in South Africa. Civil disobedience has become a tool of dissent, recognized both by citizens and law enforcement of the United States.

There is yet another distinction about the police in a democratic society. Nowhere is free speech as vigorously protected as it is in the United States. The police in America, as an institution, recognize how important free speech is to the American people, who will sacrifice a great deal to ensure it. So when the police in America engage in brutality,

partisanship, or oppression, it is big news indeed. In some foreign countries the police are expected to engage in brutality, partisanship, and oppression. That is their job. In Haiti, we once asked, hypothetically, how the police might handle a large crowd assembled in front of the police headquarters. One of the interim Haitian officers raised his hand and said, "Beat them?" He thought he had the right answer, and under the old regime it would have been. Several years ago, one of Haiti's politicians had taken the risk of making an antiregime speech in front of police headquarters. A plainclothes officer came outside and shot him in the head in front of civilian witnesses.

Certainly, people in this room know that in America we have our own problems with corruption and excessive use of force among the police, but these never reach the level of impunity practiced in Haiti under the old regime or practiced among dictatorships around the world. American police problems pale by comparison with those of emerging democracies. For one thing, we recognize corruption and brutality as problems that need to be corrected, not as qualities in the leadership to be accepted.

I got a sense in Haiti that the police waited in station houses, playing dominoes, until they received orders from higher up to go out and do harm. There was no tradition of public service that one could associate with the police. Police officers were assigned to traffic duty, but little else was done to accommodate the public. There was no attempt to combat corruption. The police were not expected to conduct thorough investigations of

accidents. We learned this early on from a bus accident in which five people were killed and no regular police responded with an investigation. Police did not respond, they did not remove the injured to hospitals, they did not remove the dead, nor were they of much assistance. Good samaritans in the town where the accident happened took it upon themselves to bury the unknown victims on the spot. This was deemed a public service in light of the hot weather.

Preparing for an invasion of Haiti, the planners envisioned having a separate police monitoring force. This was a good idea for two reasons. First, Haiti's police were notoriously bad and indistinguishable from the Haitian military. If the U.S.-led invasion was to take out the Haitian army, it made little sense to leave the police in place. Secondly, the American planners recognized that it was best to have police interacting with police rather than with the soldiers. Instead of having only soldiers act as police, we had police from 20 different countries interact as monitors with the Haitian police. It was a simple idea that turned out to be brilliant. We have the Department of State's Bob Gelbard to thank for putting it together. Bob brought professional and highly motivated police from about 20 countries together with about 300 translators. The total package of about 1,300 international police and personnel constituted a monitoring force. Bob also thought about simple things like recognizing that French is not the same as Creole. He supplied enough Creole-speaking interpreters to accompany every patrol in Haiti. They gave a lot of themselves. I have spent a career in law enforcement, and I was very impressed with the caliber of the police monitors from countries as diverse as Belgium, Benin, Australia, and the Philippines. Each country had made it a point to try to send the very best. As a result, we had a professional, disciplined, experienced police force monitoring the Haitian police. Our job in Haiti was frequently complex. First, we had to stop human rights abuses by the Haitian police. Second, we had to monitor the retraining of

the remaining force. Third, we had to pave the way for the U.S. Department of Justice to set up a program to train new people.

The first part was relatively easy. In our monitoring of human rights, the Haitian police were afraid of us, afraid for their future, and afraid of the public. While Haitian police were agreeable to stopping human rights violations, they were not particularly enthusiastic about functioning in our new matrix until a new force was in place. Given Haiti's total lack of experience with police as most democracies would know it, we should not be surprised that the international police monitors' experience and conditions were so harsh. The life-threatening situations were many, especially in the first few months of our operation. Very often this involved stopping mobs from exacting street justice on each other or common criminals. Sometimes a political rationale would be used to settle a personal score.

The monitors were also directly engaged in public services commonly associated with the United States and not with Haiti. Such services included, for example, responding to the bus accident that I described earlier and disaster relief in the case of a hurricane that struck while we were there. Very often, police monitors put injured persons and corpses into their own vehicles to get them to hospitals and to provide for the dignified removal of the dead. This is the kind of service we would normally expect of law enforcement, but one thing the Haitian police did not have was a tradition of public service. They also simply lacked the vehicles. In my judgment, it was important for the monitors to be fully engaged proactively. To do otherwise would have undermined our credibility and clashed with a professional police attitude that encouraged them to act with a sense of duty in a required fashion. To put this much in action, the Haitians needed new vehicles, along with instructions to control the restructuring of their profession.

Initially, it was the tendency of the foreign police monitor to sit in the front seat of the vehicle while

the Haitian officer and the interpreter would sit in the back. In a two-door vehicle, this meant that the police monitor would be the first out of the vehicle. This arrangement reinforced the Haitian officers' tendency to hang back and let the monitor do most of work. Soon we insisted that the Haitian officer sit in the front. That meant that he would be the first out of the car and the first to engage. It seemed a simple idea and came initially from the Australian monitors, but it was an important mentoring tool.

The U.S. Army, U.S. State Department, and supporting contractors established our own communications network that we maintained with the commanding and operations officers of each foreign contingent, who met twice a day to address deployment issues and strategy. Unlike the United Nations, which would integrate each of the teams of police from various countries, we kept individual contingents—in fact, separate factions—and assigned them to different regions. For example, the Bolivians patrolled a border town where there was a high concentration of Spanish speakers among the population. We assigned the Israeli contingent to a particular area of Port-au-Prince. All the Jordanians were assigned to the opposite side of the town. Each contingent brought its own strategy. In addition, the international makeup had the advantage of conveying to the Haitians that this was not simply an American operation. I think that idea was better conveyed by the fact that the national groups were deployed in force in a particular area.

All of the contingents shared democratic values, but it was necessary to articulate the importance of democracy. There are only so many interpreters who can translate Arabic to Creole. Deploying the foreign contingents in discrete units was, I believe, essential to the integrity of our command structure and better for morale. The police monitors were better organized and more confident with issues. We deployed some contingents within 24 hours of their arrival in Port-au-Prince. Again, the foreign contingents had a level of professionalism that

could be expected in a large American police department. For example, the Bolivians engaged the Haitian police in a complex narcotics investigation and even organized a sting in which Haitian police arrested a corrupt Haitian police supervisor, definitely a first in Haiti. The Israelis were experts in community relations and quickly made the public feel welcome, encouraging requests for police services. The Belgians could organize a local population to meet immediate needs. In one of the few shooting incidents, we had a Haitian government police doctor treating a Haitian suspect wounded by an American police officer. Under the old regime the suspect would have been allowed to die with no questions asked. Treating him on the spot was a practical application of democratic values.

The jails were another matter entirely. They were medieval and presented us with a problem. After insisting on the humane, professional treatment of suspects, we would have to turn them over to prisons that were overcrowded, unsanitary, and dysfunctional. We had to deal with many issues like making sure that the prisoners were fed. We also investigated reports that people were held without seeing judges or that those who were incarcerated prior to our arrival had no record of why they were being held and for how long. With these issues, the problem of Haiti's corrupt judiciary surfaced. This became the focus of a long investigation.

We quickly learned that police monitoring is inevitably linked to prison and judicial reform. A prison cannot be reformed without a drastic change in the judiciary. If a corrupt judiciary is left in place, it will quickly undermine all the hard work that went into reforming the police in the first place. It is an issue that the United States should be prepared to deal with in other emerging democracies. America is still a young nation, but we are the oldest democracy and have a great deal to offer to those that are newly developed, especially when it comes to law enforcement. Most emerging democracies are poor. We, as a wealthy

state, should be prepared to help equip and monitor the training. Basic equipment needs, and I will stress *basic*, not high technology, should be an integral part of training and should not be ignored. This should include, for example, equipment for protecting the police and citizens.

We painted the police station white, since the old yellow color was associated with the old regime. Together with the U.S. Army, we took machine guns away from the Haitian police, and we helped them get some restored, working sidearms. Again, this was a practical application of democratic values. Police forces armed with machine guns actively intimidate the public. Police armed with pistols are armed to protect themselves and others from deadly harm. This is an important distinction for police in an emerging democracy. Fortunately, not every emerging democracy is as poor as Haiti, but presumably equipment needs may still be severe. Americans are bringing much more than equipment to the table when it comes to police experience. These are the intangibles of democracy that are far more important than weapons. They quickly become real in the hands of teachers of organization and professionalism. Along with our traditions of organization and professionalism for the police are preservation of the rights of the accused, protection of free speech, and nonpartisan conduct of the police. These are not theoretical issues for the people in emerging democracies.

They are very real and practical. The United States can be an effective role model by showing emerging democracies how to separate the police from the military, as difficult as that may be. We can show them how to professionally hire and train police, how to safeguard suspects in custody, how to maintain order without breaking up a peaceful demonstration, how to restrict the use of deadly force, or how to protect voters at ballot boxes on election day regardless of who is being elected. American police do all these things very, very well—probably better than just about any other police force. For the most part, they are also done instinctively, which is why members of American law enforcement are first class. They are great teachers when it comes to police issues.

President Aristide and Ambassador Gelbard said that the second election will be Haiti's most important. In Haiti, or in any other emerging democracy, how the police conduct themselves on that second election day may be the greatest test of all. What occurs on that day may determine whether there will be a third election. The facilitation and maintenance of order during the peaceful change of the legitimately elected government will be the ultimate test for police in an emerging democracy. American law enforcement should proceed to teach the lessons necessary to get to that point.



# Toward Democratic Policing: Rethinking Strategies of Transformation

by Clifford Shearing

with the assistance of Jennifer Wood

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, South Africa, Nigeria, or South Korea,<sup>1</sup> the analysis of the problem and the prescription for reform are much the same. The police in these countries are to be transformed from authoritarian, partisan instruments of government into modern police institutions that are nonpartisan 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 sync 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 a theoretical flight even though our philosophical wings beat above a terrain that 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, have been changing within established democracies. Finally I will turn, using work that I have been involved with 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 which operate in ways 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 has argued, "perhaps no other institution is more central to the success of democratic nation-building than the police."<sup>2</sup>

Policy initiatives to transform the police within emerging democracies focus attention on two principal arenas. The first is police operations. Ronald Weitzer's comments on the problems with the South African Police (SAP) 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.<sup>3</sup>

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 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. Etannibi 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.<sup>4</sup>

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. Frederik 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."<sup>5</sup>

To accomplish this depoliticization 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 they will be directed by people rather than by governments. This, it is argued, can be accomplished in a variety of ways ranging from enabling the police to react directly to individual citizen requests for service through a 911 dial-a-cop type strategy,<sup>6</sup> to requiring the police to work directly with communities to identify safety risks and then work with them to reduce them.<sup>7</sup>

The second strategy for depoliticizing the police involves insulating them from direct political control so as to ensure that they are, in Lord Denning's 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."<sup>8</sup>

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. 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 their practices.

Underlying this conventional view is the argument that the problems of developing a nonpartisan state police are ones that established Western democracies have wrestled with for decades. While these nations may not have 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 full of potholes and dead ends ahead and help them negotiate the turns they should be taking. In order to share this experience, Western nations are dispatching hordes of analysts and police officers to emerging democracies throughout the world to offer advice 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 has been developed from a partial view of policing and of 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 more generally on a restricted view of governance. 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 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 the aspect of governance that is concerned with providing 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 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 the dream of a democratic police, but it argues nonetheless that as they are farther 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 wish to remain committed.

It is not that we no longer believe in liberal-democratic ideals. Rather, we question 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 in a period of neoliberal 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 involving a challenge to the assumption that governance should be a state monopoly and more particularly that it should be driven by the expert knowledge of state professionals. Skepticism of state institutions includes skepticism of the police as the institution that should be providing safety and security.

This challenge to our conventional wisdom and to the institutions of liberalism that it takes for

granted and defends is taking place most obviously via a widespread polity initiative that argues that institutions of state governance should not be exclusively state based and that they should not depend exclusively on the work and knowledge of experts. Some argue that governance should not simply be the business of professionals but should be everybody's business. People, it is said, should be involved in their own regulation. Peter Drucker says that governance should be taking place through a "social sector" of civil institutions. In arguing for the feasibility of this governmental shift he notes that "almost every other adult" in the United States works at least 3—and often 5—hours a week as a volunteer.<sup>9</sup> This is time and energy that can, and should, be devoted to self-governance.

This initiative for a "reinvention of government,"<sup>10</sup> which William Eggers and John O'Leary have recently dubbed a "revolution at the roots,"<sup>11</sup> 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. Two consequences of this argument are being realized, one more radical than the other.

The less radical version is a new dream of democracy that seeks to make government "smaller, better, and closer to home."<sup>12</sup> This argument has been articulated by Eggers and O'Leary in relation to policing. 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."<sup>13</sup>

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."<sup>14</sup>

The language of this rethinking of the institutions of liberal-democratic governance is one of inter-agency cooperation, local initiative, and public-private "partnerships."<sup>15</sup> What is maintained is that the work of governing should be devolved to citizens through a process of "responsibilization."<sup>16</sup> In this less radical version, devolution is designed to shift control over governance away from the state; government is not seen as "taking a back seat."<sup>17</sup> In essence, what is envisaged is a shift in the rowing of government but not the steering.<sup>18</sup> This intention is nicely captured by Nikolas Rose and Peter Miller when they speak of neoliberal governance as "rule at a distance."<sup>19</sup>

Within the policing arena, the most obvious evidence of this partial devolution is found in community policing initiatives that redefine the police as brokers of community resources that mobilize and coordinate. In arguing for this form of devolution, Eggers and O'Leary note:

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.<sup>20</sup>

In addition to this form of devolution there is a second form 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.”<sup>21</sup> Private policing is associated with the growth of what I think of as corporate governments that govern contractual communities. Literally throughout 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 have been called “mass private property” being governed by “private governments.”<sup>22</sup> Examples of these territories include the gated communities found throughout North America and in many other parts of the world, recreational spaces such as “Club Meds,” and what I like to think of as the “industrial Club Meds.” These latter territories are often huge spaces that one finds in countries like Zimbabwe, in which tens 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 India Companies and the Hudson Bay Company. In addition to these “real” territories of governance there are a variety of virtual territories governed by corporate governments, such as the corporate entities that govern financial markets.

This corporate regulation not only predates the neoliberal “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 neoconservatives. In the case of corporate governance, the role of the state is not one of governing at a distance through the private sector. Rather, the state provides a framework for the regulation of multiple sites of governance. Here the state’s role is less one of a player and more one of a referee to ensure that the various private governments 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 words,

“communities of choice not fate,”<sup>23</sup> in which democratic control is exercised through consumer choice rather than through the ballot box, which allows, as he notes, “citizens to vote once every few years and to pay taxes all the time.”<sup>24</sup> This displacement of sovereignty is leading to the development of new forms of governance that have elsewhere been referred to as a “new feudalism.”<sup>25</sup>

## 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 are being exposed to the neoliberal 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 will 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 which 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 realizing 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 that 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 people 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. We have sought to promote a vision of reform for policing and for justice more generally that recognizes the devolution of governance being promoted both through the advocacy of a neoliberal philosophy and the emergence of corporate governance. In this work we do not accept uncritically the neoliberal claims that devolution of governance and the commodification of governmental services do 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 in fact taking place and must be acknowledged and engaged, there is no point in acting as if the old liberal-democratic dream of a state monopoly of government continues to 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 neoliberal developments, especially for poor people, there is much in the devolution of governance being promoted by neoliberalism that deserves more than a simple condemnation. We have argued that what is required is not a rejection of the devolutionary tendencies of neoliberalism but rather its construction in ways that will challenge the more undemocratic features of the neoconservative mobilization of this reassessment of classic liberal tenets.

Within the policing field this stance has translated into programs 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 hallmark 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 has provided the corporate communities with control of both the rowing and the steering of policing, and the other that has sought to devolve to poor communities the rowing of policing but not its steering. Our framework identifies this as institutionalizing two sets of governmental institutions under the umbrella of a single set of neoliberal principles—one for the rich and one for the poor. We regard this strategy as a critical feature of the neoconservative response to neoliberal 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 neoconservative agenda within policing and to use this as the basis for building a conceptual and normative platform for promoting alternative forms of neoliberal governance.

The strategy we have adopted in South Africa in light of these considerations has four related components:

- Seeking to reshape the police in ways required by the conventional wisdom through retraining and enhanced accountability.
- Engaging 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.
- Establishing blacks as powerful customers with ability to control their security.
- Striving to do this in a manner that will keep currency in the present South African political climate.

This strategy has been pursued on two principal terrains. On the one hand, the Community Peace 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 those of most Western countries in the extent to which they provide for citizen involvement at the station level, they 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 in respect to the way in which responsibility for security and policing have been assigned. We successfully persuaded the multiparty 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 enable the establishment of laws that will give at least part of the budget for security to local levels of government. Local governments can use these funds 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 they can be mobilized to empower blacks as consumers of security. Our objective has been to place policing resources at the lowest level possible within the state.

The model we have considered proposing is a modified version of the Canadian arrangement whereby the Federal police can be hired by other levels of government contractually 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 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. While *policing* should not be conceived in terms of the application of nonnegotiable physical force, the *police* role should 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 who believe 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 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 in which 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.

The empowerment that market relations can provide can only be accomplished within the security arena if the above analysis is correct and if solutions can be found to the following problems:

- Identifying communities that share interests.
- Stressing the need for these groups to develop the skills and knowledge required to operate as demanding customers of security services.
- Devising some scheme to provide poor communities with access to buying power. Within the legislative framework we have devised, this means finding a way to turn the tax revenues available to local government into purchasing power that can be deployed at the level of specific groups.

- Doing all in a manner that is consistent with the municipal government's responsibility to facilitate the provision of security—the backbone of our legislative framework.
- Empowering black people to become powerful customers within a context that recognizes the police responsibility for the exercise of nonnegotiable physical force and their responsibility to preserve the state's monopoly of force.
- Empowering black people to engage and reap the benefits of problem-solving, risk-focused policing if security is to be provided.

We are still a long way from having models that meet 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 Centers as institutional sites of these responsibilities. We envision that these centers will be situated at the neighborhood 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 Center representative. The intention is that these persons will work together within these forums to develop plans for policing that will benefit the group.

We are experimenting with two ideas to avoid the problem of the community component in this



triangle being overwhelmed by the other two parties. 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 yet to tackle this issue.

We are unclear as to how to fund the plans developed through these dialogical forums and how to keep operational control at a local level. One idea we are considering is establishing well-funded corporate entities at the Safety Center 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 Centers are responsible. One idea for holding these corporate entities accountable to the communities they are required to serve would be to establish regular meetings with people in the area. These meetings would operate in a way similar to shareholder meetings in nonprofit companies.

In developing these plans and ideas we are working in two ways. First, we are examining local initiatives, of which there are many in black South African towns. 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 develop pilot projects that will work in conjunction with local community groups. Exactly what the final institutional arrangements will look like will depend on what

transpires in these processes. While we are a long way from finality, we are confident that we are on the right track and will make considerable progress in reinventing policing to give blacks substantial control over their security arrangements. 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 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.

## Notes

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# Reflections on Day One: Strategic Implications

*by Michael Smith*

Today our task is to explore how knowledge about policing might most usefully be transferred to emerging democracies. I've been asked to review our discussions up to this point, as they bear on the strategic matters we are to take up today. As my reflections have a primitive appearance, even to my own eye, I am reassured to remember the charge given us yesterday by Ambassador Robert Gelbard and Jeremy Travis: This is the beginning, not the end, of a collaborative exploration of these matters.

My reflections are shaped, of course, by my own experience of "technology transfer." Limited though it is, I think it proper to disclose it. Some years ago, encouraged and financed by several private foundations and the U.S. Department of Justice, the Vera Institute of Justice worked with criminal justice officials in central government and at the local level in England, France, and the (then) Federal Republic of Germany. The object of this work, for which I had principal responsibility, was to bring to bear in those countries the techniques developed and the lessons harvested by the Vera Institute from a couple of decades' engagement in reform of U.S. police, court, and correctional practices. There was a healthy appetite there for the practical and technical knowledge we had drawn from our work here, but our European clients were too eager for us to help them replicate U.S. reforms in contexts we understood imperfectly at best. And we were too willing.

While some of these transfers worked reasonably well from the start, and while all of us who were posted abroad to assist in the replications learned a lot about our own system by looking back at it through the lens of these experiences, we were, in

effect, just guessing about what in our experience was likely to be useful to our foreign hosts. In time, that led us to amend our approach to the task. We began identifying (mostly) young officials who seemed to have the passion and capacity for reform of their own criminal justice systems, and we began bringing them to the States to work alongside us here. We had confidence that if our initial judgments were right, our handpicked guests would learn a lot more about how to do this kind of work in their setting by watching us struggle in ours. I think we were right. They were far better positioned than we to find what was relevant to their problems, to draw productive analogies to their own circumstances, and to take home techniques and practical lessons that they could apply more creatively than we could. Certainly, those we recruited into this endeavor, who came to the States for several months, did a better job of it when they went back than those we tried to help directly when we were abroad.

Now I recognize that I am reporting only my own experience, and I hasten to acknowledge that the countries with which Vera was concerned were not emerging democracies. But after listening to yesterday's discussion, it occurred to me that we in the United States are too quick to think of ourselves as the only (or best) agents for transferring to others whatever knowledge we have that might promote and sustain democratic institutions abroad. We, and our friends in the emerging democracies, might work a better transfer of our knowledge if we were to facilitate their direct exposure to our practices (good and bad) and if we were to encourage them to judge the value of what we may or may not have learned about these matters here.

Let me now touch on a few of the points made yesterday that could help frame today's discussion. Philip Heymann started us off in a direction I at first found puzzling, because he didn't seem to be talking about emerging democracies in particular, and he wasn't talking about policing in particular. As the day wore on, I think I began to understand why he took that broader view, and why he insisted on our being "impatient" and using muscle (when we have it) to push for democratic policing everywhere. In his view, it is in our national interest to promote and sustain strong democracies abroad, and strong criminal justice systems are essential to strong democracies. Strong criminal justice systems are essential, he argued, because government institutions lose popular support if they cannot do a reasonable job of public safety, and because a criminal justice system that is corrupt or grants immunity to the powerful cannot long enjoy the popular support that effective delivery of public safety requires.

I came to understand that Phil was demanding what Paul Chevigny identified as "rule-of-law policing"—a phrase I think we found more fitting than "democratic policing." But as the morning wore on, Phil's insistence that rule-of-law policing be at the core of U.S. engagements with criminal justice systems abroad became a potential source of conflict within our group. (Actually, that conflict rose pretty quickly—I just didn't see it the first time around.) Someone pointed out that we don't have enough Federal agents to protect our children from Eastern European thugs—unless we form partnerships with law enforcement there. From one point of view, those partnerships can't wait for the emergence of democratic or rule-of-law policing in Eastern Europe.

I began to realize that the subject matter of our meeting had something to do with what ought to be the shape of U.S. law enforcement interventions in foreign countries—whether they be emerging democracies, declining democracies, fledgling democracies, or whatever. What ought to be the

shape of our impatient, muscular interventions when a short-term domestic law enforcement interest is in conflict with our insisting on rule-of-law policing (and, presumably, with our long-term interest in stable democracies)?

I don't think we had a frank discussion of this question, and I am left unsatisfied by yesterday's suggestion that this conflict, if it arises, is bureaucratic and not substantive. Among the things we might usefully do today are:

- Better understand conditions that require a choice to be made between our short-term law enforcement and our long-term strategic interests.
- Specify who should make the choice.
- Identify the principles that ought to guide the choice.

The likelihood of such conflict arising ought not to stop us from trying to be helpful to other nations by making available what we've learned about effective policing in a democratic society. I suspect we are in some way embarrassed by the fact that from time to time we will trade long-term interests in something as obviously "good" as democratic policing or rule-of-law policing for some short-term interests that can't be ignored but don't have as nice a ring to them. I am pretty sure it would help our conversation for us to be a little more open about this.

Clifford Shearing's presentation took us on a trip around some very different territory, though I think what he actually said fit remarkably well where Phil left off. That is, because the institutions that generate public safety are not exclusively and maybe not even principally institutions of the state, then some of our dearly held propositions about the importance of the police and of the criminal justice system need to be questioned. If I understood Clifford, that questioning is itself central to what we ought to be sharing with those in emerging democracies who are struggling to generate

public safety as a foundation on which to build institutions of democratic government. He also opened the door for a conversation about community policing and problem-solving policing—matters which Phil said he was *not* going to talk about but which are very much on the minds of U.S. police personnel today.

As I thought about how undiscovered is most of the territory that lies through the door Clifford opened, I recalled a helpful remark Carl Klockars made at some point in yesterday's proceedings. In this country, he said, we do not really understand very well how we produce public safety or who plays what role in producing it. As a consequence, he pointed out, we are somewhat mystified by our successes.

Of course, we seem to understand it well enough to do it rather well sometimes, and to try to reform it (as police officials are now trying to do across the land). But perhaps we don't yet understand our successes at the level that would be appropriate if we were to try to teach others what we know—another reason for at least the appearance of humility when offering help in emerging democracies.

Those are some of my reflections. Perhaps they reveal no more than my unfamiliarity with a conversation that seems to have been going on for a long time within the Federal agencies represented at this table.

But reflection, which was required of me, led me to try to fix a meaning for the stated subject matter of our meeting. Is there an assumption that, for example, policing or the form of it can produce democracy or frustrate the production of it? It may be that the latter is true, but it is hard to see how the former could be true. That is, policing, or changes in it, can operate to undermine democracy in all the ways Phil suggested at the head of our conversation. But can it produce democracy? That seems unlikely to me for the same reasons we now question the extent to which policing can produce safety. Policing is powerful, but maybe not that

powerful. A more modest goal for our own policing might be to facilitate and defend the nongovernmental, safety-producing process that Clifford Shearing referred to. Abroad, we might similarly try to facilitate the emergence and defend the practice of policing that doesn't interfere with the development of democracy. It might be wiser to try for policing that is not incompatible with democracy rather than try for policing that will somehow produce it. If so, we should be assisting the development of policing that is perfectly neutral with respect to all political questions, including questions of the pace and type of democracy that might be emerging.

One final point: I was very grateful to David Bayley yesterday for his timely story about the transfer of Japan's Botan technology to Singapore, because it reminds us of how long it takes to do any of these things. Seven years—which, as I remember, was the timeline for the Botan reform in Singapore—sounds about right for a successful technology transfer. It certainly conforms to my own experience, about which I spoke a few minutes ago. It *should* take that long for effective intervention to reform another jurisdiction's law enforcement methods, even for such a relatively simple (though potentially powerful) intervention. (If it were easier and quicker, we would wonder whether it really represented a reform, or a reform of anything important.) It occurs to me that David's story is welcome as well because it reminds us that we should not be surprised to hear that successful transfer of the Botan seems not to have much advanced the emergence of democratic institutions in Singapore.

In sum, I didn't come away from yesterday's discussion thinking the United States should stop trying to help in this field—only that we need to be modest in the way we go about it and modest in our expectations of the likely effects of our interventions over time. That leads me back to where I began these remarks, but now with a sharper question on my mind. If we are interested in the

long-term development and stability of democratic institutions abroad, which surely we are, and if we believe that the style and quality of policing have some relationship to that ambition, which none of us questioned yesterday, then why are we not spending more time looking for individuals whose own ambitions and capacities suggest they could use our experience well in their efforts to accomplish such things in their own countries? Why are we not devoting more effort to bringing them here, in capacities that permit them to learn, at their pace, the things that, in their own view, they need to learn? Why do we spend so much effort sending folks from here over there, to offer a menu of things we think might be relevant to folks whose circumstances we barely understand?

### Questions and Answers

**Q: Norval Morris.** Thank you, Michael. I have a question I want to ask you and others too—not a major one of your points, but quite an important one to me. Is the proper question “Can policing produce democracy?” or is it slightly different? Is a criminal justice system with the values that Phil offered essential to produce democracy?

**A: Michael Smith.** A stronger proposition, it seems to me, is that a criminal justice system (particularly, a style of policing) that doesn’t respect democratic values, that isn’t prepared or capable of either producing public safety or bringing to justice those who with impunity violate the law, makes it very difficult for democratic institutions to develop and thrive. Not least because of the corrosive effect such a criminal justice system has on the trust and confidence that individuals have in their governmental institutions. The other way around, though, just doesn’t strike me as plausible. It seems to me unimaginable that one could produce the political habits and institutions of democracy by reforming policing operations (or even a criminal justice system) in a jurisdiction lacking those habits and institutions. That just doesn’t make sense to me.

**Q: David Bayley.** Michael, I wanted to reflect a bit on your idea about where we do this training and why here rather than abroad. I am attracted by that notion. It seems to me, however, that your recommendation is more than simply moving the site of training. I think what you are saying is that American training tends to be very didactic and it also tends to be very pretentious. It doesn’t matter where we do it—whether we do it here or do it abroad. We tend to say the United States does democratic policing, we do it the following ways, and here they are.

What is really important is that wherever we do this we have got to stop and we have got to understand. This is tough to do because to some extent this business of creating democracies through police reform is a holy cause. We have got to realize that we must create a dialogue here between the people in these countries and ourselves in which we examine if what we are doing is truly both as effective and as democratic as we think.

You suggest to me that the people who might help in this business of foreign training are not exclusively the appropriate people and that this dialogue to some extent needs to be mediated by area experts and people on our side who are familiar with how the institutions of law enforcement in our society evolved. I think it is that kind of openness you are asking for, and we have got to do it every place.

**A: Michael Smith.** I hear all that. I guess I was speaking without much precision about several things. One was that I believe it likely that contributions from our experience to the development of rule-of-law policing and democratic institutions abroad through police reform are most likely to occur when imaginative, inspired, creative, smart people from such jurisdictions come here and take what they can from our experience and practice. Our job then becomes one of being open to those inquiries and helping them become specific.

Also, when I asked why we don't spend more energy bringing people here to learn, I was trying to point back to the potential tension between long-term U.S. interests in developing stable democracies with strong criminal justice systems and our short-term law enforcement interests. What might be given up if we brought people here rather than send people there? There are several possible reasons for not bringing them here. One is just simple pretentiousness, but I don't think it is that simple. It occurs to me one of the reasons might be that sending our law enforcement personnel there serves our short-term local law enforcement interests. Although the primary assignment might be to train others in our ways, being there affords opportunities to form partnerships with them. Again, this suggests to me that we should separate these two U.S. interests, think of them as separate, and deal with the conflicts if and when they arise.





# Reflections on the Transfer of Knowledge to Support Democratic Policing in Hungary and Romania

by Deborah G. Wilson and William F. Walsh

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 breakup of the Soviet Union, the destruction of the Berlin Wall, 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 that since World War II have been enclosed behind the Iron Curtain and 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 accelerated, established state institutions, such as 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.<sup>1</sup>

They had little concern for individual liberty and were expected to convey party authority to the everyday life of citizens.<sup>2</sup> As a result, the forces of order, especially the police in the majority of these countries, are currently 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 Institute<sup>3</sup> 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 on democratic principles made contact with the Romanian National Police Force. During the past 2 years, these initial contacts have resulted in establishing an ongoing relationship with representatives from both organizations and accomplishing a number of activities in conjunction with these two organizations.

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

- Conduct of a management training and educational needs assessment within the Pest County Police Department.<sup>4</sup>
- 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.
- Development and implementation of an undergraduate degree program at Godollo University specifically targeted for inservice police officers. This program is 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 4-year undergraduate degree in public administration with a concentration in police management. This program is unique not only in the

nature of the degree but also in that it is an educational program not subsidized by the government. Officers participating in this degree program pay tuition themselves.

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

- The development of three seminars, in association with the Project on Ethnic Relations,<sup>5</sup> on policing within a democratic model and police-minority relations. The first of these was a series of 2- to 3-day presentations conducted at three different sites in Romania. The second was a 3-day conference during which representatives from the national police force and the Roma<sup>6</sup> participated in a joint workshop. Issues of common concern were identified and proposed solutions developed during the seminar. The third of the seminars consisted of a 3-week training program, "Issues in Democratic Police Management and Minority Relations."
- The development of recommendations for organizational and procedural changes to address specifically police-minority relations within Romania based on problems and difficulties identified by the Romanians. The recommendations have been forwarded by the Project on Ethnic Relations to representatives in the Romanian national government, the Romanian Council for National Minorities, and leadership in the Roma community.
- Discussion of an ongoing program of training that would involve establishing 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 that have contributed to successfully establishing the ongoing relationships are virtually identical.

This analysis will now address:

- The philosophies, orientations, and modes of entry that resulted in successfully establishing

these ongoing relationships and the accomplishment of related activities.

- The needs and issues that have been identified as evident within these two organizations as they attempt to adjust to a new political model of 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 occurs when those affected by it perceive there is a need for, justification for, and value to be gained by changing the status quo.<sup>7</sup> This condition existed before both of the initiatives currently under way 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 with longer-range 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 U.S.-made cars with individual State license plates (e.g., New York and California) still attached could be observed daily on the streets of Budapest. The Hungarians had limited technology and

limited relationships with U.S. police departments. They believed rectifying these deficiencies was essential to their ability to more adequately address this crime problem.

Representatives from the Pest County and Budapest police departments organized a visit to the United States, funded by Hungarian insurance companies, to develop professional ties and learn more about the technical and operational means by which U.S. police addressed auto theft. Secondly, members of this delegation recognized an additional need to provide Hungarian police officers with more efficient and effective management education.

The current system of educating police officers in Hungary is based on the classical continental model that establishes two points of entry, one for noncommissioned ranks and another for commissioned officers.<sup>8</sup> Police are trained in 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, they are not trained specifically in management practices 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 created a need for more efficient and differently oriented police training and education. As a 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 began at the request of a faculty member within the department of sociology who had a direct interest in Romanian culture and, more specifically, in changes within this society

that had occurred as a result of the transition from a Communist to a 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 received no response 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 that had been submitted to the Romanian National Police Force. During this same period, the Project on Ethnic Relations had conducted a series of studies to determine the nature of several violent events involving the Roma that had occurred in Romania during the early 1990s. These events, primarily involving incidents of vigilante justice 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 escalating the violence. The Project on Ethnic Relations had determined that cultural factors such as the police perception of the Roma and the limited technical infrastructure of the national police force had, in fact, contributed to a situation in which violence escalated more than necessary. As a result of these conditions, representatives from the Project on Ethnic Relations participated in the creation of a Council for National Minorities, dedicated to improving the status of minorities within Romania. This Council consisted of prominent leaders within the national government as well as the Roma and Hungarian leadership.<sup>9</sup> 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 of the University of Louisville 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. Entry into the organizations was 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, there was substantial interest in promoting change. It is also important to note that research has found that the effectiveness of any planned change is directly dependent on the degree to which members of an organizational hierarchy take part in factfinding and in diagnosing the need for change.<sup>10</sup> 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, the degree to which the national and cultural heritage of a people shape their organizations, the processes of these organizations, and the orientation of organization members are 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 an appropriate context.<sup>11</sup> Additionally, the strengths of an organization must be recognized. Attempts to promote change based on the premise that there is nothing worth salvaging within an organization will be met with great resistance. They are more likely to succeed if change is seen simply as a means of enhancing existing strengths.

Both the Romanians and Hungarians exhibit intense 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. The people 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 they believed their training was patronizing, ethnocentric, and of little value since it assumed their organizations should be more like those in other nations and that a total, indiscriminate, and direct adoption of these alternative organizational forms was necessary.

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 that included an understanding of the history and circumstances that governed organizational structures and policies was developed. The U.S. contingent attempted to gather as much information and insight as possible into the national culture and the organizational orientation and processes within the law enforcement organizations. The rationale 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.<sup>12</sup> Differences in policing styles and the rationales for these differences were identified and discussed. Strengths of both organizations in preservice training, technical expertise, and organizational processes were identified and recognized. It was apparent that this entry by change agents with an orientation to cultural relativism had not previously been 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, U.S. 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 used. 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 follow only when those affected have a vested interest in promoting or adjusting to the change. In all activities, an assessment and identification of the needs to be met through change were developed in conjunction with those to be affected.

A management training and educational 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; it also included 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 weaknesses of current practices in meeting their organizational needs were conducted as well as a structured assessment of the responsibilities and activities of police managers, their prior educational and training experiences, and their perception of the future needs of their organization. Reviews of curriculums, 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. During the first two seminars Romanian police representatives were 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. It also promoted discussions on establishing longer-term educational programs through the creation of an institute. Participants invited to this conference included leaders of both the Romanian National Police and minority groups, primarily the Roma. The conference functioned as a workshop. On the first day, minority and police representatives met in a general session, during which each group was provided equal and alternating opportunities to identify problems, issues, and needs related to police-minority relations that required some attention. The U.S. participants recorded the issues identified.

The list of concerns was then categorized, and on the second day of the conference participants were assigned to working groups. These working groups comprised equal numbers of minority and police representatives. Each had a minority and U.S. 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, U.S. representatives discussed proposed strategies and solutions, providing descriptions of the failures and successes within U.S. law enforcement as they related to the various issues. A joint document identifying common concerns and cooperative solutions was developed. This document served as the foundation for a series of recommendations that were forwarded to leadership within the Romanian and national police force from the Project on Ethnic Relations and the U.S. representatives. The Romanians have instituted several programs of organizational change based on these and other recommendations sent to the Romanian National Police Force as a product of exchanges that occurred during these seminars.

**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, it did not create widespread havoc or result in the development of police organizations without professional standards and significant strengths. It has created needs that will be discussed later in this paper. Both police organizations, however, have identifiable and recognizable strengths, many of which would enhance U.S. law enforcement if they were adopted here. Specifically, educational requirements for both commissioned and noncommissioned officers in both of these police organizations are more stringent than those of most U.S. police departments. Officers in both organizations have a much greater understanding of technical criminalistics and forensics and procedural criminal law than U.S. 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 than U.S. police officers to be bilingual and well versed in addressing investigative and prosecutorial issues related to international crime or crime that traverses jurisdictional boundaries.

All seminar activities took the form of dialogues with police participants. The needs within the Romanian and Hungarian police organizations were compared to situations, needs, and problems within U.S. policing and the U.S. policing experience. U.S. organizational philosophies, procedures, and policies were presented as items for consideration. The strengths, weaknesses, successes, and failures of strategies and activities conducted by U.S. law enforcement in response to 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, the Los Angeles riots, and the O.J. Simpson trial were of specific and special interest. These incidents along with other events related to the police role within the U.S. democracy were discussed with candor. Our recommendations for change were received more readily when problems, failures, and frustrations related to change within U.S. society and U.S. policing were recognized and shared.

**Establishment of trust and personal relationships.** Based in part on differing cultural traditions and in part on sheer numbers, one of the primary adjustments necessary for engagement in Romania and Hungary was these societies' extensive reliance on personal relationships rather than organizational roles and positions, in both police organizations and other government organizations. The Hungarians follow a formalistic organizational structure and protocol and are 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 problem solving. Representatives from both organizations (especially the Romanians)

base decisions for ongoing relationships with external agents on personal ties and ensuing individual trust. Most specifically, the success of activities in both countries was promoted as the project team members developed trust, friendship, and personal commonalities with individuals from both police 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, U.S. 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.

In Hungary the experience was similar. The hospitality shown to the Hungarians while they were in the United States and the open and informal discussions established personal bonds that led to the development of a more formalized professional relationship.

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 agriculture-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 precedence over more structured and formal interpersonal ties. The cultural ethos, though currently one that values participation in activities and lifestyles more comparable to Western, modern society, still

reflects reliance on personalized relationships as important and sustaining factors in people's lives.

**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.

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, in both Hungary and Romania as organizational circumstances and incumbents changed, the course of the initiatives was necessarily adjusted, and appropriate accommodations were made.

**Ability to show evidence of long-term interest and commitment.** The current social, political, and economic situation in both countries is uncertain. The dissolution of the Soviet Union and change to a democratic form of government have created massive social change and instability. Representatives from police organizations in both countries realize they are a visible and central component of social and political stability in their societies. They are seeking a means of establishing stability both in their societies and in their specific organizations. They understand the slow and deliberate process of achieving 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 in both sites have been discussed and planned as part of a broader and longer-term program of professional change and education.

The 4-year college degree program in Hungary has been established as a cooperative degree program. A board to determine program effectiveness and direction has been proposed. This board would have representatives from the police as well as Hungarian and U.S. faculty. The development of this board and its proposed activities establishes a long-term relationship that will last after the actual implementation of the college degree program. In 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 in that organization. The breadth of commitment by the two national police forces exemplifies the critical nature of the involvement of leadership.

Contact in Romania was made 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 all supported this initiative. Consequently, police education and training activities have involved representatives of the command staff from all districts of 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 on a national level in this instance. 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 necessarily been groundbreaking experiences or observations. They have been 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 in 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 have not been completely accomplished in our own society. Democracy, and therefore policing in a democracy, is always an emerging process.

## **Policing Issues and Needs in Central Europe**

While the experiences related above are limited to only two countries of Eastern Europe, the conditions in Romania and Hungary are not unique. The issues and needs do not evolve from police organizations that are in a state of chaos and confusion. Rather, the needs have developed as these organizations have grappled with the rapid change promoted by transition to a democratic form of government and the resulting 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 greater public confidence and a more positive public perception of law enforcement in their countries. Under the Communist regimes, political and domestic police both functioned as protectors of public security. The domestic police performed responsibilities similar to those of U.S. 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 is a need to promote greater public understanding of the domestic police function under a democratic model. In both Romania and Hungary this need has been met through public relations campaigns comparable to those promoted by U.S. police. The police organizations publish and distribute materials to educate children about the role and function of police. In Hungary, several police districts have established civilian police advisory boards that are used to define strategies to address these issues in the districts—a version of community-oriented policing. There is a need to further expand these activities, especially in Romania and among the minorities within this country.

**Recruitment and retention of qualified personnel.** The market economies developing in 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 difficulties in retaining highly trained and qualified personnel. This is an especially significant problem in Hungary, which has a stronger and better developed market economy than Romania. In Pest County, Hungary, the salary for a newly commissioned officer is approximately \$250 per month and has not kept pace with the rising cost of living.

The cost of an average small apartment in 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 in some Pest County police districts is as high as 35 percent.

Given the 4 years required for these officers to complete the required education and training and the fact that this training is offered through only one national police college, attrition creates serious problems for police staffing and coverage. All of this makes it essential to address these conditions in educational programs directed toward the management of recruitment and retention and in the promotion of strategies to minimize attrition.

**Police management techniques.** The application of modern management techniques is variable and in some instances limited in the Romanian and Hungarian National Police Forces. While some of the limitations to the adoption of modern management techniques are based in tradition and in the highly centralized nature of these organizations, others simply result from lack of exposure. For example, promotion occurs as a matter of seniority or for some particularly exemplary accomplishment. Annual performance appraisals and promotional examinations are virtually nonexistent. Training in personnel supervision, management, and administration is generally on-the-job training, and inservice training is sporadic and generally conducted 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, as discussed below.

**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 managers have had little time to develop strategic man-

agement and organizational development plans. While the rapid social change cannot 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 a democratic form of government has been accompanied by decentralization of political power. Though still highly centralized, the jurisdictions comparable to U.S. States or counties in 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 in the national police forces. Commanders of the police districts now make independent decisions concerning the hiring, promotion, discipline, and deployment of personnel. In 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 are still highly centralized and controlled. As immediate local needs arise, special requests for assistance, resources, and direction must be made through national headquarters, often a laborious and cumbersome process. Administrative positions in the national police structures are topheavy, and administrative overhead and expenditure are extensive. In some instances, these expenditures are so extensive that they come at a cost to the local districts.

It is apparent that commanders in 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, the result of social and economic changes, are in constant flux and cannot be met through a centralized process. Police managers need the requisite analytic skills and information necessary to promote and justify decentralization and to manage within a decentralized organizational environment.

**Introduction to police rights and labor relations.** The growing market economies of Eastern Europe will eventually influence police organizations. Current police organizational, economic, and salary issues create a situation that is ripe for developing police unions and collective bargaining. Police managers should be made aware of the relationship 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 already noted, the educational and training requirements for police in these two countries are more stringent than in the United States with respect to general educational and technical requirements. In Hungary, for example, noncommissioned officers must attend a 2-year police secondary school following their completion of what would be comparable to high school within our educational system. Commissioned officers must attend a 4-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 and detailed technical training in forensics, law, and criminalistics that far exceed the requirements for U.S. police. The pedagogy, however, is traditional and limited. While some courses are offered as correspondence courses and are tuition subsidized (with commitments for a period of employment following graduation), the current educational system cannot keep pace with the need to provide educated and

trained police officers within these organizations that are currently plagued with high attrition rates and accompanying personnel shortages. There is 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 used by these organizations.

**Development of policies and procedures.** Both Romania and Hungary have newly ratified national constitutions and police legislation. 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 overreliance on practical training, previous practice, and verbal directives. For example, in Romania, the commanders who attended the seminars were especially receptive to the Americans' mode of instruction because it was practical rather than philosophical. They were particularly interested in the integration of the "use of force" continuum into police training and the way this could be translated into specific police policies for managing instances of use of force.

Similarly, both Romanian and Hungarian police commanders are very interested in the practical ways in which U.S. police address large-scale civil disturbances. They understand the principles underlying democratic policing but in some instances are unclear about the specific translation of these principles into practice.

**Development of strategies to foster ethical police practice.** Emerging market economies, newly developing consumerism, and the failure of salaries in public organizations to keep pace with the private sector have the potential to create and, in some instances, have created situations that foster police corruption. For example, the Russian news agency Interfax reported that 2,000 officers await trial on corruption charges, while in Moscow an entire precinct was suspended because officers were accused of running a prostitution ring.<sup>13</sup>

Practical means of identifying and disciplining unethical 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 in these circumstances and situations are not well defined or protected but 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 cannot 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 its response to crimes involving members of minority groups as both offenders and victims. Skills to improve police-minority relations are limited as is the understanding of organizational benefits that follow from a diverse police force. This issue becomes especially complicated with respect to the Roma, given the Roma subculture and practice of self-segregation. However, U.S. 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 communication is the primary form of organizational communication, with both lateral and upward communication lacking. Communication is a critical process in democratic organizational management. Thus 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, or analyzed as information necessary for sound decisionmaking within police organizations. Though crime statistics are kept by the police organizations, currently the processes used create inaccuracies, and, as is not uncommon in the United States, police managers are generally concerned over 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 following 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 of these police forces is very limited. Many rural police districts have no patrol vehicles. In Romania, police described situations in which officers in the district share one or two handguns. Computer technology and software are limited as is highly technical investigative and forensics equipment. Technological needs are great while the budgets of both police forces are such that they cannot accommodate daily operational support needs. For example, in Pest County, the utility company threatened to discontinue service when the force could not make monthly payments.

Police managers need education in alternatives to technology and alternative means of providing the funding necessary for the purchase of technology. For example, some police and private-sector partnerships in Pest County have been able to obtain new office furniture and the underwriting of professional development costs for members of the department. In Vac, Hungary, the district commander contracted with a local business to run a private restaurant in the police district building. Profits from this cooperative venture are shared

with the police and used to supplement available funding for technology in the district.

In Romania, the use of auxiliary police forces to assist in times of civil disorder in 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 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 U.S. police managers.

#### **Education on the limitations of technology.**

Time and time again, lack of technology within Eastern European policing has been identified as a contributor to police failure to provide adequate responses to critical situations. Similarly, there is a strong tendency for police in these countries to believe that the quality of U.S. policing is directly related to the availability of technology. Eventually, technology will be integrated more fully and completely into Eastern European policing. Managers within these organizations need to be apprised 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 addressed international crime and international organized crime for decades. They have had highly technical and extensive training on techniques related to detecting and investigating these types of crimes. It would not be unreasonable to assume that in these skills they far exceed most U.S. police and could, in fact, provide U.S. police with valuable information and training on these topics. However, training and education that would encourage police managers to divert resources into the technological equipment necessary to promote the systematic retention, use, and sharing of information between Eastern European police organizations are needed. Additionally, expanding

access to automated databases 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 in these national police forces that reflect needs in Eastern Europe in general are not unlike those in U.S. policing today. It is simply a matter of degree and emphasis. The Romanian and Hungarian police officers and organizations are not unlike their U.S. counterparts. 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 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 common to police in the United States as well. At the same time, however, like their U.S. counterparts, Romanian and Hungarian police are receptive to recommended changes that they believe are reasonable and practical and in which they have a vested interest. This acceptance is further enhanced when they perceive that recommendations are offered not as criticisms of their organization and organizational procedures but instead as improvements or adjustments to a generally sound base. This is true especially if the recommendations are presented in a form that has been adjusted to accommodate the countries' unique cultural traditions and circumstances.

The process of engaging in professional education and dialogue in these two countries has been 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 enhance their strengths and to improve their image in the international community. The environment is receptive and challenging. It is an

environment in which the U.S. instructors learned as much about their counterparts in Eastern Europe and themselves as the Eastern Europeans learned about police practices in our ever emerging democracy.

## Notes

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2. Szkinger, Istavan, "Community Policing in Hungary— Perspectives and Realities," In *Community Policing, Comparative Aspects of Community Oriented Police Work*, eds. Dieter Dolling and Thomas Feltes, Felix, Germany: Holzkirchen/Obb., 1993:199–205; Shelley, Louise, "The Sources of Soviet Policing," in *Police Studies*, Vol. XVII, No. 2, 1994:49–63.
3. Since 1951, the Southern Police Institute 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 in Kentucky.
4. Pest County surrounds the Hungarian capital, Budapest. It encompasses 6,394 square kilometers with a population of 1 million inhabitants living in 180 municipalities (medium-sized cities and villages). Ten percent 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. Approximately 1,500 officers serve in the Pest County Police Department.
5. The Project on Ethnic Relations is a not-for-profit organization supported by the Carnegie Foundation, which seeks to promote the status of minorities in Central Europe.
6. 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.

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# Who Are We Kidding? or Developing Democracy Through Police Reform

by David H. Bayley

My thoughts on the topic are organized into three parts:

- *Principles*, by which I mean unavoidable impediments to 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, policymakers must recognize three unavoidable constraints on their efforts.

### 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. In sum, the police can undermine democracy and they can reinforce it, but they cannot create it.

Police affect political life in two ways.<sup>1</sup> They have *direct* effects on:

- Persons who want to act politically—by arrest, detention, and exile.
- The conduct of political processes, such as elections, public meetings, freedom of speech,

protection of dissent, and provision of physical and logistic support to political campaigns.

- The safety of regimes, by defending or not defending them against violence.
- 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).

They can have *indirect* effects through:

- Socialization of the public, as teachers of civic virtues.
- Legitimization of government in use of force, openness, defense of rights, corruption, lack of favoritism, etc.
- Demonstration effect, by which police can serve as a model for other sectors of society with respect to diversity versus exclusion, merit versus ascription, honesty versus venality, equality versus inequality before the law, and science versus tradition.
- Participation in development through physical and logistical support for economic development (communications) and creation of demand for modern technology and infrastructure (such as roads and computers).

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

Moreover, 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.

## Second Principle

The connection between democracy and the forms of policing is weak, for democracy is compatible with many forms of policing. Policing may be organized and conducted similarly in both democratic and nondemocratic countries. The character of government and the character of the police do not neatly coincide. This principle can be demonstrated by examining the relation between democracy and the following elements of policing:

- *National organization of policing, particularly its centralization or decentralization.* Many contemporary democratic countries have centralized regimes (Sweden, France, and Israel). Decentralized systems of policing are compatible with repression (Germany prior to World War I, the United States in the South before the 1960s).
- *Accountability and civilian oversight.* Close political oversight is not necessarily democratic (such as in the former Soviet Union and Cuba). Oversight primarily by bureaucrats is compatible with democracy (such as in France and 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 (such as in Colombia, India, and the United States).
- *Organization/management.* Democracy is not strongly correlated with whether recruitment is stratified by rank or occurs only at the bottom (for example, Japan versus Britain); whether criminal investigation is part of the uniformed police or separate from it (for example, the United States versus France); and whether police are armed or unarmed (for example, the United States versus New Zealand).

- *Strategies/programs.* Community-oriented policing can be used for grassroots ownership of policing or for enhanced government control through penetration, intimidation, and cooptation (for example, the United States and Canada versus Singapore, China, and Cuba).
- *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.

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.

As Michael Oakshott has said, 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."<sup>2</sup>

American police practices do not necessarily encourage democracy. We must be careful not to overgeneralize from our own national experience. Additionally, 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.

## Third Principle

During transitions to democracy, democratic reform of the police is likely to be less important to emerging democratic governments than security. The emphasis on security in policing arises from two sources. The first is the political interest of emerging democratic regimes.



- Democracy requires stability and order, yet transitions to it are often accompanied by violence and disorder.
- Threats to regimes always take priority over threats to the disaggregate public (subversion over crime).<sup>3</sup>
- At the same time, the legitimacy of government requires providing internal order for the population.

The second source consists of the national interests of foreign donors.

- Access to police abroad will be allowed only 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.
- Because donor countries often have their own law enforcement interests in foreign countries (drugs, terrorism, fugitives, and 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.

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 later in this paper.)

*First:* It should be underscored that 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 now through:

- Institutional connections between countries based on historical patterns of association and conquest (Britain-Malaysia, United States-Philippines, United States-Japan, Belgium-Zaire, Britain-Australia, and France-North Africa).
- Commercial firms developing international markets for police technology and expertise (Motorola; Booz-Allen and Hamilton).
- 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).
- Regional integration leading to cooperative law enforcement (European Union, ASEAN).

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.

*Second:* Police reforms that may contribute to democratic development vary enormously in the likelihood of their being implemented successfully in a foreign country. There are varying degrees of difficulty in transferring police practices from one country to another.

- Institutional changes involving the relations of the police to the government or other social structures are the *most difficult* to make. 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.
- Matters of internal management, which are more fully under police control, are *moderately difficult* to reform. Examples include stratified recruitment, supervisor responsibility for mistakes, relations across ranks, and 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, first, on the institutional objectives of the government and, second, on the culture and tradition of both the police and the public.
- Technology, including some features of management, is the *least difficult* to change from abroad. Technologies are readily exportable because they affect capacity but not substantive direction. They are not "political." Examples are computer information systems, techniques of forensic analysis, communications equipment, management by objective, performance contracts, and quality control.

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. Policymakers should recognize as well that progress in reforming the police is likely to come in "increments" that contribute to "trajectories" of eventual democratic development.<sup>4</sup>

*Third:* 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. These are targets of opportunity for American foreign police policy.

- 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.
- 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 counterinsurgency.<sup>5</sup>
- Police should emphasize accountability to law rather than 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.
- Assistance should be given to help foreign police reduce the level of force they commonly employ.
- Foreign assistance should emphasize the development of appropriate strategic and managerial approaches rather than enhancing technical capacity.
- Foreign assistance should be contingent on effective efforts by police forces to eliminate all forms of corruption.
- Foreign assistance should incorporate evaluations of police efficacy and conduct carried out by indigenous scholars and consultants.

- Foreign police should be encouraged to participate in international organizations dedicated to information sharing, standards development, and civilian oversight and accountability.<sup>6</sup>

## 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?

- *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.
- *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.*
- *Technical assistance for the enhancement of foreign law enforcement capacity should be given only to convincingly democratic countries.* Access by the United States to foreign police will most likely be contingent on developing their technical enforcement capacity, which is highly ambiguous in its political effects.
- *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 United States. Federal law enforcement agencies (Federal Bureau of Investigation; Drug Enforcement Agency; Bureau of Alcohol, Tobacco and Firearms; Secret Service; Customs Service; and Immigration and Naturalization Service), do not do full-service, public-responding, community-accountable policing, 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 United States creates a serious problem for implementing police reform abroad. Relations with foreign governments are conducted through the Federal Government, and foreign governments are uneasy and inexpert at contacting local governments directly.

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

- *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.

## Notes

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6. Ibid, 60.

# Conference Wrap-Up: Where Do We Go From Here?

by Mark Moore

My assignment for this session is to take the pieces put on the table by conference participants, and assemble them into a whole that captures the points made. It is an exciting challenge to try to present a complete, coherent picture of where we stand now, and where we might go in the future on the basis of the presentations and discussion of the past few days. Each of you has contributed something important, each something different, and the framework must be able to contain all these interesting contributions.

To help us, I have an outline of my talk. First, I am going to introduce the concept of strategy in the public sector, a topic that I can't resist mentioning within 3 minutes of speaking before an audience. Second, I want to identify and explore what I think was the basic question we tried to address: "How can we reform the police in ways that can support the development of democracy?" Third, I want to take up three issues related to that basic question:

- Under what circumstances is the basic question interesting and important?
- In what situations does it become an interesting question to the *United States Government*?
- In thinking about reforming the police, whose purposes are going to matter—a foreign government's or ours?

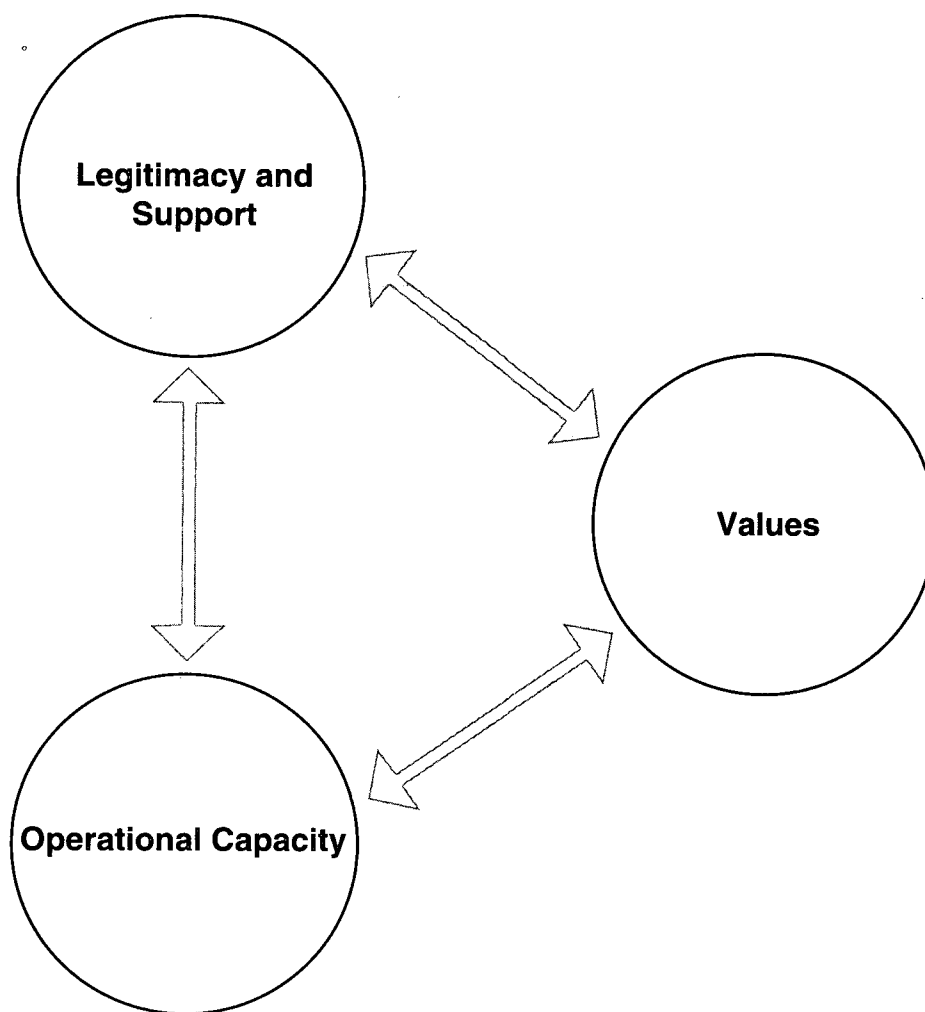
I present a basic analytic framework for identifying the relationship between the reform of government, the reform of policing, and the form that police reform takes. Finally, I conclude by discussing the interesting question that arose concerning the relationship between the goals of support for U.S. law enforcement objectives, on the one hand,

and the goal of supporting democracy on the other. That is one important question. Others include: What are the forms of policing that are available to us to consider as "export items"? What do we think the mechanisms are by which any particular form of policing might affect the quality of democracy? What are the rules and instruments of engagement that we would use in trying to export a model of policing? That is the basic outline. I will try to go through it rather quickly.

## Strategy in the Public Sector

Let me start by introducing a basic concept. My colleague, Professor [Philip] Heymann, invented this concept when we were working together on public sector management. The basic idea is that in order for a public sector initiative or enterprise to be viable and useful in the world, it has to meet three tests, symbolized by three different points of the triangle I present as figure 1. First, the enterprise must achieve some important public value; otherwise, the expenditure of money and authority required to accomplish the enterprise is not worth it. Second, the initiative must have legitimacy and attract support from those who are in a position to contribute money and authority to it; otherwise, there will not be enough resources to accomplish the goal. Third, there has to be a set of operational capacities sufficient to achieve the goal; otherwise, the enterprise will fail. The basic concept is that in order for the government enterprise to be successful, it has to be valuable, authorizable, and doable—very trivial ideas. What is important about this diagram is that it reminds us that all three of those bases must be brought together in order for us to have successful enterprises. You can see quickly what happens when one of them is miss-

Figure 1: Strategy in the Public Sector



ing. If a purpose has legitimacy and support but insufficient operational capacity, people say, “Great idea. Couldn’t get it done, too bad. Let’s take the money back.” If operational capacity is sufficient for a particular purpose but there is no longer legitimacy and support, you hear such comments as: “Great idea. Nice try. Too bad nobody wants it.” If the purpose is one for which there is neither support nor capability, then you are an academic. This is the framework that I tend to use.

Now I want to begin applying this framework to our particular discussion. One way to proceed is to draw a box around figure 1 and indicate what the strategy of policing in a foreign country should be.

In order for that concept to be viable, it must meet the strategic requirements we have been talking about, i.e., it must be consistent with:

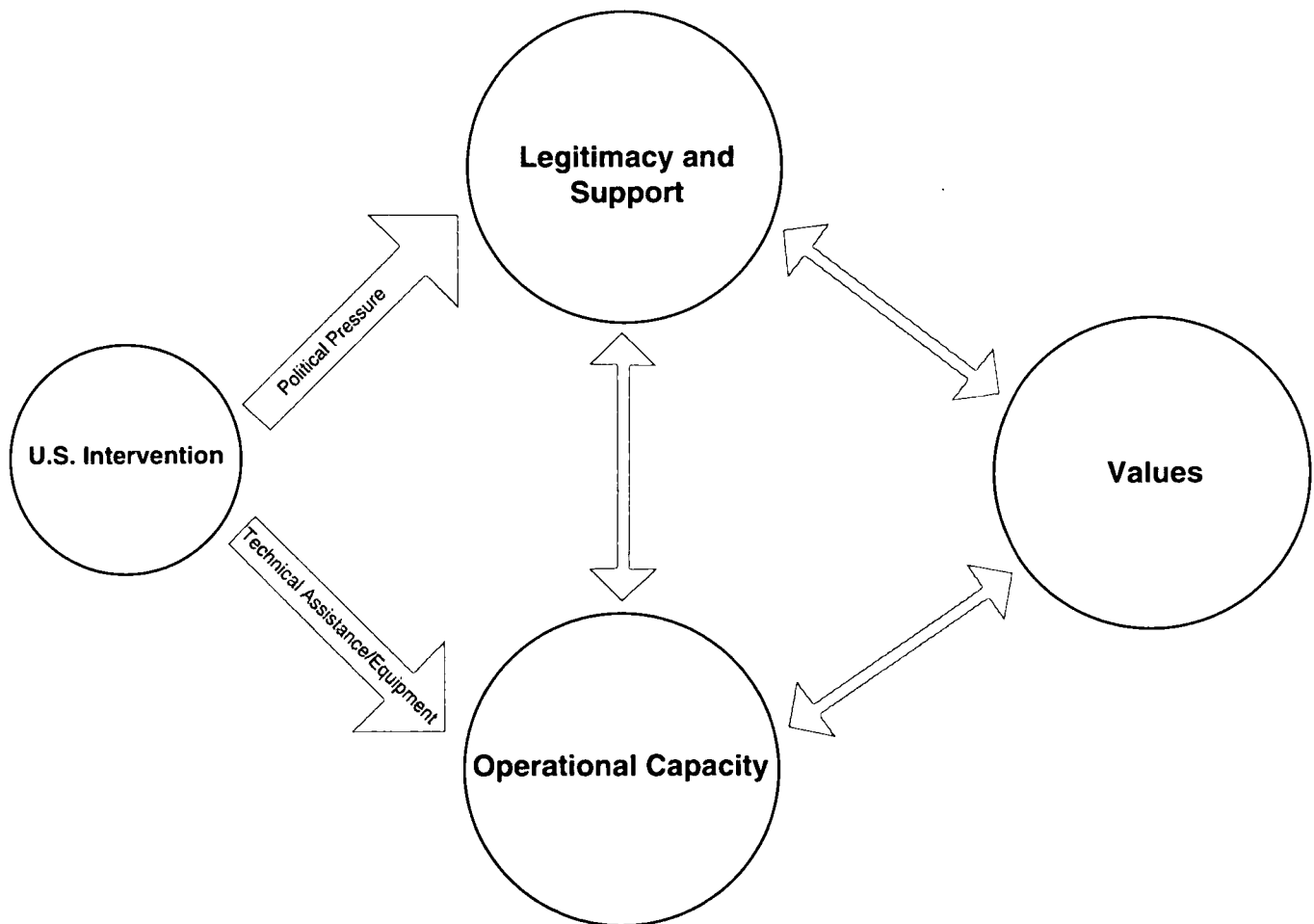
- An attractive set of values.
- A set of operational capacities.
- Legitimacy and support.

We have been assuming that a particular set of values, namely, democratic values, ought to be reflected both in policing and in overall governance. Part of our discussion has focused on what particular kind of policing we think is consistent with democratic values—would it emphasize “rule

of law” or “local responsiveness?” But the most interesting idea we have been talking about is the possibility that the way in which a local police enterprise tries to define and authorize itself might have an important *causal connection* not only to the success of the police function but also to the production of a locally satisfactory democratic culture. That would be one way to understand the key issue. We are trying to imagine the nature of the relationship between, on the one hand, the construction of a certain style of policing (one that seeks to pursue particular values and legitimate itself in a particular way) and, on the other, either the reflection or production of a locally attractive democratic culture.

We could, of course, put ourselves outside the local environment and look at the problem from the vantage point of the U.S. Government. We could imagine that the U.S. Government affected local law enforcement strategies by simultaneously contributing to the operational capacity of the local police (we do so through technical assistance, providing money and equipment, etc.) and to their legitimacy and support (through endorsing or criticizing local authorizing processes). This idea is reflected in figure 2, which shows us standing outside the local environment but trying to influence the local strategic situation—pressing our values, influencing local authorizing environments, and providing direct assistance to operations. And, of course, in order for some U.S.-based agency

**Figure 2: U.S. Interventions in Local Policing Strategies**



(such as the U. S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP)) or a university-based training effort to accomplish this result, the initiative must be consistent with its own strategic situation.

## The Basic Policy Question

The strong form of the basic question is, "How can we reform the police in ways that can support the development of democracy?" A weaker form of the question is, "How can we reform police in ways that are not destructive to the development of democracy?" That would be a more modest objective. We could say something slightly in the middle, which would be, "How can we reform the police in ways that make the police reflective of a democratic society without undermining whatever democratic impulses exist in the local environment?" We could support the democratic impulses by having a form of police that was consistent with democracy and definitive of it. Or we could have a form of police that is not only reflective of and definitive of democracy but actually did things that

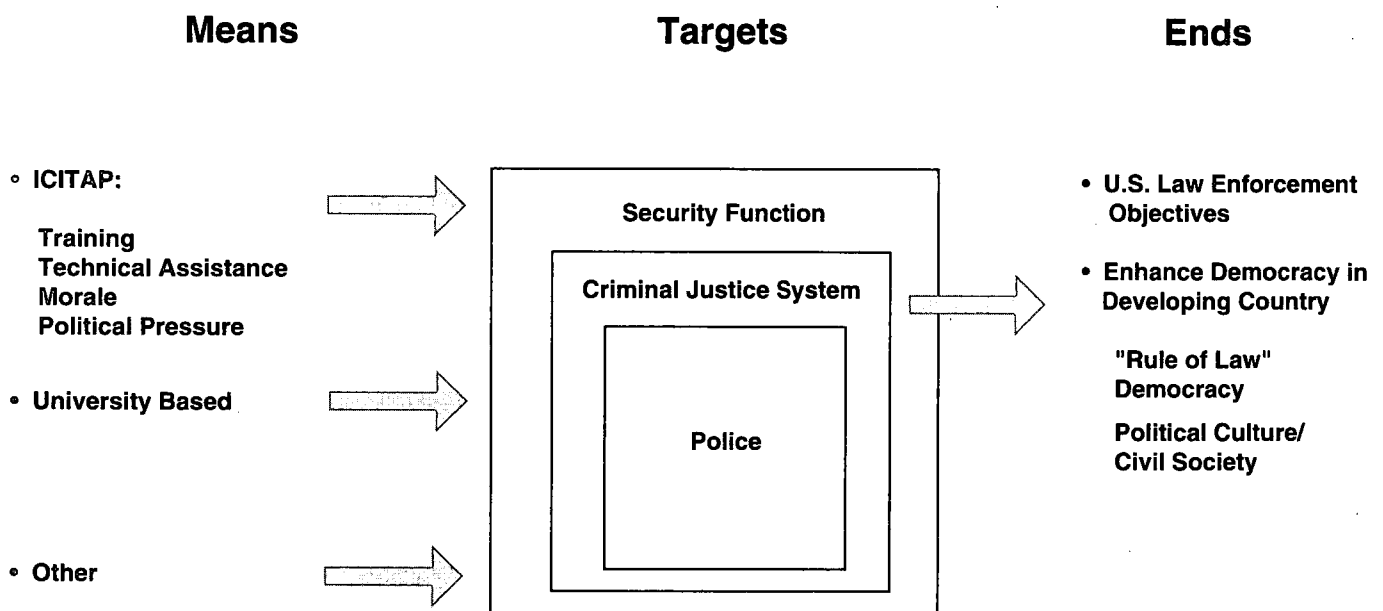
strengthened the quality of democracy beyond the boundaries of its own operation.

Note that the preceding sentence contains three important nouns. One is "we." Who are the "we?" For the purposes of our exercise, I am imagining that we are taking the point of view of citizens or representatives of the U.S. Government who are contemplating the allocation of Government resources to support policing in foreign countries. (This is the outside position suggested by figure 2.)

A second noun is "police." This is a more interesting question, and you will see that in the framework presented as figure 3, the concept of police becomes more complicated. Actually, we were never quite sure if the focus of our interest in policing was one of the following three possibilities:

- *Police* institutions.
- *Criminal justice* institutions (including prosecutors, jails, prisons, and perhaps defense counsel).

Figure 3: Basic Analytic Framework





- The *security function* that might be distributed across a large number of institutions in the society.

At varying times, each of these possibilities was considered a potential target of our intervention. I will use the word “police” conveniently to bracket the uncertainty about each of the meanings we had in mind. Thus, our question becomes, “How can we reform the police, criminal justice system, or security function in ways that can support the development of democracy?”

The third noun is “democracy.” That, too, requires a definition. I will not attempt to resolve all the interesting questions about how to define democracy, but I do want to draw your attention to some of the various ways in which that concept entered into our conversations. Figure 4 helps us understand some different concepts of democracy. In this diagram, the first things to note are the two columns labeled “culture” and “institutions.” I want to start there because Professor Heymann started us off in an interesting and useful way. He said he wanted to define democracy not in terms of a set of institutions and not even in terms of the functions of governmental institutions, but, instead, as a force in the lives of citizens that shapes their aspirations and expectations with regard to how their government should be organized. Thus, Professor Heymann began by focusing our attention on *culture*, not on institutions.

We made an interesting distinction, as shown in the rows of figure 4. One definition of democracy we offered and used could be called the “rule of law.” I think, as do some others here, that the rule of law is at least necessary, and sometimes sufficient, both for the definition and the accomplishment of democracy. The “rule of law” concept encompasses having effective street crime control, having a legal system capable of reaching police corruption, and having a law enforcement system capable of reaching political corruption (understanding that when we move from police to political corruption we are moving toward increasingly powerful figures in the political and economic

system). I’d like to add to that list the protection of individual rights in situations in which a person is accused of a crime. Professor Heymann could have said that having all four of these is the definition of a “strong enforcement operation” and therefore supported by the definition of a strong democracy. But it could also be true that such a strong enforcement operation could come into existence *only if a strong democracy already existed*.

I also introduced a different definition of democracy. I claimed that it was concerned not with “rule of law” but with some notion of *responsiveness to collective aspirations*. A notion of democracy, then, was built around the existence of a politics that included elections and voluntary associations that would be capable of both articulating collective aspirations and holding government agencies accountable for their performance against that set of collective aspirations. There was some notion of democracy as requiring a capacity for citizens to get together in various ways, ideally in large numbers, to express their collective views. Those are the two concepts we associated with democracy.

A third idea of democracy never came into so sharp a focus. That idea went beyond the equal delivery of political rights and included the equal delivery of substantive services to people, or the creation of just conditions in society. That concept might, at a minimum, include some expectation that people would enjoy equal security. It might also mean that citizens would enjoy equal claims on the public security being provided. Those ideas were sometimes articulated as principles of democracy that must be honored in the particular way in which we operate in society.

Again, I will not attempt to resolve the question of which of these is the correct definition of democracy. At this stage I want simply to observe that the concept of democracy as we have used it in this conversation is quite complicated and probably needs to be sorted out.

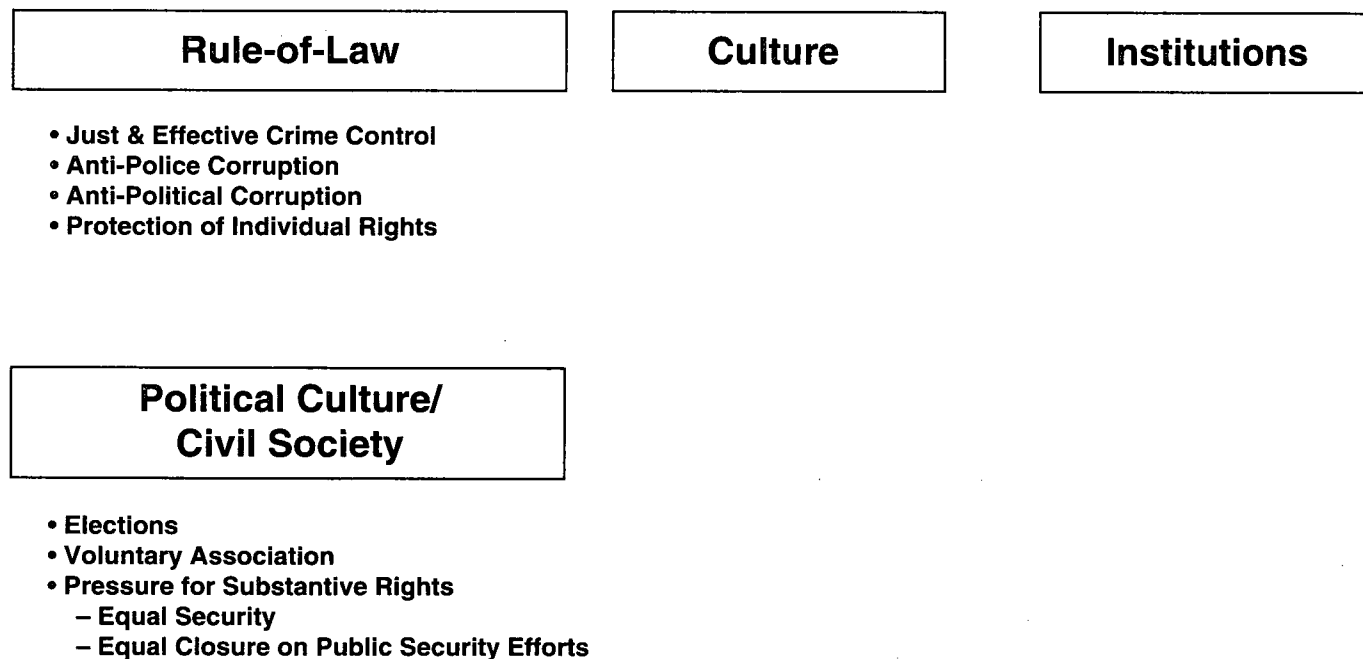
Let me move quickly through the next couple of questions. Under what situations does this question

become an interesting policy question for the U.S. Government? The three most common cases are where the state has collapsed, civil war has broken out, or an invasion has occurred. There is an older tradition of intervention to support policing. This occurred when the United States had a nationally important law enforcement objective that it could not achieve except through the existence of a powerful local police capacity. In those situations, we would intervene to advance our own law enforcement objective. Indeed, the principal reason we began supporting police operations overseas was to advance U.S. law enforcement or to achieve Cold War political objectives. With Cold War political objectives achieved, U.S. law enforcement interests are advancing and becoming more important. But we suddenly find ourselves in a situation in which many states seem to have collapsed, and that gives us an opportunity to intervene to provide humanitarian aid, to support democracy, to effect future advancement of U.S. law enforcement purposes, or any of the above. That is the foreign policy context of the local situation that has arisen.

In these situations we face an important question, "Whose purposes are we trying to accomplish?" One answer to that question is, "Not ours." We should do for other countries only what they ask and want. Our relationship then is to offer support to countries in whatever they are trying to get done. I think that is the extreme view of the cultural relevance argument. The alternative answer is, "No, it is our purposes that matter. We're spending the money, we're spending the effort, we're trying to accomplish something here." Of course, we would understand that the accomplishment of our purposes requires us to understand a country's institutions and cultures and what it is trying to achieve and, to the extent that we can, accommodate such goals. If we don't accommodate them, there will be relationship problems, and we won't have any leverage.

I prefer the second answer to this question so that we would not have to deal with it again. It is, of course, true that when we sit here thinking about how to use U.S. resources to support policing in emerging democracies, it is *our* purposes that

**Figure 4: Concepts of Democracy**



matter. I think we all agree that it is terribly important for us to attend to the capabilities and interests of emerging democracies and to accommodate them and not feel vulnerable to accusations of having “gone native.” We must always be a little nervous that we have given up too much in terms of *our* objectives in order to maintain the relationship and satisfy a country’s desire for independence. I assume that is the general problem with diplomacy that we don’t have to resolve today.

**Question from Carl Klockars.** So a collaborative approach is discarded. It is our objectives that count? Is that what I understand?

**Answer by Mark Moore.** No. Collaboration is not discarded. I am simply making the point that we evaluate any particular collaboration in our terms. We calculate whether we like what is going on. When we come to the rules of engagement, Professor [David] Bayley says, “Be prepared to pull out.” Professor Heymann says, “Be tough, be demanding, insist on something.” A collaborative relationship is necessary in negotiation, but you calculate what you get out of the result of a negotiation in terms that matter to you. Those terms may include the protection of an ongoing relationship, certain humanitarian assistance, and so on. However attentive you are to their concerns and their desire to maintain a relationship, in the end you calculate whether you like or don’t like the results of the deal you have been offered in terms that satisfy you (which can, of course, also include concerns for them and their welfare).

**Question from Philip Heymann.** In the litany of interests that might motivate us, Ukrainians and Russians in their country have suspicions about Americans buying up the market, so it may be appropriate to list our financial interests in the area.

At worst we ask, whose purpose? The answer is that it is a common purpose. The reason that we offered four courses on money laundering in Ukraine is that curtailment of money laundering is one of our objectives. We did it because it matched that country’s objectives. We had a match, so we

did a program. If we didn’t get a match, we didn’t do a program.

**Answer by Mark Moore.** Sometimes you can offer a program because you have different interests, but the program you are planning to offer serves the interests of both countries. It may turn out that is a rather common situation. You don’t necessarily need common objectives to be able to make a deal. Sometimes people will agree to a deal because they see something in the deal for them and are happy to go along, and what each party to the deal values is different.

### The Basic Analytic Framework

Now we are at the stage in which we are talking about the basic analytic framework. When thinking about a policy, I always think in terms of three questions: (1) What are our objectives? (2) What are our instruments? (3) What do we know about the relationship between our ends and our means? So far, we have talked about the possible ends of U.S. support to policing overseas—the advancement of law enforcement objectives or the enhancement of democracy. At this stage you can incorporate that matrix I presented in which the goals were the development of political culture and civil society (figure 4). One of the issues I’ll address deals with the relationship between these two different objectives.

I have already alluded to the fact that at various times we have targeted the intrastate police, criminal justice system, or security function to examine how those would be effective. The *means* we talked about include ICITAP, which provides training and technical assistance and supports morale. We also heard about several Government-supported university programs that tended to use the same set of instruments for accomplishing the result. Professor Heymann was particularly strong on the potential value of using outside institutions to intervene (by building morale and political pressure) in the authorizing environment of the locality, rather than to intervene directly in developing operational capabilities. I think it was David

Bayley who also reminded us that a lot of other things were happening that affected either the police, criminal justice, or security.

We could even extend that list of interventions significantly if we ask the question, "Who is doing something that affects the quality of democracy in that country?" If we asked that question, we would find that our interests in supporting policing were just a tiny part of overall efforts to support democracy. One of the big questions in the background of our discussion has been, "How much leverage can we get out of any change in this system for the enhancement of democracy?" Compare that with a variety of other efforts that we might have if our goal was to enhance the quality of democracy. I assume all our political aid and a number of other things are working to enhance the quality of democracy. We have this one tiny piece that we are trying to define. This is the basic analytic framework that I wanted to present.

## Basic Issues and Themes

Now let's move to the basic issues and themes. The first question is, "What is the goal of advancing U.S. law enforcement objectives versus the goal of enhancing democracy?" Ambassador [Robert] Gelbard said he thought these ends were not always incompatible. I think he is right. I could imagine some circumstances in which the two would be quite closely aligned. They would include a situation in which a target of U.S. law enforcement objectives was an impediment to the development of democracy in a country, and apprehending the targeted person required the development of local institutions and political cultures that would move toward enhancing democracy.

Where we would not be in alignment, however, is in a situation where we would support authoritarian regimes in order to achieve our law enforcement objectives. In that case we would be tempted to use nondemocratic means to achieve our law enforcement objectives and, in so doing, would shape the development of local policing and

become a sponsor—in the name of developing democracy—for precisely the kind of things we want to discourage. No matter what we need to do, sponsorship of the wrong course of action comes from outside rather than inside the country and is always a price we end up paying when U.S. diplomatic instruments and financial assistance are used to support only U.S. objectives. There is some uncertainty about whether these things are always in opposition or always aligned. I think the answer is that they are sometimes together and sometimes in opposition.

The next question is, "What is the form of policing that we will try to export?" I again want to emphasize this distinction—which came up rather forcefully in our conversation—and that is the distinction among policing, the criminal justice system, and the security function. I want to emphasize this because its importance occurred to me when we were talking about the need for decent jail and prison conditions as well as effective policing. You could easily imagine that if none of the values we are trying to advance took hold (for example, democratic policing as respect for the rights of defendants), it would be a hollow position to maintain that we are in favor of protecting the rights of defendants if we then read them their Miranda rights and leave them languishing in jail without benefit of trial for long periods. It may be that insofar as our goal is to advance democracy, it includes not only the rule of law but also the protection of individual rights. We would, of course, have to take responsibility for working on trials and conditions in prisons and jails as well as good policing.

Clifford [Shearing] asked us to think more broadly outside the boundaries of criminal justice and imagine the ways in which institutions and private and civil society could be engaged in the process of producing security. It is quite interesting that if the form of democracy we seek to encourage includes constructing a political culture in a civil society, then determining how to police in a way that would help build that political culture would be an impor-

tant contribution to at least that form of democracy, if not to the rule-of-law form of democracy.

The next question we addressed—and dropped rather quickly—deals with how to structure the security function. What I mean by that is determining which functions to include in the agency that we call the police. Should we include antiterrorism, antisubversion, civil disorder responses to riots, street crime, and governmental presence as functions of the police? David Bayley said he always recommends leaving the antisubversion, antiterrorism function out of the agency that you are trying to call the local police on the grounds that it is politically the most vulnerable. That is an interesting idea. There was also a question about whether we wanted to have a centralized or decentralized police force.

Perhaps the most important question concerns where we stand on the question of “professional law enforcement” versus community policing? We shared a couple of interesting observations. One is that we may have to practice professional law enforcement, to pass through that stage in police development, because it is most consistent with rule-of-law democracy. Focusing on community policing and the security function might be valuable as well because it would encourage the development of a local capacity for action that would support the kind of democracy associated with responsiveness, including cultural responsiveness. Those affected are going to see that tension. This was question one and issue one. Issue two involved the kind of policing.

Issue three is this interesting question of the mechanism by which policing affects democracy. We heard a great deal of skepticism about the extent to which one could expect reform of policing or of the criminal justice system or security function, in terms of capacity to affect the quality of democracy. I wrote down about five possible mechanisms by which we can imagine that happening. Let me just run through these because I think they are important.

The first mechanism would be to ask what form of policing we are going to have in this country and make it an issue. By doing so we may be able to sustain a dialogue at high levels and throughout society about democratic principles and what it means to live in a democracy. What part of democracy do we really want? What part of it has to do with being responsive to citizens? What part of it has to do with building a local as well as national political infrastructure? By making this an issue for discussion, we might be able to have an effect on the quality of democracy.

Second, if policing is a means of upward mobility for the society, it may be that police training is really training of future leaders—not just of the police department, but also of the civil society. That may be an important side effect of training—to train leaders for future civil society if not for the police.

A third possible mechanism could be this: To the extent that the police were effective in controlling street crime or disorder, one issue that would be favorable to the creation of authoritarian politics would be removed. In effect, an important way in which the police might be able to promote democracy is by doing a good enough job on reducing crime and stilling fear that people wouldn’t be tempted to grant official power to the national regime. Effectiveness in controlling crime might be particularly important in judging whether a particular policing venture is likely to support democracy.

A fourth mechanism could be that policing could support democracy by enhancing the credibility of government as an effective agency, as a powerful agency, and most important, as a fair and equitable agency. That would mean that policing would be successful largely by building credibility in government.

The last mechanism I could think of—the fifth—is that the way we do policing might affect our success in engaging citizens in an experience that

taught them democratic values. That experience could be in operation as an offender, victim, or witness, or it could be in some oversight of the police. If citizens have those kinds of experiences, that might be conducive to constructing a political culture supporting democracy.

It seemed to me that Dave's [Bayley] point when he was urging caution about introducing centralized systems was that we may want to try to introduce systems that have a kind of recurrent resistance to potential abuse. That is a downward-looking system, as I understand his argument, drawing its strength locally, and it has a peculiar kind of resistance to manipulating undemocratic ways. Not that it has to be foolproof, but the general objective would be to introduce or suggest systems with mechanisms that we believe are particularly resistant to totalitarian regimes.

**Comment from Jeremy Travis.** I would also add that we can support democracy by showing that no one is allowed to steal from the state. Nobody should be allowed to use the state for his or her own private purposes.

**Response from Mark Moore.** I think that is an important point. I meant to include that idea when we discussed being fair. We would be successful by eliminating corruption both within the police and other agencies of government as well as among politicians.

I have two last things to discuss. One is the rules and instruments of engagement. Our basic notion here is that we ought to apply [David] Bayley's principles for the next generation as long as he has a chance to think about it. It did seem fair to state that we faced a very tough strategic problem, in

terms of our operational capacity, which has to do with tension we face (described quite well by the ICITAP people) between moving quickly in a situation, interacting effectively with U.S. and other military operations when they are still on site, and providing enough resources and staying long enough to have an effect. Again the question is about whether the U.S. Government is really prepared to act quickly, interact effectively with its own military, supply enough resources, stay long enough, and be flexible enough to actually produce a result. By all accounts it takes us 5 or 7 years to get a strong police organization formed in some democracies. Maybe we should be doing this for many reasons other than building democracies.

My last point concerns how to make further intellectual progress on the basis of this start. I think it is important to recognize that in any situation we enter, learning accompanies doing. We are not going to have the luxury of standing back, learning, and then doing. We are going to have to learn *while* we do. We ought to organize ourselves to learn while we are doing, which I think means documenting as effectively as we can our activities and their effects and giving ourselves many chances to get together and talk about our thoughts on the meaning of a particular experience. A partnership between academics and practitioners would be a crucial element. The particular new piece of grist that we need for this would be case studies that accurately describe all such interventions we have made so far. These studies can be used as the basis for understanding what seems to have worked and what hasn't. In any event, the cases will help us understand and describe the situations we are talking about in more concrete detail.

# Appendix A:

## U.S. Government International Justice Assistance: Overview of Major Activities

by Daniel McGillis\*

International criminal justice assistance efforts have increased dramatically in recent years. U.S. Government agencies have begun to provide technical assistance and training to justice system personnel in nations around the world. This paper presents a brief overview of major Federal international justice assistance activities. The paper's focus is on formal training and technical assistance programs. Many additional ad hoc assistance activities (e.g., hosting meetings with justice system delegations visiting from overseas and responding to requests for information regarding draft legislation and procedures) are conducted by units of government that do not otherwise have systematic programs. These ad hoc activities are not reviewed here. The justice assistance field is growing rapidly, and the summaries presented below inevitably provide only a snapshot of the many evolving Federal technical assistance and training efforts.

Federal agencies are increasingly providing justice assistance to foreign governments for two major reasons:

- To respond to the growth and seriousness of transnational crimes that victimize U.S. citizens (including organized crime, drug trafficking, sophisticated financial crimes, and terrorism). Such crime has grown in the wake of rapid economic, political, and technological changes around the globe.
- To assist fragile emerging democracies in establishing the rule of law. Justice reform is often an essential precondition to the

consolidation of democratic governance and the creation of effective market economies in such nations.

The first reason addresses critical U.S. domestic law enforcement needs while the second deals with a high-priority foreign policy objective. The importance of both purposes for international justice assistance efforts was highlighted by then Deputy Attorney General Jamie Gorelick in recent testimony before the House Committee on International Relations.<sup>1</sup> In many cases these two purposes have converged in specific nations; emerging democracies have often become significant staging areas for transnational crime due to the weakness of their domestic justice systems.

The U.S. Departments of State, Justice, and Treasury, along with the Agency for International Development (USAID) and the U.S. Information Agency (USIA) have taken the lead in providing Federal international justice assistance. The various Federal investigative agencies—Federal Bureau of Investigation (FBI); Drug Enforcement Administration (DEA); Secret Service; Bureau of Alcohol, Tobacco and Firearms (ATF); and others—have different areas of expertise depending upon their statutory jurisdictions within the United States and provide assistance in keeping with their relative expertise. Agreements have been developed between the agencies to help clarify relative areas of responsibility for technical assistance and training.

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\*Daniel McGillis, Ph.D, is with Abt Associates Inc.

The U.S. Department of State has worked to enhance coordination across the broad array of Federal international justice assistance activities in collaboration with the other agencies. It has provided funding for training programs in Eastern and Central Europe and in the newly independent states of the former Soviet Union through the Support for Eastern European Democracies Act (SEED) and the Freedom Support Act (FSA), and has provided funding for assistance in other parts of the world from other State Department funding sources. Federal law enforcement agencies (including the FBI, Secret Service, ATF and others) submit their SEED and FSA training plans to the State Department at the beginning of the fiscal year and receive support for their training programs following assessment of the plans.

It should be noted at the outset that the problem of international crime and the issue of how to design effective strategies for responding to it have recently moved to center stage on the world agenda. This increased attention to the topic by the G-7/P8 and the United Nations may lead to even greater demands upon Federal agencies for international justice assistance. At the June 1996 G-7/P8 Summit in Lyons, participating nations approved an ambitious 40-point plan to combat transnational crime. The P8 (the G-7 plus Russia) recommendations deal with such key issues as extradition, improved information sharing, the seizure of criminal assets, cooperation to deter money laundering, and enhanced monitoring of the movement of criminals across borders.

A related broad-ranging international initiative was approved shortly before the Lyons meeting. President Clinton's October 1995 call for a major International Crime Initiative led to passage of the Declaration on Crime and Public Security by nations participating in the May 1996 meeting in Vienna of the United Nations Commission on Crime Prevention and Criminal Justice. The Commission recommended that the General Assembly adopt the Declaration, which urges signatories to take vigorous action to combat

terrorism, narcotics trafficking, illegal arms sales, and related crimes. Reforms recommended in the Declaration include improved police force partnerships, the implementation of asset forfeiture mechanisms, expanded use of mutual legal assistance treaties, and related measures. Article 4 of the Declaration urges "the provision of bilateral and multilateral technical assistance to member States by utilizing training, exchange programs and law enforcement training academies and criminal justice institutes at the international level."<sup>2</sup>

In his October 1995 address to the U.N. General Assembly, President Clinton also called for the drafting of a U.S. international crime bill to improve capacity in the United States to combat transnational crime. According to a recent publication by the Office of International Criminal Justice (a component of the State Department's Bureau of International Narcotics and Law Enforcement Affairs [INL]), "The bill will contain proposals to augment the ability of U.S. agencies to investigate and prosecute international criminals. It will seek authorization for increased U.S. training and assistance to countries similarly committed to fighting international crime but lacking the resources to do so."

The training and technical assistance efforts of U.S. government agencies that are described below are playing a critical role in the international fight against crime. These efforts are likely to be essential to the successful implementation of the ambitious P8 and U.N. international crime initiatives, and the U.S. international crime bill that is being drafted may expand current levels of such assistance to help meet the growing needs in this field.

## **U.S. Department of Justice**

Congressman Benjamin Gilman has characterized the Justice Department as "the newest and potentially most powerful administration player in the democracy rule-of-law field."<sup>3</sup> Seven components of the Justice Department are currently involved in the systematic delivery of international justice reform training and technical assistance. These



components include the FBI, the DEA, two programs of the Criminal Division (the International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Professional Development and Training (OPDAT)), the Executive Office for United States Attorneys (EOUSA), the Immigration and Naturalization Service (INS), and the Antitrust Division.

Two additional Justice Department components are involved in closely related international justice reform. The Criminal Division's Office of International Affairs (OIA) handles mutual legal assistance treaties, extraditions, and liaisons to multilateral organizations. The National Institute of Justice (NIJ), DOJ's research and development arm, conducts research in this area, disseminates information worldwide, and sponsors conferences on important topics in justice reform. NIJ is an affiliate institute of the U.N. Crime Prevention and Criminal Justice (UNCPCJ) Branch and is developing the U.N. Online Crime and Justice Clearinghouse (UNOJUST) to link UNCPCJ institutes on the World Wide Web.

As might be expected, many other components of DOJ (e.g., some of the litigation divisions, the Marshals Service, and the Bureau of Prisons) have also provided assistance to foreign governments. This has included advising governments about draft statutes, meeting with visiting foreign delegations to discuss their areas of expertise, and like areas. Such assistance has been provided on an ad hoc basis, and these intermittent activities are not discussed here.

The diverse DOJ international justice assistance activities are coordinated within the Department by the Executive Office for National Security (EONS). EONS is a component of the Deputy Attorney General's office and, among other activities, convenes a working group of relevant Justice Department organizations to share information on international technical assistance and training. The aims of the working group are to avoid duplication of effort, to ensure that activities reflect DOJ's

enforcement priorities, and to maximize the use of departmental resources and other funding from outside DOJ. In addition to representatives from the various DOJ assistance programs, senior officials of the Criminal Division also attend the working group meetings to assist in coordination.

This section presents a brief overview of the efforts of the nine Justice Department organizations, noted above, that are systematically involved in international justice reform.

### **Federal Bureau of Investigation**

The FBI is involved in a wide range of international criminal justice training and technical assistance activities and is the Federal investigative agency with the broadest law enforcement responsibility. In addition to transferring skills to its foreign counterparts, the FBI reports that such activities are extremely valuable in developing close relationships between U.S. and foreign law enforcement officials. Such relationships can lead to the cooperation and communication across borders that is essential to solving crimes.

FBI training programs take place in three major settings: (1) at the International Law Enforcement Academy (ILEA) in Budapest, (2) in foreign countries in collaboration with local law enforcement agencies, and (3) at the FBI Academy in Quantico, Virginia.

The International Law Enforcement Academy in Budapest is a joint effort of the Government of Hungary and the Government of the United States. The U.S. Government agencies involved in the development and operation of ILEA include the Departments of State, Justice, and Treasury, and their efforts are coordinated by the interagency ILEA Steering Group. The FBI, DEA, Secret Service, ATF, Internal Revenue Service (IRS), and Customs all participate in ILEA training programs. Opening in 1995, with its formal dedication ceremony taking place in April 1996, the Academy offers an 8-week training program for law enforcement personnel from the nations of Eastern and

Central Europe and the former Soviet Union as well as periodic seminars on various topics. The 8-week program places particular emphasis on strategies for combating international crime, especially financial and organized crime, and also teaches leadership and management skills. The FBI academy is funded by the SEED and FSA.

Academy instructors are drawn from a number of Federal agencies, including the FBI, DEA, Secret Service, ATF, and the IRS. In addition, instructors from law enforcement agencies in Canada and a number of Western European nations have taught at the academy.

The academy plans to hold five 8-week training sessions each year, with 50 students per session. In Fiscal Year (FY) 1996, academy students will be drawn from Albania, Belarus, Bulgaria, Croatia, Hungary, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Poland, Russia, Slovenia, and Ukraine. The specific courses presented by Federal agencies at ILEA are noted below in the discussions of the individual agencies' training and technical assistance activities.

In addition to the 8-week training course, ILEA serves as a venue for conducting a wide variety of briefer executive training seminars and related advanced training programs. For example, the Secret Service recently sponsored an advanced course at ILEA on the topic of counterfeiting.

The FBI also provides in-country training to foreign law enforcement officials. During FY 1995, approximately 4,400 law enforcement personnel received such training. Before developing training programs, the FBI conducts in-country training needs assessments to determine the specific priority training needs of individual nations. Experienced FBI personnel serve as the teachers for the typically 1- to 2-week training sessions. Topics addressed have included organized crime, bank robbery, terrorism, white-collar crime, forensics, investigative skills (including undercover techniques), international automobile theft, and other issues. Recent in-country training ses-

sions have been held in Bishkek, Kyrgyzstan; Vladimir, Russia; Prague, Czech Republic; and Warsaw, Poland.

Some additional training programs for foreign law enforcement personnel are conducted at the FBI Academy in Quantico, Virginia. For example, between January and March 1996, 150 officers of the Russian Ministry of Interior (MVD) received training there. In addition, foreign officers participate in the FBI National Academy Program at Quantico, which primarily serves State and local law enforcement personnel from this country. In FY 1995, 110 foreign law enforcement personnel were trained in this program along with State and local personnel.

International technical assistance provided by the FBI takes many forms. FBI legal attachés, stationed in 23 countries around the world, work closely with local law enforcement personnel to share information and collaborate in working on important cases. In the course of this work, they often provide advice and assistance to their counterparts. In FY 1995, FBI attachés worked on more than 11,000 matters.

In some particularly challenging case investigations, the FBI brought foreign case investigators to the United States to work closely with FBI personnel. FBI agents provide their foreign counterparts with information regarding the investigative techniques used in the United States to solve similar complex cases. Such assistance is particularly helpful with difficult investigations involving organized crime.

In addition, the FBI has sent personnel to other countries to offer advice on practical matters in developing law enforcement agencies. For example, an agent has worked with the government of Kazakhstan in that nation's effort to develop an investigative agency similar to the FBI.

### **Drug Enforcement Administration**

The Drug Enforcement Administration has provided international training and technical assis-

tance for many years in support of its mission to combat drugs. The State Department's Bureau of International Narcotics Matters (INM) and its successor agency, the current Bureau of International Narcotics and Law Enforcement Affairs, have provided funding for DEA's overseas training and technical assistance. More recently, additional funding has been provided from the SEED and FSA legislation, noted above, for training in Eastern and Central Europe and the former Soviet Union. These funds are also managed by INL.

A variety of types of training courses are offered. Basic drug enforcement classes taught in-country are 2-week training programs shaped to local conditions in a given nation. Instructors are highly experienced DEA agents. The foreign law enforcement officials who enroll in this course typically have had limited drug enforcement experience. Topics covered include basic investigative techniques, surveillance skills, and related areas. The courses are offered to officials in nations around the world who are confronting significant drug enforcement problems (e.g., Brazil, Costa Rica, Haiti, Pakistan, and Taiwan).

The DEA offers its International Narcotics Enforcement Managers Seminar twice each year. The seminar is attended by mid- to senior-level law enforcement officials who are working on drug enforcement operations in their countries. They learn management and leadership skills in addition to receiving information about drug enforcement strategies.

The DEA's allocation from SEED and FSA funds is supporting an ambitious program of training in Eastern and Central Europe and the newly independent states of the former Soviet Union. This funding supports training in specific countries and DEA participation in the training program of the International Law Enforcement Academy.

Course sessions offered by DEA at ILEA cover a broad range of issues and include narcotics program overview/demand reduction, worldwide drug

trafficking routes and trends, drug identification and behavioral effects of narcotics use, drug field testing, informant management, case management, intelligence operations, undercover operations, clandestine laboratory operations, drug conspiracy investigations, raid planning, airport/seaport operations, international controlled deliveries, and risk management.

Some training programs are held in-country for specific nations; others are held regionally. For the current fiscal year, FSA funds will support nine in-country and four regional schools, and SEED funds will support seven in-country and three regional schools. Moscow will be the site for one of the regional programs, and law enforcement personnel from six nations will be represented at the session.

The DEA also conducts some training sessions in the United States for foreign law enforcement personnel. Topics vary, and typically three to four DEA instructors serve as teachers. All DEA instructors must have a minimum of 10 years' experience with the agency. In addition, the DEA provides technical assistance to foreign law enforcement personnel through its field offices overseas. DEA personnel posted abroad play a valuable role in working on specific cases with their foreign counterparts and providing them information about advanced investigative techniques to deal with such cases.

### **Criminal Division: International Criminal Investigative Training Assistance Program**

The Criminal Division's International Criminal Investigative Training Assistance Program provides a wide array of law enforcement training programs. A component of the Justice Department's Criminal Division, ICITAP's stated mission is "to develop sound civilian police organizations that operate under internationally recognized human rights standards within sustainable justice systems."<sup>4</sup>

ICITAP offers courses in basic police procedures, forensic testing, and specialized investigative

techniques for handling various types of cases, including organized crime, financial crime, and alien smuggling. Instructors are highly experienced law enforcement personnel. In addition, ICITAP personnel train law enforcement trainers in various nations to institutionalize an ongoing capacity for police training.

ICITAP has delivered technical assistance in a wide variety of areas. It has been provided to develop police academies, forensic testing capabilities, law enforcement department policies and procedures, and central offices of professional responsibility to encourage accountability and integrity among law enforcement personnel. ICITAP's efforts to develop police academies include assistance in structuring the curriculums and training instructors to make the effort sustainable. The core curriculums include such topics as Policing in a Democracy, Human Dignity, Police Ethics, Community Oriented Policing, Police Functions, Interviewing Techniques, and Firearms and Personal Defense Training.

ICITAP began operations in 1986 and since then has worked in 26 countries, including nations throughout Central and South America and the Caribbean, the newly independent states of the former Soviet Union and, recently, in the Balkans and Central Africa. Countries or regions that now receive or have recently received ICITAP assistance include Albania, Belarus, Bolivia, Colombia, Costa Rica, Dominican Republic, Eastern Slavonia, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, and Rwanda.

The training and technical assistance programs of ICITAP have led to the development of a number of regional law enforcement coordinating bodies, including the Central American Chiefs of Police Association (CACPA) and the Association of Caribbean Commissioners of Police (ACCP).

### **Criminal Division: Office of Professional Development and Training**

The Office of Professional Development and Training is also a component of DOJ's Criminal

Division. It was established in 1991 to provide in-house training for Criminal Division staff as well as to provide training and technical assistance to prosecutors in other nations. In nations in which the judges who initially receive cases have an investigative function akin to that of U.S. prosecutors—a common practice in Latin America—training is also provided to these investigating magistrates.

OPDAT is currently providing assistance to prosecutors and other judicial personnel overseas in Bolivia, Colombia, Haiti, Peru, Russia, and Poland. These far-reaching programs have included training in prosecution and oral advocacy skills and in the provision of new criminal procedural legislation. The programs also provide assistance with the development and management of prosecutors' offices, the drafting of legislation to reform justice system institutions and procedures, and related matters. OPDAT field representatives, drawn primarily from the Criminal Division and the Executive Office for United States Attorneys, are all experienced prosecutors.

OPDAT assistance in Bolivia began in 1993 with placement of an OPDAT field representative in La Paz. Within the first year of operations in Bolivia, the program trained more than 800 judges, prosecutors, police, and public defenders in important revisions in the nation's laws on prosecution. OPDAT has also helped the Bolivian Attorney General develop model prosecutors' offices and has worked in collaboration with the Attorney General to develop a prosecutor's procedures manual and a computer case tracking system.

As a result of its accomplishments in Bolivia, OPDAT was asked to establish a similar program in Colombia. An OPDAT representative is developing a training program for the almost 3,000 Colombian prosecutors, and OPDAT personnel, in collaboration with USAID, are training the faculty of the new Colombian prosecutor's school.

In Haiti, beginning in early 1995, OPDAT developed a training program for the country's 500

prosecutors and judges, an effort undertaken in conjunction with the National Center for State Courts. OPDAT has also assisted the Ministry of Justice of Haiti in developing a judicial school and in preparing a benchbook for judges and prosecutors dealing with criminal justice procedures.

In Peru, OPDAT has assigned two Criminal Division trial attorneys to assist in revising that nation's criminal procedural code. As is the case with many reformed Latin American criminal procedural codes, the revised code in Peru will provide for oral trials and increase the role of the prosecutor in case processing.

OPDAT has sent two Justice Department attorneys to Moscow to provide ongoing assistance to Russian justice system officials in prosecuting economic crime and organized crime, and in related matters. They have also provided extensive advice in drafting legislation to reform the Russian legal system. OPDAT is working in collaboration with the American Bar Association's Central and East European Law Initiative (CEELI) in a number of its efforts.

OPDAT has also hosted many foreign justice system delegations to the United States. For example, in 1994, OPDAT received requests for more than 350 meetings with foreign officials and made presentations to more than 500 international visitors. These presentations provided overviews of the U.S. justice system and dealt with technical topics such as money laundering, organized crime, asset forfeiture, and the like, depending on the visitors' interests.

### **Criminal Division: Office of International Affairs**

The Criminal Division's Office of International Affairs has several important roles in the international criminal justice arena. A number of them involve dealings between the U.S. justice system and counterpart agencies in other individual countries. For example, the OIA provides assistance to U.S. Attorneys and State and local pros-

ecutors in obtaining evidence from foreign justice system agencies. The Office also works on extradition matters and is involved in the negotiation of Mutual Legal Assistance Treaties with other nations; these bilateral agreements seek to improve cooperation between governments in handling criminal matters.

OIA also works very actively with multilateral organizations, including the U.N. Crime Commission, the G-7/P8, the Council of Europe, the European Union, the Organization for Economic Cooperation and Development (OECD), and the Organization of American States. Personnel from OIA were recently involved in drafting the P8 40-point set of recommendations to combat transnational crime and the U.N. drafting of the Declaration on Crime and Public Security.

One staff member from OIA is on detail to the U.S. Agency for International Development. This staff member provides information to that agency on Justice Department capacities, interests, and recommendations related to rule-of-law efforts being planned by USAID.

### **Executive Office for United States Attorneys**

As noted above, the Executive Office for United States Attorneys has served as a major source of personnel for OPDAT. OPDAT sends requests for attorneys with specific experience, legal skills, and language skills to EOUSA, the Criminal Division, and elsewhere, as appropriate. Some overseas assignments are relatively brief (2 or 3 weeks) while others involve long-term placements abroad (e.g., the Bolivian, Colombian, and Russian examples cited above). One major challenge is to fit such assignments into the caseloads of busy, experienced attorneys. Assistant U.S. Attorneys who are selected to provide training and technical assistance overseas first receive orientation and training at OPDAT. They are also tested by OPDAT to ensure that their language skills are sufficient for the assignment.

### **Immigration and Naturalization Service**

The Immigration and Naturalization Service conducts an Overseas Fraudulent Document Detection Training Program. The training is provided by experienced overseas INS personnel, with assistance from other INS components, including the Inspections Division. Trainees include representatives of air carriers, immigration authorities, law enforcement agencies, airport security, foreign consular officials, border police, and others.

The training program is coordinated by INS district offices in Mexico, Rome, and Bangkok, with training sessions held in countries located in these three districts. In June 1996 more than 1,100 people were trained in Mexico, El Salvador, Panama, Belize, Nicaragua, Great Britain, Austria, Germany, and Thailand. In FY 1995, 11,702 people were trained by the Overseas Fraudulent Document Training Program, a number that included 5,455 foreign governmental officials, 5,652 airline personnel, and 595 others (including U.S. Embassy and consular officers).

In addition, INS personnel provide one-on-one training to their counterparts in many nations to teach them how to detect fraudulent documents.

### **Antitrust Division**

The Antitrust Division, in collaboration with the Federal Trade Commission, has provided assistance to more than 20 countries in competition law and policy issues. These countries are in many regions of the world, including Eastern and Central Europe and the former Soviet Union, Latin America and the Caribbean, and Africa. USAID has funded most of this training and technical assistance.

In some instances two-person teams comprising an attorney and an economist have been assigned to relevant foreign agencies to provide long-term assistance (for 3- to 8-month periods). These advisers work with their counterparts in economic competition agencies on a daily basis to assist with reforms in agency operations. The types of assis-

tance provided have included assistance in legal and regulation drafting, staff training, provision of information regarding methods of competition analysis and relevant investigative techniques, and discussions of specific cases or problems in a particular sector of the nation's economy.

In other nations, assistance is provided on a short-term basis for 1 to 2 weeks. Such shorter-term visits address specific competition issues. The Antitrust Division and the Federal Trade Commission have also sponsored internships in Washington for foreign officials for periods up to 6 weeks.

### **National Institute of Justice**

The National Institute of Justice is the research and development arm of the U.S. Department of Justice. NIJ is involved in international justice reform issues in a variety of ways, including sponsorship of conferences, conduct of clearinghouse and dissemination activities, sponsorship of research and visiting fellows, and maintenance of cooperative relationships with multilateral organizations. NIJ has sponsored conferences in a wide variety of topic areas during the past 25 years. Many have relevance to ongoing foreign and domestic justice reforms. In December 1995 NIJ cosponsored a workshop on "Policing in Emerging Democracies" with the State Department; the meeting was attended by representatives of 19 Federal agencies, participants from Russia and Ukraine, leading scholars, and others.

NIJ has been very active in conducting information clearinghouse and dissemination activities. It sponsors the world's largest criminal justice system clearinghouse, the National Criminal Justice Reference Service (NCJRS), which has a library of more than 130,000 documents. NCJRS has placed substantial resources on the Internet, including many international materials and links to other international sources of information. At a recent U.N. Congress, an NIJ official characterized NCJRS Online as "the beginning of a worldwide justice library without walls from which the inter-

national criminal justice community can access information in order to improve the operations of the criminal justice system around the world.”<sup>5</sup>

NIJ has conducted research on a very broad range of criminal justice issues during the past quarter century and, in the international area, has funded studies of Colombian drug trafficking, money laundering, Asian organized crime, and Soviet emigré-organized crime networks. The field of international justice reform is an extremely important one and merits intensive research to determine what works and what strategies should be pursued in different settings. Further efforts are needed to collect, consolidate, and analyze the experience and results of the various training, police support, and rule-of-law efforts so that the findings can inform future initiatives.

The Institute recently hosted four Visiting Fellows from the newly independent states who were conducting research dealing with such topics as organized crime and police integrity. In the past NIJ has hosted Visiting Fellows from Italy, Israel, Ukraine, Denmark, and the United Kingdom.

NIJ has growing ties with the United Nations and is an affiliate research institute of the United Nations Crime Prevention and Criminal Justice Branch. NIJ is developing the United Nations Online Crime and Justice Clearinghouse. Currently in the prototype stage, this system will link the 11 national and regional institutes affiliated with the United Nations on the World Wide Web. It will make NIJ information that is machine translated in six languages widely available. It will also make information from the foreign institutes available to Federal, State, and local justice system officials in the United States. Such linkages will greatly increase the U.N. institutes' capacity for information sharing and collaboration. UNOJUST development is being funded by the State Department's Office of International Narcotics and Law Enforcement Affairs. In addition, NIJ has already developed the Rule of Law Online World Wide Web site to provide relevant information to the states that emerged from the former Soviet Union.

## U.S. Agency for International Development

The U.S. Agency for International Development has been involved in the international justice reform arena since the mid-1980s. A recent policy paper developed by USAID estimates that the agency expended over \$220 million for rule-of-law programs between the mid-1980s and 1995.<sup>6</sup> This figure includes both criminal justice and civil justice reform efforts.

USAID rule-of-law efforts began in Central and Latin America and have spread to many other regions of the world, including Eastern and Central Europe and the former Soviet Union, Africa, Asia, and the Near East. Rule-of-law programs within these regions have typically been developed by USAID personnel assigned to in-country missions in collaboration with local justice system officials and personnel from USAID's regional offices in Washington. The recent reorganization of USAID has resulted in the development of a Center for Democracy and Governance at USAID. Fostering the rule of law is a primary concern of USAID's Center, and this reorganization has increased the centralization of analysis and rule-of-law planning on a global basis.

Brian Atwood, the administrator of USAID, recently commented on the role USAID plays in the justice reform field, stating, “USAID rule-of-law programs complement U.S. law enforcement interests by focusing on the long-term development needs of the justice system. USAID's focus on institutional strengthening reinforces and amplifies the benefits of law enforcement training by creating strong, sustainable institutions in which individuals, once trained, see their efforts pay off when the legal system functions properly. Without the long-term approach, short-term training efforts stand less chance of taking root.”<sup>7</sup>

USAID rule-of-law programs are typically multifaceted. Many programs involve fundamental reform of the legislation underlying the justice system, including substantive and procedural criminal codes and statutes underpinning the

courts, prosecution, and police. In addition, programs typically include efforts to strengthen justice system institutions, such as training and technical assistance for judges, prosecutors, public defenders, and members of the private bar. USAID has provided funding for the Justice Department's ICITAP and OPDAT efforts to improve the skills of police and prosecutors. Some USAID rule-of-law programs have also sought to strengthen civil society support for justice reform as well as to increase the nations' capacity to investigate justice system problems and promote reforms and adherence to generally recognized human rights standards in the administration of justice. Furthermore, innovative approaches, such as the use of alternative dispute resolution mechanisms, have been supported in many nations as part of USAID rule-of-law programs. USAID programs seek to strengthen the independence of the judiciary and the efficiency, effectiveness, accountability, and accessibility of justice systems. Major USAID rule-of-law programs have been developed in many nations, including Russia, Ukraine, Colombia, Guatemala, Panama, Haiti, the Philippines, and Sri Lanka.

## **U.S. Department of State**

Two major components of the State Department are involved in international justice reform: the Bureau for International Narcotics and Law Enforcement Affairs and the Bureau for Democracy, Human Rights, and Labor (DRL). The work of each Bureau is discussed in turn.

### **Bureau for International Narcotics and Law Enforcement Affairs**

The Bureau for International Narcotics and Law Enforcement Affairs plays a major role in many facets of the international justice assistance arena. INL chairs a Law Enforcement Interagency Working Group that seeks to coordinate international law enforcement assistance and administration of justice efforts. During the past 2 years the working

group has had approximately \$32 million in funds from the SEED and FSA acts available for international training and technical assistance in Eastern and Central Europe and the former Soviet Union and an additional \$10 million for such assistance in other areas of the world. For the most part, these activities are carried out by law enforcement agencies of the Departments of Justice and Treasury. These funds have also supported the development and operation of the International Law Enforcement Academy in Budapest, discussed earlier. The Academy received approximately \$3 million during the past year, and a subgroup of the Law Enforcement Interagency Working Group, the ILEA Steering Group, has conducted the planning for ILEA.

The Interagency Working Group meetings bring together representatives of many organizations including the FBI, DEA, ICITAP, OPDAT, Secret Service, ATF, IRS, Customs, Financial Crimes Enforcement Network (FinCEN), the Federal Law Enforcement Training Center (FLETC), the Department of State's Bureau of Diplomatic Security, its Bureau for Democracy, Human Rights, and Labor, and the U.S. Agency for International Development.

INL is also actively involved in a working group that is drafting the international crime bill (discussed in the introductory section of this paper) as well as in efforts to dismantle money-laundering havens, and efforts to target the Colombian Cali cartel's assets. Other INL activities include working on the Stolen Cars Initiative in cooperation with the National Insurance Crime Bureau, co-chairing (with INS) an Interagency Working Group on Alien Smuggling, assisting in the development of the Bosnian and Haitian police forces, and chairing an Interagency Working Group on Nigerian Crime. The Bureau of International Narcotics and Law Enforcement Affairs has personnel detailed to it from the FBI, Customs, INS, Coast Guard, and other law enforcement agencies in order to enhance coordination across agencies.



INL is involved in a number of cooperative activities with the United Nations. INL played a major role in drafting the U.N. Declaration on Crime and Public Security, and the Bureau's Deputy Assistant Secretary of State led the U.S. delegation to the U.N. Crime Commission meeting in May 1996. In partnership with NIJ, INL is funding the UNOJUST system, discussed above, linking all U.N.-affiliated crime institutes on the World Wide Web. INL is also funding HEUNI, a U.N.-affiliated institute in Helsinki, to expand its existing database on law enforcement training programs relevant to nations in Eastern and Central Europe and the newly independent states. The database will include completed, ongoing, and future training programs. INL is also working with institutions of the European Union (EU) and encouraging EU participation at the International Law Enforcement Academy in Budapest.

INL has been active in the P8 Senior Experts Group on Transnational Organized Crime and contributed to the recently approved P8 40-point plan discussed earlier.

### **Bureau for Democracy, Human Rights, and Labor**

The Bureau for Democracy, Human Rights, and Labor chairs the Interagency Working Group on Democracy and Human Rights. This working group was established at the direction of the National Security Council in 1994 following a review of democracy assistance programs throughout the government. It is responsible for monitoring human rights and democracy programs. Its members include representatives of the Departments of Justice, Treasury, Defense, and Commerce as well as USAID, USIA, CIA, and other agencies. This working group provides broad policy and priority coordination in the democracy and human rights area, and representatives from DRL sit on other related working groups involved directly in resource allocation, such as the INL and Law Enforcement Interagency Working Group.

## **U.S. Department of the Treasury**

This section presents brief summaries of the work of the U.S. Secret Service, ATF, and the Financial Crimes Enforcement Network. The Internal Revenue Service and the U.S. Customs Service also provide some assistance in their specialized areas of expertise, including presentation of courses at ILEA.

### **U.S. Secret Service**

The U.S. Secret Service provides international training and technical assistance dealing with its areas of specialization in financial crime detection and investigation. Training sessions are conducted by highly experienced Secret Service personnel, with most sessions held overseas. Countries in which training has recently been conducted include, Russia, Belarus, Ukraine, the Czech Republic, Hungary, Estonia, Latvia, Lithuania, and Turkey. The bulk of the funding for this international training has been received from SEED and FSA funds administered by the Bureau of International Narcotics and Law Enforcement Affairs.

The Secret Service provides training in the investigation of currency counterfeiting, credit card fraud (including counterfeit credit cards, altered credit cards, and fraudulent use of credit card account numbers), and telecommunications fraud (e.g., the encoding of microchips for cloning cellular telephones to mimic the identity of a legitimate account holder, and related frauds). Secret Service training programs include discussions of actual cases to demonstrate the complexity of investigating financial crimes. The technology and tools available to law enforcement to combat such crime are reviewed.

The Secret Service teaches a part of the ILEA curriculum in Budapest. Sessions presented include Technical Features of Genuine Currency, Production of Counterfeit Currency, Principles of Counterfeit Investigation, Managing Counterfeit Investigations, Counterfeit Lab (providing practical experience), International Trends in Counter-

feiting, Access Device (i.e. credit card) investigations, and Protection Overview.

### **Bureau of Alcohol, Tobacco and Firearms**

ATF conducts international training in its areas of specialization, including (1) international firearms trafficking, (2) gang activities, including discussion of the ATF Gang Resistance Education and Training Program (GREAT), and (3) postblast investigation. As is the case for the other Federal agencies, ATF trainers are highly experienced agents. ATF's international training is supported by SEED and FSA funds. Nations in Eastern and Central Europe and the former Soviet Union have experienced considerable problems with firearms because many weapons were discarded or sold by soldiers when they were demobilized.

ATF training is conducted overseas for the most part, but postblast investigation training is typically provided at the Federal Law Enforcement Training Center in Glynco, Georgia. ATF personnel teach part of the ILEA curriculum and current courses on gangs and gang resistance as well as on firearms.

### **Financial Crimes Enforcement Network**

FinCEN accumulates, analyzes, and disseminates information on financial crimes and places particular emphasis on drug money laundering. FinCEN was developed in 1990 by the Treasury Department, and in addition to its own staff has personnel from the FBI, DEA, ATF, Postal Inspector's Office, Coast Guard, and nine other agencies who serve 2- to 3-year assignments.

FinCEN literature indicates that its mission is "to provide a governmentwide, multisource intelligence and analytical network to support law enforcement and regulatory agencies in the detection, investigation, and prosecution of financial crimes." FinCEN maintains a number of computer databases to carry out its work. These include (1) Treasury's Financial Database, with reports filed in response to the requirements of the Bank Secrecy Act (basically, currency transactions over \$10,000

and international transport of currency and monetary instruments of more than \$10,000); (2) databases owned and administered by Federal law enforcement and regulatory agencies; and (3) publicly available commercial databases that include business and marketing records and demographic data.

FinCEN analysts prepare reports for a variety of law enforcement agencies throughout the government and seek to identify patterns of money laundering and related financial crimes. FinCEN personnel have been very active in the Financial Action Task Force (FATF). FATF members include the 26 members of the Organization for Economic Cooperation and Development plus Hong Kong and Singapore. FATF is working to strengthen worldwide anti-money-laundering regulations and enforcement. The members of FATF have all agreed to develop organizations similar to FinCEN. A Caribbean Financial Action Task Force (CATF) has also been established, and these nations are also interested in developing financial intelligence units similar in purpose to FinCEN.

FinCEN officials are encouraging the development of financial intelligence units around the world and working with various multilateral groups (including FATF, CATF, and Interpol) to foster such efforts. Such a global network would be useful in combating money laundering by reducing the capacity of criminals to hide illegally obtained assets.

### **U.S. Information Agency**

The U.S. Information Agency (USIA) has sponsored a wide variety of exchanges between U.S. and foreign justice system agencies. These exchange programs have exposed foreign justice system officials to many aspects of the U.S. justice system and have encouraged collaboration in reform. Similarly, U.S. justice system personnel have visited foreign justice system agencies, have presented discussions of reforms in the U.S., and have learned about the problems encountered by the foreign justice systems.

USIA officials stress that exchange programs not only result in transferring technical skills but also in building relationships among professionals and in critically increasing foreign officials' understanding of how democratic values have become embedded in U.S. institutions. USIA personnel indicate that their programs seek to strengthen the "culture of democracy" in nations with emerging democratic systems as well as to help with the "technology of democracy" through the transfer of technical information on promising reforms.

USIA has had a number of partners in its efforts and has funded exchange programs sponsored by the Federal Judicial Center (FJC), the Central and East European Law Initiative (CEELI) of the American Bar Association, and the Bureau of Human Rights and Humanitarian Affairs (and its successor, the Bureau of Democracy, Human Rights, and Labor of the State Department), and many others.

USAID exchange visits have dealt with a broad array of issues. For example, a USAID delegation of Russian officials visited the United States to learn about the jury system and how it might be structured in Russia and adapted to local needs and conditions. Judges and prosecutors have visited the United States from many Latin American nations to observe our adversary system of justice and explore the elements of this system that might be beneficial to their judicial systems.

## Conclusion

As the above brief review indicates, many Federal agencies are conducting international justice assistance efforts. This technical assistance and training can be of great use in combating transnational crime and can also strengthen fragile emerging democracies as they seek to consolidate democratic governance. Recent initiatives by the G-7/P8, the United Nations, and the Federal Government suggest that the demand for international justice assistance is growing rapidly.

Much remains to be done in this important field. Most observers agree on the need for broad information sharing and effective coordination. In addition, increased analysis and understanding of what works in the fight against crime is essential. Developments in this field have moved rapidly, and little time has been available to reflect upon what strategies, or combinations of strategies, are most promising for combating transnational crime and developing sustainable reforms in foreign justice systems. Over time it will be helpful to develop a more detailed understanding of the major problems confronted by foreign justice systems and the implications of these justice system weaknesses for U.S. interests in combating transnational crime. Such information can provide the basis for the systematic prioritization of U.S. assistance in this critical field.

## Notes

1. Statement of Jamie S. Gorelick, then Deputy Attorney General, before the U.S. House of Representatives Committee on International Relations at Hearings on Democracy, Rule of Law, and Police Training Assistance (December 7, 1995), pp. 11-12.
2. United Nations Declaration on Crime and Public Security approved by the U.N. Commission on Crime Prevention and Criminal Justice in Vienna, May 1996.
3. Hearing before the Committee on International Relations, House of Representatives, on Democracy, Rule of Law, and Police Training Assistance (December 7, 1995), p. 4.
4. International Criminal Investigative Training Assistance Program Overview Document (undated).
5. Statement by Martin Lively presented at the Ninth United Nations Congress on the Prevention of Crime and Treatment of Offenders, Cairo, Egypt (April 29-May 8, 1995), and excerpted in a summary of "NCJRS International Activities" on the NCJRS Justice Information Center Web site.

6. Policy and Implementation Options for Rule of Law in USAID. Democracy and Governance Policy Paper No. 1 (February 27, 1995).

7. Testimony of the Honorable J. Brian Atwood, Administrator of the U.S. Agency for International Development, before the House Committee on International Relations (December 7, 1995), p. 50.

## Appendix B:

# Workshop Attendees\*

Yury Antonyan  
Principal Researcher  
Research Institute of the Ministry of Internal Affairs of the  
Russian Federation  
Kutuzovsky Prospect 19, Apt. 47  
Moscow  
Russia  
011-240-4369  
011-290-3613

Virginia Baldau  
Director, Program Development Division  
Office of Development and Dissemination  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-514-6204  
202-307-6394  
baldau@justice.usdoj.org

Frederick Baron  
Director  
Executive Office for National Security  
U.S. Department of Justice  
10th Street and Constitution Avenue N.W., Room 4119  
Washington, DC 20530  
U.S.A.  
202-514-6753  
202-307-0097

David Bayley  
Dean and Professor  
School of Criminal Justice  
State University of New York at Albany  
135 Western Avenue  
Albany, NY 12222  
U.S.A.  
518-442-5215  
518-442-5603  
dbayley@cnsvox.albany.edu

Marlene Beckman  
Special Counsel to the Assistant Attorney General  
Office of the Assistant Attorney General  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-616-3562  
202-514-7805

Michael Berkow  
Chief of Police  
Coachella Police Department  
1515 Sixth Street  
Coachella, CA 92236  
U.S.A.  
619-398-0101  
619-398-3802

Fred Borakove  
Senior Analyst  
Criminal Investigation Division  
Internal Revenue Service  
U.S. Department of the Treasury  
1111 Constitution Avenue N.W.  
Washington, DC 20224  
U.S.A.  
202-622-4120  
202-622-9250

Stephanie Bourque  
Program Manager  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-307-2955  
202-307-6394

\*Current as of 1995.

Douglas Cassel  
Professor and Executive Director  
International Human Rights Law Institute  
DePaul University College of Law  
25 East Jackson  
Chicago, IL 60604  
U.S.A.  
312-362-5920  
312-362-5923  
dcassel@condor.depaul.edu

Sergey Chapkey  
International Visiting Fellow  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-307-2942  
202-307-6394

Paul Chevigny  
Professor  
New York University School of Law  
40 Washington Square South  
New York, NY 10012  
U.S.A.  
212-998-6249  
212-995-3156  
chevigny@acfcluster.nyu.edu

Dan Corsentino  
Sheriff  
Pueblo County Sheriff's Department  
909 Court Street  
Pueblo, CO 81003  
U.S.A.  
719-583-6131  
719-583-6143

Michael Dalich  
Special Assistant  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-616-3203  
202-514-9065

Steven Edwards  
Program Manager  
Office of Research and Evaluation  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-307-2942  
202-307-6394

Robert Gelbard  
Assistant Secretary  
Bureau of International Narcotics and Law  
Enforcement Affairs  
(Currently Special Representative to the President and the  
Secretary of State for the Implementation of the Dayton  
Peace Accords)  
U.S. Department of State  
2201 C Street N.W., Room 6219  
Washington, DC 20520  
U.S.A.  
202-647-3774  
202-647-0939

William Geller  
Associate Director  
Police Executive Research Forum  
2116 Thornwood Avenue  
Wilmette, IL 60091-1452  
U.S.A.  
708-256-0017  
708-256-0111  
wageller@aol.com

Susan Ginsburg  
Senior Advisor  
Office of the Under Secretary (Enforcement)  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, Room 4412  
Washington, DC 20220  
U.S.A.  
202-622-1496  
202-622-7301  
susan.ginsburg@tres.sprint.com

Herman Goldstein  
Professor Emeritus  
School of Law  
University of Wisconsin  
975 Bascom Hall  
Madison, WI 53706  
U.S.A.  
608-262-1227  
608-262-5485  
hgold@macc.wisc.edu

David Harrell  
Director  
International Training Division  
U.S. Customs Service  
U.S. Department of the Treasury  
1301 Constitution Avenue N.W.  
Washington, DC 20523  
U.S.A.  
202-927-0624  
202-927-8295

Philip Heymann  
Professor  
School of Law  
Harvard University  
522 Hauser Hall  
Cambridge, MA 02138  
U.S.A.  
617-495-3137  
617-495-1110  
heyman@hulaw1.harvard.edu

Sally T. Hillsman  
Assistant Director  
National Institute of Justice  
Office of Research and Evaluation  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-307-2967  
202-307-6394

David Holmes  
Assistant Director of Training  
U.S. Secret Service  
U.S. Department of the Treasury  
1800 G Street N.W.  
Washington, DC 20523  
U.S.A.  
202-435-7180  
202-435-7408

Langley James  
Assistant for Foreign Internal Defense Policy Planning  
U.S. Department of Defense  
2500 Defense Pentagon  
Washington, DC 20301-2500  
U.S.A.  
703-693-5208  
703-693-0615

David Kalish  
Commander  
Los Angeles Police Department  
150 North Los Angeles Street, Room 611  
Los Angeles, CA 90012  
U.S.A.  
213-485-4018  
213-237-0676

Raymond Kelly  
President and Director  
The Investigative Group International  
(Currently Under Secretary [Enforcement])  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue N.W., Room 4330  
Washington, DC 20220  
U.S.A.  
202-622-0240

Carl Klockars  
Professor  
Division of Criminal Justice  
University of Delaware  
120 Timberline Drive  
Newark, DE 19711  
U.S.A.  
302-368-1109  
302-368-1337  
klockars@udel.edu

Ginger Kyle  
DUF Program Analyst  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-307-2966  
202-307-6394  
kyle@justice.usdoj.gov

James Lassiter  
Rome District Desk Officer  
International Affairs  
Immigration and Naturalization Service  
425 I Street N.W.  
Washington, DC 20536  
U.S.A.  
202-633-2411  
202-633-3782

John Lee  
Staff Coordinator  
International Operating Programs  
Drug Enforcement Agency  
U.S. Department of Justice  
700 Army-Navy Drive  
Arlington, VA 22202  
U.S.A.  
202-307-4233  
202-307-4154

G. Martin Lively  
International Liaison  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-514-6211  
202-307-6394  
lively@justice.usdoj.gov

Gerald Lynch  
President  
John Jay College of Criminal Justice  
City University of New York  
899 10th Avenue  
New York, NY 10019  
U.S.A.  
212-237-8600  
212-237-8607  
LYNCH Johnjay@interport.net

Phyllis McDonald  
Social Science Analyst  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-616-3653  
202-307-6394  
pmdonald@justice.usdoj.gov

William McDonald  
Visiting Fellow  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-616-9796  
202-307-6394

Debra McFarland  
Rule of Law Advisor  
Global Bureau  
U.S. Agency for International Development  
2201 C Street N.W.  
Washington, DC 20520  
U.S.A.  
202-736-7877  
202-736-7892

Sam McQuade  
Social Science Program Manager  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-307-0200  
202-307-6394  
mcquades@justice.usdoj.gov

Fred Mecke  
Director  
Office of International Criminal Justice  
U.S. Department of State  
2201 C Street N.W.  
Washington, DC 20520  
U.S.A.  
202-736-4551  
202-736-4515

Lois Mock  
Program Manager  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-307-0693  
202-307-6394



Mark Moore  
 Professor  
 Kennedy School of Government  
 Harvard University  
 79 John F. Kennedy Street, Room 206  
 Cambridge, MA 02138  
 U.S.A.  
 617-495-1113  
 617-496-6372  
 mark\_moore@harvard.edu

Norval Morris  
 Professor Emeritus  
 School of Law  
 University of Chicago  
 1111 East 60th Street  
 Chicago, IL 60637  
 U.S.A.  
 312-702-9587  
 312-702-0730  
 norval\_morris@law.uchicago.edu

Regina Nassen  
 Counsel on International Programs  
 U.S. Department of Justice  
 10th Street and Constitution Avenue N.W.  
 Washington, DC 20500  
 U.S.A.  
 202-514-8168  
 202-616-1080

Caroline Nicholl  
 Harkness Fellow  
 National Institute of Justice  
 U.S. Department of Justice  
 810 Seventh Street N.W.  
 Washington, DC 20531  
 U.S.A.  
 202-307-0153  
 202-307-6394  
 nichollc@justice.usdoj.gov

Robert Perito  
 Deputy Director  
 International Criminal Investigative Training and  
 Assistance Program  
 U.S. Department of Justice  
 1255 22nd Street N.W., Suite 700  
 Washington, DC 20037  
 U.S.A.  
 202-653-9122  
 202-653-2280

Carol Petrie  
 Director  
 Planning and Management  
 National Institute of Justice  
 U.S. Department of Justice  
 810 Seventh Street N.W.  
 Washington, DC 20531  
 U.S.A.  
 202-616-3674  
 202-307-6394

Jamie Phillips  
 Office of Congressional and Public Affairs  
 U.S. Department of Justice  
 810 Seventh Street N.W.  
 Washington, DC 20531  
 U.S.A.  
 202-616-7510  
 202-514-5958

Winifred Reed  
 Program Manager  
 Office of Research and Evaluation  
 National Institute of Justice  
 U.S. Department of Justice  
 810 Seventh Street N.W.  
 Washington, DC 20531  
 U.S.A.  
 202-307-2952  
 202-307-6394  
 wreed@justice.usdoj.gov

Alan Ringgold  
 Deputy Assistant Director  
 International Relations Criminal Investigative Division  
 Federal Bureau of Investigation  
 U.S. Department of Justice  
 10th Street and Pennsylvania Avenue N.W., Room 7443  
 Washington, DC 20535  
 U.S.A.  
 202-324-5904  
 202-324-1096

Laurie Robinson  
 Assistant Attorney General  
 Office of Justice Programs  
 U.S. Department of Justice  
 810 Seventh Street N.W.  
 Washington, DC 20531  
 U.S.A.  
 202-307-5933  
 202-514-7805

Jeffrey Ian Ross  
Social Science Analyst  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-616-7036  
202-307-6394

Luis Salas  
Director  
Center for the Administration of Justice  
Florida International University  
North Miami Campus  
Academy 1, Room 225  
2000 N.E. 145th Street  
Miami, FL 33181  
U.S.A.  
305-940-5952  
305-956-5485  
salasl@servms.fiu.edu

Clifford Shearing  
Professor and Director  
Center of Criminology  
University of Toronto  
130 Saint George Street  
Toronto, Ontario  
Canada  
416-978-3720  
416-978-4195

Michael Smith  
Professor  
School of Law  
University of Wisconsin  
975 Bascom Hall  
Madison, WI 56706  
U.S.A.  
608-263-7762  
608-262-5485  
mesmith4@facstaff.wisc.edu

Janice Stromsen  
Director  
International Criminal Investigative Training and  
Assistance Program  
U.S. Department of Justice  
1255 22nd Street N.W., Suite 700  
Washington, DC 20037  
U.S.A.  
202-653-9122  
202-653-2280

Michael Sullivan  
Deputy Commander  
U.S. Army Criminal Investigation Command  
6010 Sixth Street  
Fort Belvoir, VA 22060-5506  
U.S.A.  
703-806-0407  
703-806-0417  
sullivanm@cidc-belvoir.army.mil

Gary Thomas  
Special Agent in Charge, International Enforcement  
Bureau of Alcohol, Tobacco and Firearms  
U.S. Department of the Treasury  
650 Massachusetts Avenue N.W.  
Washington, DC 20530  
U.S.A.  
202-927-8500  
202-927-8972

John Thomas  
Program Manager  
Office of Development and Dissemination  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-514-6206  
202-307-6394  
angelicom@aol.com

R.J. Bankole Thompson  
Professor  
Police Studies Department  
College of Law Enforcement  
Eastern Kentucky University  
Stratton, Room 467  
Richmond, KY 40475  
U.S.A.  
606-622-1464  
606-622-6392

Michael Tonry  
Professor  
School of Law  
University of Minnesota  
229 19th Avenue South  
Minneapolis, MN 55455  
U.S.A.  
612-625-1314  
612-625-2011

Jeremy Travis  
Director  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-307-2942  
202-307-6394  
travisje@justice.usdoj.gov

William Walsh  
Director  
Southern Police Institute  
Department of Justice Administration  
College of Arts and Sciences  
University of Louisville  
Louisville, KY 40202  
U.S.A.  
502-852-0330  
502-852-0335  
wfwals01@ulkyvm.louisville.edu

Richard Ward  
Associate Chancellor for Special Programs  
Executive Director of the Office of International Criminal  
Justice  
University of Illinois at Chicago  
1033 West Van Buren, Suite 500  
Chicago, IL 60607  
U.S.A.  
312-996-9595  
312-413-0458

Deborah Wilson  
Assistant University Provost  
Co-Chair  
Department of Justice Administration  
College of Arts and Sciences  
University of Louisville  
Louisville, KY 40292-0001  
U.S.A.  
502-852-6153  
502-852-0657  
dgwils01@ulkyvm.louisville.edu

Jane Wiseman  
National Institute of Justice  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, DC 20531  
U.S.A.  
202-616-3233  
202-307-6394  
wiseman@justice.usdoj.gov

Anatoly Zakalyuk  
Deputy Chief  
Ukrainian Academy of Internal Affairs  
Yinogradny Pereulok 1/11, Apt. 75  
Kiev-24  
Ukraine  
011-293-0156

Ugljesa Zvekic  
Research Coordinator  
United Nations Interregional Crime and Justice  
Research Institute  
Via Giulia 52  
Rome 00186  
Italy  
011-687-7437  
011-689-2638  
202-616-3233



## Appendix C: Workshop Participants' 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 more than 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 a 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: 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, D.C.: National Institute of Justice, 1988), both with Jerome H. Skolnick; *A Model of Community Policing: The Singapore Story* (Washington, D.C.: 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 the Chief of Police 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 roles in the Somalia Police Project and the Haiti National Police Project. In both of these efforts, he was the project manager. The Somalia project was 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 infrastructure 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, working 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 was responsible for sensitive criminal investigations and special projects.

Mr. Berkow also has considerable teaching experience. In 1986, he was an Adjunct Professor at the State University of New York, Brockport. He has taught at various police academies and training sites, including Northwestern University; the Connecticut State Police Academy; and the 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 the 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 the author of

\*Current as of December 1995.

numerous publications and belongs to several 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. From 1990 to 1992 he served as New York City Police Commissioner and as Atlanta's Public Safety Commissioner from 1978 to 1982.

Dr. Brown began his career in law enforcement in 1960, as a patrolman in San Jose, California. After 8 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, D.C., as Associate Director of the Institute for Urban Affairs and Research. He held the 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. The following year, 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 has written many articles and papers on police management, community policing, and the criminal justice system. He is coauthor of *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 1992-1993, 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 has 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 Dominican Republic.

Before helping to found the International Human Rights Law Institute at DePaul in 1990, he served for 16 years as Attorney and General Counsel of Business and Professional People for the Public Interest, a Chicago public interest law center. Professor Cassel is an 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 6 years, he has begun to work on a large project comparing the problems of police violence in cities of the developing world.

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. For Human Rights Watch he has prepared 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), and *Police Power: Police Abuses in New York City* (1969).

Before he began his teaching career, Mr. Chevigny was associated with the New York affiliate of the American Civil Liberties Union (ACLU). 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** became Sheriff of Pueblo County in Pueblo, Colorado, in 1991 and was reelected in 1994.

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 1993, Governor Romer appointed Sheriff Corsentino to the Police Officer Standards

and Training (P.O.S.T.) Board. He is a member of the Criminal Justice Advisory committee for Pueblo Community College and cochairs the County Sheriffs of Colorado's legislative committee; he is also the Second 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 National Sheriffs' Association's Ethics Committee and Native American Indians Committee. He is a member of numerous civic and service organizations. Recently, Sheriff Corsentino was invited to conduct a needs assessment of police organizational structure, community relations, community policing, and executive protection, and to make 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 courses include History and Sociology of Law Enforcement; Ethics, Values, and Racism in Policing; and Policing in the 21st Century. His most recent publication was "Employee Involvement Implementing Quality Change" (*FBI Law Enforcement Bulletin*, November 1993).

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 1993, he graduated from the National FBI Academy, Quantico, Virginia, 172nd session.

**Robert S. Gelbard** is currently Special Representative to the President and the Secretary of State for the Dayton Peace Accords. At the time of the Workshop he had been Assistant Secretary of State for International Narcotics and Law Enforcement Affairs since November 1993.

His career began with service 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 was then 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. 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 10 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 U.S. 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 was also detailed part-time to the President's Council of Economic Advisers 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 a B.A. in History. He subsequently received a Master's in Public Administration in Economics from Harvard University in 1979. He also studied economics at the Massachusetts Institute of Technology.

**William Geller** is Associate Director of the Police Executive Research Forum (PERF) based in Washington, D.C., and Director of PERF's Midwest Office. Mr. Geller 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 and 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, Professor 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 coauthored 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 Director of the International Training Division of the U.S. Customs Service where 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.

A career civil servant, Mr. Harrell began as a management intern with the Department of Defense and moved to the 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 Dickinson College and an M.A. in International Law and International Relations from the American University School of International Service. He also held a 1-year fellowship at the University of Washington Graduate School for Public Affairs.

**Philip Heymann** is 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 in 1993–1994, Assistant Attorney General in charge of the Criminal Division from 1978 to 1981, and Associate Watergate Special Prosecutor from 1973 to 1975. The previous decade, he held several posts in the U.S. Department of State (Executive Assistant to the Under Secretary of State, Deputy Assistant Secretary of State for International Organizations, and head of the Bureau of Security and Consular Affairs). Earlier in his career, 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 to 1965.

In his current position 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, Colombia, South Africa, and Russia. He chaired the panel of international experts proposing to the Goldstone Commission new procedures for conducting and handling mass demonstrations in South Africa.

**Sally T. Hillsman** is Deputy 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 was Vice President with responsibility for the Center's national-scope research and court technology programs. Previously she was 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 security for the Vice President following the 1992 presidential election. 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 Secret Service Office of Training, where he wrote 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 and in 1988 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 U.S. Army, where he served as an Intelligence Officer. He subsequently received his Master's degree in Human Relations from the University of Oklahoma.

**Langley B. James** has served as Assistant for Foreign Internal Defense, U.S. Department of State, where he has been 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. In addition, he 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 and 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 where he has served 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 the Criminal Intelligence Group, he currently directs the activities of approximately 150 personnel assigned to the Anti-Terrorist Division and the Administrative Vice Division. Commander Kalish is an active member of many professional and community organizations. He has been a member of many international delegations and regularly instructs and lectures on a variety of criminal justice topics.

**Raymond W. Kelly** is currently Under Secretary (Enforcement) in the U.S. Department of the Treasury. At the time of the Workshop he was President and Director of New York operations of The Investigative Group International, 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 the Haitian Police's human rights abuses 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 General John Shalikashvili.

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 the World Trade Center bombing in 1993 and its subsequent investigation. 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's service in the U.S. Marine Corps included combat in Vietnam, and he retired with the rank of 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. A graduate of Manhattan College, he also holds a Master's degree 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**, Professor of Sociology and Criminal Justice at the University of Delaware, has been a criminologist for 25 years. During this time he has published five books, about 80 articles, and numerous papers. His first book, *The Professional Fence*, is a detailed life history of a dealer in stolen property. Three of his more recent works, *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 this country and abroad.

He is currently the nationally elected Vice President of the Police Section of the Academy of Criminal Justice Sciences and was three times elected by 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 by the police. He is currently conducting a large research project that compares police and citizen attitudes toward corruption and appropriate discipline. The project employs systematic cross-cultural comparative samples from the United States, Croatia, and Australia.

Dr. Klockars holds a Bachelor's degree in Sociology from the University of Rhode Island and a Master's in Criminology and Doctorate 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, a position he has held since 1992. His areas of expertise include international development, cultural change, and the peoples of Africa.

From 1985 to 1988, Dr. Lassiter served as Peace Corps Country Director in Tanzania, and from 1988 to 1991 he directed the Peace Corps program in Ghana. From 1984 to 1985, he 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 the Peace Corps in 1980 as a Peace Corps volunteer science teacher in Swaziland.

Dr. Lassiter also worked as a Research Analyst for the State of California, Center for Health Statistics in Sacramento. In 1974, he received his B.A. in Anthropology, with honors and a minor in Biological Sciences, from California State University in Sacramento. He received an M.S. in Anthropol-

ogy from the University of Oregon in 1975, and in 1983 he received a Ph.D. in Cultural Anthropology from the University of Oregon.

**G. Martin Lively** is currently 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 at NIJ, including Court Specialist, Conference Manager, Law Enforcement Programs Manager, and Assistant to the Director of Research and Evaluation. Before joining NIJ in 1974, he worked in various California jurisdictions, serving 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, with the U.S. 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. John Jay College 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 taught 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, with a curriculum integrating academic study for an Associate Degree in Police Science with basic police training for all recruits.

He received his B.S. from Fordham College and his Ph.D. in Clinical Psychology from New York University.

**Mark H. Moore** is the Daniel and Florence Guggenheim Professor of Criminal Justice and Public Management at Harvard's Kennedy School of Government and Faculty Chair of the Kennedy School of Government Program in Criminal Justice. For a decade he served as the Founding Chair of the Kennedy School's Committee on Executive Programs. Professor Moore has led national "executive sessions" on the future of juvenile justice, police, 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 *Creating Public Value: Strategic Management in Government*.

**Norval Morris** is Julius Kreeger Professor of Law and Criminology Emeritus at the University of Chicago and is a Fellow of the American Academy of Arts and Sciences. For 8 years he was a member of the Police Board of the City of Chicago.

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

He serves on several Federal and State government and scholarly commissions and councils.

**Mark M. Richard** is the Deputy Assistant Attorney General, U.S. Department of Justice, where he oversees 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, antinarcotics, terrorism, money laundering, asset forfeiture, special investigations, and violent crime. For the 4-year period 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.

As Chief of the Fraud Section in the U.S. Department of Justice, 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. Mr. Richard's previous experience includes developing comprehensive programs for combating white-collar crime and prosecutorial experience against major drug dealers in the Washington, D.C., metropolitan area.

Mr. Richard received a J.D. degree with honors from the Brooklyn Law School and received a B.A. degree in Psychology from the City University of New York. His further executive training includes the Executive Program in National and International Security at 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 FBI, where he oversees the FBI's relationship with police and security services throughout the world. 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 Attaché, and later was promoted to Legal Attaché, with responsibility for FBI liaison activities in Switzerland, Austria, and Liechtenstein. Additionally, he was an exchange manager with the Drug Enforcement Administration, where he assisted with the development of its money laundering and asset forfeiture programs. In 1989, he became Legal Attaché 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 briefly as a police officer in Alexandria, Virginia.

**Laurie O. Robinson** was appointed Assistant Attorney General for the U.S. Department of Justice's Office of Justice Programs (OJP) in 1994. She previously served as Associate

Deputy Attorney General and Acting Assistant Attorney General at OJP.

Before joining the Justice Department in 1993, Ms. Robinson served as Director of the American Bar Association's (ABA) Criminal Justice Section beginning in 1979. She also headed the ABA's Professional Services Division—D.C., which constituted about half the Association's Washington, D.C., 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 was 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 in 1975 and is now a full Professor in the Criminal Justice Department. He is a recognized expert on Latin American justice systems and has written or coauthored six books and a number of articles on the subject since 1992. Professor Salas has served as Chair of the Criminal Justice Department, which offers an undergraduate and master's program.

In 1985, Professor Salas was named Director of the Center for the Administration of Justice at Florida International University. The Center employs a multidisciplinary and international staff of specialists and places 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 in political science from North Carolina State University and received his J.D. degree 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 in South Africa. His research focuses on shifts in governance and their implications for policing and justice. Most recently he has been studying and providing advice on the transformation of policing and justice in South Africa. His latest book is *Policing for a New South Africa* (Routledge). His forthcoming book is tentatively titled *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 President of the Vera Institute of Justice, a nonprofit 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 the Neighborhood Defender Service of Harlem, the New York Criminal Justice Agency, the Center for Alternative Sentencing and Employment Services, and the Vinland Property Trust. He is still a member of the board of trustees of all the aforementioned organizations.

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

**Janice M. Stromsen**, who has been with the U.S. Department of Justice since 1971, is Director of the International Criminal Investigative Training Assistance Program (ICITAP), U.S. Department of Justice. Before being appointed Director of ICITAP, she held various posts in U.S. law enforcement agencies, including ICITAP's Associate Director for Field Operation, and served 10 years as the Deputy Chief of INTERPOL-USNCB. She is credited with the institutionalization of INTERPOL within 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 the University of Paris (Sorbonne).

**Michael L. Sullivan** is the Deputy Commander, U.S. Army Criminal Investigation Command, at Fort Belvoir, Virginia. He began military service by serving 4 years in the U.S. Marine Corps and then enlisting 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, where 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); 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 B.S. degree in Criminology from the University of Tampa, an M.S. in Education from Purdue University, an M.A. in International Relations from Salve Regina College, and an M.S. 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 currently serves as the Special Agent in Charge of ATF's International Enforcement Branch in Bureau Headquarters, Washington, D.C..

Mr. Thomas began his law enforcement career in 1977 as a U.S. Border Patrol agent in El Paso, Texas. In 1978, he joined ATF as a special agent assigned to the Lubbock, Texas, Field Office. In 1980, he was reassigned to the Miami Field Division, where he worked in the Miami and Fort Lauderdale Field Offices during the Vice President's Drug Task Force. In 1984, he was promoted to Senior Operations Officer in the Atlanta Field Division. He was later promoted to Supervisor of the Atlanta Firearms Enforcement Group. In 1991, he 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. Formerly, he was Associate Professor of Criminal Justice Studies at Kent State University. He also served as Judge of the High Court and District Attorney in the West African State of Sierra Leone and Legal Adviser to the Mano River Union (a subregional economic integration group in West Africa). Professor Thompson has published widely in the areas of law and comparative criminal justice and has forthcoming book chapters 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 an M.A. in Philosophy from Durham University and an M.A., LL.B., and Ph.D. in Law from the University of Cambridge.

**Michael Tonry** is Sonosky Professor of Law and Public Policy at the University of Minnesota. He has written or edited 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. Professor Tonry has worked as an adviser on sentencing and corrections matters to U.S. 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 appointed Director of the National Institute of Justice, U.S. Department of Justice, in 1994. Before joining the National Institute of Justice, Mr. Travis was the Deputy Commissioner for Legal Matters at the New York City Police Department. In this position, he served as adviser 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; wrote New York City's ban on assault weapons; introduced new technologies into the arrest process; drafted the Police Department's quality-of-life strategy, "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 U.S. House of Representatives Committee on the Judiciary. Working with the subcommittee chairman, Mr. Travis developed new agendas for oversight hearings and legislative initiatives on criminal justice issues.

Before his service with the Subcommittee, Mr. Travis was Special Adviser to New York Mayor Edward Koch. 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 Adviser 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. Earlier, he 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 the College of Arts and Sciences at the University of Louisville. A former member of the New York City Police Department with 21 years of service, he holds undergraduate and Master's degrees from John Jay College of Criminal Justice and a Doctorate in Sociology from Fordham University. Professor 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 coauthor with Edwin J. Donovan of *Police Supervision: A Performance Based Approach* and of the forthcoming fifth edition of Wilson and McLaren's *Police Administration* with James Fyfe and Jack R. Greene.

**Harold D. Wankel** is Chief of Operations for the U.S. Drug Enforcement Administration (DEA), where 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 in 1970, as a Narcotics Agent in Kansas City, Missouri, with the Bureau of Narcotics and Dangerous Drugs (BNDD), U.S. Department of Justice. Since then, he 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; as DEA Country Attaché in Kabul, Afghanistan, and Islamabad, Pakistan; as Staff Coordinator in the Office of International Programs; as Senior Inspector in the Office of Inspections; as Assistant Special Agent in Charge at the Detroit Field Division; as Executive Assistant in the Office of the Administrator; as Deputy Assistant Administrator for the Office of Investigative Support; and as Deputy Assistant Administrator for Operations in Washington, D.C.

As part of an Executive Exchange Program, Mr. Wankel was appointed by the FBI Director as Deputy Assistant Director of its Criminal Division, an assignment that extended from 1994 to 1995, when he assumed his present position as DEA's Chief of Operations.

Mr. Wankel received a B.S. 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 work, coauthored with James Osterburg, is *Criminal Investigations*. He has been a visiting professor at the National Police College and 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 counter-terrorism, 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 1994, in recognition

of his outstanding contributions to the People's Republic of China, he received the Friendship Award, the highest honor awarded by the State Bureau of Foreign Experts through the State Council.

Before coming to UIC, Dr. Ward served as Vice President of John Jay College of Criminal Justice, 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 8 years.

Dr. Ward earned 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, 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: Assistant City Manager of Yellow Springs, Ohio (1966 to 1967), and Administrative Assistant to the Chief of Police in Dayton, Ohio (1966 to 1970), where he led a major reorganization of the police. In 1970 he assumed the position of Director, Community Assistant Group, in the Massachusetts Department of Public Safety, where 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, assuming responsibility for management of field operations for that department.

Mr. Wasserman left the department to form the consulting firm Wasserman Associates, Inc., in 1978. As a consultant, he worked with a large number of communities and issues, such as criminal investigations (Rochester, New York), 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 served as a principal 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 in 1983. In this position, which he held until 1985, 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 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 in 1987. In this position, he headed the Intelligence Community (comprising all foreign intelligence agencies of the United States) and directed the CIA until 1991, when he joined the law firm of Milbank, Tweed, Hadley & McCloy in its Washington, D.C., office.

A practicing attorney with a St. Louis law firm from 1949 to 1959, Judge Webster served as U.S. Attorney for the Eastern District of Missouri from 1960 to 1961, after which he returned to private practice. 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 that position to become Director of the Federal Bureau of Investigation in 1973. During his service on the bench, Judge Webster was Chairman of the Judiciary Conference Advisory Committee on the Criminal Rules and a member of the Ad Hoc Committee on Habeas Corpus and the Committee of Court Administration.

Judge Webster earned a B.A. degree from Amherst College in 1947 where, in 1975, he received an honorary Doctor of Laws degree. He received his J.D. degree from Washington University Law School in 1949.

**Deborah G. Wilson** is 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. She has a Ph.D. from Purdue University and served on the faculty of Auburn University before her appointment at Louisville,

Dr. Wilson is the director of two international projects in Central Europe, involving the Pest County Police Department (Budapest) and the Romanian National Police Force. Both projects are directed toward the provision of police management education within a democratic model, with a special emphasis on police-minority relations in Romania.

Additionally, Dr. Wilson organized and served as leader of the U.S. delegation for a joint seminar on Police Administration in the 21st Century, which was cohosted by the University of Louisville and Beijing Public Security University.

Dr. Wilson has written or coauthored numerous books, chapters of books, scholarly articles and technical reports. In addition to serving on the faculty and in administrative positions at the University of Louisville, she 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 and a member of the Presidium of the Academy of Juridical Sciences of Ukraine. In addition to his formal position as researcher for the Ministry of Internal Affairs, he has written many policy documents drafted in response to requests of the President and Supreme Rada of Ukraine, including an analysis of the crime situation in Ukraine for the past 20 years.

**Ugljesa Zvekic** is currently a Research Coordinator at the United Nations Interregional Crime and Justice Research Institute and a Senior Scientific Consultant at the Institute for Criminological and Sociological Research in Belgrade. He is also an Honorary Professor at the School of Social and Political Sciences, the University of Hull.

Dr. Zvekic wrote and edited a number of volumes, articles, and U.N. reports on such subjects as informal crime control, alternative policing styles, development and crime, the judicial profession, a world survey of noncustodial sanctions, probation in an international perspective, an international survey of victims of crime, and criminal justice information. He has organized several international conferences, seminars, research workshops, and training courses within the U.N. crime prevention and criminal justice programs and for international associations in criminology and criminal law.







For more information on the National Institute of Justice, please contact:

**National Criminal Justice Reference Service**

P.O. Box 6000  
Rockville, MD 20849-6000  
800-851-3420  
e-mail: askncjrs@ncjrs.org

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