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**The use of force, especially in firearms, in police actions**

Lecture

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**1. Introduction**

During the opening session of the first Meeting of Public Security Ministers of the Americas, held in October 2008, the secretary general of the Organization of American States emphatically claimed that *“security-related issues have become one of the principal threats to stability, the strengthening of democracy, and the development potential of our region.”*<sup>1</sup>

This statement highlighted the fundamental role that citizen security plays in the consolidation of Latin America’s democracies – and as a consequence of that, the role police has to play in this context.

One of the most basic obligations of any democratic state is to guarantee the security of its population and preserve public order within a framework of respect for due process, universally recognized human rights, and the rule of law. The lack of citizen security affects quality of life, opportunities for development, and rights as diverse as the right to freedom from harm and the right to property. In most of our countries, especially poor and lower class people suffer from crime on one side, but also target of police violence on the other side. This will widen the gap between the police and the people. But a police force can only be as strong and as successful as their cooperation with the people and the local citizens are. A “war on crime”, as declared by US-Presidents years ago, is like the “war on drugs” a war against our own children, youngsters and looser in our society.

**2. Losing Legitimacy**

On a more general level, states run the risk of losing the legitimacy and popular support essential for democratic governance if people feel incapable of fully exercising their rights and freedoms, and if they doubt the ability or willingness of law enforcement institutions to guarantee their protection.

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<sup>1</sup> Protect and Serve? The Status of Police Reform in Central America. Washington Office on Latin America (WOLA), June 2009, p. 1, available at [http://www.wola.org/index.php?option=com\\_content&task=viewp&id=943&Itemid=33](http://www.wola.org/index.php?option=com_content&task=viewp&id=943&Itemid=33)

In the modern state,

- a) the police are the main institution responsible for law enforcement,
- b) they are often the population's first point of contact with the state,
- c) they are (or they should be!) the only ones available 24 h, 365 days for the citizens,
- d) they constitute a central element of democratic societies.

Police is NOT the "extended arm" of the government; police is working for and on behalf of the citizens. Police are "citizens in uniform".

Police must be a democratic part of the society, and it must be organized itself in a democratic way. An institution which is "governed" or managed by leaders in an authoritarian or unprogressive way can represent neither a democratic state, nor the citizens who demand and deserve an institution on their side. The question: "*On which side are you on?*" is a key question for every police force – on a national, international (peacekeeping) and on a local level.

To quote again the report of the Washington Office: "*Given the paramilitary origins of many of the security forces and their role as a tool for societal control, the democratization processes required a profound reengineering of the security forces and not just the adoption of a list of piecemeal reforms*"<sup>2</sup>.

The worrisome situation of insecurity and the state responses to it have resulted in clear setbacks in some countries where advances had been achieved, threatening the still fragile police institutions.

### **3. More rigid policies are a danger for democracy**

The increase in criminality has strengthened support for repressive responses. The citizenry, worn down by daily crime and violence and understandably afraid, is demanding harsher sentences by courts, and tougher actions by police. Even the involvement of national militaries in public security tasks has been demanded and was undertaken in Brazil. In my opinion, a wrong signal to the people, saying: We are in war against parts of our society.

This may mislead governments to promote more rigid policies that threaten civil and human rights and the professionalization of the police, leading to an increasing tolerance of police abuse. The absence of security has also pushed citizens to seek other options, from hiring private security companies to acquiring weapons and even taking justice into their own

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<sup>2</sup> P. 2

hands. Both aspects are of great importance whilst the first one may damage the democratic structures of a society, and the second one need special oversight by the state.

The roots of the widespread violence are largely structural, and addressing them will require profound and comprehensive political solutions. Police reform is central to this effort, but may not be the starting point. A democratic state that respects civil and human rights must have a civilian police force committed to the prevention and investigation of crimes, to respect for human rights and due process, and to strong community relations.

The consolidation of democracies into modern states that guarantee respect for human rights cannot be achieved without strengthening and professionalizing their police forces. This in turn depends on critical structural and institutional elements—good leadership and training, effective internal and external control mechanisms, and a functioning system of command and control. Success will be impossible without long-term vision and strong political will – plus the acceptance of such policies by the police forces themselves.

The forms of violence experienced in Brazil over the last months pose a serious challenge to governance and the rule of law. An effective response requires a new focus that, among other things, gives priority to a genuine effort to strengthen and professionalize police institutions. The definition of clear policies for the consolidation of modern, efficient, and rights respecting public security forces must be a central element of democratic consolidation and extension of the rule of law in the region.

#### **4. Police in Germany<sup>3</sup>**

The first organized police force in Germany dates back to the early 19<sup>th</sup> century when some of the German kingdoms adopted a force similar to the one developed by Napoleon in France. During the reign of Otto von Bismarck in the 1870's Germany became a more centralized government and the culture of a strong and civil service system that developed that survives to this day. The police were an important part of that elite system. German police strength grew from 200,000 to 1.5 million between 1933 and 1945, the years when Germany was under the domination of Hitler and the National Socialist party. This force, which included the Gestapo, much of the SS, and other notorious Nazi agencies, acted as a private army for Hitler, ruthlessly stamping out dissent, running death camps in the occupied territories, and otherwise acting in a way that made the organization synonymous with evil in the modern world. Little wonder, then, that one of the first items of business for the occupying authorities after the defeat of Germany in World War II was a thorough overhaul of the police apparatus.

The German constitution allows each Laender to have its own police law and force. Each of the sixteen states (Laender) of Germany controls their force from that state's Interior Ministry. The police in the Laender and are not decentralized to municipalities or other units of local government. Thus, the German system occupies a middle level of decentralization between the highly centralized French system and the highly decentralized and fragmented U.S. system. Within each Laender are several kinds of police. The Schutzpolizei (Schupo) are the equivalent of municipal police; they are the first to

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<sup>3</sup> *Harry Dammer & Erika Fairchild: Comparative Criminal Justice Systems. Wadsworth, Belmont, 2006, p. 113-115; updated by Thomas Feltes 2009*

arrive at the scene of most crimes and handle all general aspects of law enforcement and simple investigations. The Kriminalpolizei (Kripo) are plainclothes police who handle serious crime investigations and situations that require developing a case against a suspect. The Bereitschaftspolizei (Bepo) are actually officers-in-training living in barracks, but they serve as civil order police when the situation arises.

The German federal government also has some police agencies at its disposal. The Federal Police (Bundespolizei, BPol) was until 2005 known as the Federal Border Police (Bundesgrenzschutz, BGS), reflecting the until then main task of this force to control and protect German boarders.

For an individual who aspires to a career of policing, there are different options, depending on the Laender, where he lives. Generally speaking, there are two (politically motivated) lines of education. Both require 12 or 13 years of school and a *diploma from German secondary school qualifying for university admission* (Abitur). In some Laender there is a three-folded career-system: The first two years are spent at Police Academy or "Polizeischule", undergoing basic training. A small part of this training focuses on riot control; the rest involves conventional school subjects, the law, and law enforcement, psychology, sociology and criminology/criminalistics. After one year in the training schools, the young officers may be used for civil order control work either in their own states or, if the need arises, in other states of the Federal Republic. After the two years of basic training and civil order control work, the officers begin street patrol work. With few exceptions, recruits must go through the street patrol experience for at least a few years. After that time, some of them may undergo two more years of education at a Police College (Polizei-Fachhochschule) to become either criminal investigators or middle-management supervisors. They get a university diploma in Public Administration – Police. In other Laender, new recruits are directly employed for the Police College, and after a 2 ½ year education they start their career as police officer. These recruits are usually living at home or in private apartments, and are called into barracks for special training purposes (like riot control) only. Candidates for the highest management and the top 3 percent of police jobs go through another two years of training, with one year at the German Police University (DHPol) (until 2007: Police Leadership Academy, PFA), where they meet and mingle with top management candidates from other states (Feltes, 2004). Since 2008, they get there a Masters degree in Public Administration: Police Management, and in the near future they may get a PhD. Since 2007 the German Police University has a chair in Police Science, the second chair after the Chair of Criminology and Police Science at the Ruhr-University in Bochum (since 2003). Common for all Laender and the Federal Police is the fact, that training and education is organized in special schools under the control of the (federal or state) Ministries of Interior. Only few officers, for very special tasks (like chemical analysis, DNA-tests) are employed with a degree from a "free" university. Being graduated as a live-long civil servant (usually with the age of 27), the officer has to work until the age of 60 or 62. Early retirement is possible only in cases of disability for service, and even then, they may be asked to work in administration until retirement. Besides a few options within the private security system, police training and education offers not other career than within the police.

## **5. Police Use of Force – An international Research Project**

For as long as modern public police forces have existed, their use of force and violence has been a potential topic of public and political interest, scrutiny, challenge and controversy, as well as the subject of occasional litigation. In many contemporary societies, it is a topic that is rarely absent from the news headlines for very long. Indeed, some influential North American policing scholars have argued that the authority to use force in an almost unlimited range of circumstances is *the* essential defining characteristic of the modern public police.

During the last forty years, an astonishing array of new weaponry has been developed and provided to the police for this purpose; whether this is for the good or the bad needs to be discussed.

Much of the scholarship and research on the use of force by police has been normative in its orientation - addressing the question of when, and under what circumstances and conditions, it may and may not be justified, from a legal, philosophical or ethical point of view. And the empirical research has tended to focus on identifying the kinds circumstances in which police do actually resort to the use of force in carrying out their duties, and the kinds of precipitating factors in such event. A third body of literature focuses particularly on police weaponry and training with respect to the use of force, and the development of “use of force models” to guide police in its use.

Rather neglected in this scholarship have been **the perspectives on this subject of police officers themselves**. How do they identify situations as justifying or not justifying the use of force as a police practice? And what kinds of justificatory arguments do they deploy in support of such practices? Is there broad consensus among police officers on these matters, or do they display a significant variety of different viewpoints about them? Does the way the police think about and justify the use of force vary significantly from one class of police officers to another (e.g. regular patrol officers vs. “special weapons” or “tactical” squad members)? Or from one police force to another? From one country to another? Or within different cultural contexts? And if so, what kinds of factors might best explain such differences? Finally, if understandings and practices do differ significantly in these respects, what implications might this have for any attempts to develop some “universal” minimum standards with respect to the use of force by police?

To answer this question is of great importance for the everyday business of the police. As everybody knows, to rule wanted actions and activities in the law or by administrative regulations is one side of the medal; the other side is what’s happening in reality. There is not only a local legal culture on how to cope with offenses and criminals, but also a special local police culture on that aspect, depending very much on the local situation, the local management and situational factors. If we want to change police actions and police performance to the better, we need to know how police officers are thinking, how they “tick”, and what their individual reasons for behaving in a given way.

The research we undertook since 2001<sup>4</sup> was designed specifically to try to address some of these questions in a systematic, comparative international, empirical way. Meetings were held in Venezuela, Brazil (Belo Horizonte), Germany, the Netherlands and Canada.

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<sup>4</sup> See <http://www.policeuseofforce.org/>

## 6. Definitions

The use of force by police is a matter of concern and controversy in virtually all countries – at least among human rights activists and certain sections of the academic community, if not within government or the mass public.

In societies in which levels of violence are high and attacks on police common, it may well be that tolerance towards police use of force is higher, and willingness to characterize it as “excessive” or unjustified lower. The relationships between general levels of violence, attitudes towards police, prevalence of firearms ownership, and use of force by police, however, appear to be by no means straightforward.

Birkbeck & Gabaldón interviewed a group of Venezuelan supervisory officers to explore the “tactical rules” that they articulated as playing an important role in guiding police use of force and in shaping their retrospective accounts of it. They found that **these “tactical rules” differed significantly from the formal legal-administrative rules governing the use of force by police, and were oriented by the attempt to avoid external inquiries that represent a continual threat to police occupational stability and prestige.**

At the heart of any discussion of the use of force by police are some difficult definitional issues. What, precisely, is legitimately (or usefully) embraced within the term “use of force”? A range of terminology - from “coercion” and “force to “violence”, “brutality” and “torture” - with variably emotive connotations, can be found in the literature.

On the other hand, it is generally recognized that the appearance of the police can make a difference to how police are perceived, how the policing is experienced, and how the citizen want to cooperate with the police.

The authority of an officer to use force, as well as the level used, is ruled by national Constitution, state laws and the policies of the police department. This authority, legally restricted and conferred to the officer, only allows officers to use the minimum level of force necessary to achieve legal objectives.

## 7. Reality

The police officer on the street has more control over life and death than any other civil servant or citizen in times of peace. Moreover, it is a characteristic of police work that the responsibility to decide whether and when to use force is largely left to those police employees located at the lowest level of the police hierarchy. **The police officer on the street, the lowest rank in the hierarchy, is in a key position regarding the use of force.** The problem is that often inexperienced, younger officers are called in to do patrol duty. Although their decisions and the resulting responses are primarily determined by what they have learned during their training, they primarily assimilate the “usual practice” valid for their scope of work

from the habits and methods of their experienced, more senior colleagues (in the German police the so-called "bear leaders"), and the responses deemed by them to be "decent" or justified.

Use of force depends on the police officer's perception of the resistance of the person being engaged with. In this regard, different social-cultural or physical-material factors can be identified. They have different influences on the individual legitimization of police actions, intertwined with the perception of the situation as constructed by the officer.

Regarding police use of force, we are dealing with the core field of governmentally justified use of force (in the sense of a 'monopoly of justified physical force' identified by Max Weber).

Manzoni & Eisner point out that in the officer's daily routine the practical challenge is to assess (think through and measure) in advance the amount of force needed to prevent possible resistance or to suppress it immediately should it arise, thus preventing an escalation of the encounter. **The fine line between appropriate and excessive use of force cannot be determined as a generality, but has to be determined both individually and on a day-to-day basis during the course of routine police work, as well as being collectively negotiated within the police force.**

## 8. The Study

Originally the brainchild of the Venezuelan participants (and initiators) of the research, the study of which the findings are reported in this issue grew over a period of five years eventually to include replicated research in seven disparate countries<sup>5</sup> in different parts of the world.

We designed a **hypothetical scenario** which formed the basis for facilitated **discussions about the use of force with focus groups of police officers** in each of the countries included in the research. Our intent was to apply the scenario in as similar a manner as possible within each country, so that comparable data could be generated. Some small modifications to the scenario were necessary in some countries, however, in order to take account of significant contextual differences.

The focus groups were recorded and the discussions subsequently transcribed and analyzed in accordance with a common conceptual framework..

In Germany, we identified a number of **dimensions that characterize officers' thinking about the situation.**

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<sup>5</sup> Australia, Brazil, Germany, The Netherlands, the United Kingdom, the United States of America, and Venezuela.

The most important ones have been:

- the **fear of escalation**,
- the **need to maintain authority** and
- the **tension between rational action and emotional behavior**.

Justifications for the use of force are sometimes framed as

- **a reaction to resistance to government authority**, or as
- **self defense**, or they rest on the fact that
- **disrespect has been shown** towards the officer.

Occasionally, an officer must use force in order to uphold the law, protect him or herself, or protect others.

The individual responses, and the reasons and justifications for them, depend on different factors: violent actions are not only determined by what is legal. In this respect, the following unquestioned basic determinants were mentioned by officers in the focus groups: (a) *The assertion of police interests "as a police officer"; (b) the expectation that the police as an institution should not to show any sign of weakness, (c) the "Legalitätsprinzip"<sup>6</sup> must be followed, (d) the avoidance of escalation, and (e) the assumption that requests from police officers do not (always) need to be explained to the citizen.*

Certainly these influences are permanently present at the back of the police officer's mind and thus also play an important role with regard to the consequences. An interactive network of subjective perceptions and more structural factors arose. The latter can be divided into organisational factors, personal factors, and situational factors.

**First**, there are **structural factors within the police force itself (organisation)**. Above all, structural factors at the level of the police institution are organisational factors, such as training, equipment, the physique of the patrol partner, the cooperation of the team, peer pressure, possible support and backup.

*"... who weighs 120 kg or whether he's 30 and plays football in his free time." (...) "First, it depends on how athletic my colleague is, then, how athletic I am. Can the two of us run after them or am I alone after 400 m?" [FG07: 1100-1118].*

The focus groups revealed the tremendous importance of coordination among the patrol teams regarding their intended action. They also emphasised the advantages for the patrol team that derive from working together for a long time (for example, the police officer knows how his colleague will react in certain situations).

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<sup>6</sup> As mentioned previously, in Germany, police officers are not allowed to dismiss or suspend cases by themselves; they have to bring each and any offence which they are aware of to the public prosecutors office (in German: "Legalitätsprinzip").



*"The experience with the colleague I've patrolled with often, that's the important point. (...) I can make a situation escalate, with people who are normally nice and peaceful. They may suddenly go berserk there" [FG07: 1336-1340].*

**Second**, there are **structural factors** connected with personal (individual) characteristics. Personal factors are, for instance, experience, years of service, ability to cope with stress, individual characteristics, and knowledge about the person involved in the encounter with the police and about the environment. Here a distinction can be made between personal negative experiences on duty for the officers themselves (as well as the knowledge of similar experiences of colleagues) and basic experience accumulated from many years of service.

Additionally, with increasing years of service officers admitted to a "certain disappointment:" From their point of view, too often the response of **the criminal justice system to citizens after arrest or charging is "lax"**. Especially if an officer has been attacked – meaning their life was put at risk - the punishment that follows provides a certain "satisfaction". If this is not forthcoming, frustration results, which may, in later actions, find expression in a manner akin to taking the law into one's own hands.

**Third, structural-situational factors** also play an important role. For instance, participants pointed to the visibility factor, the distance and number of persons facing the police, the danger for the police officers themselves and for uninvolved third parties. Other factors that were also mentioned have to do with the characteristics of the persons facing the police (for example their physical condition, their reaction to the police officers and to requests made by the latter, and whether the person knows the possible legal consequences of their actions). Still further factors have to do with the locality (for instance, town or rural area, time of day, presence of pedestrians, etc.).

*"If they cross the border, normal enforcement action will follow, I'm (not) referring to concealed slaps in the face or a push, but they are forced to the floor. There you can, let's say, grasp them a bit more vigorously" [FG05: 494-508].*

*"Well, I must confess: I've applied violence as appropriate means simply to make myself respected... I'm conditioned in a different way by the job I've done abroad. So, if I tell a Russian twice to take his hands out of his pockets so that I can see them and he doesn't do so after the second request, in that case it happened that I hit him. And it worked. So this group of young Russians now knows that, if they are told to take their hands out of their pockets, it works now." [FG04: 879-899].*

It is the officer who decides - or it depends on their subjective feelings - whether actions will arise that exceed what is necessary and thus legal. Here, aspects such as being not on form on the day, excessive workload, irritation, etc., can have an effect on the perception of the situation.

These aspects can have a bad influence on the subjective perception of the situation by the officers. Thus, to ensure respect for governmental authority, it is possible that excessive

force will be used. Even though abuses are generally considered as being unacceptable, the "faux pas" may be treated with understanding by colleagues – a pattern of action that underscores the importance of (local) police subculture(s) as described earlier.

*"Well, we have to be honest. (...) If someone says 'fucking pigs' or such like, I feel this is an insult to the police as an institution, but I don't allow anyone to call me 'paedo', I'll paste him one at once. So let's be honest, if it's defamatory, I won't stand it, clearly spoken. Of course, where violence can be avoided, but if someone 'shakes the tree of slaps'..." [FG04: 891-900].*

## 9. Drawing a Firearm

Usually an officer draws his or her firearm as a response to a real or perceived threat. This action is necessary to allow the officer to prepare for a potential use of deadly force situation. In most cases when a gun is drawn, the perceived threat does not require its use. Officers may deem it necessary to use lethal force to protect themselves or others when they reasonably believe, based on the facts and circumstances at hand, that there is a threat of death or serious injury.

An officer may use lethal force to carry out a detention or to avoid the escape of a suspect, if there is a high probability that the suspect holds a significant and immediate threat of severe physical injury or death to the officer or others unless he or she is detained without delay.

Besides the fact, that the individual reactions and justifications of using a firearm differ between police forces and police officers, one of the most important results of our study was the fact, that there is a huge gap between what is ruled and regulated in law and administrative regulations, and what is done in practice. I want to explain this to you by using an example that happened last year in Germany. Before I do that you need to know that the German Police must investigate all crimes brought to their attention: the principle of legality, laid down in the Penal Prosecution Code, stipulates that the police are not allowed to dismiss a case. Dismissals can only be made by the public prosecutor.

As with police institutions in other countries, the German police have issued very strict and extensive regulations concerning the use of means of physical coercion. In addition, intensive training is available, which deals with the handling of conflicts, reduction of force and de-escalation.

Firearms may only be used without warning if this is necessary to prevent or to defend somebody against an immediate danger to life or body. The use of firearms against persons is stipulated very specifically in the laws. Thus, the use of a firearm is only permitted if the general requirements for the use of immediate coercion have been met and using bodily force and devices aiding bodily force have been applied without success, or it is obvious that their application will prove unsuccessful. Firearms may only be used against persons if the success of police measures cannot be achieved by using them against objects. Also, a firearm

may not be used if there is a high probability of endangering recognisably innocent people. This does not apply if using a firearm is the only means to avert a direct threat to life. As far as intentional lethal shooting is concerned, the question of whether or not, and according to which pre-conditions, such a lethal shot could be justified has been the subject of vehement debate. On this matter, the federal states have enacted different regulations.

If a police officer uses immediate physical coercion he is required to write and file a report at the police station. If required by state law, an additional report is sent to the state attorney and proceedings may be initiated against the police officer. This depends on the seriousness of the case and the questions arising from the incident, and whether the legal requirements for the physical coercion were met.

Cases of police misconduct, excessive use of force or misuse of powers are investigated usually in Germany by special police departments; each and every case has to go to the public prosecutor. Nevertheless, more than 90% of all cases are dropped by the prosecutor's office. Special Commissions, an ombudsman and other systems or police complaints authorities as means to address citizen complaints and unlawful police violence are not available in Germany.

Up to now, no official surveys on the excessive use of force and misconduct of the police or complaints by citizens have been conducted in Germany. Incidents in which force is used are documented in the annually updated statistics of weapons at the conference of the Ministers of the Interior. In addition, a regular critical evaluation is published in the magazine "Bürgerrecht & Polizei" and on the World Wide Web. The use of a gun by a police officer is a very rare event in Germany.

During the past few years, in about 4,000 cases every year a handgun is used by a police officer. In 50 to 70 cases, the handgun is used against people, but in most cases the gun is used to shoot at dangerous or wounded animals. During an average year between three and ten people are killed and some 30 are wounded by police guns in Germany. Up to nine police officers are killed every year in the line of duty, mostly as a result of guns being fired at police officers or other weapons used against them. Officers killed in traffic or other accidents are not included in this figure.

Many shootings are carried out by members of the special task forces; thus, most German police officers only use their weapons at regular target practice. The enquiry procedure during which the police officer cannot be sanctioned until found to have contravened the legal limits of physical coercion at a formal proceeding usually takes either quite a long time or is dismissed immediately. The result is that police officers and their supervisors have "immunity to sanctions". Likewise, the probability of a police officer being found guilty of a crime is low. There is no systematic documentation of the number of infringements by the police or the excessive use of force that result in disciplinary or criminal proceedings. There are only a

few specialized inquiries available. The aspects above emphasize the basic conflict that officers experience. They run into danger and proceed contrary to reason. Rational action is replaced by emotional behaviour. The importance of emotions and, consequently, the divergence in responses increased as the scenario progressed. Whilst at the beginning of the discussions most participants still formulated relatively uniform responses to the situation at hand, the responses put forward became increasingly divergent as emotionally-directed behaviour was superimposed on rationally-directed action.

The use of force is influenced by both organisational philosophy and the expectations of superiors and colleagues and so-called "local policies." The latter involves an organisational "local culture," which, for instance, is of special importance in the criminal justice system and consists of informal standards, attitudes, expectations and practice taken over and "inherited" from the senior officers. Such informal cultures can only be changed with difficulty. Waddington referred to the "irony" that the more one tries to legally straitjacket the police, the more they tend to evade these constraints.

The "code of practice" usually differs from one force to the other, and sometimes even from one shift group to another. These informal rules and codes have been developed over years in given forces, squad teams, and small shift groups. If you ask police officers e.g. in a bigger city about the "local habits and customs" in using force, you will get a clear picture of police stations which are more accepted by officers, and others, which are not. If such a situation is not known to and not tackled by supervisors or those who are responsible for the police on the political level, these groups screw themselves further down, being even less attractive for police officers from other stations. The result is a "bunch of outcasts" within the police, which are difficult to handle and which are able to spoil the whole system. These people finally cultivate their image as "tough guys" to overcome individual doubts and to protect their self-esteem. It is very difficult and even dangerous to try to destroy such a situation; a police officer with a based self-esteem is a danger not only for citizens, but also for his colleagues and partners.

In all cases, supervisors are responsible for ensuring that all legal and administrative dispositions are complied with. In the case presented, even the public prosecutor covered the police actions. As a result of that, no investigation of the event was done, and only because the "offender" was expecting a severe punishment by the American Army Court, the situation was analyzed later by me as a scientific expert for the jury.

Investigations should have the intention of determining any administrative responsibility of the officer with respect to the agency's internal regulations and, thus, are independent of the investigations used to determine criminal, civil and administrative responsibility undertaken by any other competent authority.

## **10. Policing The Police: Internal and External Control Mechanisms**

Internal disciplinary and oversight systems<sup>7</sup> are a key element in preventing a resurgence of abuse by police. They are an important demonstration of the commitment to professional conduct and respect for the law on the part of police and political authorities. Experts agree that the most effective form of control is likely to be that exercised by police institutions over their own members. External accountability mechanisms should monitor and influence police actions. Various experts agree that multiple supervision and control mechanisms are required for adequate police accountability. Review boards, in their various forms, are an increasingly frequent supervision mechanism and one that should in theory facilitate citizen participation in police accountability. In any case one should include active civil society participation in the oversight.

## **11. Finding the Right People: Police Recruitment, Selection, and Training**

The quality of a police force depends to a great degree on its members. A police force can be only as good as the individuals are, because policing is a public service. As a consequence, policies regarding the recruitment, selection, and training of police officers as important as the conditions in which they work. A central task of police reform processes has to be the reform of police training and the creation of civilian police academies. Research shows that the training of police officers only has a limited influence on later responses and that the local police culture is far more influential. Training has a measurable effect only when the senior officers accept and support the training content, but if they disregard the training content the rookies will adopt the alternative forms of action, as developed by and acceptable to the local police culture.

## **12. Police Leadership**

The leadership of an institution defines its character and effectiveness. Corruption and nepotism in police promotions and nominations can profoundly affect police morale and weaken the institution, as well as generate power conflicts and cause great losses of knowledge and experience. Because institutional leadership is so important, close attention should be paid to the definition and implementation of merit-based promotion policies that contribute to the professionalization and service ethic of the police.

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<sup>7</sup> An overview on such systems (in German, but with links to English the national websites of the organizations) is available at

[http://www.polizei-newsletter.de/documents/Internationaler\\_Vergleich\\_unabhaengige\\_Polizeikommissionen\\_Stand\\_2009.pdf](http://www.polizei-newsletter.de/documents/Internationaler_Vergleich_unabhaengige_Polizeikommissionen_Stand_2009.pdf)

## Publications to be considered:

### 1. Políticas y protocolos institucionales para el uso de la fuerza

Available in Spanish and English at:



[http://www.insyde.org.mx/images/politicas\\_protocolos\\_uso\\_fuerza.pdf](http://www.insyde.org.mx/images/politicas_protocolos_uso_fuerza.pdf)

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### 2. Police-Newsletter

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