

Implementing Police Reforms: The Role of the Transnational Policy Community

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Introduction

The domain of policing has expanded in recent years as private, community based and corporate security services and transnational policing and security structures have taken over many of the jobs and roles formerly performed by state-based policing systems. The legitimate monopoly of coercion by the state has been eroded. These developments have been extensively described (Bayley & Shearing 2001; Cawthra & Luckham 2003; Johnston & Shearing 2003; Manning 2000; Shearing & Wood 2000); their significance for conceptions and theories of democratic policing has been a staple of scholarly analyses (for example, Amir & Einstein 2001; Loveday 1999; Neyroud & Beckley 2001; O’Rawe & Moore 1997; Stone & Ward 2000); and the practical implications of how to establish, reproduce and sustain the democratic performance of these new, complex and fluid security and policing systems, or the new security architectures of which they are part (for example, Bryden & Hänggi 2004; Call 2004; Caparini 2002; Chanaa 2002; DFID 2002, 2003; Ferguson 2004; Henderson 1999; Nathan 2004; Swiss Foundation 2004; UN Office 2004; UN 2002), has given rise to numerous assessments of the problems faced and policy solutions which show promise that they might be effective (for example, Bayley 2001, 2006; Call 2003; Caparini & Marenin 2004; Clegg, Hunt & Whetton 2000; Das & Marenin 2000; Goldsmith & Lewis 2000; Patten Commission 1999; Kádár 2001; Law Commission of Canada 2002; Loader 2000; Loader & Walker 2001; Mani 1999; Marenin 2003a; Neild 2002; O’Rawe 2003; Sheptycki 1998; Stepan & Costa 2001; Vera 2000; Zeigler & Neild 2002).¹

As the practical domain of policing has expanded beyond conventional conceptions of policing as work done by specified agencies of the state to include private and transnational forms of policing above and below the ambit of the state,

¹ The issue of how to reform a policing system, or the state police, is not confined to developing, transitional and failed states, but occurs in any society where new forms of policing (such as community oriented policing) are being implemented. For that reason I also draw on implementation lessons learned from reform efforts in the US, such as Geller & Swanger 1995; Rinehart, Lazlo & Briscoe 2001; Schneider 2003; US, COPS 2002; or WRICOPS 2004.

theoretical reflections on the nature and meaning of policing in modern and post-modern societies and the era of globalization have expanded as well. As the number of people and agencies and groups who “do policing” has grown, so has the theoretical complexity of how to think about, conceptualize, explain and control the new forms of policing which have emerged along side traditional state police forces (and services).

The study of policing is now engaged in by a much wider knowledge community than academics who study and write on the police.² I use the term community to point to the growth, persistence and social networks which characterize the Transnational Policy Community (TPC), a development that has been little noticed in the scholarly literature; nor are scholarly products of these communities routinely referred and used by academics. Yet, I will argue, the quality of writings produced - the precision and accuracy of empirical information, the theoretical sophistication of the analysis, a clear understanding of the policy implications of new policing developments, and a moral concern for democratic policing - are on par with the work produced by the scholarly, the academic community. In sum, the empirical and theoretical implications of the expansion of knowledge communities which study and know policing and understand the problems of implementing and assessing democratic performance raised by the expansion of the policing domain are largely neglected. That neglect should be remedied.

A third major development, which stems from the first two, concerns the issues of oversight and accountability. As conceptions and activities called policing have expanded to include all security providers who have a (semi) legitimate claim to the use of (coercive) means of providing for social order and security, as shown in the support they receive from civic society groups and state structures, traditional mechanisms of oversight and accountability have little meaning, authority or capacity for oversight. Accountability mechanisms must be recast into new forms which are adapted to the new policing realities above and below the state.

² For further discussion on knowledge (and regime) communities, and specific examples of each and their work, see Marenin (2003b). I identify five regime communities, each loosely tied together by organizational affiliations and occupational priorities and methodologies and connected to each other by the movement of personnel and ideas: “scholars and researchers and their associated institutions; policy outfits and think tanks; domestic, international and transnational policy makers; private groups - NGOs and consultancy firms; and the police themselves” (p. 16).

In this paper I will focus on the transnational policy community (TPC), the decision-makers who have been participants in the creation, propagation and implementation of transnational regimes and local reforms. My focus in this paper is on implementers of reform programs, the police and experts who advise local police and politicians on how to carry out plans and policies, and on the lessons learned from reform efforts.

I focus on the transnational policy community since its members are the connecting liaison and link between transnational regimes and structural and operational reforms of policing at the local level, between theorizing about policing and governance and the craft of implementing good policing (practically all of the impetus for democratizing the police in developing, transitional and failed states has come through international pressures and programs)³; they have been instrumental in the creation and propagation of regimes themselves; they convert abstract goals and norms embodied in regimes and codes of conduct into institutional and operational representations and policies; they link transnationally and internationally sponsored reform programs to local societal, security and policing contexts; they connect the academic literature on the nature of policing to reform and implementation knowledge derived from transnational programs; they have been enmeshed in the difficulties of implementing democratizing reforms, including the need for and the practicalities of oversight and accountability, in societal and security contexts in which local actors often have little familiarity with, or desire for, reconstructing policing institutions and cultures along democratizing lines. Lastly, they know a lot about doing reform and creating the potential for oversight and accountability of the new policing systems being created by civic society, the state and the international community. In short, they are familiar with the theory, the craft and the practicalities of implementing reforms and it is they who by their various activities can make concrete the notions and standards of effectiveness, justice and democratic police work embodied in international policing regimes; and they may, in the end, be a major form of transnational accountability for newly created policing systems, but only if regime norms are effectively implemented on the ground, that is if they are integrated into the cultures and routine operational practices of the police.

³ See Alert 2004 (2004) for an extensive and comprehensive list of conflicts and international interventions.

I will sketch the content of transnational policing regimes; discuss the membership and contours of the transnational policy community; elaborate what has been learned about implementing democratic policing, drawing heavily on the writings and reports of the TPC; and suggest that the knowledge held by the TPC, specifically about implementation, should become integrated into more conventional police studies. We are at the stage in the reproduction of knowledge about policing that necessitates a shift from the academic discipline labelled police studies to the more inclusive field of studies of policing.

Transnational Policing Regimes

International policing regimes exist to bring about a state of policing in all societies - most recently with a focus on societies and states in transition, undergoing profound societal changes, or recovering from periods of massive violence and instability - which balances the conflicting demands and expectations on the police for both effectiveness and justice in a manner which leads to democratic performance.

A general consensus on the basic principles for democratic policing has emerged. As Bayley (2001, p. 76) has noted, “the elements of democratic police reform are no longer problematic.” International regime norms centre on the protection of human rights (while also providing effective security) as the fundamental core responsibility of democratic policing systems (Neyroud & Beckley 2001). Concern for the protection and empowerment of human rights translates into the three general goals of accountability, professionalism and legitimation (consent), supported by specific policies which will lead to their achievement: non-partisanship and impartiality in the application of law; representativeness in the composition of police personnel; personal integrity sought through proper recruitment, training, and promotion and sanctioning procedures; transparency of all operations which are not based on specifically and legitimately protected information; sensitivity to the diversity of social identities, cultural interests and non-dominant values in society; responsiveness to societal demands and norms; an orientation to public service; and a commitment to the rule of law (for example, Amir & Einstein 2001; Bayley 2001, Das & Marenin 2000; Patten 1999; or O’Rawe & Moore 1997)

The nature and practices of democratic policing, in terms of the values espoused and the general policies to be pursued, have become enshrined in

conventions and regimes. The emergence and creation of transnational regimes has not been an easy process. Much of what now is written into international and regional regime documents (for example, UN codes of conduct, Council of Europe guidelines; OSCE program directives; the Commissioner's guidelines Bosnia)⁴ reflects the slow accretion and coalescence of ideas about good or democratic policing into generally accepted goals, standards and norms, which have gained a measure of domestic and transnational legitimacy, and have become the standards by which the success of reforms will be assessed. Regime norms, as well, have provided ideological support for advocacy and implementation efforts by domestic and international reformers seeking to establish democratic policing systems as part of wider political and cultural changes (Caparini and Marenin, 2004).

Transnational policy makers have been major actors in the creation of these new regimes and in determining how they should be implemented. Most regime norms are statements of goals and values, non-specific in terms of what it would take to bring them to life; and it is only when these valued and legitimate but abstract goals have to be implemented and translated into practice does their full meaning emerge, as does the success of reforms. Regime goals and norms can be implemented in a number of ways. Put differently, regime norms mean little until they are transformed into policies - which is exactly what the transnational policy community (in cooperation with the local police) does or seeks to do. Implementation knowledge, in turn, reflects back on transnational policing regimes which are disciplined, reconfigured and emerge in their practical meaning, that is as they touch the lives of people and enhance the safety and well-being of societies, out of the experience of trying to implement them.⁵

Police reforms are not reforms of policing in general, but are advocated changes in the specific ideas held by and practices engaged in by people who are called police or carry out policing tasks. The targets of reform and the measures of success are always specific policies and actions, be these street police practices during encounters, or managerial strategies and practices to ensure internal accountability and oversight, or societal attempts to gain access to information about the police and

⁴ One can note such documents and reports as Center for the Study of Violence and Reconciliation 2004; Council of Europe 2000; Downes 2004; OECD 2002; OSCE 2004; UN 1994, 1997, 2000,; UN Mission 1996; Vera 2003.

⁵ A similar argument is made by Stedman (2002) in discussing lessons learned from studies of implementing peace agreements, and by the authors of the various chapters in the book he co-edited. Studies of the implementation process are a useful lens through which to view the problems and processes of transforming of ideas into practice.

their work. The goal of reform is to have the people doing policing think, talk about and act in specified ways, and the measure of the success of reforms is whether they do or not.

The argument applies to specific issues in policing as well. For example, accountability or integrity or representativeness of personnel are ideas which only take on life and achieve an effect in and through the policies and practices pursued by street and management cops, non-state police actors, and transnational policy-makers. There is no accountability or integrity except as conceptual terms in talking about policing, but there are accountability and integrity practices and the processes in place to sustain these over time. Those are the targets for change and innovation.

Some analysts see such efforts and their outcomes as progress; others as the infliction, again, of Western ideas about what constitutes good policing on others through persuasive, coercive and diplomatic means; while others have focused on the inherent dilemmas and problems of establishing new forms of the reproduction of social order in conditions of wider political changes, economic troubles, political instability and massive violence typical of states in which such reforms have been promoted and implemented. There is no denying that transnational regimes lean heavily on the experience and practices of the police in Western democracies. The members of the TPC are, as well, drawn from policy and policing experts in developed countries, but with a smattering of other experts and international civil servants from across the globe. Yet no matter how one thinks about the substantive content of the policing regime, those are the norms which have become embedded in international codes, are being propagated, and are most widely accepted as the standards for democratic policing.

The Transnational Policy Community

By the transnational policy community I mean actors engaged in promoting democratic police reforms in countries desiring or seen as needing reforms. Reform programs may spring from a number of motivations - improve bilateral relationships and cooperation among states and police forces; encourage reforms as a requirement for participation in regional organizations, such as the EU; assist in standing up police forces in chaotic states or as part of international peacekeeping and peacebuilding operations; or move a country toward more democratic forms of political life. Yet

irrespective of why reforms across borders are promoted, the problems faced, the need to understand local policing systems and contexts, and the dynamics of interactions among reformers and recipients of advice and aid are similar.

Members of the TPC can be found in private and government policy shops and think tanks; in security and human rights focused NGOs; or in academic settings. They work as consultants; are actively engaged in the implementation of reforms programs by their work in transnational assistance and police agencies (such as the Law Enforcement Department of the OECD in Serbia; or ICITAP in Kosovo; or the Commonwealth Police Development Task Force of DFID in Sierra Leone)⁶; and work as higher level police officials (for example, Bigo 2000). There is some division of labour in that some TPC members specialize in agenda setting and policy planning, others produce scholarly assessment of the need for and the practices of reforms, while others are more directly involved in promoting and implementing reforms. Different groupings will have diverse roles, values and interests, which mostly coincide, but occasionally create tension and conflicts.⁷

It has to be admitted that the concept community may be too strong to apply to these groupings of people. In sociological terms, they are not. But, I would argue, the transnational policy community is increasingly coalescing, in two ways - by the individual career mobility of members of the TPC as they move through and work in different organizational settings, and by the development of organizational and individual networks. All one has to do is read the lists of participants in different reform activities and in different settings. There is a core group of transnational thinkers and actors which tend to show up in various organizational roles. And there are intermittent members of the TPC who move in and out of the community as their roles and jobs and interests change.

The transnational policy community can be a catalyst for reform, can sustain and channel the process of process along desired paths, supply intellectual and material resources, provide critical and supportive feedback, and, sometimes, do the

⁶ OSCE stands for Organization for Security and Cooperation in Europe; ICITAP is the International Criminal Investigative Training and Assistance Program, the unit in the Department of Justice most directly involved in policing assistance programs conducted by the USA; DFID is the Department for International Development, the foreign aid office of the British government.

⁷ Goldsmith et al, this book, distinguish among agenda setters and interpreters (or implementers), both roles being taken by a diverse groups of actors.

executive work of reforming the police on the ground.⁸ The TPC matters for the prospects for democratic police reform. They have the capacity to both define the normative, structural and operational traits of democratic police forces (they shape the discourse) and, through their ability to control the flow of resources, support desirable changes. Their work promotes transnational reforms; will help shape the structural and organizational arrangements of policing systems, including internal and relations to external accountability mechanisms; will affect the recruitment and training of personnel; and conceptualizes the justifying ideologies and discourses of police reforms. Members of the TPC help create the standards for assessing what democratic performance by the police means in general norms and in practical applications, and they assist in reform efforts by their roles and work as transnational policy makers, police consultants and experts, scholars, social justice activists, and police leaders and managers.⁹

Members of the TPC are attuned to the political realities of police reforms; they understand the policy process; they understand inter- and intra-organizational dynamics; and they understand the politics of change. They are not naive about what to expect; they are not idealists thinking that words will produce change; they are not overly rationalistic in thinking about policy (they know plans do not execute themselves and will be resisted); they know the theoretical and ideological assumptions built into reforms without being incapacitated by that knowledge. They understand the practicalities of policy planning and implementation, and the organizational and cultural problems faced in promoting reforms, within the wider security sector architecture, political contexts and need for good governance; and they tend to be committed to human rights and justice issues.

This overall positive generalization of the TPC is too broad and needs to be modified. It has to be acknowledged that among the TPC members the range of being

⁸ This is not to suggest that members of the TPC are the most important actors in police reform. The local actors - police, civic society, political leaders - are. In the end, for reforms to succeed, local stakeholders will have to do the heavy lifting.

⁹ They understand policing and can write about policing with insight and theoretical sophistication. They have a wealth of policing and policy knowledge not always appreciated by academic scholars, largely for practical reasons. The writings of the TPC are not published in conventional ways but must be found in policy reports, workshop proceedings, position papers, program proposals, evaluation and assessment reports published by private and governmental agencies.

For writings and reports by TPC members see, for example, Addo 2002; ASDR 2001; Dahrendorf 2004; Douma & de Zeeuw 2004; Downes 2004; Gbla 2004; Groenewald & Peake 2004; Horn 2004; ICG 2002, 2004; Mendelson-Forman 2004; Neild 2001; Peake 2004; Sedra 2004; Small Arms Survey 2004; SEESAC 2003; Wilton 2004; or WOLA 1999-2000

good at the job varies from excellent to not so good (as it does in all the other knowledge and practitioner communities). Some consultants know what they are doing and well understand the contexts in which they work while others are hucksters selling a product of little proven utility (See Ellison, this book); some international and regional civil servants appreciate the need for collaboration which enables works toward a public good while others are guided by career concerns or domain protection; and some police are progressive while others cling to the most limited ideologies of crime control. There are hacks and hucksters and there are people who know what they are doing and can do it well in every knowledge community.

Knowledge for Crafting Democratic Police Reforms

What, then, do we know about implementing policing reforms? What are the lessons learned and what are the issues which must be addressed?

Macro assumptions about policing and police reform

Democratic policing is a difficult balancing act. It balances the exercise of power and authority against the promise of safety and justice. Policing requires a balance of human rights and effective social control to be considered democratic. The discussion which follows focuses on state centred policing. Yet, I would argue, the underlying perspective and the basic points made - the macro and micro assumptions and implementation considerations built into policing reforms - apply to policing in the expanded domain below and above the state, albeit with modifications relevant to the specific form of policing (for example, community based or transnational policing) being discussed.

Reforms do not happen - they are done. It is important to know who are the actors involved in the various stages of the reform process and what are their skills and motivations. Four general assumptions about understanding the police and the potential and capacity for police reform seem non-controversial at this time. Any effort to reform, transform or change policing systems requires a profound understanding of the practices, cultures and politics of policing, of the politics of the locale, and of the interests of domestic and international reformers seeking change. That is, reforms must take the interests (as well as the values) of reformers and of the agencies to be reformed into account, and reformers must engage in the politics of

change. Specifically, that requires a detailed understanding of how the police, the final implementers of any reform, think, talk, act and respond to demands on them.

One, to reform state centred policing one has to understand the police as workers and managers doing a job which is defined for them by the political system and, to a lesser extent, by the society in which they work. Policing is an occupation, not a mission or a vocation. Being a job, the tasks of policing are set by forces external to the police, in legal and ideological notions (what are their powers and authority), in substantive terms (what are they expected to do), and procedurally (what are the limitations or constraints they must work under). Hence, there is nothing unusual, suspect or illegitimate to expect the police to abide by rules imposed on them and to be held accountable to the proper performance of their jobs and tasks.

Two, the police are agents and agencies with their own interests, values, goals and desires. They have a substantial capacity for discretion and autonomous action, an autonomy supported and justified by the rhetoric of professionalism and expertise, and by the unavoidable discretionary nature of much of police decision-making and work. No policy directives issued to the police will be carried out without deviation or distortion; nor will efforts to reform a policing system be effective unless these take into account the working world and capacity for autonomy of the police.

Reforms which specify legal, organizational, structural changes are not sufficient; they will only lead to empty institutions rather than bring into existence functioning organizations. The primary target for reforms and the major goal will have to be the creation of occupational cultures, at street, mid-level and leadership levels, which accept and implement the directives and goals of reforms.

Three, the police are a political institution, symbolically and in practice. In democracies, they should not be partisan in their work (that is, support the interests of specific sub-national groupings, including themselves, in their society) but they cannot be a-political. Their work will always have differentiated political consequences, and will be seen to have by the state and civic society, even when they enforce law, maintain order and carry out all ancillary tasks effectively and according to rules, for any social order is never neutral in its impacts on the life chances of individuals and groups. The work of the police will force them to take sides in societal disputes and will affect the distribution of resources and rewards among groups and individuals. The critical evaluation of the policing practices and reforms by the police,

by the state and by civic society is a legitimate activity and goal in a democratic society.

Four, policing occurs in specific contexts and will be shaped by, and to some degree shapes, those contexts. The historical origins and the current economic, political, cultural, and ideational domestic and international¹⁰ contexts will have a profound impact on reform efforts, both in what is possible and can be sustained over times and what will stymie reforms. Reforming a policing system will always be difficult because reforms cannot be only of the police but require changes in contexts which will support and sustain policing reforms, be these in legal regulations and authorizations, of the other agencies of the criminal justice system, or the willingness of the state and civic society to accept policing practices which may go against one's immediate interests.

Reformers, in combining the four macro perspectives, achieve a strategic vision of the process required to transform norms into practices and how to approach the persistent resilience of local conditions which can stymie reforms which do not grow naturally from the wishes and interests of local actors.¹¹

Micro guidelines for policy and actions

Police reform, hence, requires an understanding of the macro processes which shape policing, but that is not enough. To promote and implement effective reforms requires knowledge of the micro processes which affect the implementation strategies and policies of specific police forces. Micro processes describe the manners in how policing is managed and carried out at all levels of the police organization. Reform must be based on the realities of doing policing (as well as the desired goals and norms), on an understanding of organizational processes, the constraints on decision-making within the organization, and the leverage and entry points for reforms (See van der Spuy, this book). Fundamental in shaping organizational dynamics are the divergence between formal and informal occupational cultures, and the division of

¹⁰ Since many reforms are attempted under international auspices and guidance, the lack of coordination among donors, imprecise mandates, a shortage of proper personnel and adequate resources, and ad hoc planning will stymie many efforts at reform (Linden et al, this book).

¹¹ Call and Stanley (2002) phrase the point in this manner. "International actors need to engage in ambitious agenda-setting during peace negotiations to help warring parties envision new ways of policing rooted in human rights, ethnic tolerance, and citizen service, and to help the parties incorporate such a vision into peace accords"(pp. 304/05). But this is not often done, yet is needed to insure immediate term security and the long term institutionalization of reforms. They found that in 23 transitions to democracy in Latin America, only ten included explicit references to police reforms (p. 304).

labour across all ranks and functions in the police organization. As noted by Clegg et al (2000)

“there is no universal formula of good policing. It is, however, possible to identify a range of principles and criteria which DFID could promote, together with repertoires of practices which have been found helpful in one place or another. It is also possible to identify pitfalls which have blocked or hindered good practice.”(p. 2)

The ultimate goal of reforms is appropriate behaviour by the police at all levels of the organization and the creation of supporting and enabling contextual conditions for sustainable reforms. The important targets for reform are the police as an organization producing a product (a service) which is effective and fair in controlling crime, lessens fears and a sense of insecurity among the public, and shores up social order. The specific targets for sustainable police reforms, then, can be placed on four levels of analysis:

- Recruit, train and retain *individuals* who have the desired qualities associated with being a good police officer;
- Affirm and support an informal police *culture* which embodies democratic norms;
- Establish *organizational arrangements* which create a shared sense of purpose and identity among police across all levels of the hierarchy (that is, create a functioning organization), as well as the formal organizational, managerial and occupational practices and cultures which empower managers and street cops for democratic performance;
- Argue for and help bring into existence *security and societal contexts* which will support democratic policing reforms, ranging from the capacity of civic society and state agencies to gain precise and accurate knowledge (and assess its validity) about the dynamics of policing to the willingness of civic society and the state to grant policing systems the trust and confidence needed for situational discretion. Societal context is broadly defined to include the political, ideological, cultural and economic processes and institutions necessary to sustain reform of the policing system.

Democratic policing, and the individual goals and processes which define it, will only happen if all four “micro” elements, individually and in their interconnections with each other, are created and sustained. For example, accountability will not exist even if only the most honest and self aware people become police officers for their integrity will be challenged and may be overridden by peer pressures, or formal rules of the organization, or demands arising from societal contexts. Reformers have to move beyond the professionalism fallacy, namely that good police will do good policing (But see Murphy, this book).

Implementation Considerations

Effective implementation requires an “implementation framework,” developed as part of the overall strategy for reform, which should “include four phases: pre-engagement analysis and assessment; design and planning, managing the implementation; and evaluation and feedback” and should be based on as “as wide and consultative [a process] as possible to ensure that the police, government, and civil society feel meaningfully involved” (Groenewald & Peake 2004, pp. i, also 9-17). A crucial aspect of seeking to reform the police is to understand the nature and dynamics of policing in general and of the history of policing in that society.

Policing is a Job: The goal of managing the work of policing is to structure the choices made by workers (street cops) through proper management of training, incentives and sanctions. Formal (state centred) policing is work done by people hired, trained, paid, and managed within government agencies. As employees at all levels of the police hierarchy, the police can be and should be told what to do, how to do it, how to be rewarded materially and symbolically, and how to be held accountable and sanctioned if they engage in improper or criminal conduct.

This requires persistent effort and routine managerial strategies to overcome the thrust of informal police cultures.

“Changing deep-rooted cultural perspectives takes many years - perhaps a decade or a generation before the full benefits are felt. But the way police officers behave, (as distinct from what they think) can be changed and enforced more effectively” (Clegg et al 2000, p. 77).

It is easier to change the behaviour of cops by telling them what to do than by telling them how to think. Managers can control behaviour and that is what matters.

Changes in behaviour do not have to be massive to have an impact. For example, studies in the USA of how the public evaluates encounters with the police – whether they think they were treated with respect or with disdain, professionally or discourteously – find that even small acts done by the police have a significant effect on evaluations. Being called by one's first name will always be seen as discourtesy. Conversely, in traffic stops (which are contentious by nature) when the officers approaches the driver and says, “the reason I stopped you was because...”, that simple sentence correlates strongly with positive evaluations of the encounter, even when it leads to a ticket. It is not that difficult for managers to insist that their police, in encounters, call the persons they interact with by their last name (Mr. and Ms) and that they explain, in a short sentence, why they are talking to someone, why they have inconvenienced them.

A standard police practice in many developing countries (for example, India, Mexico, Nigeria, and one could add many others) are roadblocks and check points manned by the police along roads between and within cities. It is pretty obvious to anyone who has ever travelled or lived in those countries that roadblocks - whatever their initial legitimate justifications may have been - have been turned into income generating opportunities for the police, and that the reasons for their existence have evaporated long ago. Eliminating check points would go a long way towards smoothing relations between the police and the public, and that is a political and managerial decision and not one the police can make. (In addition, in those countries in which check points are manned by the military, that practice should be discontinued.)

The expansion of the policing domain complicates this picture, but more so below than above the state. Above the state, transnational policing is still tied to the state. Below the state, in private and community based policing, the locus of authority for defining the job and how it is to be done is ill-defined or shifting and policing is clearly an activity determined as much by political as legal or professional, norms and guidelines. For corporate security, the locus of control is not in the public sphere at all (except through defining and enabling legislation), nor are the goals the same as they are for public policing, whether done by the state or the community.

The police are an organization: Implementing reforms presumes a functioning organization, but in most changing societies one will have to organize the police first before the police can become democratic. The organizational thresholds which need

to be achieved include: an organizational identity and identification by all with that organization; a clear specification of roles and rules; a managerial capacity for control; a work and performance evaluation capacity and an internal knowledge system to do this; plus, of course, the minimal resources required (for example, Geller & Swanger 1995; Rinehart et al 2001; Schneider 2003).

In the words of a recent evaluation report,

“community policing and problem solving [and democratic policing] cannot be effective unless the structure, policies, culture, values and character of ethical organizational leadership all support and reinforce such activities. Line officers need enhanced decision-making authority to work with their community to help define and find solutions to localized problems” (WRICOPS 2004, p. 7).

In other conditions, reform may simply mean a return to the basics. As Horn (2004) notes, commenting on his experience with police reform in Sierra Leone, “in a nutshell, the SLP had forgotten, or never knew, the basics of professional policing,” (p. 5) and

“SLP’s operational capacity was severely handicapped by a lack of management information, a reactive rather than a pro-active approach and the inefficient use of human and material resources.”(p. 4).

In similar fashion, participants at a recent conference (Wilton 2004, pp. 14-15) argued that community policing (often the preferred idea and model in transnational police reforms programs) may not be the best starting point of goal of reforms. From the perspective of the local population, good investigative work and effective patrol may be more desirable.

Reform is a process, not an outcome: Democratic policing requires frequent, critical and informed self-reflection, the analysis and evaluation of adopted practices, and the capacity to adapt to changing circumstances. There has to be an institutional capacity for self-examination and organizational change - and not by necessity, for self-protection when events go wrong or when forced to - but as part of the normal operating philosophy and organizational culture of the police.

The organization must have the capacity to assess its own performance and take corrective actions, if necessary. Contexts will change. It could be changes in

domestic and transnational crime patterns; or in societal values and expectations about what the police should be paying attention to; or in legal restrictions on the use of force by police; or in political ideologies which appeal to the public; or in the salience of group identities. A police organizations which fails to perceive changes which impinge on its mandate and powers, does not know how to adapt to them, and cannot assess the effects of its own innovative responses will lose touch with the public. The police are in the business of social control and order, but as an organization they must be in the business of change and innovation.

This is true for domestic reforms as it is for transnational efforts. For example, lessons drawn from attempting to introduce community oriented policing (COP) in the USA reach similar conclusions.

“Perhaps the most powerful lesson from the [COPS grant] program is that one of the most important elements of successful organizational change is careful attention to the process of change, as opposed to focusing solely on the intended results” (US, COPS, 2003).

As noted by Clegg et al (2000),

“community policing is a concept. It is not a particular model which can be transferred mechanically from one context to another. It is a series of principles which underpin policing and the application of those principles will differ from place to place, even within one country, to take account of the different cultures, religions, social mores, traditional and informal structures” (p. 88).

Call (2003), as well, argues that assistance and advice must be crafted

“so that it not only draws on relevant models, but also adapts itself to the local realities and builds upon positive policing and justice traditions” (p. 5).

A similar logic applies to the creation of accountability. Accountability is the end state of a process of reform requiring multiple decisions, and only becomes effective when the process was done correctly and only is sustainable over time if the process which led to accountability is routinized. The goal, hence, is not accountability in some general way, but the creation and continuance of the many steps and characteristics of a process which produces the capacity and willingness for

oversight on the part of the state and civic society and the acceptance of the obligation to accountability on the part of the police.

Develop an implementation capacity: Implementation cannot be the afterthought to planning. Developing an implementation capacity must be built into the planning process from the outset; it can't be an add-on - "now that we know what we want to do we will tell someone else to do it." Planning for reforms needs to include all stakeholders, including those who will have to implement the plans; there can be no effective reforms which come from the top down only - reforms have to be from the top down and the bottom up; one cannot wait until plans are done and then inform the implementers of what their new job will be. If that happens, the implementers will not know what are the justifications and reasons for changes, lack a desire to see them implemented (for reforms mean they will have to do their work differently from what they have become accustomed to), or may lack the requisite skills.

Plans for reforms are accepted and implemented when they have meaning in the working world of the police, at both management and street levels. Without knowledge on how and why police do what they do, and a organizational or external research capacity for creating that knowledge, reforms work in the dark; managers of the organization will not know what their workers are doing, or depend on episodic information or guesswork; there is no capacity to assess whether specific reforms work or make a difference; and there is little information on policing cultures and working norms, a crucial target for change.

It is the job of managers to translate the recommendations of TPC reports into concrete, meaningful and operationally clear directives for the street cops. Street cops will want to know what they have to do; how their performance will be judged, and what are the rewards and penalties; and whether they will be supported by the managers if they do creative things (take risks) or make discretionary decisions. Plans have to talk the (abstract) language of democratic policing but also the occupational language of the police who will do the work (Peake and Marenin, 2007).

For example, it is well known that cops do not think statistically but by anecdotes; for example, encounters likely to be dangerous are consistently misrepresented anecdotally by the police even when statistics show otherwise - the little old lady in the traffic stop who blows an unsuspecting officer away is taught at every police academy in the USA and reiterated in locker room and canteen chats. In

similar fashion, the use of force by police is only loosely guided by formal legal and organizational rules. Experience, anecdotal and vicarious knowledge, and informal culture norms count for more (for example, Klinger 2004).

As another example, again looking at the COP innovation in the USA, research has shown that

“what is often interpreted by management as resistance to implementation of new programs is actually a hesitation due to the absence of clear direction and expectations. ... While executives may have a certain facility for dealing in the abstract about concepts such as empowerment and collaboration, line officers insist on more concrete direction,[since] line officers are subject to evaluation and performance appraisal. They demand to know what is expected and when directions are clear and unequivocal, they go out and get the job done” (WRICOPS 2004, p. 18).

As Grattet (2004, p. 66) notes, reforms and orders “work best when they align closely with officers’ sensibilities and normal work routines.” He also notes that “formal rules presuppose a set of informal processes to be effective,” such as a culture in which lower officers are not suspicious of the decision-making practices of higher ups; and, as well, that rules are “less likely to work when they are associated with a broader reform agenda that wants to reverse some aspects of officer behaviour” - which is, of course, precisely what democratic reforms seek to accomplish.

As another example, training and education, the attempt to instil formal democratic values and necessary skills, has to take account of what the individuals being trained want. In thinking about training, the focus should not be so much (which is the typical pattern) on how to teach or train, but on how and why individuals learn (Marenin 2004).¹² Teaching democratic values in a way which lacks meaning in the working world of the police will, mostly likely, be written down, repeated on tests, and forgotten. Training has to be realistic, meaningful and needs to address, directly and forcefully, typical problems, now and in the past which have beset the police. For example, in Northern Ireland, this has meant talking to the new police about past

¹² **Error! Main Document Only.** The CEPOL website tells little joke which may be appropriate here. John talks to James and says, “see my dog Tiger there. I have taught him how to whistle.” James says, “No way. Dogs cannot whistle.” John says “I’ll show you,” and repeatedly tell Tiger to whistle. But Tiger just sits there and looks bored. James says “I told you so.” “Well,” says John, “I said I taught him how to whistle. I did not say he learned how to do it.” The point of the CEPOL joke (which I am sure is an old one) is that teaching is less important than learning. At www.cepol.net.

abuses within the Royal Ulster Constabulary, what they were and why they occurred (O’Rawe 2004).

Democratic reforms require multiple discourses: Political and community leaders and police management need to talk to each other; community members and the police will encounter each other and assess the quality of that encounter afterwards; management cops need to talk to street cops; and police talk to other state agencies and civic society groups in the security sector architecture; international donors have to avoid stove piping their programs. All these groups have a stake in reforms.

Their acceptance of reforms, or doing work differently, occurs within and is salient within a constellation of other factors that shape attitudes and behaviour. Democratic reforms will be legitimated by the state, civic society, opposition groups, international actors, and the police at all levels only when new practices and norms acquire normative and occupational salience in a reciprocal and extensive discourse.

(The generalizations about reform and implementation knowledge in this section are based on numerous assessments of domestic and transnational reform programs, some cited earlier, and some not yet: for example, Brogden 1999; Dixon 2000; Hills 2000; Huisman 2002; Lia, 2002; Perito 2004; Schlicht 1998; Zhao 1996. I have included studies which discuss the difficulties of police reform in stable democracies since the dynamics of innovations in policing are far better researched and understood there than in societies which have experienced political instability, massive violence, and failures of state performance.)

Concluding Thoughts

In terms of the constabulary ethic, it will be the TPC more than anyone else who will shape its normative content and have the capacity, from the outside of local contexts, to create and reproduce it within the routine practices of policing systems undergoing reform. Members of the TPC are experienced in the craft of implementing reforms - a craft based on knowledge of policing and policy, refined through the experience of doing reforms, and tested in the realities of societal and political conditions which resist reform efforts.¹³

¹³ The argument made so far, which is largely centered on state police reforms, is less clear for developments in policing below the state, as these are more complex, varied and less cohesive state policing. I would hypothesize,

One can begin to think of the TPC as the beginnings of a global civic society which, as does civic society and its NGO representations, can become an institutionalized and legitimate source of demands on and critique of policing and police reforms, hence a locus of transnational accountability. The norms of a constabulary ethic will have to flow along channels of communications and contact created by and occupied by the TPC.

Since I have stressed process rather than outcomes as the important target of reforms - not to neglect outcomes but to stress the dynamic and contingent nature of outcomes - the constabulary ethic will have to be incorporated into the process of reform and implementation, from the outset and not as an add-on. In practice, this means emphasising that balancing conflicting and equally legitimate norms and goals within the practices and cultures of police work is the crucial issue and that such a balancing capacity will be created only when all stakeholders in the police organization are given the opportunity to participate in the design and implementation of reforms from the beginning.

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though, that there exists a policy community involved in guiding change below the state, and that it is just as important to understand who these people are, what they believe, what they do, and what are the consequences of their actions as it is for innovations and reforms in state policing.

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Political processes, democratic institutions, social programmes, economic development and human rights are all undermined by the wealth of organized criminal groups and the influence they can wield. The Convention is the response of the international community to the need for a truly global approach. Its purpose is to promote cooperation, both for the prevention of and for the effective fight against transnational organized crime (art. 1 of the Convention). Community policing, or community-oriented policing (COP), is a strategy of policing that focuses on developing relationships with community members. It is a philosophy of full-service policing that is highly personal, where an officer patrols the same area for a period of time and develops a partnership with citizens to identify and solve problems. The central goal of community policing is for police to build relationships with the community, including through local agencies to reduce social disorder... 24 Marenin, Otwin, "Implementing Police Reforms: The Role of the Transnational Policy Community", in Goldsmith, Andrew and Sheptycki, James (eds), *Crafting Transnational Policing* (Oxford: Hart Publishing, 2007), pp. 177-201, at p. 181 Google Scholar. 25. 25 Dillon, Michael, "Sovereignty and Governmentality: From the Problematics of the 'New World Order' to the Ethical Problematic of the World Order", *Alternatives*, 20:3 (1995), pp. 323-68, at p. 329 CrossRef Google Scholar.