

THE ROLE OF CAPACITY-BUILDING IN POLICE REFORM



Department of **P**olice **E**ducation and **D**evelopment

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Frank Harris

*Dedicated to the staff of the
Department of Police Education and Development,
OSCE Mission in Kosovo*



Mission in Kosovo

Department of Police Education and Development

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Department of **P**olice **E**ducation and **D**evelopment

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Abbreviations

CoE	Council of Europe
DPED	Department of Police Education and Development
ECPE	European Code of Police Ethics
EU	European Union
ICITAP	International Criminal Investigative Training and Assistance Program
ICG	International Crisis Group
KPS	Kosovo Police Service
KPSS	Kosovo Police Service School
OMiK	OSCE Mission in Kosovo
OSCE	Organization for Security and Cooperation in Europe
PMS	Performance management system
PPR	Personal performance review
UN	United Nations
UNMIK	United Nations Mission in Kosovo

Foreword

The publication of this book is timely. As we enter 2006 the Department of Police Education and Development (DPED), OSCE Mission in Kosovo, will reach a critical juncture in the history of its mandate. In the next twelve months we will transfer executive authority for the *Academy of Public Safety and Development* (formerly, the Kosovo Police Service School) to the Provisional Institutions of Self-Government and the Kosovo Police Service will assume full responsibility for policing. It is appropriate that we take time to reflect on what has been achieved thus far and consider the challenges that lie ahead.

In 1999 the OSCE took on the significant challenge of assisting UNMIK in the task of creating an indigenous police service for Kosovo. At the time there were no available blueprints or proven paradigms to guide us in this complex task. The work proved arduous and taxing. It involved converting a derelict and degraded site at Vushtrri/Vucitrn into a modern and fully-equipped adult education centre, capable of accommodating the needs of over 10,000 student placements per annum. At the same time, we had to develop and implement a range of capacity-building programmes in response to the needs of a new and evolving police organisation and other public safety groups in Kosovo. All of these programmes – basic, advanced and specialised – had to be designed from scratch, tailored to the needs of the culture, language and history of Kosovo, and attuned to the principles of democratic policing. Lastly and perhaps most importantly, our mandate involved the development of a team of local staff – police and civilians – who would acquire expertise in the myriad functions that are required for a sustainable institute of education and development.

Our success is the result of the effort of many people over the years since 1999. It was sustained by the long-term commitment of the OSCE member states, driven by the dynamism and expertise of the many police officers and civilian specialists seconded by the member states, and rendered viable by the hard work of local staff members in a truly unique collaboration. It is impossible to record the unique contribution of each person in this enterprise. However, there is a real obligation to record the corporate strategy and methodology that evolved in the process of helping to create the KPS and the role of DPED in building its capacity. This is what this book attempts to achieve.

Our history in DPED is one of trial and error, success and failure. It is the product of a unique fusion of ideas and human effort over a considerable period of time. It is our fervent hope that the legacy of the OSCE's work in Vushtrri/Vučitrn will continue to assist police reform programmes in other transition states around the globe. It has already assisted such work in FYR Macedonia, Serbia and Montenegro, Afghanistan and Iraq, through the provision of expertise and capacity-building programmes. This book seeks to capture and record certain aspects of the legacy and articulate the lessons that have been learned for the benefit of police organisations in other transition states, as well as the international organisations that seek to assist them in police reform.

Steve Bennett
Director, Department of Police Education and Development
OSCE Mission in Kosovo

Introduction

'Police training, which shall be based on the fundamental values of democracy, the rule of law and the protection of human rights, shall be developed in accordance with the objectives of the police'¹.

This book is about the nature of police capacity-building and its specific role in support of the process of reform in police organizations in transition states, particularly those in a post-conflict period. It is written by a practitioner and is primarily intended for practitioners (*capacity-building specialists*) and the international organizations and states that fund or provide the practitioners. It is hoped that the beneficiaries themselves, the police organizations undergoing a reform process, might also benefit from the ideas and experiences contained in this book.

This book does not pretend to be the definitive word on this complex subject or an exhaustive comparative study. What is offered is a strategy based on my own experiences and reflections whilst working with the *Organization for Security and Cooperation in Europe* (OSCE), and the experiences of other specialists working in this field. It is acknowledged that police reform in transition states and the potential role of capacity-building are complex subjects, areas that have only come to attract the interest of international organisations in recent decades. It is an area in which few claim expertise and not enough has been written. The lack of literature and expertise is a product of the policy of often short-term and poorly planned interventions by international organisations that rely on police personnel drawn from stable and established police organisations for relatively brief periods 'in mission'. This book is an attempt to condense into a coherent framework the ideas, experiences and reflections of a number of individuals and groups, particularly those who have contributed to the work of the OSCE in Kosovo, Bosnia Herzegovina, Former Yugoslav Republic of Macedonia, and Serbia and Montenegro. Where possible I have acknowledged the contribution of other specialists.

This book is an attempt to inspire and perhaps help to guide the ongoing debate on the role of capacity-building in police reform. It is ironic that the principle of 'reflecting on experience' – a tenet of modern adult education – seems to have been undervalued or overlooked in the capacity-building programmes that support police reform in many transition states. There is a surprising dearth of literature on this subject in spite of the enormous interest and investment by donor-states in recent decades. Police reform and related capacity-building has and continues to be the focus of considerable investment. The European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL 'Proxima'), which included the reform of the police and Ministry of Interior, involved a budget in excess of EUR 14 million in

¹ Article 26, Recommendation (2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics

2003/2004². In 2000 the International Criminal Investigative Training and Assistance Program (ICITAP), part of the U.S. Department of Justice, provided police training and development in over 50 countries worldwide with an annual budget of about \$50 million³. At the same time the OSCE has and continues to invest tens of millions in police capacity-building programmes in Eastern Europe and the Caucasus. Individual states around Europe and beyond are also actively targeting police capacity-building as part of much broader development programmes. This considerable investment demands greater effort on the part of capacity-building specialists in recording experiences, identifying best practice and achieving consensus about the most effective strategies. This book seeks to assist in that effort.

This book is about police reform in pursuit of democratic principles. As observed by others, there must be a distinction drawn between reform that seeks to make a police organization more effective in terms of general policing objectives (e.g. crime reduction, tackling drug abuse, maintaining public order, etc) and reform that seeks to make a police organization more democratic⁴. This distinction is important. Whilst there is a good degree of consensus among the community of world nations about what the police 'do', there is far less agreement about 'how' the police should do their work. The advent of the *European Code of Police Ethics* (ECPE) marks an ambitious and welcome step forward in the search for wider agreement on 'how' the police should operate and realise their objectives. According to the Code the objectives of a police organization in a democratic society include:

- to maintain public tranquility and law and order in society;
- to protect and respect the individual's fundamental rights and freedoms as enshrined, in particular, in the European Convention on Human Rights;
- to prevent and combat crime;
- to detect crime;
- to provide assistance and service functions to the public (EPCE 1).

Inserted between the more traditional objectives of maintaining order and dealing with crime, the Code includes an objective that concerns the *modus operandi* or mode of conduct of the police in all its activities. The Code recognises and promotes the philosophy that modern policing in a democratic state demands that police officers respect the law and the fundamental rights and freedoms of all citizens. It is no longer acceptable that the police simply seek to achieve core policing objectives 'by any and all means'.

This book is about police reform in pursuit of democratic principles.

A reform process that addresses the mechanics of achieving core objectives in a more efficient and effective manner is of course a legitimate and worthwhile exercise in organizational change. However, in many police organizations – particularly those in post-conflict transition states – there is a far greater need for reform in the way the police operate and in their relationship with the public they serve. This reform objective is more profound and complex because it relates to changes in

² Council Joint Action 2003/681/CFSP of 29 September 2003, in *Official Journal of the European Union*, 1.10.2003.

³ Bayley, D.H (2001) *Democratizing the Police Abroad: What to Do and How to Do It*, Washington, National Institute of Justice, 4

⁴ Baley, *ibid.*, 3

organizational culture, group attitudes and individual character traits. This is the reform objective that is the concern of this book.

This book is concerned with the potential role of capacity-building as *one* means of effecting this type of change within a far greater framework of structural reform. Probably the most important conclusion to be drawn from the experience of capacity-building efforts in transition states in recent decades, is that there are no easy or quick 'fixes' in a police reform process. Too often the emphasis has been on short-term capacity-building interventions that focus on a single theme and ignore the need for more profound changes to the structure, staffing, legislation and procedures of the host organization. In the majority of cases the investment has been wasted because, in the absence of concomitant structural changes, the capacity-building measures have proved unsustainable and ineffective.

Capacity-building measures can only effect sustainable changes if they are consciously linked to a comprehensive and long-term reform strategy. That strategy is initiated and sustained by a determined political will on the part of the Government, articulated in appropriate changes in legislation and given direction by a Policing Plan with clear, realistic and achievable priorities and objectives. Next the organization's structure and staffing will be reviewed in the light of these priorities and objectives and, where necessary, subject to carefully managed changes. Within this context of institution-building measures, capacity-building provides police staff with the necessary knowledge, skills and character traits to achieve the priorities and objectives through a systematic process of establishing 'desired' performance standards and identifying gaps in 'actual' performance.

The process starts with organizational priorities and objectives and what is happening in the police organization that indicates a need to change individual or group performance. It then moves to identifying a gap between the desired performance and the actual performance, then investigating whether capacity-building is an appropriate and viable solution to bridging that gap. If the answer is yes, the process continues by identifying the relevant skills, knowledge and character traits that require development and then moves to specifying the learning objectives that will address those development needs. In this way, there is a continuous loop that links organizational objectives to performance gap identification to the final evaluation of the capacity-building programmes that strive to bridge the gaps.

This book is concerned with capacity-building as a means of providing the increased human potential to effect the desired changes envisaged by the institution-building steps in a reform process. That increased potential relates to each and every layer of the policy implementation in the institution-building programme – from the task of building understanding of the application of reforming legislation, to improving skills in change management, from increasing planning skills for senior officers to changing attitudes in support of a desired police culture. In this sense capacity-building is a structured and measured process of improving the ability of a police organization's employees to meet its objectives. The process occurs in several inter-related and inter-dependent stages, culminating in the provision of targeted training and development measures that are designed to improve performance at the individual and group levels. The term *training and development* will be used to mean capacity-building as it applies to the improvement of performance at the individual and group levels, rather than at the level of the whole organization.

This book attempts to provide a vision of an integrated and systematic approach to capacity-building in police reform. The complexity and scale of this task is not, I hope, understated. What is offered is a framework for success, one that can be used

by international organizations and transition governments to guide and integrate the efforts of capacity-building specialists.

Frank C.P. Harris

